10–31–96
Vol. 61 No. 212
Pages 56107–56396

federal register

Thursday
October 31, 1996

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online edition of the Federal Register on *GPO Access* is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov; by faxing to (202) 512–1262; or by calling toll free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

The annual subscription price for the Federal Register paper edition is $494, or $544 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 60 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806
General online information	202–512–1530 1–888–293–6498
Single copies/back copies:	
Paper or fiche	512–1800
Assistance with public single copies	512–1803
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

Agriculture Department
See Animal and Plant Health Inspection Service
See Farm Service Agency
See Federal Crop Insurance Corporation
See Forest Service
See Natural Resources Conservation Service
See Rural Business-Cooperative Service
See Rural Housing Service
See Rural Utilities Service

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle and bison—
State and area classifications, 56116–56118
Horses affected with or exposed to contagious equine metritis (CEM), 56116
PROPOSED RULES
Exportation and importation of animals and animal products:
Ruminants and swine from countries where foot-and-mouth disease or rinderpest exists; zoological park quarantine, 56165–56169
Interstate transportation of animals and animal products (quarantine):
Livestock market approval for cattle, bison, horses and swine; hog cholera obsolete regulations removed, 56155–56165
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56215
Federal information processing standards (FIPS) waiver:
Digital signature standard, 56215–56216

Army Department
NOTICES
Environmental statements; notice of intent:
Johnston Island in Pacific and Tooele, UT; non-stockpile chemical warfare materiel containing chemical agent; destruction
Public meetings, 56221

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
Hood River Fisheries Project, OR, 56221

Coast Guard
PROPOSED RULES
Merchant marine officers and seamen:
Marine licensing, registry certification, and merchant mariner documentation; user fees, 56199–56211
NOTICES
Environmental statements; availability, etc.:
Coast Guard activities along U.S. Atlantic coast, 56258
Meetings:
International, Private-Sector, Tug of Opportunity System, 56258–56259
Privacy Act:
Systems of records, 56324–56357

Commerce Department
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
RULES
Commodity pool operators and commodity trading advisors:
Electronic media use; interpretation
Correction, 56271

Comptroller of the Currency
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56263–56265

Defense Department
See Army Department

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Septer, Michael J., D.O.; correction, 56271

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
National Institute on Disability and Rehabilitation Research—
Research and demonstration project; rehabilitation research and training centers, 56374–56379

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air programs:
Operating permit program, 56368–56371
Hazardous waste:
State underground storage tank program approvals—
Massachusetts, 56135–56137
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Maryland, 56183–56194
New Jersey, 56172–56183
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update, 56194–56199
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56229–56230
Confidential business information and data transfer, 56230–56231
Grants and cooperative agreements; availability, etc.:
Investigator-Initiated Grants; request for applications, 56231

Grants, State and local assistance:
Drinking Water State Revolving Fund Program; comment request, 56231–56234
Reproductive toxicity risk assessment; guidelines availability, 56274–56322
Superfund; response and remedial actions, proposed settlements, etc.:
Photech Site, 56234

Executive Office of the President
See Management and Budget Office
See Presidential Documents
See Trade Representative, Office of United States

Farm Service Agency
RULES
Program regulations:
Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations, 56114–56116

Federal Aviation Administration
RULES
IFR altitudes, 56120–56124
PROPOSED RULES
Airworthiness directives:
Fokker, 56170–56172
Jetstream, 56169–56170
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee, 56259
Passenger facility charges; applications, etc.:
Dane County Regional Airport, WI, 56259–56260
Myrtle Beach International Airport, SC, 56260

Federal Communications Commission
RULES
Conflict of interests, 56109–56114
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56234–56235

Federal Contract Compliance Programs Office
NOTICES
Contracts; eligible bidders:
Pacific Coast Feather Co.; debarment, 56248–56249

Federal Crop Insurance Corporation
PROPOSED RULES
Administrative regulations:
Federal Crop Insurance Act—
Procedures for determining eligibility for program participation, 56151–56155

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56263–56265

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 56235

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Brooklyn Navy Yard Cogeneration Partners, L.P. et al., 56225–56227
Enron Corp. and Portland General Corp. et al., 56227–56228
Environmental statements; availability, etc.:
Niagara Mohawk Power Corp., 56228
Tennessee Gas Pipeline Co. et al., 56228–56229
Applications, hearings, determinations, etc.:
Equitrans, L.P., 56221–56222
Frontier Gas Storage Co., 56222
Koch Gateway Pipeline Co., 56222–56223
Mississippi River Transmission Corp., 56223
National Fuel Gas Supply Corp., 56223
Questar Pipeline Co., 56223–56224
State Line Energy L.L.C., 56224
Trunkline Gas Co., 56224
UGI Power Supply, Inc., 56224–56225
Ultramar Inc. et al., 56225
Williams Natural Gas Co., 56225

Federal Maritime Commission
NOTICES
Agreements filed, 56235
Freight forwarder licenses:
Miami Cargo Freight Forwarders et al., 56235

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
Siemens Transportation Systems, Inc., 56260–56262

Federal Reserve System
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56263–56265
Banks and bank holding companies:
Formations, acquisitions, and mergers, 56235–56236
Permissible nonbanking activities, 56236

Federal Trade Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56237
Premerger notification waiting periods; early terminations, 56238–56239

Food and Drug Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 56240–56242
Food additive petitions:
BASF Corp., 56242–56243
Guidance documents:
Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA-Derived Product; availability, 56243–56244

Forest Service
NOTICES
Meetings:
Eastern Washington Cascades Provincial Interagency Advisory Committee, 56216

General Services Administration
NOTICES
Acquisition regulations:
Performance evaluation; contracts (SF 1420); form stocking change, 56239

Proposal cover sheet (SF 1448); form stocking creation, 56239

Health and Human Services Department
See Food and Drug Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Indian lands; mitigation of environmental impacts due to Defense Department activities; financial assistance—Extension of closing date, 56239
Group health plans:
COBRA continuation coverage, 56239–56240

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Public and Indian housing—
Tenant opportunities program; no funding awards for 1996 FY, 56244

Interior Department
See Land Management Bureau
See Minerals Management Service
See Reclamation Bureau

Internal Revenue Service
NOTICES
Meetings:
Information Reporting Program Advisory Committee, 56266

International Trade Commission
NOTICES
Import investigations:
Neodymium-iron-boron magnets, magnet alloys, and articles containing same, 56246
Self-powered fiber optic modems, 56246–56247

Justice Department
See Drug Enforcement Administration
See Justice Programs Office
See Juvenile Justice and Delinquency Prevention Office

Justice Programs Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 56247

Juvenile Justice and Delinquency Prevention Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56247–56248

Labor Department
See Federal Contract Compliance Programs Office
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Meetings:
Labor Research Advisory Council, 56249–56250

Land Management Bureau
NOTICES
Closure of public lands:
New Mexico, 56245

Management and Budget Office
NOTICES
Hospital, medical care, and treatment furnished by United States, costs; rates recovery from tortiously liable third persons, 56360–56366

Minerals Management Service
NOTICES
Meetings:
Minerals Management Advisory Board, 56245–56246

National Aeronautics and Space Administration
RULES
Acquisition regulations:
FAR supplement rewrite
Correction, 56271

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities National Council, 56250
Humanities panel, 56250–56251

National Highway Traffic Safety Administration
NOTICES
National Award for Advancement of Motor Vehicle Research and Development; eligibility requirements and request for nominations, 56262–56263

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
California coho salmon, 56138–56149
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—Yellowfin sole, 56150
Northeastern United States fisheries—Summer flounder and scup, 56125–56126
PROPOSED RULES
Endangered and threatened species:
Oregon and California coho salmon, 56211–56213
New England Fishery Management Council; public meeting, 56213–56214
NOTICES
Meetings:
North Pacific Fishery Management Council, 56217
West Coast salmon fisheries; northwest emergency assistance plan, 56217–56221

Natural Resources Conservation Service
NOTICES
Environmental statements; notice of intent:
Departee Creek Watershed, AR, 56216–56217

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Southern California Edison Co., 56251–56253

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Personnel Management Office
RULES
Administrative law judge examination; funding
Correction, 56271

Presidential Documents
PROCLAMATIONS
Imports and exports:
Harmonized Tariff Schedule of U.S.; amendments (Proc. 6948), 56385–56396
Special observances:
Adoption Month, National (Proc. 6947), 56383–56384
ADMINISTRATIVE ORDERS
Iran emergency; continuation (Notice of October 29, 1996), 56107

Public Health Service
See Food and Drug Administration

Railroad Retirement Board
NOTICES
Meetings:
Actuarial Advisory Committee, 56253

Reclamation Bureau
NOTICES
Meetings:
Colorado River Reservoirs; coordinated long-range review criteria, 56246

Rural Business-Cooperative Service
RULES
Program regulations:
Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations, 56114–56116

Rural Housing Service
RULES
Program regulations:
Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations, 56114–56116

Rural Utilities Service
RULES
Program regulations:
Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations, 56114–56116

Social Security Administration
RULES
Black lung benefits:
Overpayment appeal and waiver rights, 56126–56133
Supplemental security income:
Aged, blind, and disabled—
Lawful admission for permanent residence in the U.S.; documentation requirements, 56133–56134
NOTICES
Organization, functions, and authority delegations:
Office of Program Benefits Policy, 56253–56254
Office of the Regional Commissioner, 56254–56256

State Department
NOTICES
Meetings:
Overseas Security Advisory Council, 56256

Thrift Supervision Office
RULES
Debt Collection Improvement Act of 1996:
Civil monetary penalty inflation adjustment, 56118–56120

Trade Representative, Office of United States
NOTICES
Trade relations agreements:
Cambodia, 56256–56257

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 56257

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service
See Thrift Supervision Office

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Edmund S. Muskie and Freedom Support Act graduate fellowship programs, 56266–56267

Veterans Affairs Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 56267–56270

Separate Parts In This Issue

Part II
Environmental Protection Agency, 56274–56322

Part III
Department of Transportation, Coast Guard, 56324–56357

Part IV
Office of Management and Budget, 56360–56366

Part V
Environmental Protection Agency, 56368–56371

Part VI
Department of Education, 56374–56379

Part VII
The President, 56383–56396

Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

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

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

6641 (modified by Proc. 6948) 56385
6763 (modified by Proc. 6948) 56385
6821 (modified by Proc. 6948) 56385
6857 (modified by Proc. 6948) 56385
6947.....56383
6948.....56385

Executive Orders:

12170 (See Notice of October 29, 1996).....56107

5 CFR

930.....56271
Ch. XXIX.....56109

7 CFR

1901.....56114
1924.....56114
1944.....56114

Proposed Rules:

400.....56151

9 CFR

71.....56116
75.....56116
78.....56116

Proposed Rules:

51.....56155
56.....56155
71.....56155
75.....56155
76.....56155
78.....56155
80.....56155
85.....56155
92.....56165

12 CFR

510.....56118

14 CFR

95.....56120

Proposed Rules:

39 (2 documents) 56169, 56170

15 CFR

902.....56125

17 CFR

4.....56271

20 CFR

404.....56126
410.....56126
416.....56133

40 CFR

70.....56368
282.....56135

Proposed Rules:

52 (2 documents) 56172, 56183
300 (2 documents) 56194, 56197

46 CFR

Proposed Rules:

10.....56199
12.....56199

47 CFR

19.....56109

48 CFR

1852.....56271

50 CFR

227.....56138
648.....56125
679.....56150

Proposed Rules:

227.....56211
648.....56213

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

Presidential Documents

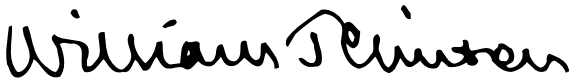
Title 3—

The President

Notice of October 29, 1996

Continuation of Iran Emergency

On November 14, 1979, by Executive Order 12170, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency have been transmitted annually by the President to the Congress and the Federal Register. The most recent notice appeared in the Federal Register on November 2, 1995. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1996. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the Federal Register and transmitted to the Congress.



THE WHITE HOUSE,
October 29, 1996.

[FR Doc. 96–28108
Filed 10–30–96; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

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

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

FEDERAL COMMUNICATIONS COMMISSION

5 CFR Ch. XXIX

47 CFR Part 19

[FCC 96–419]

RIN 3209–AA15

Supplemental Standards of Ethical Conduct and Financial Disclosure Regulations for Employees of the Federal Communications Commission and Revision of the Commission's Employee Responsibilities and Conduct Regulations

AGENCY: Federal Communications Commission (FCC or Commission).

ACTION: Final rule.

SUMMARY: The Federal Communications Commission, with the concurrence of the Office of Government Ethics (OGE), is issuing regulations for employees of the Commission that supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by OGE. The supplemental rules require professional employees of the Commission to obtain approval prior to engaging in certain outside activities and provide cross-references to restrictions based on authority other than the executive branch-wide Standards. The Commission also is revising its residual standards of conduct regulations found in 47 CFR part 19 by repealing those sections that were superseded by the executive branch-wide Standards and the Commission's supplemental regulation, and by adding general cross references to the Executive Branch-wide standards and related regulations. In addition, the Commission is transferring to a new supplemental part certain provisions in its existing financial disclosure regulations.

EFFECTIVE DATE: These regulations are effective October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon B. Kelley, Senior Attorney-Advisor, Office of General Counsel, Federal Communications Commission, telephone: (202) 418–1720.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, the Office of Government Ethics published a final rule entitled Standards of Ethical Conduct for Employees of the Executive Branch (Standards). See 57 FR 35006–35067, as corrected at 57 FR 48557, 57 FR 52583 and 60 FR 51667, with additional grace period extensions at 59 FR 4779–4780, 60 FR 6390–6391 and 60 FR 66857–66858. The Standards, codified at 5 CFR part 2635 and effective February 3, 1993, establish uniform Standards of Ethical Conduct that apply to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive branch agencies to publish agency-specific supplemental ethical conduct standards regulations necessary to implement their respective ethics programs. The Commission, with OGE's concurrence, has determined that its supplemental regulations, being codified in new chapter XXIX of 5 CFR, consisting of parts 3901 and 3902 (see the discussion below at section II.B of this Supplementary Information block with regard to this latter financial disclosure supplemental regulation) are necessary to implement the Commission's ethics program successfully, in light of the Commission's programs, operations and statutory requirements.

II. Analysis of the Regulations

A. Supplemental Standards of Ethical Conduct

Section 3901.101 General

Section 3901.101 explains that the regulation applies to all employees of the Commission, and is supplemental to the executive branch-wide Standards. The section also cross-references the Commission's employee responsibilities and conduct regulations at 47 CFR part 19, as well as the executive branch-wide financial disclosure regulations at 5 CFR part 2634 and the FCC supplemental financial disclosure regulations at 5 CFR part 3902.

Section 3901.102 Prior Approval for Practice of a Profession

The OGE standards, at 5 CFR 2635.803, recognize that an agency may find it necessary or desirable to issue supplemental regulations requiring its employees to obtain approval before engaging in outside employment or activities. The Commission's old standards of conduct regulations, at 47 CFR 19.735–203(b), have long required prior approval for the outside practice of an employee's profession. The Commission has found this requirement useful in ensuring that the outside employment activities of employees conform with all applicable laws and regulations. In accordance with 5 CFR 2635.803, the Commission has determined that it is necessary to the administration of its ethics program to continue to require such approval with minor modifications.

Section 3901.102(a) requires any professional employee of the Commission to obtain approval before engaging in the practice of the same profession as that of the employee's official position. This provision reflects the way the Commission has applied the prior approval requirement which has been found at 47 CFR 19.735–203(b), which is now being removed. For clarity, new § 3901.102(a) also includes definitions of the terms ''profession'' and ''professional employee'' that are based upon the definition of ''profession'' in OGE's executive branch-wide outside employment regulation at 5 CFR 2636.305(b)(1). The procedure for requesting prior approval under the requirement which has been found at 47 CFR 19.735–203(b) also is being changed, in § 3901.102(b), to require employees to obtain approval from both the Designated Agency Ethics Official or his or her designee, and the employee's immediate supervisor; and to require employees to submit a revised request for approval upon a significant change in the nature or scope of the employee's FCC position or the services to be provided in practicing his or her profession.

The criteria in § 3901.102(c), to be used in approving or denying requests for prior approval, indicate that § 3901.102 does not itself provide a basis to deny permission to engage in an outside activity. The basis for disapproval, if any, must be found in

applicable statutes or the executive branch-wide Standards.

B. Supplemental Financial Disclosure Regulations

The Commission's old employee responsibilities and conduct regulations, at 47 CFR 19.735–403(b), have long required all employees who file either Standard Form (SF) 278, ''Public Financial Disclosure Report,'' or SF/OGE Form 450, ''Confidential Financial Disclosure Report,'' to also file a supplemental financial disclosure form (FCC Form A54A) that collects information about income and interests in property or assets valued below the minimum reporting limits of the SF 278 and the SF/OGE Form 450, respectively. Section 4(b) of the Communications Act of 1934, at 47 U.S.C. 154(b)(2)(A), contains prohibitions on certain financial interests of any value. The Commission has determined that it is necessary to fulfill its statutory responsibilities under the Communications Act to continue to require employees to submit this supplemental financial disclosure form. Accordingly, pursuant to 5 CFR 2634.103, 2634.601(b) and 2634.901(b), the Commission is issuing, with OGE's concurrence, a supplemental financial disclosure regulation in new part 3902 of 5 CFR retaining procedures which have been found in 47 CFR 19.735–403(b), now being revoked, for Commission employees to follow in filing FCC Form A54A.

Section 3902.101 General

Section 3902.101 of the final rule explains that the regulations in part 3902 apply to employees of the Federal Communications Commission and supplement the Executive Branch Financial Disclosure Regulations contained in 5 CFR part 2634.

Section 3902.102 Employees Required to Submit FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests''

Section 3902.102 of the final rule provides that all employees of the Commission, including special Government employees, who are required to file a Standard Form (SF) 278, ''Public Financial Disclosure Report,'' or SF/OGE Form 450, ''Confidential Financial Disclosure Report,'' are also required to file FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests.'' In addition, § 3902.102 explains that the purpose of FCC Form A54A is to require disclosure of income and interests in property and assets valued below the minimum reporting limits of the SF 278 and the SF/OGE Form 450, due to the restrictions on financial interests in the Communications Act.

Section 3902.103 Submission and Review of Employees' Statements

Section 3902.103 of the final rule provides the time frames for filing these statements by employees, to whom the statements should be submitted for review, and the process if an employee is found to have a conflict or appearance of a conflict of interest arising from a financial interest. The Commission's old employee responsibilities and conduct regulations, at 47 CFR 19.735–405 which is now being revoked, have long contained identical procedures and the Commission has found them necessary to fulfill its statutory responsibilities under section 4(b) of the Communications Act, at 47 U.S.C. 154(b).

Section 3902.104 Confidentiality of Employees' Statements

Section 3902.104 provides that employee supplemental statements are treated confidentially (see 5 CFR 2634.103(a)(2) and 2634.601(b)) and sets forth the basis for their disclosure. The Commission's responsibilities and conduct regulations, at 47 CFR 19.735–410 which is now being revoked, have long required confidential treatment of such employee statements and the Commission has found this rule useful in obtaining the necessary financial information in fulfillment of its statutory responsibilities under section 4(b) of the Communications Act, at 47 U.S.C. 154(b).

III. Repeal and Revision of Federal Communications Commission Standards of Conduct Regulations

The final rules repeal many of the FCC regulations in 47 CFR part 19. Most of the repealed provisions were superseded by the executive branch-wide Standards at 5 CFR part 2635, or were superseded or rendered unnecessary by the interim rules regarding public and confidential financial disclosure reports at 5 CFR part 2634. Section 19.735–203(b) of 47 CFR is superseded by the requirement for prior approval of the private practice of a profession at 5 CFR part 3901.102. Other repealed provisions are unnecessary for inclusion in 47 CFR part 19 because they duplicate the executive branch-wide employee responsibilities and conduct regulations at 5 CFR part 735. The Commission is replacing the repealed provisions with a cross-reference to the executive branch-wide Standards of Ethical Conduct and financial disclosure regulations at 5 CFR parts 2634 and 2635, the Commission's supplemental standards of ethical conduct and supplemental financial disclosure regulations at 5 CFR parts 3901 and 3902, and the executive branch-wide regulations regarding Employee Responsibilities and Conduct at 5 CFR part 735. In addition, the remaining, unsuperseded provisions in 47 CFR part 19 have been reorganized and edited for clarity and consistency with other authorities.

The executive branch-wide Standards do not supersede regulations that an agency has authority, independent of 5 CFR part 2635, to issue. Nor would an agency have to include in its supplemental standards of ethical conduct an instruction or other issuance the purpose of which is to delegate to an agency designee authority to make any determination, give any approval or take any other action required or permitted by part 2635 or by supplemental agency regulations; or establish internal agency procedures for documenting or processing any determination, approval or other action required or permitted by part 2635 or by supplemental agency regulations, or for retaining any such documentation. Such regulations, instructions and other issuances may be promulgated separately from the agency's supplemental regulations.

The Communications Act, at 47 U.S.C. 303(r), authorizes the Commission to make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of that Act. Further, the Act, at 47 U.S.C. 154(b), prohibits the Commissioners and employees of the Commission from having certain financial interests and from engaging in certain outside employment and activities. Accordingly, the Commission is retaining in 47 CFR part 19 regulations implementing the Communications Act's prohibitions on financial interests and on outside employment and activities, and identifying certain information that is nonpublic (see newly designated subpart B of part 19).

IV. Matters of Regulatory Procedure

Administrative Procedure Act

These revisions apply to internal rules of agency management, personnel organization, practice and procedure for which notice and comment is not required. The Commission is, for the most part, simply removing those portions of part 19 that have been superseded by the OGE regulations. The

new supplemental regulations are essentially similar to rules previously contained in part 19 of the Commission's rules. 5 U.S.C. 553(a)(2), (b)(3)(A)), and (d).

List of Subjects

5 CFR Part 3901

Conflict of interests, Government employees, Outside activities.

5 CFR Part 3902

Conflict of interests, Government employees, Financial interests.

47 CFR Part 19

Conflicts of Interests, Government employees.

Adopted: October 16, 1996.
Released: October 29, 1996.

By the Commission.

William F. Caton,

Acting Secretary, Federal Communications Commission.

Approved: October 23, 1996.

Stephen D. Potts,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Federal Communications Commission, with the concurrence of the Office of Government Ethics, is amending title 5 and title 47 of the Code of Federal Regulations as follows:

TITLE 5—[AMENDED]

1. A new chapter XXIX, consisting of parts 3901 and 3902, is added to title 5 of the Code of Federal Regulations to read as follows:

CHAPTER XXIX—FEDERAL COMMUNICATIONS COMMISSION

PART 3901—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE FEDERAL COMMUNICATIONS COMMISSION

Sec.
3901.101 General.
3901.102 Prior approval for practice of a profession.

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 47 U.S.C. 303(r); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.803.

§ 3901.101 General.

In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of the Federal Communications Commission (FCC) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635. In addition to the standards in 5 CFR part 2635 and this part, employees are subject to the Executive Branch Financial Disclosure Regulations contained in 5 CFR part 2634, the FCC's regulations at 5 CFR part 3902 supplementing 5 CFR part 2634, and to FCC regulations regarding their responsibilities and conduct in 47 CFR part 19.

§ 3901.102 Prior approval for practice of a profession.

(a) *Prior approval requirement.* A professional employee of the FCC shall obtain approval before engaging in the outside practice of the same profession as that of the employee's official position, whether or not for compensation. As used in this section, ''profession'' has the meaning set forth in § 2636.305(b)(1) of this title, and ''professional employee'' means an employee whose official FCC position is in a profession as defined in § 2636.305(b)(1) of this title.

(b) *Procedures for requesting approval.* (1) A request for approval shall be in writing and shall be submitted, through the following Commission officials, to the Designated Agency Ethics Official or his designee:

(i) For Heads of Bureaus and Offices, through the Chairman;

(ii) For employees in the immediate Office of a Commissioner, through the Commissioner; or

(iii) For all other employees, through the Head of the Bureau or Office to which the employee is assigned.

(2) A request for approval shall include, at a minimum:

(i) A full description of the services to be performed in practicing the profession;

(ii) The name and address of the person or organization for which services are to be provided; and

(iii) The estimated total time that will be devoted to practicing the profession.

(3) Upon a significant change in the nature or scope of the employee's FCC position or the services to be provided in practicing the profession, the employee shall submit a revised request for approval.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the proposed outside practice of the employee's profession is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR 2635.

PART 3902—SUPPLEMENTAL FINANCIAL DISCLOSURE REQUIREMENTS FOR EMPLOYEES OF THE FEDERAL COMMUNICATIONS COMMISSION

Sec.
3902.101 General.
3902.102 Employees required to submit FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests.''
3902.103 Submission and review of employees' statements.
3902.104 Confidentiality of employees' statements.

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 47 U.S.C. 154(b), (j), (i) and 303(r); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2634.103, 2634.601(b), 2634.901(b).

§ 3902.101 General.

The regulations in this part apply to employees of the Federal Communications Commission (FCC) and supplement the Executive Branch Financial Disclosure Regulations contained in 5 CFR part 2634.

§ 3902.102 Employees required to submit FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests.''

All employees, including special Government employees, who are required to file a Standard Form (SF) 278, ''Public Financial Disclosure Report,'' or a SF/OGE Form 450, ''Confidential Financial Disclosure Report,'' are also required to file FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests.'' The purpose of FCC Form A54A is to require disclosure of income and interest in property and assets valued below the minimum reporting limits for the SF 278 and SF/OGE Form 450 in order to meet the separate requirements of section 4(b) of the Communications Act of 1934, at 47 U.S.C. 154(b).

§ 3902.103 Submission and review of employees' statements.

(a) An employee required to submit a statement of employment and financial interests will be notified individually of his or her obligation to file.

(b) An employee required to submit an FCC Form A54A, ''Confidential Supplemental Statement of Employment and Financial Interests'' pursuant to § 3902.102 shall submit such statement to the Designated Agency Ethics Official, on the prescribed form, not later than 30 days after his or her entrance on duty, and annually thereafter at the time the employee

submits his or her SF 278 or SF/OGE Form 450.

(c) Financial statements submitted under this subpart shall be reviewed by the Designated Agency Ethics Official.

(d) When a statement submitted under this subpart or information from other sources indicates a potential violation of applicable laws and regulations, such as a conflict between the interests of an employee or special Government employee and the performance of his or her services for the Government, the employee concerned shall be provided an opportunity to explain and resolve the potential violation.

(e) When, after explanation by the employee involved, the potential violation of law or regulation is not resolved, the information concerning the potential violation shall be reported to the Chairman by the Designated Agency Ethics Official for appropriate action.

§ 3902.104 Confidentiality of employees' statements.

Each supplemental statement of employment and financial interests shall be held in confidence and shall be retained in the Office of the Designated Agency Ethics Official. Each employee charged with reviewing a statement is responsible for maintaining the statements in confidence and shall not allow access to or allow information to be disclosed from a statement except to carry out the purpose of this part or as otherwise required by law. Information from these statements shall not be disclosed except as the Chairman may determine in accordance with law or regulation.

TITLE 47—[AMENDED]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

2. Part 19 of 47 CFR chapter I is revised to read as follows:

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.

19.735–101 Purpose.
19.735–102 Cross-reference to ethics and other conduct related regulations.
19.735–103 Definitions.
19.735–104 Delegations.
19.735–105 Availability of ethics and other conduct related regulations and statutes.
19.735–106 Interpretation and advisory service.
19.735–107 Disciplinary and other remedial action.

Subpart B—Employee Responsibilities and Conduct

19.735–201 Outside employment and other activity prohibited by the Communications Act.
19.735–202 Financial interests prohibited by the Communications Act.
19.735–203 Nonpublic information.

Authority: 5 U.S.C. 7301; 47 U.S.C. 154 (b), (i), (j), and 303(r).

Subpart A—General Provisions

§ 19.735–101 Purpose.

The regulations in this part prescribe procedures and standards of conduct that are appropriate to the particular functions and activities of the Commission, and are issued by the Commission under authority independent of the uniform Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 or otherwise in accordance with 5 CFR 2635.105(c).

§ 19.735–102 Cross-reference to ethics and other conduct related regulations.

In addition to the rules in this part, employees of the Federal Communications Commission (Commission) are subject to the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 and the Commission's regulations at 5 CFR part 3901 which supplement the executive branch-wide standards, the executive branch financial disclosure regulations at 5 CFR part 2634 and the Commission's regulations at 5 CFR part 3902 which supplement the executive branch-wide financial disclosure regulations, and the employee responsibilities and conduct regulations at 5 CFR part 735.

§ 19.735–103 Definitions.

Commission means the Federal Communications Commission.

Communications Act means the Communications Act of 1934, as amended, 47 U.S.C. 151 *et seq.*

Employee means an officer or employee of the Commission including special Government employees within the meaning of 18 U.S.C. 202(a) and the Commissioners.

Person means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 19.735–104 Delegations.

(a) The Commission has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service.

(b) *Approvals under 18 U.S.C. 205(e).* (1) Commissioners may approve the representational activities permitted by 18 U.S.C. 205(e) by other employees in their immediate offices. The Designated Agency Ethics Official has delegated authority to grant such approvals for all other employees except Commissioners.

(2) (i) Requests for approval of the activities permitted by 18 U.S.C. 205(e) shall be in writing and submitted as follows:

(A) In the case of employees in the immediate offices of a Commissioner, to the Commissioner;

(B) In the case of Heads of Offices and Bureaus, to the Chairman; and

(C) In the case of all other employees except Commissioners, to the Head of the Office or Bureau to which the employee is assigned.

(ii) An official (other than the Chairman or another Commissioner) to whom a request for approval under 18 U.S.C. 205(e) is submitted shall forward it to the Designated Agency Ethics Official with the official's recommendation as to whether the request should be granted.

(3) Copies of all requests for approval under 18 U.S.C. 205(e) and the action taken thereon shall be maintained by the Designated Agency Ethics Official.

(c) *Waivers under 18 U.S.C. 208.* (1) Commissioners may waive the applicability of 18 U.S.C. 208(a), in accordance with 18 U.S.C. 208(b)(1) or 208(b)(3) and section 301(d) of Executive Order 12731, for other employees in their immediate offices. The Designated Agency Ethics Official has delegated authority to make such waiver determinations for all other employees except Commissioners.

(2) (i) Requests for waiver of the applicability of 18 U.S.C. 208(a) shall be in writing and submitted as follows:

(A) In the case of employees in the immediate offices of a Commissioner, to the Commissioner;

(B) In the case of Heads of Offices and Bureaus, to the Chairman; and

(C) In the case of all other employees except Commissioners, to the Head of the Office or Bureau to which the employee is assigned.

(ii) An official (other than the Chairman or another Commissioner) to whom a waiver request is submitted shall forward it to the Designated Agency Ethics Official with the official's recommendation as to whether the waiver should be granted.

(3) Copies of all requests for waivers and the action taken thereon shall be maintained by the Designated Agency Ethics Official.

§ 19.735–105 Availability of ethics and other conduct related regulations and statutes.

(a) (1) The Commission shall furnish each new employee, at the time of his or her entrance on duty, with a copy of:

(i) The Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635);

(ii) The Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission (5 CFR part 3901); and

(iii) The Commission's Employee Responsibilities and Conduct regulations in this part.

(2) The Head of each Office and Bureau has the responsibility to secure from every person subject to his or her administrative supervision a statement indicating that the individual has read and is familiar with the contents of the regulations in this part, and the regulations at 5 CFR parts 2635 and 3901, and to advise the Designated Agency Ethics Official that all such persons have provided such statements. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Designated Agency Ethics Official shall take appropriate action to ensure that the Head of each Office and Bureau shall remind employees subject to his or her administrative supervision of the content of the regulations in 5 CFR parts 2635 and 3901 and this part.

(b) Copies of pertinent provisions of the Communications Act of 1934; title 18 of the United States Code; the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635); the Commission's Supplemental Standards of Ethical Conduct (5 CFR part 3901); and the Commission's employee responsibilities and conduct regulations in this part shall be available in the office of the Designated Agency Ethics Official for review by employees.

§ 19.735–106 Interpretation and advisory service.

(a) Requests for interpretative rulings concerning the applicability of 5 CFR parts 2635 and 3901, and this part, may be submitted through the employee's supervisor to the General Counsel, who is the Commission's Designated Agency Ethics Official pursuant to the delegation of authority at 47 CFR 0.251(a).

(b) At the time of an employee's entrance on duty and at least once each calendar year thereafter, the Commission's employees shall be notified of the availability of counseling services on questions of conflict of interest and other matters covered by this part, and of how and where these services are available.

§ 19.735–107 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) The Chairman will designate an officer or employee of the Commission who will promptly investigate all incidents or situations in which it appears that employees may have engaged in improper conduct. Such investigation will be initiated in all cases where complaints are brought to the attention of the Chairman, including: Adverse comment appearing in publications; complaints from members of Congress, private citizens, organizations, other Government employees or agencies; and formal complaints referred to the Chairman by the Designated Agency Ethics Official.

(c) The Inspector General will be promptly notified of all complaints or allegations of employee misconduct. The Inspector General will also be notified of the planned initiation of an investigation under this part. Such notification shall occur prior to the initiation of the investigation required by paragraph (a) of this section. The Inspector General may choose to conduct the investigation in accordance with the rules in this part. Should the Inspector General choose to conduct the investigation, he will promptly notify the Chairman. In such case, the Inspector General will serve as the designated officer and be solely responsible for the investigation. In carrying out this function, the Inspector General may obtain investigative services from other Commission offices, other governmental agencies or non governmental sources and use any other means available to him in accordance with Public Law 100–504 or the Inspector General Act of 1978, as amended, 5 U.S.C. Appendix. The Inspector General will be provided with the results of all investigations in which he chooses not to participate.

(d) The employee concerned shall be provided an opportunity to explain the alleged misconduct. When, after consideration of the employee's explanation, the Chairman decides that remedial action is required, he shall take remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestiture by the employee of his conflicting interest;

(3) Action under the Commission's Ethics Program resulting in one of the following actions:

(i) When investigation reveals that the charges are groundless, the person designated by the Chairman to assist in administration of the program may give a letter of clearance to the employee concerned, and the case will not be recorded in his Official Personnel Folder;

(ii) If, after investigation, the case investigator deems the act to be merely a minor indiscretion, he may resolve the situation by discussing it with the employee. The case will not be recorded in the employee's Official Personnel Folder;

(iii) If the case administrator considers the problem to be of sufficient importance, he may call it to the attention of the Chairman, who in turn may notify the employee of the seriousness of his act and warn him of the consequences of a repetition. The case will not be recorded in the employee's Official Personnel Folder, unless the employee requests it;

(iv) The Chairman may, when in his opinion circumstances warrant, establish a special review board to investigate the facts in a case and to make a full report thereon, including recommended action; or

(v) (A) If the Chairman decides that formal disciplinary action should be taken, he may prepare for Commission consideration a statement of facts and recommend one of the following:

(*1*) *Written reprimand.* A formal letter containing a complete statement of the offense and official censure;

(*2*) *Suspension.* A temporary non pay status and suspension from duty; or

(*3*) *Removal for cause.* Separation for cause in case of a serious offense.

(B) Only after a majority of the Commission approves formal disciplinary action will any record resulting from the administration of this program be placed in the employee's Official Personnel Folder; or

(4) Disqualification for a particular assignment.

(e) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart B—Employee Responsibilities and Conduct

§ 19.735–201 Outside employment and other activity prohibited by the Communications Act.

Under section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(A)(iv), no employee of the

Commission may be in the employ of or hold any official relation to any person significantly regulated by the Commission under that Act. In addition, the Commissioners are prohibited by section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(4), from engaging in any other business, vocation, profession, or employment.

Note: Under the Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission, at 5 CFR 3901.102, professional employees of the Commission must obtain approval before engaging in the private practice of the same profession as that of the employee's official position, whether or not for compensation.

§ 19.735–202 Financial interests prohibited by the Communications Act.

(a) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(b) (1) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(A), provides:

No member of the Commission or person employed by the Commission shall:

(i) Be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;

(ii) Be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum;

(iii) Be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

(iv) Be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this act; except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission.

(2) To determine whether an entity has a significant interest in communications related activities that are subject to Commission regulations, the Commission shall consider, without excluding other relevant factors, the criteria in section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(3). These criteria include:

(i) The revenues and efforts directed toward the telecommunications aspect of the business;

(ii) The extent of Commission regulation over the entity involved;

(iii) The potential economic impact of any Commission action on that particular entity; and

(iv) The public perception regarding the business activities of the company.

(3)(i) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(B)(i), permits the Commission to waive the prohibitions at 47 U.S.C. 154(b)(2)(A). The Act's waiver provision at 47 U.S.C. 154(b)(2)(B)(i) provides:

The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) of section 4(b) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

(ii)(A) Requests for waiver of the provisions of 47 U.S.C. 154(b)(2)(A) may be submitted by an employee to the Head of the employee's Office or Bureau, who will endorse the request with an appropriate recommendation and forward the request to the Designated Agency Ethics Official. The Designated Agency Ethics Official has delegated authority to waive the applicability of 47 U.S.C. 154(b)(2)(A).

(B) All requests for waiver shall be in writing and in the required detail. The dollar value for the financial interest sought to be waived shall be expressed explicitly or in categories of value provided at 5 CFR 2634.301(d).

(C) Copies of all waiver requests and the action taken thereon shall be maintained by the Designated Agency Ethics Official. In any case in which the Commission exercises the waiver authority established in section 4(b) of the Communications Act, the Commission shall publish notice of such action in the Federal Register and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

§ 19.735–203 Nonpublic information.

(a) Except as authorized in writing by the Chairman pursuant to paragraph (b) of this section, or otherwise as authorized by the Commission or its rules, nonpublic information shall not be disclosed, directly or indirectly, to any person outside the Commission. Such information includes, but is not limited to, the following:

(1) The content of agenda items (except for compliance with the Government in the Sunshine Act, 5 U.S.C. 552b); or

(2) Actions or decisions made by the Commission at closed meetings or by circulation prior to the public release of such information by the Commission.

(b) An employee engaged in outside teaching, lecturing, or writing shall not use nonpublic information obtained as a result of his Government employment in connection with such teaching, lecturing, or writing except when the Chairman gives written authorization for the use of that nonpublic information on the basis that its use is in the public interest.

(c) This section does not prohibit the disclosure of an official Commission meeting agenda listing titles and summaries of items for discussion at an open Commission meeting. Also, this section does not prohibit the disclosure of information about the scheduling of Commission agenda items.

Note: Employees also should refer to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, at 5 CFR 2635.703, on the use of nonpublic information. As is the case with section 2635.703, this part is intended only to cover knowing unauthorized disclosures of nonpublic information.

[FR Doc. 96–27735 Filed 10–30–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Parts 1901, 1924, 1944

RIN 0575–AC06

Davis-Bacon Act *C*

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS) is removing its regulation that contains procedures and requirements for complying with the Davis-Bacon and related Acts. Under the reorganization of the Department of Agriculture, RHS is the successor to the former Farmers Home Administration (FmHA) for the administration of rural housing programs under title V of the Housing Act of 1949. Regulations regarding

Planning and Performing Development Work, and Farm Labor Housing Grants are also impacted by this rule. This regulation is being removed since the portions thereof that contain information the public needs to know are published in 29 CFR parts 1, 3, and 5. Therefore, this action will remove duplication of regulations. This rule, however, will not remove or change the requirement for certain RHS-financed construction projects to comply with the Davis-Bacon and related Acts.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Keith A. Suerdieck, Architect, Rural Housing Service, USDA, Ag Box 0761, Room 6309, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250–0761, Telephone (202) 720–9619.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Administrator of RHS has determined and certified that this action will not have a significant economic impact on a substantial number of small entities since it will not change the requirements and procedures of the Davis-Bacon and other related Acts, as published in 29 CFR parts 1, 3 and 5 and as they apply to the affected projects financed by RHS.

The Unfunded Mandate Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, RHS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to state, local or tribal governments, in the aggregate, or to the private sector. When such a statement is needed for a rule, section 205 of the UMRA generally requires RHS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objective of the rule.

This rule contains no Federal mandates (under regulatory provisions of title II of the UMRA) for state, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of RHS that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Programs Affected

The affected programs are listed in the Catalog of Federal Domestic Assistance under Numbers:

10.405 Farm Labor Housing Loans and Grants
10.415 Rural Rental Housing Loans

Intergovernmental Consultation

For the reason set forth in the final rule related Notice to 7 CFR part 3015, subpart V, 48 FR 29115, June 24, 1983, these programs are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Civil Justice Reform

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations at 7 CFR part 11 and part 1900, subpart B, be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control numbers 1215–0017, 1215–0140, and 1215–0149, in accordance with the Paperwork Reduction Act of 1980. This final rule does not impose any new information collection requirements from those approved by OMB.

Discussion

Procedures and requirements contained in this regulation for complying with the Davis-Bacon and related Acts are also contained in the Department of Labor regulations (29 CFR parts 1, 3, and 5). In keeping with the spirit of regulation reduction, RHS feels there is no need for the procedures and requirements to be published in more than one regulation. The requirement for certain RHS-financed construction projects to comply with the Davis-Bacon and related Acts is not removed or changed in any way by this rule.

Portions of this regulation that only involve internal Agency management are revised as an agency guideline. The guideline is for RHS usage in implementing procedures as prescribed in the Department of Labor regulations. The guideline is not published in the Code of Federal Regulations, but is available in any RHS office. Attached to the guideline is a copy of the labor standards provisions published in 29 CFR part 5 and may be locally reproduced and distributed to program participates as necessary.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for prior notice and comment since it involves only internal Agency management, and publication for prior notice and comment is unnecessary and contrary to the public interest.

Conforming changes which are necessary to other regulations as a result of removing subpart D of part 1901 are included.

List of Subjects in 7 CFR Parts 1901, 1924, and 1944

Agriculture, Construction management, Construction and repair, Energy conservation, Farm labor housing, Grant programs—Housing and community development, Housing, Loan programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing, Migrant labor, Minimum wages, Nonprofit organizations, Public housing, Rent subsidies, Rural housing.

Accordingly, parts 1901, 1924 and 1944 of title 7, Code of Federal Regulations are amended as follows:

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart D—[Removed and Reserved]

1. Under the Authority 7 U.S.C. 1989, 42 U.S.C. 1480, and subpart D, consisting of §§ 1901.151–1901.158 and Exhibit A, is removed and reserved.

PART 1924—CONSTRUCTION AND REPAIR

2. The authority citation for part 1924 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart A—Planning and Performing Construction and Other Development

3. Section 1924.6 is amended in paragraph (a)(3)(iv) by revising the words ''and/or'' to ''or;'' in paragraph (a)(6) by revising the reference to ''SCS'' to read ''NRCS;'' in the first sentence of paragraph (a)(8) by revising the phrase ''physically handicapped persons'' to read ''people with disabilities''; and by revising paragraph (a)(5) to read as follows:

§ 1924.6 Performing development work.

* * * * *

(a) * * *

(5) *Labor standards provisions.* The provisions of the Davis-Bacon and related acts, which are published by the Department of Labor (29 CFR parts 1, 3 and 5), will apply when the contract involves either LH grant assistance, or 9 or more units in a project being assisted under the HUD section 8 housing assistance payment program for new construction.

* * * * *

§ 1924.13 [Amended]

4. Section 1924.13 is amended in paragraph (e)(1)(ii), Item XVI by removing the phrase ''[Exhibit A to Subpart D of Part 1901 of this chapter, where applicable.]'' and by adding the phrase ''[Where applicable.]''.

* * * * *

PART 1944—HOUSING

5. The authority citation for part 1944 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

6. Section 1944.169 is amended in paragraph (c)(4)(v) by revising the reference to the ''Administrator of the Soil Conservation Service'' to read ''Chief of the Natural Resources Conservation Service;'' and by revising paragraph (c)(2) to read as follows:

§ 1944.169 Technical, legal, and other services.

* * * * *

(c) * * *

(2) *Labor standards provisions.* Construction financed with the assistance of an LH grant will be subject to the provisions of the Davis-Bacon and related acts, and the regulations implementing those acts published by the Department of Labor regulations at 29 CFR parts 1, 3, and 5.

* * * * *

Subpart D [Amended]

7. Exhibit A–1 to subpart D is amended by removing the last two sentences in paragraph II (E) and adding a new sentence in their place to read ''If an LH grant is proposed, construction will be subject to the provisions of the Davis-Bacon and related Acts. LH grant applicants should, therefore, obtain a copy of the Department of Labor regulations (29 CFR part 5), which contain the applicable labor standards provisions.''

Dated: August 16, 1996.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 96–27766 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–XY–U

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 75

[Docket No. 96–040–2]

CEM; Remove Interstate Movement Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On September 10, 1996, the Animal and Plant Health Inspection Service published a direct final rule. (See 61 FR 47669–47671, Docket No. 96–040–1.) The direct final rule notified the public of our intention to remove the regulations governing the interstate movement of horses affected with or exposed to contagious equine metritis and to add this disease to a list of diseases not known to exist in the United States. The last areas of the United States quarantined for contagious equine metritis were removed from quarantine in 1987, and the disease has not been known to exist in the United States since that time. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Tim Cordes, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–3279.

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, and 134–134h; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, D.C., this 24th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27973 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

---

9 CFR Part 78

[Docket No. 96–043–1]

Brucellosis in Cattle; State and Area Classifications; Louisiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class A to Class Free. We have determined that Louisiana meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Louisiana.

DATES: Interim rule effective October 31, 1996. Consideration will be given only to comments received on or before December 30, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–043–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–043–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m, Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Louisiana was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for Louisiana, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Louisiana from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Louisiana.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Louisiana.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the Federal Register. We will consider comments that are received within 60 days of publication of this rule in the Federal Register. After the comment period closes, we will publish another document in the Federal Register. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Louisiana from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Louisiana, as well as buyers and importers of cattle from this State.

There are an estimated 19,000 cattle herds in Louisiana that would be affected by this rule. Ninety-eight percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all herds affected by this rule, Class Free status would save approximately $3.64 per herd.

Therefore, we believe that changing the brucellosis status of Louisiana will not have a significant economic impact on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a-1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by adding ''Louisiana,'' immediately after ''Indiana,''.

3. In § 78.41, paragraph (b) is amended by removing ''Louisiana,''.

Done in Washington, DC, this 29th day of October 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–28057 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 510

[96–102]

RIN 1550–AB01

Civil Monetary Penalty Inflation Adjustment

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: Congress, in the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, required all federal agencies with the statutory authority to impose civil monetary penalties (CMPs) to regularly evaluate those CMPs and adjust the maximum CMPs to reflect inflation to ensure that the CMPs continue to maintain their deterrent value. Consequently, OTS is issuing this final rule to implement the required adjustments to each of OTS's CMP statutes.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Blanks, Counsel (Banking and Finance), (202) 906–7037, Chief Counsel's Office, Regulations and Legislation Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Federal Civil Monetary Penalties Inflation Adjustment Act of 1990 (FCMPIAA)[1] provided for the regular evaluation of CMPs[2] to ensure that they continued to maintain their deterrent value and that penalty amounts due the Federal Government were properly accounted for and collected. Section 31,001(a) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (OCRRA) sets forth the Debt Collection Improvement Act of 1996 (DCIA),[3] which was enacted to provide more effective tools for governmentwide collection of delinquent debt. More specifically, section 31,001(s)(1) of the OCRRA amended the FCMPIAA by requiring each agency to make inflationary adjustments to the CMPs found in statutes that it administers.[4] Such adjustments must be made by regulation published in the Federal Register. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the DCIA. Thereafter, agencies must make inflation adjustments by regulation at least once every four years. Any increase in a CMP applies only to violations that occur after the date the increase takes effect.[5] These increases in maximum CMPs will not necessarily affect the amount of any CMP OTS seeks in connection with a particular violation because OTS calculates particular CMPs on a case-by-case basis based upon a variety of factors (including the gravity of the violation, whether it was willful or recurring, and any harm to the depository institution). Thus, the maximums merely serve as a cap beyond which CMPs may not go.

The statute provides that the inflation adjustment shall be determined by increasing the maximum CMP for each CMP by a cost-of-living adjustment. The term ''cost-of-living'' adjustment is defined as the percentage for each CMP by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of such CMP was last set or adjusted pursuant to law. Any increase calculated under the statute must be rounded according to rounding rules set forth in the statute. Agencies do not have discretion in choosing whether to adjust a maximum CMP, by how much to adjust a maximum CMP, or the methods used to determine the adjustment.

To help explain the six-step statutorily-mandated inflation adjustment calculation, we will use the following example. Pursuant to 12 U.S.C. 1818(i), OTS may impose a daily maximum third-tier CMP not to exceed $1,000,000 for violations of certain banking laws. The first step in the calculation requires finding the Consumer Price Index for the All Urban Consumers (CPI–U) for two different time periods.[6] The statute requires that the CPI–U for the year preceding the year of adjustment be used, which here, because the adjustment will occur in 1996, will be the CPI–U for June, 1995, which is 456.7. The CPI–U for June of the year the CMP was last set by law or adjusted for inflation also must be determined. Because section 1818(i) was adopted in August, 1989, the CPI–U used is June, 1989, which is 371.7.

Second, to calculate the cost of living adjustment or inflation factor, we divide the CPI–U for June of the preceding year of the adjustment by the CPI–U for June of the year the CMP was last set by law or adjusted for inflation. Using our example, the CPI for June, 1995 (456.7) divided by the CPI–U for June, 1989 (371.7) equals 1.23. Therefore, 1.23 is our inflation factor.

Third, to calculate the raw inflation adjustment, we multiply the maximum penalty amounts set by law by the inflation factor. In our example, $1,000,000 multiplied by our inflation factor of 1.23 equals $1,230,000.

Fourth, we have to round the raw inflation adjustment amounts according to the rounding rules set forth in the FCMPIAA. Since we round the *increased* amount, we calculate the increased amount by subtracting the original maximum penalty amounts from the raw maximum inflation adjustments. The increased amount for the maximum penalty in our example is $1,230,000 minus $1,000,000, which equals $230,000. According to the rounding rules, if the penalty is greater

[1] Pub. L. 101–410; 28 U.S.C. 2461 note.

[2] Under the FCMPIAA, the term CMP means any penalty, fine, or other sanction that (1) is for a specific monetary amount as provided by federal law, or has a maximum amount provided for by federal law; (2) is assessed or enforced by an agency pursuant to federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts. *See* 12 U.S.C. 2461 note. All three requirements must be met for a fine to be defined as a CMP.

[3] Pub. L. 104–134 (April 26, 1996) (to be codified at 28 U.S.C. 2461 note).

[4] Some of OTS's CMPs are in a commonly administered statute, 12 U.S.C. 1818. Each agency that administers this statute is making the identical adjustments.

[5] We note here that while the CMP statutes of other agencies frequently provide for a minimum and maximum penalty amount, all of OTS's CMP statutes provide only for a daily maximum amount and do not contain daily minimum amounts. Today's rule therefore refers only to maximum CMPs.

[6] The Consumer Price Index described herein was obtained from the Bureau of Labor Statistics of the Department of Labor. There are several Consumer Price Indices. The statute requires the use of the CPI–U.

than $200,000, then we round the increase to the nearest multiple of $25,000. Therefore, the maximum penalty increase for our example, after application of the rounding rules, is $225,000.

Fifth, we find the inflation adjustment maximum penalty after rounding by adding the rounded increase to the original maximum penalty amount set by law to calculate the maximum inflation adjusted penalty amounts. In our example, $1,000,000 plus $225,000 yields a maximum inflation adjusted penalty amount of $1,225,000.

Finally, the statute provides that the inflation adjustment of the maximum penalty amount cannot exceed 10% of the original maximum penalty amount. Ten percent of the original maximum penalty amount of $1,000,000 in our example equals $100,000. Because the increase in the maximum penalty amount cannot exceed 10% of the original maximum penalty amount, the adjusted maximum penalty amount in our example is $1,100,000. This is the amount set forth in the regulation.

The six-step calculation just described has been applied to all of OTS's CMP statutes, and the maximum penalty amount for each statute is set out in the regulation.

Need for an Immediately Effective Final Rule

Section 553 of the Administrative Procedure Act[7] requires separate findings for good cause, first, that notice and comment are impracticable, unnecessary, or contrary to the public interest when an agency determines to issue a rule without prior notice and comment and second, when it determines to make a rule effective without a 30-day delay. Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994[8] requires that a regulation that imposes new requirements take effect on the first day of the quarter following publication of the final rule. That section provides, however, that an agency may determine that the rule should take effect earlier upon a finding of good cause.

Under the statute, agencies must make the required CMP inflation adjustments (1) according to the very specific formula set forth in the statute and (2) by October 23, 1996. Agencies have no discretion either as the inflation adjustment amount or the timing of the adjustment. Due to this lack of agency discretion, the OTS believes that notice and comment are unnecessary. For these same reasons, the OTS believes that there is good cause to make this rule effective immediately upon publication.

Executive Order 12866

The Director of the OTS has determined that this final rule does not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OTS has determined that the rule will not result in expenditures by state, local, or tribal governments or by the private sector of $100 million or more. Accordingly, this rulemaking is not subject to section 202 of the Unfunded Mandates Act.

List of Subjects in 12 CFR Part 510

Administrative practice and procedure, Penalties.

Accordingly, OTS amends title 12, chapter V, part 510 of the Code of Regulations as set forth below.

PART 510—MISCELLANEOUS ORGANIZATIONAL REGULATIONS

The authority citation for part 510 is revised to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464; Pub. L. 101–410, 104 Stat. 890; Pub. L. 104–134, 110 Stat. 1321–358.

2. Section 510.6 is added to read as follows:

§ 510.6 Civil money penalty inflation adjustment.

Pursuant to the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, 110 Stat. 1321–358), OTS is required to make inflationary adjustments for civil monetary penalties in statutes that it administers. The following chart displays those adjustments, as calculated pursuant to the statute:

U.S. Code citation	CMP description	New maximum amount
12 U.S.C. 1464(v)(4)	Reports of Condition—1st Tier	$2,000
12 U.S.C. 1464(v)(5)	Reports of Condition—2nd Tier	22,000
12 U.S.C. 1464(v)(6)	Reports of Condition—3rd Tier	1,100,000
12 U.S.C. 1467(d)	Refusal to Cooperate in Exam	5,500
12 U.S.C. 1467a(i)(3)	Holding Company Act Violation	5,500
12 U.S.C. 1467a(r)(1)	Late/Inaccurate Reports—1st Tier	2,000
12 U.S.C. 1467a(r)(2)	Late/Inaccurate Reports—2nd Tier	22,000
12 U.S.C. 1467a(r)(3)	Late/Inaccurate Reports—3rd Tier	1,100,000
12 U.S.C. 1817(j)(16)(A)	Change in Control—1st Tier	5,500
12 U.S.C. 1817(j)(16)(B)	Change in Control—2nd Tier	27,500
12 U.S.C. 1817(j)(16)(C)	Change in Control—3rd Tier	1,100,000
12 U.S.C. 1818(i)(2)(A)	Violation of Law or Unsafe or Unsound Practice—1st Tier	5,500
12 U.S.C. 1818(i)(2)(B)	Violation of Law or Unsafe or or Unsound Practice—2nd Tier	27,500
12 U.S.C. 1818(i)(2)(C)	Violation of Law or Unsafe or Unsound Practice—3rd Tier	1,100,000
12 U.S.C. 3349(b)	Appraisals Violation—1st Tier	5,500
12 U.S.C. 3349(b)	Appraisals Violation—2nd Tier	27,500
12 U.S.C. 3349(b)	Appraisals Violation—3rd Tier	1,100,000
42 U.S.C. 4012a(f)	Flood Insurance	350/105,000

[7] 5 U.S.C. 553.

[8] 12 U.S.C. 4802.

Dated: October 22, 1996.

By the Office of Thrift Supervision.

Nicolas P. Retsinas,

Director.

[FR Doc. 96–27927 Filed 10–30–96; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 28698; Amdt. No. 399]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, December 5, 1996.

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, D.C. 20591; telephone: (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. 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 95

Airspace, Navigation (air).

Issued in Washington, D.C. on October 25, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Admininistrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC.

PART 95—[AMENDED]

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

2. Part 95 is amended to read as follows:

BILLING CODE 4910–13–M

REVISIONS TO MINIMUM EN ROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 399 EFFECTIVE DATE, DECEMBER 5, 1996

§95.6009 VOR FEDERAL AIRWAY 9		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
LEEVILLE, LA VORTAC	SAFES, LA FIX	*2000
**1400 – MOCA*		
SAFES, LA FIX	*WAVEZ, LA FIX	**4000
**3000 – MRA*		
***1600 – MOCA*		
WAVEZ, LA FIX	OYSTY, LA FIX	*3000
**1800 – MOCA*		
OYSTY, LA FIX	MC COMB, MS VORTAC	2000

§95.6020 VOR FEDERAL AIRWAY 20		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
LAFAYETTE, LA VORTAC	RESERVE, LA VOR/DME	2000
RESERVE, LA VOR/DME	GULFPORT, MS VORTAC	2000

§95.6070 VOR FEDERAL AIRWAY 70		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
BATON ROUGE, LA VORTAC	PICAYUNE, MS VORTAC	2000

§95.6114 VOR FEDERAL AIRWAY 114		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
BATON ROUGE, LA VORTAC	VEILS, LA FIX	2800
VEILS, LA FIX	RESERVE, LA VOR/DME	2000
RESERVE, LA VOR/DME	GULFPORT, MS VORTAC	2000

§95.6172 VOR FEDERAL AIRWAY 172		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
COLUMBUS, NE VOR/DME	OMAHA, NE VORTAC	3700
OMAHA, NE VORTAC	KNOXX, IA FIX	3800
KNOXX, IA FIX	*LINDE, IA FIX	5500
**5500 – MRA*		

§95.6194 VOR FEDERAL AIRWAY 194		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
BATON ROUGE, LA VORTAC	MC COMB, MS VORTAC	2200
IS AMENDED TO DELETE		
FROM	**TO**	**MEA**
CLUNK, LA FIX	MC COMB, MS VORTAC	2200

§95.6198 VOR FEDERAL AIRWAY 198		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
PEARL, LA FIX	DOGMA, MS FIX	*2300
**1200 – MOCA*		
DOGMA, MS FIX	ROMMY, MS FIX	*2800
**1200 – MOCA*		

§95.6233 VOR FEDERAL AIRWAY 233		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
DRIPE, MI FIX	PELLSTON, MI VORTAC	3100

§95.6240 VOR FEDERAL AIRWAY 240		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
HARVEY, LA VORTAC	PEARL, LA FIX	2000
PEARL, LA FIX	DOGMA, MS FIX	*2300
**1200 – MOCA*		
DOGMA, MS FIX	ROMMY, MS FIX	*2800
**1200 – MOCA*		

§95.6421 VOR FEDERAL AIRWAY 421		
IS AMENDED BY ADDING		
FROM	**TO**	**MEA**
KREMMLING, CO VORTAC	ROBERT, CO VOR/DME	12900
ROBERT, CO VOR/DME	HAHNS, CO FIX	12600

§95.6441 VOR FEDERAL AIRWAY 441		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
BAYPO, FL FIX	*NITTS, FL FIX	**3000
**3000 – MRA*		
***1700 – MOCA*		

§95.6455 VOR FEDERAL AIRWAY 455		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
RESERVE, LA VOR/DME	*WAVEZ, LA FIX	2000
**3000 – MRA*		
WAVEZ, LA FIX	PICAYUNE, MS VORTAC	2000

§95.6543 VOR FEDERAL AIRWAY 543		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
LEEVILLE, LA VORTAC	SAFES, LA FIX	*2000
**1400 – MOCA*		
SAFES, LA FIX	*WAVEZ, LA FIX	**4000
**3000 – MRA*		
***1600 – MOCA*		
WAVEZ, LA FIX	OYSTY, LA FIX	*3000
**1800 – MOCA*		
OYSTY, LA FIX	RYTHM, LA FIX	2000
RYTHM, LA FIX	EATON, MS VORTAC	*4200
**2000 – MOCA*		

§95.6549 VOR FEDERAL AIRWAY 549		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
HAYS, KS VORTAC	MANKATO, KS VORTAC	4100

§95.6552 VOR FEDERAL AIRWAY 552		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
TIBBY, LA VORTAC	HARVEY, LA VORTAC	2000
HARVEY, LA VORTAC	PICAYUNE, MS VORTAC	2000

§95.6555 VOR FEDERAL AIRWAY 555		
IS AMENDED TO DELETE		
FROM	**TO**	**MEA**
NEW ORLEANS, LA VORTAC	PICAYUNE, MS VORTAC	2000

§95.6566 VOR FEDERAL AIRWAY 566		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
WRACK, LA FIX	VEILS, LA FIX	*3000
**2100 – MOCA*		
VEILS, LA FIX	RESERVE, LA VOR/DME	2000

§95.6573 VOR FEDERAL AIRWAY 573		
IS AMENDED TO READ IN PART		
FROM	**TO**	**MEA**
TEXARKANA, AR VORTAC	*JAMMI, AR FIX	**3500
**5000 – MRA*		
***1800 – MOCA*		
JAMMI, AR FIX	PIKES, AR FIX	*3500
**1800 – MOCA*		
PIKES, AR FIX	MARKI, AR FIX	*5500
**2100 – MOCA*		
MARKI, AR FIX	HOT SPRINGS, AR VOR/DME	*3500
**2500 – MOCA*		

§95.6579 VOR FEDERAL AIRWAY 579		
IS AMENDED TO READ IN PART		
FROM	TO	MEA
BAYPO, FL FIX	*NITTS, FL FIX	**3000
*3000 – MRA		
**1700 – MOCA		

§95.7075 JET ROUTE NO. 75			
IS AMENDED TO READ IN PART			
FROM	TO	MEA	MAA
GORDONSVILLE, VA VORTAC	MODENA, PA VORTAC	18000	45000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS			
V-198			
IS AMENDED BY ADDING			
AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
HARVEY, LA VORTAC	BROOKLEY, AL VORTAC	61	HARVEY

V-240			
IS AMENDED BY ADDING			
AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
HARVEY, LA VORTAC	BROOKLEY, AL VORTAC	61	HARVEY

[FR Doc. 96–27986 Filed 10–30–96; 8:45 am]
BILLING CODE 4910–13–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 960520141–6277–04; I.D. 073096D]

RIN 0648–AH05

Fisheries of the Northeastern United States; Amendment 8 to the Summer Flounder and Scup Fishery Management Plan; Resubmission of Disapproved Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement three provisions of Amendment 8 to the Fishery Management Plan for the Summer Flounder and Scup Fisheries (FMP) that were initially disapproved, but that have been revised and resubmitted by the Mid-Atlantic Fishery Management Council (Council). These measures establish criteria under which vessels under construction or being rerigged for the scup fishery on January 26, 1993, can qualify for a moratorium permit; define scup pots and traps; and require the consideration of recreational landings in the process of setting annual recreational harvest limits. The intent of Amendment 8 is to reduce fishing mortality and to allow the stock to rebuild.

EFFECTIVE DATE: December 2, 1996.

ADDRESSES: Copies of Amendment 8, the final environmental impact statement, the regulatory impact review, and other supporting documents are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, One Blackburn Drive, Gloucester, MA 01930 and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Management Specialist, 508–281–9280.

SUPPLEMENTARY INFORMATION:

Background

The Council submitted Amendment 8 to the FMP on April 23, 1996. NMFS, on behalf of the Secretary of Commerce (Secretary), disapproved six measures proposed in Amendment 8 upon preliminary evaluation of the amendment as authorized under section 304(a)(1)(A)(ii) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The measures, which were found to be inconsistent with the national standards and other applicable law, would have: (1) Conferred moratorium permit eligibility upon vessels that were rerigging on January 26, 1993, and landed scup prior to the implementation of the FMP; (2) required vessels to keep scup catches of less than 4,000 lb (1,814 kg) (the level at which the minimum mesh requirement is triggered) in 100-lb (45.36 kg) boxes to enhance enforcement; (3) accepted state dealer permits in lieu of the required Federal permit; (4) denied access to the exclusive economic zone to vessels from states that do not implement recreational measures equivalent to those specified in the Federal plan; (5) used state regulations to define scup pots for the residents of that state; and (6) established annual recreational harvest limits and deducted catches in excess of those limits from the limits for the following year. The remainder of Amendment 8 was approved by NMFS on behalf of the Secretary on July 29, 1996. A final rule implementing the approved measures in Amendment 8 was published on August 23, 1996 (61 FR 43420). It was effective on September 23, 1996.

The Council and Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board met on May 15, 1996, to review the disapproved measures and, pursuant to section 304(b)(3)(A) of the Magnuson Act, voted to resubmit three provisions: The rerigging measure, the scup pot and trap definition, and the annual recreational harvest limit. The remaining disapproved measures were not resubmitted.

Resubmitted Measures

For the purposes of moratorium eligibility, the resubmitted provision requires that a vessel under construction for, or being rerigged for, use in the directed fishery for scup on January 26, 1993, must have landed scup for sale by January 26, 1994. For the purpose of this paragraph, ''under construction'' means that the keel had been laid or the vessel was under written agreement for construction or the vessel was under written contract for purchase. ''Being rerigged'' means physical alteration of the vessel or its gear has begun to transform the vessel into one capable of fishing commercially for scup.

Scup pots and traps are defined as pots or traps used in catching and retaining scup. Harvesters will be required to mark such gear with numbers assigned by the Regional Administrator, Northeast Region, NMFS (Regional Administrator) and/or identification markings as required by the vessel's home port state.

A coastwide harvest limit will be specified in the second year of implementation of the amendment at a level that will reduce the exploitation rate to the level specified in the rebuilding schedule. This harvest limit will be allocated 78 percent to the commercial fishery, via a coastwide commercial quota, and 22 percent to the recreational fishery, via a recreational harvest limit. The coastwide harvest limit will be set annually following the Monitoring Committee process set forth in the amendment. Any landings in excess of the commercial quota will be deducted from the following year's quota. Any landings in excess of the commercial quota would be deducted from the following year's quota. Any landings in excess of the target harvest level will be considered in the process of setting a recreational harvest limit in the following year.

Comments and Responses

The proposed rule was published on August 26, 1996 (61 FR 43725), and provided a comment period that concluded on September 16, 1996. No comments were received on the proposed rule.

Changes in the Final Rule from the Proposed Rule

This final rule implements provisions of Amendment 8 by amending 50 CFR part 648, Fisheries of the Northeastern United States. The proposed rule would have amended 50 CFR part 625, the Summer Flounder Fishery, which, as part of the President's Regulatory Reinvention Initiative, was consolidated into part 648. As a result of this regulatory consolidation, and to clarify the intent of this rule, the final rule does not use the same regulatory language as the proposed rule, but the measures are substantively the same. In some cases, fisheries in addition to scup that are managed under part 648 may be referenced in the regulatory language. The regulations governing these other fisheries have not been amended here. Their mention in the regulatory

language is merely to reduce confusion for the reader.

In 648.2, a change has been made to the language of the definition for ''scup pot or trap'' in the proposed rule. The words ''used in'' have been inserted to emphasize that the vent size requirements and other gear restrictions implemented for the directed scup pot fishery would pertain only to pots used in that fishery. In addition, a definition for ''under construction'' has been added to the regulatory text.

Under NOAA Administrative Order 205–11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated, to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the Federal Register.

Classification

The Regional Administrator has determined that this final rule is necessary for the conservation and management of the scup fishery and that it is consistent with the Magnuson Act and other applicable law.

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

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection-of-information requirement has been approved by OMB. The requirement to mark traps and pots has been approved under OMB Control Number 0648–0305. The marking of traps and pots is estimated to take 1 minute per trap or pot.

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding burden estimates, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were discussed in the proposed rule published in the Federal Register on August 26, 1996 (61 FR 43725). No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects

50 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 25, 1996.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

15 CFR CHAPTER IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENT UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, in paragraph (b), the table is amended by adding, in numerical order, the following entry is added to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * * *	
50 CFR	
* * * * *	
§ 648.123	–0305
* * * * *	

50 CFR CHAPTER VI

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

3. The authority citation for part 648 continues to read as follows:

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

4. In § 648.2, the definitions for ''Scup pot or trap'' and ''Under construction'' are added in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Scup pot or trap means a pot or trap used in catching and retaining scup.

* * * * *

Under construction means that the keel had been laid or the vessel was under written agreement for construction or the vessel was under written contract for purchase.

* * * * *

5. In § 648.4, paragraph (a)(6)(i)(A)(3) is added to read as follows:

§ 648.4 Vessel Permits.

(a) * * *

(6) * * *

(i) * * *

(A) * * *

(3) The vessel was under construction for, or was being rerigged for, use in the directed fishery for scup on January 26, 1993, provided the vessel landed scup for sale by January 26, 1994.

* * * * *

6. In § 648.14, paragraph (k)(12) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(12) Use a scup trap or pot that is not marked in accordance with § 648.123(b)(3).

* * * * *

7. In § 648.123, paragraph (b)(3) is added to read as follows:

§ 648.123 Gear restrictions.

* * * * *

(b) * * *

(3) *Pot and trap identification.* Pots or traps used in fishing for scup must be marked with a code of identification that may be the number assigned by the Regional Director and/or the identification marking as required by the vessel's home port state.

* * * * *

[FR Doc. 96–27903 Filed 10–28–96; 9:18 am]

BILLING CODE 3510–22–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 410

RIN 0960–AD99

Overpayment Appeal and Waiver Rights

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: In these final regulations we address the rights of individuals regarding overpayment and waiver

determinations in the Social Security and Black Lung benefits programs by stating policy established as a result of a series of court decisions, beginning with the 1974 court decision in *Buffington, et al.* v. *Weinberger* and including the Supreme Court decision in *Califano* v. *Yamasaki.* The effect of these final regulations is to codify these additional rights for overpaid individuals established in these court decisions.

EFFECTIVE DATE: These final rules are effective December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1713 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

Background

Section 204(b) of the Social Security Act (the Act) provides that the Commissioner of Social Security (the Commissioner) shall not recover an old-age, survivors, and disability insurance (OASDI) overpayment from any individual who is without fault in causing the overpayment if recovery from that individual would ''defeat the purpose'' of title II of the Act or be ''against equity and good conscience.'' Sections 205(a) and 702(a)(5) of the Act authorize the issuance of regulations regarding our overpayment recovery policies.

Sections 411(b) and 426(a) of the Black Lung Benefits Act (30 U.S.C. 921(b) and 936(a)), authorize the Commissioner to issue regulations to administer the provisions of the Black Lung benefits program. The provisions for recovery of an overpayment from an individual under the Black Lung benefits program (Part B) regulations generally parallel the regulations of the OASDI programs.

On October 22, 1974, the U.S. District Court for the Western District of Washington in *Buffington, et al.* v. *Weinberger*, No. 734–73C2, stopped SSA from recovering overpaid Social Security benefits without first giving each member of the plaintiff class adequate written notice of the overpayment determination and the right to a pre-recoupment hearing.

The court ordered that the written notice must include:

1. A statement of the alleged overpayment, an explanation of the basis for the overpayment and SSA's proposed action to recover the overpayment;

2. A statement of the individual's right to a pre-recoupment hearing;

3. Instructions and forms for requesting a pre-recoupment hearing;

4. An explanation that if the individual did not request a pre-recoupment hearing within 30 days of the date of mailing of the overpayment notice, it would be presumed that the individual waived his/her right to the hearing and recovery of the alleged overpayment would begin;

5. A statement of any other administrative relief available (i.e., reconsideration of the fact and/or amount of overpayment and waiver of recovery of the overpayment); and

6. A statement that an SSA office would help the individual complete and submit forms for appeal or waiver requests.

The court also ordered the following:

1. SSA had to restore all benefits withheld from the named plaintiffs pending an opportunity for a pre-recoupment hearing.

2. Each individual had to be given the opportunity to examine his/her claims file at least 5 days prior to the date of the pre-recoupment hearing.

3. The pre-recoupment hearing had to be conducted by an SSA employee who had no prior knowledge of the events leading to the overpayment determination and the decision to recover the overpayment.

4. At the hearing, the individual had to be given the opportunity to:

- Appear personally, testify, and cross-examine any witnesses;
- Be represented by an attorney or other representative; and
- Submit documents for consideration at the hearing.

The court did not require that a transcript be made of the hearing.

5. After the hearing, SSA had to issue a written decision to the individual (and his/her representative, if any) specifying the findings of fact and conclusions in support of the decision and advising of the individual's right to appeal the decision.

In accordance with the court order, SSA began to issue overpayment notices containing all of the aforementioned information and to offer pre-recoupment hearings to all class members.

On June 20, 1979, the Supreme Court held in *Califano* v. *Yamasaki*, 442 U.S. 682 (1979), that individuals who file a written request for waiver are entitled to the opportunity for a pre-recoupment oral hearing, but those who request only reconsideration are not so entitled. Thereafter, SSA applied revised overpayment notice and pre-recoupment hearing procedures to all individuals determined to be overpaid under the title II or Black Lung benefit programs. On July 31, 1981, the *Buffington* court required SSA to schedule pre-recoupment hearings automatically for individuals whose request for waiver of overpayment recovery could not be approved after initial paper review. On February 10, 1983, the *Buffington* court approved procedures developed by SSA in response to the 1981 decree whereby pre-recoupment hearings would be scheduled automatically but ordered SSA to schedule the hearings through a written notice to the claimant. The scheduling letter had to contain the date, time and place of the hearing; the procedure for reviewing the claims file before the hearing; the procedure for seeking a change in the scheduled date, time, and/or place; and all other information necessary to fully inform the claimant about the pre-recoupment hearing. SSA began to automatically schedule pre-recoupment hearings in writing in April 1983. The court also retained jurisdiction over the matter and prohibited any changes in the overpayment procedures it had approved without prior notification of plaintiffs' counsel and prior approval from the court.

In its order of October 19, 1987, the *Buffington* court approved SSA's plan to transfer waiver decisionmaking authority for Retirement and Survivors Insurance overpayments from the processing centers to the field offices. SSA implemented this change in July 1988.

On April 13, 1994, the *Buffington* court approved a stipulation modifying the court's injunction in this matter. Under the stipulation, plaintiffs agreed to withdraw counsel notification and court approval requirements for future changes to SSA overpayment policies. In return, SSA agreed to promulgate a Social Security Ruling (SSR) and then final regulations embodying the overpayment requirements set forth in *Yamasaki*, above. SSA published the SSR on July 11, 1994 (59 FR 35378), published proposed regulations on June 2, 1995 (60 FR 28767), and is now publishing final regulations to fulfill its commitments under the stipulation.

Current Regulations

Our current regulations do not address the adequate notice, face-to-face oral hearing, or appeal step issues noted above. However, SSA has been complying with the court orders described above through program instructions approved by the *Buffington* court.

Regulations Changes

We are restating in regulations the policies enunciated in the court decisions and established in our program instructions. The final regulations provide that when an overpayment is discovered, we notify the individual immediately. The notice includes:

1. The overpayment amount and how and when it occurred;
2. A request for full, immediate refund, unless the overpayment can be withheld from the next month's benefit;
3. The proposed adjustment of benefits if refund is not received within 30 days after the date of the notice and adjustment of benefits is available;
4. An explanation of the availability of a different rate of withholding when full withholding is proposed, installment payments when refund is requested and adjustment is not currently available, and/or cross-program recovery when refund is requested and the individual is receiving another type of payment from SSA (language about cross-program recovery is not included in notices sent to individuals in jurisdictions where this recovery option is not available; currently, cross-program recovery is not available to residents of New York and Pennsylvania);
5. An explanation of the right to request waiver of adjustment or recovery and the automatic scheduling of a file review and pre-recoupment hearing (commonly referred to as a personal conference) if a request for waiver cannot be approved after initial paper review;
6. An explanation of the right to request reconsideration of the fact and/or amount of the overpayment determination;
7. Instructions about the availability of forms for requesting reconsideration and waiver;
8. An explanation that if the individual does not request waiver or reconsideration within 30 days of the date of the overpayment notice, adjustment or recovery of the overpayment will begin;
9. A statement that an SSA office will help the individual complete and submit forms for appeal or waiver requests; and
10. A statement that the individual should notify SSA promptly if reconsideration, waiver, a lesser rate of withholding, repayment by installments or cross-program adjustment is wanted.

Form SSA–3105 (Important Information About Your Appeal and Waiver Rights) is included with each overpayment notice. The SSA–3105 further explains the pre-recoupment review process and contains a tear-off form which the individual may complete and return to SSA if he/she wants reconsideration and/or waiver.

The final regulations also provide that to ensure meaningful opportunity to contest the correctness of an overpayment determination and/or establish entitlement to waiver, the date on which full refund is due and, if appropriate, the date on which adjustment will begin must be at least 30 days after the date of the overpayment notice. If the individual responds within 30 days after the date of the overpayment notice, SSA must take action to ensure that benefit payments are not interrupted. Any time waiver is requested, SSA stops adjustment or recovery.

When waiver is requested, the individual gives SSA information (usually on Form SSA–632–BK (Request for Waiver of Overpayment Recovery or Change in Repayment Rate)) to support his/her contention that he/she is without fault in causing the overpayment and that recovery would either cause financial hardship or be inequitable. That information, along with supporting documentation, is reviewed to determine if waiver can be approved.

If waiver cannot be approved after this review, the individual is notified in writing and given the dates, times and place of the file review and personal conference; the procedure for reviewing the claims file prior to the personal conference; the procedure for seeking a change in the scheduled dates, times, and/or place; and all other information necessary to fully inform the individual about the personal conference. The file review is always scheduled at least 5 days before the personal conference.

At the file review, the individual and the individual's representative have the right to review the claims file and applicable law and regulations with the decisionmaker or another SSA representative who is prepared to answer questions. We will provide copies of material related to the overpayment and/or waiver from the claims file or pertinent sections of the law or regulations that are requested by the individual or the individual's representative.

Although the individual may be represented at the personal conference, he/she must also be present. This requirement is consistent with the Supreme Court's reasoning in *Califano* v. *Yamasaki*. In *Yamasaki*, the court concluded that written review could not satisfy SSA's obligation to make an accurate waiver determination because an evaluation of fault requires an evaluation of all pertinent circumstances, such as the recipient's intelligence, and physical and mental condition. The court said, ''We do not see how these can be evaluated absent personal contact between the recipient and the person who decides his case.'' Id. at 698.

SSA will provide suitable private space for the personal conference. However, if the individual cannot come to the conference site for a legitimate reason (e.g., he/she is incapacitated), SSA personnel will travel as far as necessary to conduct the conference.

At the personal conference, the individual is given the opportunity to:

1. Appear personally, testify, cross-examine any witnesses, and make arguments;
2. Be represented by an attorney or other representative, although the individual must be present at the conference; and
3. Submit documents for consideration by the decisionmaker.

At the personal conference, the decisionmaker:

1. Tells the individual that the decisionmaker was not previously involved in the issue under review, that the waiver decision is solely the decisionmaker's, and that the waiver decision is based only on the evidence or information presented or reviewed at the conference;
2. Ascertains the role and identity of everyone present;
3. Indicates whether or not the individual reviewed the claims file;
4. Explains the provisions of law and regulations applicable to the issue;
5. Briefly summarizes the evidence already on file which will be considered;
6. Ascertains from the individual whether the information presented is correct and whether he/she fully understands it;
7. Allows the individual and the individual's representative, if any, to present the individual's case;
8. Secures updated financial information and verification, if necessary;
9. Allows each witness to present information and allows the individual and the individual's representative to question each witness;
10. Ascertains whether there is any further evidence to be presented;
11. Reminds the individual of any evidence promised by the individual which has not been presented;
12. Lets the individual and the individual's representative, if any, present any proposed summary or closing statement;

13. Explains that a decision will be made and the individual will be notified in writing; and

14. Explains further appeal rights in the event the decision is adverse to the individual.

SSA issues a written decision to the individual (and his/her representative, if any) specifying the findings of fact and conclusions in support of the decision to approve or deny waiver and advising of the individual's right to appeal the decision. If waiver is denied, adjustment or recovery of the overpayment begins even if the individual appeals.

If it appears that the waiver cannot be approved, and the individual declines a personal conference or fails to appear for a second scheduled personal conference, a decision regarding the waiver will be made based on the written evidence of record. Reconsideration is then the next step in the appeals process.

The final regulations also state that although a personal conference decision on the waiver issue is an initial determination, when an individual is appealing an initial determination of waiver denial based on a personal conference, the first appeal step is an administrative law judge (ALJ) hearing, bypassing the reconsideration which generally follows initial determinations. We provide that the appeal goes directly to an ALJ hearing in this situation because a reconsideration is a review of the written evidence and would be less comprehensive in scope than the preceding personal conference. However, where an individual is appealing an initial determination of waiver denial based solely on a review of the written evidence rather than a personal conference (i.e., the individual chose to forego the personal conference) the first appeal step is a reconsideration.

Additionally, an individual may concurrently appeal the substantive determination that the overpayment occurred and request waiver of recovery of the overpayment. The final regulations provide that when the substantive determination is upheld on reconsideration and the waiver is denied, even if it is denied solely on the basis of a review of the written evidence, the next step in the appeal process for both determinations is an ALJ hearing.

In addition to revising the regulations to codify the policy established in these court decisions, we are also removing references to title XVIII from §§ 404.502a and 404.506. These references address Medicare overpayment situations, which fall within the purview of the Health Care Financing Administration (HCFA). Before HCFA became a separate agency, SSA was responsible for both the Social Security cash benefit program and the Medicare program. Consequently, HCFA has historically relied on many of SSA's regulations that addressed similar situations under titles II and XVIII of the Act. The recoupment of overpayments has been one of these situations. However, because differences in the two programs have increased, HCFA has determined that modifications to the rules are necessary. As a result, HCFA is in the process of promulgating its own regulations with regard to Medicare overpayments. In the meantime, on September 19, 1996 (61 FR 63404), HCFA published a final rule that incorporated the substantive content of 20 CFR 404.502a and 404.506 into 42 CFR 405.357 and 404.358, respectively. Therefore, we are removing the references to title XVIII from the regulations text of these final regulations.

Comments on Notice of Proposed Rulemaking (NPRM)

On June 2, 1995, we published proposed rules in the Federal Register at 60 FR 28767 with a 60-day comment period. We received three letters with comments. Following are summaries of those comments and our responses to them.

Comment: The final rules should also make comparable changes to the title XVI overpayment/waiver regulations.

Response: Many title XVI overpayment/waiver policies are the same as those in title II. As a result of the comments, we will begin a separate NPRM to make conforming changes to the title XVI regulations where the procedures are already the same. We will also evaluate the need for any additional changes in the title XVI overpayment/waiver procedures. If we determine additional changes are needed, we will address them in the separate NPRM.

Comment: Additional improvements not specifically addressed in the *Buffington* court order should be made to SSA's overpayment notices, and these changes should be codified in the final rules.

Response: All of the notice requirements ordered by the court in *Buffington* are addressed in the final rules. In addition, SSA has an ongoing initiative to improve the quality of our notices, and our goal is to examine and revise overpayment notices as necessary to meet changing public needs. As part of this initiative, we solicited comments from advocacy groups and made interim improvements to the language. The National Senior Citizens Law Center and the Legal Services for the Elderly, who were two of the commenters on the proposed rules, were among those groups whose comments were used to improve the notices. However, as a result of the longstanding court injunction in *Buffington* which said we could not change overpayment/waiver policy without court approval, the changes were never implemented. Now that the injunction has been modified, we have focus-tested the revised language and plan for further improvements.

As we work on the notices improvement initiative, we will thoroughly consider all comments concerning the overpayment notices that we received on the NPRM. However, any changes we adopt as a result of these comments will be in the actual notices or in our operating instructions, rather than in regulations. It is not appropriate for the regulations to prescribe individual notice content at the level of specificity advocated in the comments. Including in the regulations overly restrictive provisions on notice content would eliminate our flexibility in addressing other public concerns about the notices.

Comment: The regulations should explain circumstances where the personal conference can address whether an overpayment exists, as contrasted with whether the overpayment can be waived.

Response: The regulations do not impose restrictions on matters that can be addressed at a personal conference. If SSA employees have any confusion on this point, clarification through program instructions would be a more appropriate remedy.

Comment: If the claimant does not clearly indicate which option he or she wishes to pursue, it will be presumed that the claimant wishes to challenge the overpayment.

Response: Adopting this comment could disadvantage the claimant. If the presumption is that only the fact of overpayment is being challenged (i.e., a request for reconsideration of the overpayment determination), recovery efforts stop until a reconsideration determination is made. If the determination is unfavorable to the claimant, recovery efforts resume, even if the person appeals that determination. When only reconsideration is requested, there is no right to a personal conference with recovery delayed until the determination is made. That right only attaches to a waiver request.

Comment: The regulations should state that SSA will refund all withheld benefits if waiver is approved.

Response: SSA policy is to pay any improperly withheld benefits if waiver is approved. However, this does not mean full repayment is proper every time waiver is approved. For example, waiver may be denied because, although the person was without fault in causing the overpayment, recovery would not cause financial hardship. Recovery begins. Subsequently, the person's financial situation changes for the worse and waiver is again requested. Waiver is approved effective with the date we determine the financial situation changed. Monies withheld before that date were withheld properly and will not be repaid. SSA policy also requires stopping recovery as of the month waiver is requested. If SSA does not stop recovery timely, any money withheld as of the date of the waiver request will be paid back.

Comment: The regulations should provide for the record of the personal conference to be made available to the claimant.

Response: As stated in §§ 404.506(d) and 410.561a(d), the claimant has the right to review the claims file before the personal conference. However, no transcript is made of the personal conference, and no court has required one. The person is given a written record in the form of the waiver determination. The new regulations at §§ 404.506(g) and 410.561a(g) provide that the written decision will include findings of fact and conclusions in support of the decision. Current program instructions explain that this determination will specify all the evidence considered and the rationale for the determination reached. This rationale must include any rebuttal of the person's arguments. We believe the regulations, as drafted, along with these program instructions provide sufficient safeguards while retaining adequate agency flexibility.

Comment: The regulations should explain that any adjustment or recovery that occurs before issuance of the notice of overpayment, or after a claimant requests waiver or appeals the overpayment notice, will be refunded promptly to the claimant.

Response: SSA does not begin overpayment adjustment or recovery efforts until at least 30 days after the overpayment notice is sent. However, we do have the right to refigure the overpayment amount before we issue the overpayment notice. This policy was upheld in the Supreme Court decision in *Everhart, et al.* v. *Sullivan,* 494 U.S. 83 (1990). If, through error, benefits are improperly withheld, SSA policy is to pay the benefits. To reemphasize this policy to all field employees who deal with the overpayment and waiver processes, we will be sure that program instructions clearly state that the money should be paid promptly. However, we do not believe that it is appropriate to put this in the regulations.

Comment: The regulations should mention the right of claimants to subpoena witnesses at a personal conference or, if they need to, escalate a matter to the administrative hearing level.

Response: Claimants may have witnesses testify at the personal conference. If it becomes necessary to subpoena witnesses, SSA procedures provide for escalating the matter to an ALJ hearing. We are not changing the regulations to reflect this at this time because we are looking into the feasibility of giving subpoena power to the personal conference decisionmaker in the field office.

Comment: The regulations should mention SSA's policy to permit a claimant to request waiver and appeal of the overpayment concurrently or in any sequence.

Response: The commenter indicated that the policy should be stated in the regulations because ''many agency employees appear to believe that it is necessary for an overpayment appeal to be fully resolved before any request for waiver can be processed or adjudicated.'' We do not agree that ''many agency employees'' are confused about this policy, which is currently in program instructions (section GN 02201.011 of the Program Operations Manual System (POMS)). However, we will reemphasize this policy to all field employees who deal with the overpayment and waiver processes the next time we issue this chapter of the POMS or sooner, if necessary.

The following comments concern matters outside the scope of, and therefore are not addressed in, these final regulations.

1. The regulations should clarify the relationship between the 30-day rule, 60-day rule, and 10-day rule concerning overpayments.

2. The regulations should mention the claimants' right to receive notice of the opportunity to decline cross-program recovery. (We note, however, that this principle is already established at 20 C.F.R. 416.570.)

3. The regulations should explain how representative payees will be treated.

4. The regulations should explain claimants' rights with respect to underpayments and netted overpayments.

For the reasons discussed above, we have not changed the text of the proposed rules to reflect the public comments. We have, however, revised the introductory paragraph in § 410.561, as shown in the proposed rules, to add a phrase which is currently in that section of the regulations and which was inadvertently omitted from the proposed rules. Section 410.561 will then agree with § 404.502a, which is a corresponding section of the regulations. With this one exception, we are publishing the proposed regulations unchanged as final regulations.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these final regulations do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review.

Paperwork Reduction Act of 1980

These final regulations impose no new reporting or recordkeeping requirements which are subject to review by OMB.

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance: Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.003, Social Security—Special Benefits for Persons Aged 72 and Over; 96.004, Social Security—Survivors Insurance; and 96.005, Special Benefits for Disabled Coal Miners)

List of Subjects

20 CFR Part 404

Administrative practice and procedure; Death benefits; Old-Age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements.

20 CFR Part 410

Administrative practice and procedure; Black lung benefits; Death benefits; Disability benefits; Miners; Reporting and recordkeeping requirements.

Dated: October 8, 1996.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons set out in the preamble, parts 404 and 410 of chapter

III of title 20 of the Code of Federal Regulations are amended as follows.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart F—[Amended]

1. The authority citation for subpart F of part 404 continues to read as follows:

Authority: Secs. 204(a)–(d), 205(a), and 702(a)(5) of the Social Security Act (42 U.S.C. 404(a)–(d), 405(a), and 902(a)(5)); 31 U.S.C. 3720A.

2. Section 404.502a is revised to read as follows:

§ 404.502a Notice of right to waiver consideration.

Whenever an initial determination is made that more than the correct amount of payment has been made, and we seek adjustment or recovery of the overpayment, the individual from whom we are seeking adjustment or recovery is immediately notified. The notice includes:

(a) The overpayment amount and how and when it occurred;

(b) A request for full, immediate refund, unless the overpayment can be withheld from the next month's benefit;

(c) The proposed adjustment of benefits if refund is not received within 30 days after the date of the notice and adjustment of benefits is available;

(d) An explanation of the availability of a different rate of withholding when full withholding is proposed, installment payments when refund is requested and adjustment is not currently available, and/or cross-program recovery when refund is requested and the individual is receiving another type of payment from SSA (language about cross-program recovery is not included in notices sent to individuals in jurisdictions where this recovery option is not available);

(e) An explanation of the right to request waiver of adjustment or recovery and the automatic scheduling of a file review and pre-recoupment hearing (commonly referred to as a personal conference) if a request for waiver cannot be approved after initial paper review;

(f) An explanation of the right to request reconsideration of the fact and/or amount of the overpayment determination;

(g) Instructions about the availability of forms for requesting reconsideration and waiver;

(h) An explanation that if the individual does not request waiver or reconsideration within 30 days of the date of the overpayment notice, adjustment or recovery of the overpayment will begin;

(i) A statement that an SSA office will help the individual complete and submit forms for appeal or waiver requests; and

(j) A statement that the individual receiving the notice should notify SSA promptly if reconsideration, waiver, a lesser rate of withholding, repayment by installments or cross-program adjustment is wanted.

3. Section 404.506 is revised to read as follows:

§ 404.506 When waiver may be applied and how to process the request.

(a) Section 204(b) of the Act provides that there shall be no adjustment or recovery in any case where an overpayment under title II has been made to an individual who is without fault if adjustment or recovery would either defeat the purpose of title II of the Act, or be against equity and good conscience.

(b) If an individual requests waiver of adjustment or recovery of a title II overpayment within 30 days after receiving a notice of overpayment that contains the information in § 404.502a, no adjustment or recovery action will be taken until after the initial waiver determination is made. If the individual requests waiver more than 30 days after receiving the notice of overpayment, SSA will stop any adjustment or recovery actions until after the initial waiver determination is made.

(c) When waiver is requested, the individual gives SSA information to support his/her contention that he/she is without fault in causing the overpayment (see § 404.507) and that adjustment or recovery would either defeat the purpose of title II of the Act (see § 404.508) or be against equity and good conscience (see § 404.509). That information, along with supporting documentation, is reviewed to determine if waiver can be approved. If waiver cannot be approved after this review, the individual is notified in writing and given the dates, times and place of the file review and personal conference; the procedure for reviewing the claims file prior to the personal conference; the procedure for seeking a change in the scheduled dates, times, and/or place; and all other information necessary to fully inform the individual about the personal conference. The file review is always scheduled at least 5 days before the personal conference.

(d) At the file review, the individual and the individual's representative have the right to review the claims file and applicable law and regulations with the decisionmaker or another SSA representative who is prepared to answer questions. We will provide copies of material related to the overpayment and/or waiver from the claims file or pertinent sections of the law or regulations that are requested by the individual or the individual's representative.

(e) At the personal conference, the individual is given the opportunity to:

(1) Appear personally, testify, cross-examine any witnesses, and make arguments;

(2) Be represented by an attorney or other representative (see § 404.1700), although the individual must be present at the conference; and

(3) Submit documents for consideration by the decisionmaker.

(f) At the personal conference, the decisionmaker:

(1) Tells the individual that the decisionmaker was not previously involved in the issue under review, that the waiver decision is solely the decisionmaker's, and that the waiver decision is based only on the evidence or information presented or reviewed at the conference;

(2) Ascertains the role and identity of everyone present;

(3) Indicates whether or not the individual reviewed the claims file;

(4) Explains the provisions of law and regulations applicable to the issue;

(5) Briefly summarizes the evidence already in file which will be considered;

(6) Ascertains from the individual whether the information presented is correct and whether he/she fully understands it;

(7) Allows the individual and the individual's representative, if any, to present the individual's case;

(8) Secures updated financial information and verification, if necessary;

(9) Allows each witness to present information and allows the individual and the individual's representative to question each witness;

(10) Ascertains whether there is any further evidence to be presented;

(11) Reminds the individual of any evidence promised by the individual which has not been presented;

(12) Lets the individual and the individual's representative, if any, present any proposed summary or closing statement;

(13) Explains that a decision will be made and the individual will be notified in writing; and

(14) Explains repayment options and further appeal rights in the event the decision is adverse to the individual.

(g) SSA issues a written decision to the individual (and his/her representative, if any) specifying the

findings of fact and conclusions in support of the decision to approve or deny waiver and advising of the individual's right to appeal the decision. If waiver is denied, adjustment or recovery of the overpayment begins even if the individual appeals.

(h) If it appears that the waiver cannot be approved, and the individual declines a personal conference or fails to appear for a second scheduled personal conference, a decision regarding the waiver will be made based on the written evidence of record. Reconsideration is then the next step in the appeals process (but see § 404.930(a)(7)).

Subpart J—[Amended]

4. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 205(a), (b), (d)–(h), and (j), 221, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 405(a), (b), (d)–(h), and (j), 421, 425, and 902(a)(5)); 31 U.S.C. 3720A; sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e) and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note).

5. Section 404.907 is revised to read as follows:

§ 404.907 Reconsideration—general.

If you are dissatisfied with the initial determination, reconsideration is the first step in the administrative review process that we provide, except that we provide the opportunity for a hearing before an administrative law judge as the first step for those situations described in § 404.930(a)(6) and (a)(7), where you appeal an initial determination denying your request for waiver of adjustment or recovery of an overpayment (see § 404.506). If you are dissatisfied with our reconsidered determination, you may request a hearing before an administrative law judge.

6. Section 404.930 is amended by removing the word ''or'' at the end of (a)(4) and the period at the end of (a)(5) and adding a semicolon in its place and adding (a)(6) and (a)(7) as follows:

§ 404.930 Availability of a hearing before an administrative law judge.

(a) * * *

(6) An initial determination denying waiver of adjustment or recovery of an overpayment based on a personal conference (see § 404.506); or

(7) An initial determination denying waiver of adjustment or recovery of an overpayment based on a review of the written evidence of record (see § 404.506), and the determination was made concurrent with, or subsequent to, our reconsideration determination regarding the underlying overpayment but before an administrative law judge holds a hearing.

* * * * *

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969–)

Subpart E—[Amended]

7. The authority citation for subpart E of part 410 is revised to read as follows:

Authority: Secs. 411(a), 412(a) and (b), 413(b), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1977, as amended (30 U.S.C. 921(a), 922(a) and (b), 923(b), 936(a), and 957).

Section 410.565 also issued under 31 U.S.C. 952.

8. Section 410.561 is revised to read as follows:

§ 410.561 Notice of right to waiver consideration.

Whenever an initial determination is made that more than the correct amount of payment has been made, and we seek adjustment or recovery of the overpayment, the individual from whom we are seeking adjustment or recovery is immediately notified. The notice includes:

(a) The overpayment amount and how and when it occurred;

(b) A request for full, immediate refund, unless the overpayment can be withheld from the next month's benefit;

(c) The proposed adjustment of benefits if refund is not received within 30 days after the date of the notice and adjustment of benefits is available;

(d) An explanation of the availability of a different rate of withholding when full withholding is proposed, installment payments when refund is requested and adjustment is not currently available, and/or cross-program recovery when refund is requested and the individual is receiving another type of payment from SSA (language about cross-program recovery is not included in notices sent to individuals in jurisdictions where this recovery option is not available);

(e) An explanation of the right to request waiver of adjustment or recovery and the automatic scheduling of a file review and pre-recoupment hearing (commonly referred to as a personal conference) if a request for waiver cannot be approved after initial paper review;

(f) An explanation of the right to request reconsideration of the fact and/or amount of the overpayment determination;

(g) Instructions about the availability of forms for requesting reconsideration and waiver;

(h) An explanation that if the individual does not request waiver or reconsideration within 30 days of the date of the overpayment notice, adjustment or recovery of the overpayment will begin;

(i) A statement that an SSA office will help the individual complete and submit forms for appeal or waiver requests; and

(j) A statement that the individual receiving the notice should notify SSA promptly if reconsideration, waiver, a lesser rate of withholding, repayment by installments or cross-program adjustment is wanted.

9. Section 410.561a is revised to read as follows:

§ 410.561a When waiver may be applied and how to process the request.

(a) There shall be no adjustment or recovery in any case where an overpayment under part B of title IV of the Act has been made to an individual who is without fault if adjustment or recovery would either defeat the purpose of title IV of the Act, or be against equity and good conscience.

(b) If an individual requests waiver of adjustment or recovery of an overpayment made under Part B of title IV within 30 days after receiving a notice of overpayment that contains the information in § 410.561, no adjustment or recovery action will be taken until after the initial waiver determination is made. If the individual requests waiver more than 30 days after receiving the notice of overpayment, SSA will stop any adjustment or recovery actions until after the initial waiver determination is made.

(c) When waiver is requested, the individual gives SSA information to support his/her contention that he/she is without fault in causing the overpayment (see § 410.561b), and that adjustment or recovery would either defeat the purposes of this subpart (see § 410.561c) or be against equity and good conscience (see § 410.561d). That information, along with supporting documentation, is reviewed to determine if waiver can be approved. If waiver cannot be approved after this review, the individual is notified in writing and given the dates, times and place of the file review and personal conference; the procedure for reviewing the claims file prior to the personal conference; the procedure for seeking a change in the scheduled dates, times, and/or place; and all other information necessary to fully inform the individual about the personal conference. The file

review is always scheduled at least 5 days before the personal conference.

(d) At the file review, the individual and the individual's representative have the right to review the claims file and applicable law and regulations with the decisionmaker or another SSA representative who is prepared to answer questions. We will provide copies of material related to the overpayment and/or waiver from the claims file or pertinent sections of the law or regulations that are requested by the individual or the individual's representative.

(e) At the personal conference, the individual is given the opportunity to:

(1) Appear personally, testify, cross-examine any witnesses, and make arguments;

(2) Be represented by an attorney or other representative (see § 410.684), although the individual must be present at the conference; and

(3) Submit documents for consideration by the decisionmaker.

(f) At the personal conference, the decisionmaker:

(1) Tells the individual that the decisionmaker was not previously involved in the issue under review, that the waiver decision is solely the decisionmaker's, and that the waiver decision is based only on the evidence or information presented or reviewed at the conference;

(2) Ascertains the role and identity of everyone present;

(3) Indicates whether or not the individual reviewed the claims file;

(4) Explains the provisions of law and regulations applicable to the issue;

(5) Briefly summarizes the evidence already in file which will be considered;

(6) Ascertains from the individual whether the information presented is correct and whether he/she fully understands it;

(7) Allows the individual and the individual's representative, if any, to present the individual's case;

(8) Secures updated financial information and verification, if necessary;

(9) Allows each witness to present information and allows the individual and the individual's representative to question each witness;

(10) Ascertains whether there is any further evidence to be presented;

(11) Reminds the individual of any evidence promised by the individual which has not been presented;

(12) Lets the individual and the individual's representative, if any, present any proposed summary or closing statement;

(13) Explains that a decision will be made and the individual will be notified in writing; and

(14) Explains repayment options and further appeal rights in the event the decision is adverse to the individual.

(g) SSA issues a written decision to the individual (and his/her representative, if any) specifying the findings of fact and conclusions in support of the decision to approve or deny waiver and advising of the individual's right to appeal the decision. If waiver is denied, adjustment or recovery of the overpayment begins even if the individual appeals.

(h) If it appears that the waiver cannot be approved, and the individual declines a personal conference or fails to appear for a second scheduled personal conference, a decision regarding the waiver will be made based on the written evidence of record. Reconsideration is then the next step in the appeals process (but see § 410.630(c)).

Subpart F—[Amended]

10. The authority citation for subpart F of part 410 is revised to read as follows:

Authority: Secs. 413(b), 426(a), 507, and 508 of the Federal Coal Mine Health and Safety Act of 1977, as amended (30 U.S.C. 923(b), 936(a), 956, and 957).

11. Section 410.623 is revised to read as follows:

§ 410.623 Reconsideration; right to reconsideration.

(a) We shall reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by or for the party to the initial determination (see § 410.610). We shall also reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by an individual as a widow, child, parent, brother, sister, or representative of a decedent's estate, who makes a showing in writing that his or her rights with respect to benefits may be prejudiced by such determination.

(b) Reconsideration is the first step in the administrative review process that we provide for an individual dissatisfied with the initial determination, except that we provide the opportunity for a hearing before an administrative law judge as the first step for those situations described in § 410.630(b) and (c), where an individual appeals an initial determination denying waiver of adjustment or recovery of an overpayment (see § 410.561a).

12. Section 410.630 is revised to read as follows:

§ 410.630 Hearing; right to hearing.

An individual referred to in §§ 410.632 or 410.633 who has filed a written request for a hearing under the provisions in § 410.631 has a right to a hearing if:

(a) An initial determination and reconsideration of the determination have been made by the Social Security Administration concerning a matter designated in § 410.610;

(b) An initial determination denying waiver of adjustment of recovery of an overpayment based on a personal conference has been made by the Social Security Administration (see § 410.561a); or

(c) An initial determination denying waiver of adjustment or recovery of an overpayment based on a review of the written evidence of record has been made by the Social Security Administration (see § 410.561a) and the determination was made concurrent with, or subsequent to, our reconsideration determination regarding the underlying overpayment but before an administrative law judge holds a hearing.

[FR Doc. 96–27707 Filed 10–30–96; 8:45 am]

BILLING CODE 4190–29–P

---

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AD90

Evidence of Lawful Admission for Permanent Residence in the United States (U.S.)

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: This final regulation sets forth the type of documentation required for an alien to establish the status of lawfully admitted for permanent residence for eligibility purposes under the Supplemental Security Income (SSI) program. The Immigration and Naturalization Service (INS), the Agency responsible for determining alien status and issuing documents certifying alien status in the U.S., changed its policy with regard to what constitutes definitive evidence of lawful permanent resident alien status. In this final SSI regulation, we are removing references to specific INS form numbers and substituting a general reference to an Alien Registration Receipt Card issued under current INS regulations. Thus, SSA's regulations will be broad enough not only to be consistent with the new INS policy, but also to accommodate future INS regulatory changes regarding

acceptable documentary evidence of lawful permanent resident alien status. In the future, SSA will not have to revise its regulations to conform to changes in INS policy unless the form name changes. Historically, the form name has remained the same.

EFFECTIVE DATE: This regulation is effective December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1713. For information on eligibility, claiming benefits, or coverage of earnings, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: To be eligible for SSI benefits, an individual must be either a citizen or national of the U.S. or a qualified alien as defined in 8 U.S.C. 1641(b) and (c) who meets one of the exceptions in 8 U.S.C. 1612(a)(2). Our regulation at § 416.1615(a)(1) sets forth the types of alien registration documents issued by INS which constitute valid evidence of lawful permanent residence status.

INS is responsible for determining alien status and issuing documents certifying alien status within the U.S. INS does, when necessary, revise its regulations specifying acceptable documentation of alien status.

Aliens who are lawfully admitted for permanent residence and who apply for SSI benefits are required to submit evidence of lawful permanent residence status to be eligible for benefits. Such evidence must be a valid document issued by INS under current INS policy.

On September 20, 1993, INS published a final rule at 58 FR 48775 to terminate the validity of several older versions of the Alien Registration Receipt Card and to establish the Alien Registration Receipt Card, I–551, as the exclusive alien registration card for the use of permanent resident aliens. This INS rule originally was to have been effective on September 20, 1994. However, INS subsequently published two final rules in the Federal Register (on September 14, 1994 at 59 FR 47063 and on March 17, 1995 at 60 FR 14353) to delay the effective date of this rule. The rule became effective on March 20, 1996. As a result of the INS regulatory change, lawful permanent resident aliens must have replaced previously issued obsolete forms, such as the I–151, AR–3, AR–3a and AR–103, with the current Alien Registration Receipt Card, Form I–551, by March 20, 1996.

SSA's current regulation on evidence of lawful permanent resident status specifies the form numbers of all previously acceptable versions of the INS Alien Registration Receipt Card. Thus, any INS policy which changes acceptable documentation of alien status, such as the change effective March 20, 1996, requires SSA to revise its regulation to conform to those changes. We want to ensure that our regulation not only reflects current INS policy on alien status documentation but is broad enough to encompass changes INS might make in the future.

Therefore, in this final regulation, we are removing references in § 416.1615(a)(1) to specific INS form numbers which are obsolete as of the effective date of INS' new regulatory change, and substituting a single reference to the Alien Registration Receipt Card issued under current INS regulations. As revised, our regulation simply indicates that the individual must submit an Alien Registration Receipt Card which is issued by INS in accordance with that Agency's current regulations.

On August 30, 1995, we published a proposed rule in the Federal Register at 60 FR 45110 and provided a 60-day period for interested individuals to comment. We received no comments. We are, therefore, publishing this final rule essentially unchanged.

Regulatory Procedures

Regulatory Flexibility Act

We certify that this final regulation will not have a significant economic impact on a substantial number of small entities because it only affects individuals who claim benefits under title XVI of the Social Security Act. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

Paperwork Reduction Act

This final regulation revises paragraph (a)(1) of § 416.1615. Section 416.1615 of the regulations contains reporting requirements. We would normally seek approval of these requirements (under the Paperwork Reduction Act) from OMB. We are not doing so because we already have clearance from OMB to collect this information under OMB No. 0960–0451.

Public reporting burden for this collection of information is estimated to average 5 minutes per response. This includes the time it will take to read the instructions, gather the necessary facts, and provide the information. We expect approximately 271,800 claimants will be responding, and estimate the total burden to be 22,650 hours.

(Catalog of Federal Domestic Assistance Program No. 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income.

Dated: October 8, 1996.

Approved.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons set forth in the preamble, subpart P of part 416 of chapter III of title 20 of the Code of Federal Regulations is amended as set forth below.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart P—[Amended]

1. The authority citation for subpart P of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1614(a)(1)(B) and (e), and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c(a)(1)(B) and (e), and 1383); 8 U.S.C. 1254a; sec. 502, Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note).

2. Section 416.1615 is amended by revising paragraph (a)(1) to read as follows:

§ 416.1615 How to prove you are lawfully admitted for permanent residence in the United States.

(a) * * *

(1) An Alien Registration Receipt Card issued by the Immigration and Naturalization Service (INS) in accordance with that Agency's current regulations;

* * * * *

[FR Doc. 96–27943 Filed 10–30–96; 8:45 am]

BILLING CODE 4190–29–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL–5617–2]

Underground Storage Tank Program: Approved State Program for Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR Part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule codifies in 40 CFR Part 282 the prior approval of Massachusetts's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

DATES: This regulation shall be effective December 30, 1996, unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on the codification of Massachusetts's underground storage tank program must be received by the close of business December 2, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of December 30, 1996, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to the Docket Clerk (Docket No. UST 5–5), Underground Storage Tank Program, HBO, U.S. EPA-New England, J.F.K. Federal Building, Boston, MA 02203–2211. Comments received by EPA may be inspected in the public docket, located in the Office of Site Remediation & Restoration Record Center, 90 Canal St., Boston, MA 02203 from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Myra Schwartz, Underground Storage Tank Program, HBO, U.S. EPA-New England, J.F.K. Federal Building, Boston, MA 02203–2211. Phone: (617) 573–5743.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows the U.S. Environmental Protection Agency to approve state underground storage tank programs to operate in the state in lieu of the federal underground storage tank program. EPA published a Federal Register document announcing its decision to grant approval to Massachusetts. (60 FR 14371, March 17, 1995). Approval was effective on April 17, 1995.

EPA codifies its approval of State programs in 40 CFR Part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005, and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of the Massachusetts underground storage tank program. This codification reflects only the state underground storage tank program in effect at the time EPA granted Massachusetts approval under Section 9004(a), 42 U.S.C. 6991c(a). EPA provided notice and opportunity for comment earlier on the Agency's decision to approve the Massachusetts program. EPA is not now reopening that decision nor requesting comment on it.

Codification provides clear notice to the public of the scope of the approved program in each state. By codifying the approved Massachusetts program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in Massachusetts, the status of federally approved requirements of the Massachusetts program will be readily discernible. Only those provisions of the Massachusetts underground storage tank program for which approval has been granted by EPA will be incorporated by reference for enforcement purposes.

To codify EPA's approval of Massachusetts' underground storage tank program, EPA has added Section 282.71 to Title 40 of the CFR. Section 282.71 incorporates by reference for enforcement purposes the State's statutes and regulations. Section 282.71 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the State's underground storage tank program under Subtitle I of RCRA, but are not incorporated by reference with this codification.

EPA retains the authority under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, EPA will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogs to these provisions. Therefore, the approved Massachusetts enforcement authorities are specifically not be incorporated by reference. Forty CFR Section 282.71 lists those approved Massachusetts authorities that would fall into this category.

The public also needs to be aware that certain provisions of Massachusetts's underground storage tank program are not part of the federally approved state program. These include, for example, requirements for new or replacement underground tanks for consumptive use on the premises.

These non-approved provisions are not part of the RCRA Subtitle I program because they are ''broader in scope'' than Subtitle I of RCRA. See 40 CFR 281.12(a)(3)(ii). As a result, state provisions which are ''broader in scope'' than the federal program are not incorporated by reference for purposes of enforcement in Part 282. Section 282.71 of the codification simply lists for reference and clarity the Massachusetts statutory and regulatory provisions which are ''broader in scope'' than the federal program and which are not, therefore, part of the approved program being codified today. ''Broader in scope'' provisions cannot be enforced by EPA. The State, however, will continue to enforce such provisions.

Certification Under the Regulatory Flexibility Act

EPA has determined that this codification will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate underground storage tanks are already subject to the state requirements authorized by EPA under 40 CFR Part 281. EPA's codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities. Moreover, this codification will eliminate any confusion that owners and operators of underground storage tanks in Massachusetts may have regarding which set of requirements they must comply with in Massachusetts.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates Massachusetts' requirements, which have been authorized by EPA under 40 CFR Part 281, into the Code of Federal Regulations, thereby eliminating any confusion over the applicable requirements for owners and operators of underground storage tanks in Massachusetts. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under 5 U.S.C 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: September 2, 1996.

John P. DeVillars,

Regional Administrator.

For the reasons set forth in the preamble, 40 CFR Part 282 is proposed to be added as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for Part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Subpart B—Approved State Programs

2. Subpart B is amended by adding § 282.71 to read as follows:

§ 282.71 Massachusetts State-Administered Program.

(a) The State of Massachusetts is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Massachusetts Department of Public Safety (now called the Massachusetts Department of Fire Services) and the Massachusetts Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR Part 281 EPA approved the Massachusetts program on March 3, 1995, which was effective on April 17, 1995.

(b) Massachusetts has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under Sections 9005 and 9006 of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Massachusetts must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR Part 281, subpart E. If Massachusetts obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the Federal Register.

(d) Massachusetts has final approval for the following elements submitted to EPA in Massachusetts' program application for final approval and approved by EPA on March 3, 1995. Copies may be obtained from the Underground Storage Tank Program, Massachusetts Department of Environmental Protection, 1 Winter Street, Boston, MA 02108 or Massachusetts Department of Fire Services, P.O. Box 1025, State Road, Stowe, MA 01775. The elements are listed below:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Massachusetts Statutory Requirements Applicable to the Underground Storage Tank Program at Massachusetts General Laws, Chapter 148, Section 13 Paragraph 3 and Sections 38, 38A–38C, and 38E; Massachusetts General Laws, Chapter 21E, Sections 2, 3A(e) and 3(c), 4, 5, 6, 8.

(B) Massachusetts Regulatory Requirements Applicable to the Underground Storage Tank Program at 527 CMR 9.00–9.02 and 9.05, 9.06(C), (D) and (E), and 9.07(A)–(I) and 9.07((K)–(L); and those provisions of 310 CMR Sections 40.0000 subparts A–O only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and only insofar as they are not broader in scope than the federal requirements. Note that reserved sections of 310 CMR 40.0000 *et seq.* are not incorporated by reference.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Massachusetts General Laws, Chapter 148, Section 4; Sections 38D, 38F, 38I through 38H; Massachusetts General Law, Chapter 21E, The Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, Amended 1992 Massachusetts General Laws, Sections 7, 9, and 11, and Chapter 21J, Sections 2–4; and, Massachusetts General Law, Chapter 185, Section 3.

(B) The regulatory provisions include: Massachusetts Board of Fire Prevention Rules, 527 CMR Sections 9.07(J); and, Massachusetts Environmental Protection Rules, and those provisions of 310 CMR Sections 40.0000 Subparts A–O only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and are not incorporated by reference and only insofar as they are not broader in scope than the federal requirements.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Massachusetts Board of Fire Prevention Rules, Sections 9.03 through 9.04 which pertain to aboveground tanks; 9.05A(4) insofar as it refers to

upgrade requirements for new or replacement underground tanks for consumptive use on the premises; 9.06 (A) and (B) insofar as they refer to aboveground tanks; and 9.07(J) insofar as it refers to aboveground tanks, and those provisions of 310 CMR 40.0000 Subparts A–O insofar as they do not relate to underground storage tanks and with respect to underground storage tanks insofar as they are broader in scope than the federal requirements.

(2) *Statement of legal authority.* (i) ''Attorney General's Statement for Final Approval'', signed by the Attorney General of Massachusetts on August 18, 1993, though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Massachusetts to EPA, August 18, 1993, though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application in December 1991, though not incorporated by reference, is part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The Program Description (PD) and any other material submitted as part of the original application in December 1991, though not incorporated by reference, are part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The April 30, 1995, EPA and the Massachusetts Department of Public Safety and the Massachusetts Department of Environmental Protection Memorandum of Agreement (MOA), though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to part 282 is amended by adding in alphabetical order ''Massachusetts'' and its listing to read as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Massachusetts

(a) The statutory provisions include: General Laws of Massachusetts, Chapter 148, Section 38, 38A, B, C, and E:

Chapter 148

Section 38—Rules and Regulations
Section 38A—Prohibition of Removal of Certain Gasoline Tanks without Permit
Section 38B—Underground Storage Tanks; Definitions
Section 38C—Notification of Department of Public Health by Owners of Underground Storage Tanks
Section 38E—Regulations Governing Underground Storage Tanks

Massachusetts General Law, Chapter 21E, The Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, July 1, 1992.

Section 1—Title of Chapter
Section 2—Definitions
Section 3—Securing of benefits of FWPCA, CERCLA, etc. Massachusetts Contingency Plan; promulgation of necessary regulations
Section 4—Response actions to release or threatened release of oil or hazardous material; assessment, containment, and removal actions in accordance with Massachusetts contingency plan
Section 5—Liability of release or threat of release of oil or hazardous material; apportionment of costs; treble damages; nullification of indemnification, hold harmless, or similar agreements
Section 6—Prevention of control of release of hazardous materials; regulations of department; contingency plans; monitoring equipment
Section 7—Notice of requirements; release or threat of release of oil or hazardous material; exceptions

(b) The regulatory provisions include: State of Massachusetts, Board of Fire Prevention Regulations, 527 CMR 9.00–9.02 and 9.05, 9.06(C)–(E), and 9.07(A)–(I) and (K)–(L) (effective July 3, 1993); and Massachusetts Environmental Protection Rules, 310 CMR 40.0000 Subparts A–O insofar as they pertain to underground storage tanks and are not broader in scope than the federal requirements, as set forth below:

(1) State of Massachusetts, Board of Fire Prevention Regulations, 527 CMR 9.00: Tanks and Containers, (effective July 3, 1993):

Section 9.01—Purpose and Scope
Section 9.02—Definitions
Section 9.05—Underground Storage Tanks
Section 9.05(A)(1)–(3) and (5)–(8)—Design and Construction of New or Replacement Underground Tanks
Section 9.05(B)—Underground Piping
Section 9.05(C)—Underground Tank Installation
Section 9.05(D)—Leak Detection Equipment, Testing and/or Inventory Requirements for Underground Tanks
Section 9.05(E)—Inventory Methods for Underground Tanks
Section 9.05(F)—Testing for Tightness of Underground Storage Facilities
Section 9.05(G)—Upgrading of Existing Underground Storage Tank Systems
Section 9.06(C)—Upgrade of Existing Underground Waste Oil Storage Tank Systems
Section 9.06(D)—Product Transfer
Section 9.06(E)—Non-Flammable Hazardous Substances
Section 9.07—General Provisions
Section 9.07(A)—Material and Construction of All Tanks and Containers
Section 9.07(B)—Fill and Vent Pipes for All Tanks and Containers
Section 9.07(C)—Piping for All Tanks
Section 9.07(D)—Pumping System
Section 9.07(E)—Pressure Vessels
Section 9.07(F)—Response to Leaks
Section 9.07(G)—Tank Repair and Relining
Section 9.07(H)—Tanks Abandoned and Temporarily Out of Service
Section 9.07(I)—Tank Removal
Section 9.07(K)—Permits
Section 9.07(L)—Financial Responsibility Requirements

(2) Massachusetts Environmental Protection Rules, 310 CMR, Section 40.000, Massachusetts Contingency Plan, (effective October 1, 1993) only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and only insofar as they are incorporated by reference and are not broader in scope than the federal requirements. Note that reserved sections of 310 CMR 40.0000 *et seq.* are not incorporated by reference:

Subpart A—General Provisions
Subpart B—Organization and Responsibility
Subpart C—Notification of Releases and Threats of Release of Oil and Hazardous Material; Identification and Listing of Oil and Hazardous Materials
Subpart D—Preliminary Response Action and Risk Reduction Measures
Subpart E—Tier Classification and Response Action Deadlines
Subpart F—Transition Provisions
Subpart G—Tier I Permits
Subpart H—Comprehensive Response Action
Subpart I—Risk Characterization
Subpart J—Response Action Outcomes
Subpart K—Audits and Compliance Assistance
Subpart L—Cost Recovery, Lien Hearings and Petitions for Reimbursement of Incurred Costs
Subpart M—Administrative Record
Subpart N—Public Involvement and Technical Grants
Subpart O—Numerical Ranking System and Scoring Instructions

[FR Doc. 96–27585 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 950407093–6298–03; I.D. 012595A]

Endangered and Threatened Species; Threatened Status for Central California Coast Coho Salmon Evolutionarily Significant Unit (ESU)

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

ACTION: Final rule.

SUMMARY: NMFS is issuing a final determination that the Central California coast coho salmon ESU (*Oncorhynchus kisutch*) is a ''species'' under the Endangered Species Act (ESA) of 1973, as amended, and that it will be listed as a threatened species.

In the 1940s, estimated abundance of coho salmon in this ESU ranged from 50,000 to 125,000 native coho salmon. Today, it is estimated that there are probably less than 6,000 naturally-reproducing coho salmon. The threats to naturally-reproducing coho salmon are numerous and varied. In the Central California coast ESU, the present depressed condition is the result of several human caused factors (e.g., habitat degradation, harvest, water diversions, and artificial propagation) that exacerbate the adverse effects of natural environmental variability from drought and poor ocean conditions. Existing regulatory mechanisms are either not adequate or not being adequately implemented to provide for the conservation of the Central California coast coho ESU.

The taking of this species is prohibited, pursuant to section 4(d) and section 9 of the ESA. Certain exceptions to this taking prohibition pursuant to section 10 are provided. The taking prohibitions go into effect as provided in § 227.21.

EFFECTIVE DATE: December 2, 1996.

ADDRESSES: Craig Wingert, NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, telephone (310/980–4021); or Marta Nammack, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, telephone (301/713–1401).

FOR FURTHER INFORMATION CONTACT: Craig Wingert, telephone (310/980–4021), or Matra Nammack, telephone (301/713–1401).

SUPPLEMENTARY INFORMATION:

Background

The coho salmon (*Oncorhynchus kisutch*) is an anadromous salmonid species that was historically distributed throughout the North Pacific Ocean from central California to Point Hope, AK, through the Aleutian Islands, and from the Anadyr River, Russia, south to Hokkaido, Japan. Historically, this species probably inhabited most coastal streams in Washington, Oregon, and northern and central California. Some populations, now considered extinct, and believed to have migrated hundreds of miles inland to spawn in tributaries of the upper Columbia River in Washington, and the Snake River in Idaho.

In contrast to the life history patterns of other anadromous salmonids, coho salmon on the west coast of North America generally exhibit a relatively simple 3-year life cycle. Adults typically begin their freshwater spawning migration in the late summer and fall, spawn by mid-winter, and then die. Run and spawn timing of adult coho salmon vary between and within coastal and Columbia River Basin populations. Depending on river temperatures, eggs incubate in ''redds'' (gravel nests excavated by spawning females) for 1.5 to 4 months before hatching as ''alevins'' (a larval life stage dependent on food stored in a yolk sac). Following yolk sac absorption, alevins emerge from the gravel as young juveniles, or ''fry,'' and begin actively feeding. Juveniles rear in fresh water for up to 15 months, then migrate to the ocean as ''smolts'' in the spring. Coho salmon typically spend two growing seasons in the ocean before returning to their natal streams to spawn as 3 year-olds. Some precocious males, called ''jacks,'' return to spawn after only 6 months at sea.

During this century, indigenous, naturally-reproducing populations of coho salmon are believed to have been eliminated in nearly all Columbia River tributaries and to be in decline in numerous coastal streams in Washington, Oregon, and California. Coho in at least 33 stream/river systems have been identified by agencies and conservation groups as being at moderate or high risk of extinction. In general, there is a geographic trend in the status of west coast coho salmon stocks, with the southernmost and easternmost stocks in the worst condition.

Consideration as a ''Species'' Under the ESA

The ESA defines a ''species'' to include any ''distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' NMFS published a policy describing how it would apply the ESA definitin of a ''species'' to anandronous salmonid species (56 FR 58612, November 20, 1991). More recently, NMFS and the U.S. Fish and Wildlife Service (FWS) published a joint policy, consistent with NMFS' policy, regarding the definition of distinct population segments (61 FR 4722, February 7, 1996). The earlier policy is more detailed and applies specifically to Pacific salmonids and, therefore, was used for this determination. This policy indicates that one or more naturally reproducing salmonid populations will be considered distinct, and hence species under the ESA, if they represent an ESU of the biological species. To be considered an ESU, a population must satisfy two criteria: (1) It must be reproductively isolated from other population units of the same species, and (2) it must represent an important component in the evolutionary legacy of the biological species. The first criterion, reproductive isolation, need not be absolute, but must have been strong enough to permit evolutionarily important differences to occur in different population units. The second criterion is met if the population contributes substantially to the ecological/genetic diversity of the species as a whole. Guidance on the application of this policy is contained in a scientific paper ''Pacific Salmon (*Oncorhynchus* spp.) and the Definition of 'Species' Under the Endangered Species Act'' and a NOAA Technical Memorandum ''Definition of 'Species' under the Endangered Spcies Act: Application to Pacific Salmon.'' NMFS' proposed listing determination and rule (60 FR 38011, July 25, 1995) for west coast coho salmon and the west coast coho salmon status review (Weitkamp et al., 1995) describe the genetic, ecological, and life history characteristics, as well as human-caused genetic changes, that NMFS assessed to determine the number and geographic extent of coho salmon ESUs.

Previous Federal ESA Actions Related to Coho Salmon Listing

The history of petitions received regarding coho salmon is summarized in the proposed rule published on July 25, 1995 (60 FR 38011). The most comprehensive petition received was from the Pacific Rivers Council and 22 co-petitioners on October 20, 1993. In response to that petition, NMFS assessed the best available scientific and commercial data, including technical information from Pacific Salmon

Biological and Technical Committees (PSBTCs) in Washington, Oregon, and California. The PSBTCs consisted of scientists (from Federal, state, and local resource agencies, Indian tribes, industries, professional societies, and public interest groups) with technical expertise relevant to coho salmon.

NMFS established a Biological Review Team (BRT), comprised of staff from its Northwest Fisheries Science Center and Southwest Regional Office, and completed a coastwide status review for coho salmon (NOAA Technical Memorandum, September 1995, entitled: ''Status Review of Coho Salmon from Washington, Oregon, and California'' [Weitkamp et al., 1995]).

Based on the results of the BRT report, and after consideration of other information and a review of existing conservation measures, NMFS published a proposed listing determination (60 FR 38011, July 25, 1995) which identified six ESUs of coho salmon ranging from southern British Columbia to central California. The Olympic Peninsula ESU was found to not warrant listing; the Puget Sound/Strait of Georgia ESU and the lower Columbia River/southwest Washington coast ESU were identified as candidates for listing; and the Oregon Coast ESU, Southern Oregon/Northern California ESU, and Central California coast ESU were proposed for listing as threatened species.

Pursuant to section 4(b)(6)(B)(i), NMFS may make a finding ''that there is a substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination'' and, on that basis, may extend the 1-year period for up to 6 months to solicit and analyze additional data. NMFS has concluded that a 6-month extension is warranted for the Oregon Coast and Southern Oregon/Northern California ESUs. For NMFS' determination on the 6-month extension, see the Notices section of this Federal Register.

Summary of Comments Regarding the Central California Coast Coho ESUs

NMFS held two public hearings in California (Rohnert Park and Eureka) to solicit comments on the proposed listing determination for west coast coho salmon. Forty-seven individuals presented testimony at the hearings. During the 90-day public comment period, NMFS received 17 written comments on the proposed rule from state, Federal, and local government agencies, Indian tribes, non-government organizations, the scientific community, and other individuals. Of the comments received, 35 supported the listing and 5 opposed the listing. The majority of comments (44) addressed factors for the decline of coho salmon. Twenty-two commenters stated that existing regulatory mechanisms, including enforcement, were inadequate to protect coho salmon and their habitats. A summary of major comments received during the public comment period and public hearings, grouped by major issue categories, is presented below.

Issue 1: Sufficiency of Scientific Information

Many commenters urged NMFS to use the best available scientific information in reaching a final determination regarding the risk of extinction faced by coho ESUs in California. All but one commenter supported the scientific conclusions reached by NMFS. This commenter specifically questioned the data used to determine the risk of extinction of coho salmon in the Russian River Basin.

NMFS is required under section 4(b) of the ESA to use only the best scientific and commercial data available in making a determination. However, the available information regarding the historic and present abundance of coho salmon throughout the Central California coast coho salmon ESU is limited. NMFS' 1995 west coast salmon status review (Weitkamp et al., 1995), together with recent information collected by NMFS scientists and information provided to NMFS by other sources since the proposed listing determination was published, represent the best scientific information presently available for coho salmon populations in the Central California coast ESU. This information indicates that coho salmon in the southern portion of the ESU (south of San Francisco Bay) are severely depressed, though most of the coho production within this ESU originated from coastal watersheds north of San Francisco Bay (CDFG, 1991). Nehlsen et al. (1991) provided no information on individual coho salmon in central California but identified coho in streams and rivers north of San Francisco as being at moderate risk of extinction and those south of San Francisco as being at high risk of extinction. Higgins et al. (1992) considered only drainages from the Russian River north and identified four coho salmon stocks within the central California coast ESU as being at risk (three of special concern and one, the Gualala River, as being at a high risk of extinction). The most comprehensive review of coho salmon in California was conducted by Brown and Moyle (1991) and summarized by Brown et al. (1994). They reported that coho in California have declined or disappeared from all streams in which they were historically recorded.

Issue 2: Status of the Central California Coast Coho ESU

Forty comments received by NMFS addressed the status of California coho salmon populations. The vast majority of the comments (91 percent) stated that the Central California coast ESU should be listed as endangered based on the scientific information available and presented in the state and federal status reviews. The remaining commenters stated coho salmon in central California should be listed as threatened, primarily based on conservation efforts currently being implemented.

In determining the status of the Central California coast coho ESU under the ESA, NMFS considers both the scientific information on the status and risk faced by the ESU. In assessing the risk of extinction faced by a species, NMFS considers ''those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species'' (16 U.S.C. 1533(b)(1)(A); 50 CFR 424.11(f)).

Based on a review of the status of coho south of San Francisco (Anderson, 1995), the California Fish and Game Commission decided to list coho south of San Francisco as endangered under the California ESA (CESA), effective January 1, 1996. The California Department of Forestry (CDF) and the California Department of Fish and Game (CDFG) have implemented protective measures for coho salmon stocks and their habitats south of San Francisco Bay which represent an improvement over the existing forest rules and practices.

NMFS thinks that the State's efforts to protect coho south of San Francisco may prove to be effective in mitigating adverse impacts, but it is premature to conclude that they reduce the risk facing the species to such an extent that the determination would be different. In the remainder of the ESU, NMFS has collected information indicating that coho are present in streams in which they were not previously reported historically and from which they had been reported to have been extirpated (Adams, 1996; August 27, 1996, Memorandum A. MacCall to H. Diaz-Soltero). In addition, a number of water-shed groups are involved in restoration projects within this ESU, and steps have been taken by the Pacific Fishery Management Council (PFMC) and NMFS to curtail the adverse effects of ocean fishing. Therefore, NMFS has determined that, even though the

absolute numbers of fish in this ESU are low, the ESU is not in imminent danger of extinction, and it is appropriately designated as threatened.

Issue 3: Factors Contributing to the Decline of Coho Salmon in California

Forty-four comments addressed factors regarding the decline of coho salmon and the damage or loss of their habitats. Thirty-eight individuals commented on the degraded, blocked, fragmented, and generally poor quality of coho salmon habitat; 24 cited the adverse effects of logging, and 11 discussed adverse effects of agricultural activities on coho salmon and their habitats; 21 commented that poor water quality conditions, primarily excessive warm water temperatures, were outside the preferred range for salmonids during the summer; 19 indicated that point and non-point source pollution including sedimentation, municipal and industrial effluent, and herbicides/pesticides, have contributed to the decline of the species; 8 commented that hatchery practices, primarily excessive out-of-basin plantings, disease, and competition with natural fish for food and space, have contributed to the decline of the species; 7 commented that excessive fishing had occurred; 6 commented that past and present mining activities have contributed to the decline of the species; 6 commented that urbanization activities have contributed to the decline of the species; 5 commented that there has been increased predation on coho salmon from pinniped, fish, and avian predators; and two commented on the effects that drought (e.g., 1976–77 and 1986–92) has had on coho salmon populations in California.

NMFS agrees with the commenters that many factors, past and present, have contributed to the decline of coho salmon. New information provided by commenters and responses to this information have been incorporated in the Summary of Factors Affecting Coho Salmon.

Issue 4: Existing Regulatory Mechanisms

Two commenters acknowledged that past timber and mining activities contributed to the decline of coho salmon but maintained that existing regulatory mechanisms (e.g., the California Forest Practices Act (CFPA), Clean Water Act (CWA), mining regulations) and review processes are sufficient for the protection of coho salmon and their habitats. Twenty-two commented that existing regulatory mechanisms (e.g., CFPA and CWA), including enforcement, and inadequate to protect coho salmon and their habitats.

Several commenters stated that current logging practices have dramatically improved over those of the past, decreasing the impact of present-day logging on habitat. Present-day logging practices have improved over those of the past; however, timber harvest is still a major land use in the Central California coast ESU, and fish habitat is still recovering from past logging practices. In addition, the incremental impacts of present-day land management practices, when added to impacts of past land management practices and other risk factors, continue to pose a serious threat to Central California coast coho.

Although several commenters describe the CFPA as being capable of protecting coho salmon and their ecosystems, little evidence has been provided to support these claims. While the CFPA attempts to achieve fish habitat protection by establishing ''Water and Lake Protection Zones,'' there is no substantive body of evidence to demonstrate that the level of protection is sufficient to conserve the anadromous fish habitat and ecosystems upon which coho salmon in the Central California coast coho salmon ESU depend. Neither has the CWA been used to its full potential. Seventeen water bodies in central and northern California have been designated as impaired under section 303(d) of the CWA, and the Environmental Protection Agency has been sued for failure to develop Total Maximum Daily Load (TMDL) standards for these waterbodies.

Comments Received After the Close of the Comment Period

On September 27, 1996, the California Resources Agency requested NMFS to reopen the comment period and extend its decision date for 6 months because (1) there was substantial disagreement between scientists as to the sufficiency and accuracy of the data upon which NMFS was relying to make a determination; (2) during the 1996 field season, fisheries biologists obtained significant new information which, once complied, may influence NMFS' decision; (3) NMFS has not had an opportunity to evaluate the cumulative effects of the variety of efforts by landowners in California to complete multi-species Habitat Conservation Plans (HCPs) and sustainable yield plans (SYPs) under the California Forest Practice Rules (CFPRs); and (4) NMFS has not thoroughly evaluated the protections for coho salmon provided under the CFPRs and other existing State protective programs.

The California Resources Agency cites Oregon's recent submission to NMFS on the role of ocean survival in judging coho population viability as a basis for disagreement in California. While the results of these modeling exercises and additional population viability analysis relative to Oregon may be broadly applicable to California, California does not have available the underlying information of stock abundance that Oregon has to support its claim. Information in California, over which there is no scientific debate, indicates that coho are severely depressed and that they have been eliminated from nearly half of the streams in which they occurred historically.

The California Resources Agency claims that data being developed since the close of the comment period calls into question the accuracy and sufficiency of the information currently in the administrative record. Since the close of the comment period, NMFS has collected additional information indicating that coho are present in streams in which Brown and Moyle (1991) found none, and NMFS has received new information from landowners indicating that new coho sites have been identified. NMFS has incorporated most of the information provided in the State's letter in its deliberations on this rule. This new information did not substantially alter this final determination or the reasons upon which it is based.

The California Resources Agency also suggests that NMFS would benefit from waiting to evaluate the results of HCPs and SYPs that are being developed by large timber landowners. While NMFS is encouraged by these activities and intends to pursue these HCPs, NMFS cannot defer a listing based on the prospect of future development of conservation measures. NMFS' determination must be based on the best available information after consideration of state and other efforts to protect the species. These HCPs and other planned conservation efforts are still in the developmental phase and, therefore, cannot be considered to reduce the risks facing the species at this time. Neither does the promise of a plan constitute a scientific disagreement, thus, despite NMFS' support of these plans, they do not constitute a basis for delay.

Lastly, the California Resources Agency claims that NMFS has not evaluated the CFPRs. NMFS has reviewed these rules and determined that they are not being adequately implemented. While the CDFG commented during the comment period in support of the proposed rule, the CDF did not. Further, the Board of Forestry rejected efforts of the CDFG to designate

coho as a sensitive species and develop special protective measures for coho habitat. Nonetheless, NMFS is involved in discussions with the CDF to determine how to improve implementation of the CFPRs. While the CFPRs contain measures protective of watercourse and lake protection zones, they allow activities in those zones that are harmful to coho habitat. The CFPRs also contain exceptions that allow salvage without environmental review or monitoring. However, as with the HCPs under development, disagreement over the effectiveness of the State program does not constitute a scientific disagreement and is likewise not a reason for delay.

NMFS concludes that it would not be prudent to delay listing and risk further population declines or habitat degradation in any part of the Central California coast ESU. Moreover, the ESA requires that a listing determination be made based ''* * * solely on the basis of the best scientific information available after conducting a review of the status of the species and after taking into account those efforts, if any, being made by a state or foreign nation or any political subdivision of any state or foreign nation to protect such species * * *'' (16 USC 1533(b)(1); 50 CFR 424.11(b)). Such a determination must be made in accordance with the timeframes set forth in the ESA. Therefore, NMFS finds it appropriate to make a final listing determination at this time.

Summary of Factors Affecting the Species

Section 4(a)(1) of the ESA and NMFS listing regulations (50 CFR part 424) set forth procedures for listing species. The Secretary of Commerce must determine, through the regulatory process, if a species is endangered or threatened based upon any one or a combination of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or human-made factors affecting its continued existence.

In the 1940s, estimated abundance of coho salmon in this ESU ranged from 50,000 to 125,000 natural spawning adults. Today, it is estimated that there are probably less than 6,000 naturally-reproducing coho salmon, and the vast majority of these fish are considered to be of non-native origin (either hatchery fish or from streams stocked with hatchery fish).

The factors threatening naturally-reproducing coho salmon throughout its range are numerous and varied. For coho salmon populations in the Central California coast ESU, the present depressed condition is the result of several long-standing, human-induced factors (e.g., habitat degradation, harvest, water diversions, and artificial propagation) that serve to exacerbate the adverse effects of natural environmental variability from such factors as drought and poor ocean conditions.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Logging, agricultural and mining activities, urbanization, stream channelization, dams, wetland loss, and water withdrawals and unscreened diversions for irrigation have contributed to the decline of the Central California coast coho ESU. The following discussion provides an overview of the types of activities and conditions that adversely affect coho salmon in central California coast watersheds.

Depletion and storage of natural flows have drastically altered natural hydrological cycles in many central California rivers and streams. Alteration of streamflows has increased juvenile salmonid mortality for a variety of reasons: migration delay resulting from insufficient flows or habitat blockages; loss of usable habitat due to dewatering and blockage; stranding of fish resulting from rapid flow fluctuations; entrainment of juveniles into unscreened or poorly screened diversions; and increased juvenile mortality resulting from increased water temperatures (California Advisory Committee on Salmon and Steelhead Trout, 1988; CDFG, 1991; CBFWA, 1991a; Bergren and Filardo, 1991; Palmisano et al., 1993; Reynolds et al., 1993; Chapman et al., 1994; Cramer et al., 1995; Botkin et al., 1995). In addition, reduced flows degrade or diminish fish habitats via increased deposition of fine sediments in spawning gravels, decreased recruitment of new spawning gravels, and encroachment of riparian and non-endemic vegetation into spawning and rearing areas.

Sufficient quantities of good quality water are essential for coho survival, growth, reproduction, and migration. Important elements of water quality include water temperatures within the range that corresponds with migration, rearing and emergence needs of fish and the aquatic organisms upon which they depend (Sweeney and Vannote, 1978; Quinn and Tallman, 1987). Desired conditions for coho salmon include an abundance of cool (generally in the range of 53.3 °F to 58.3 °F (11.8 °C to 14.6 °C) Reiser and Bjornn, 1979), well oxygenated water that is present year-round, free of excessive suspended sediments and other pollutants that could limit primary production and benthic invertebrate abundance and diversity (Cordone and Kelley, 1961; Lloyd et al., 1987).

Numerous studies have demonstrated that land use activities associated with logging, road construction, urban development, mining, agriculture, and recreation have significantly altered coho salmon habitat quantity and quality. Impacts of concern associated with these activities include the following: alteration of streambank and channel morphology, alteration of ambient stream water temperatures, elimination of spawning and rearing habitat, fragmentation of available habitats, elimination of downstream recruitment of spawning gravels and large woody debris, removal of riparian vegetation resulting in increased stream bank erosion, and degradation of water quality (CDFG, 1965; Bottom et al., 1985; California Advisory Committee on Salmon and Steelhead Trout, 1988; CDFG, 1991; Nehlsen et al., 1991; California State Lands Commission, 1993; Wilderness Society, 1993; Bryant, 1994; CDFG, 1994; Brown et al., 1994; Botkin et al., 1995; McEwan and Jackson, 1996). Of particular concern is the increased sediment input into spawning and rearing areas that results from the loss of channel complexity, pool habitat, suitable gravel substrate, and large woody debris (Bottom et al., 1985; Higgins et al., 1992; FEMAT, 1993; USFS and BLM, 1994b; Botkin et al., 1995).

Further, historical practices, such as the use of splash dams, and widespread removal of beaver dams, log jams and snags from river channels, have adversely modified fish habitat (Bottom et al., 1985).

Agricultural practices have also contributed to the degradation of salmonid habitat on the West Coast through irrigation diversions, overgrazing in riparian areas, and compaction of soils in upland areas from livestock (Palmisano et al., 1993; Botkin et al., 1995). The vigor, composition and diversity of natural vegetation can be altered by livestock grazing in and around riparian areas. This in turn can affect the site's ability to control erosion, provide stability to stream banks, and provide shade, cover, and nutrients to the stream. Mechanical compaction can reduce the productivity of the soils appreciably and cause bank

slough and erosion. Mechanical bank damage often leads to channel widening, lateral stream migration, and excess sedimentation.

Urbanization has degraded coho salmon habitat through stream channelization, floodplain drainage, and riparian damage (Botkin et al., 1995). When watersheds are urbanized, problems may result simply because structures are placed in the path of natural runoff processes, or because the urbanization itself has induced changes in the hydrologic regime. In almost every point that urbanization activity touches the watershed, point source and nonpoint pollution occurs. Water infiltration is reduced due to extensive ground covering. As a result, runoff from the watershed is flashier, with increased flood hazard (Leopold, 1968). Flood control and land drainage schemes may concentrate runoff, resulting in increased bank erosion which causes a loss of riparian vegetation and undercut banks and eventually causes widening and down-cutting of the stream channel. Sediments washed from the urban areas contain trace metals such as copper, cadmium, zinc, and lead (CSLC, 1993). These, together with pesticides, herbicides, fertilizers, gasoline, and other petroleum products, contaminate drainage waters and harm aquatic life necessary for coho salmon survival. The California State Water Resources Control Board (1991) reported that nonpoint source pollution is the cause of 50 to 80 percent of impairment to water bodies in California.

B. Overutilization for Commercial, Recreational, Scientific, or Education Purposes

Marine harvest of coho salmon occurs primarily in nearshore waters off British Columbia, Washington, Oregon, and California. Recreational fishing for coho salmon is pursued in numerous streams throughout the central California coast when adults return on their fall spawning migration. There are few good historical accounts of the abundance of coho salmon harvested along the California coast (Jensen and Startzell, 1967). Consequently, those early records did not contain quantitative data by species until the early 1950s.

Tody, coho salmon stocks are managed by NMFS in conjunction with the PFMC, the states, and certain tribes. The central California coast falls within the Federal salmon fishery management zone that stretches from Horse Mountain, just north of Fort Bragg, CA, to the Mexico border (PFMC Salmon Fishery Management Plan). Coho ocean harvest is managed by setting escapement goals for Oregon Coastal Natural coho salmon. This stock aggregate constitutes the largest portion of naturally produced coho salmon caught in ocean salmon fisheries off California and Oregon (PFMC, 1993). Using this index may have resulted in pre-1994 exploitation rates higher than central California populations could sustain. The confounding effects of habitat deterioration, drought, and poor ocean conditions on coho salmon survival make it difficult to assess the degree to which recreational and commercial harvest have contributed to the overall decline of coho salmon in West Coast rivers.

Collection for scientific research and educational programs has had little or no impact on California coho salmon populations. In California, most of the scientific collection permits are issued to environmental consultants, Federal resource agencies, and universities by the CDFG. Regulation of take is controlled by conditioning individual permits. The CDFG requires reporting of any coho salmon taken incidental to other monitoring activities; however, no comprehensive total or estimate of coho salmon mortalities related to scientific sampling are kept for any watershed in the State (F. Reynolds, pers. comm.). The CDFG does not believe that indirect mortalities associated with scientific use are detrimental to coho salmon in California (F. Reynolds, pers. comm.).

C. Disease or Predation

Relative to effects of fishing, habitat degradation, and hatchery practices, disease and predation are not believed to be major factors contributing to the decline of West Coast coho salmon populations. However, disease and predation may have substantial impacts in local areas.

Coho salmon are exposed to numerous bacterial, protozoan, viral, and parasitic organisms in fresh water and marine environments. Specific diseases such as bacterial kidney disease (BKD), ceratomyxosis, columnaris, furunculosis, infectious hematopoietic necrosis, redmouth and black spot disease, Erythrocytic Inclusion Body Syndrome, whirling disease, and others are present and known to affect salmon and steelhead (Rucker et al., 1953; Wood, 1979; Leek, 1987, Cox, 1992; Foott et al., 1994; Gould and Wedemeyer, undated). Very little current or historical information exists to quantify changes in infection levels and mortality rates attributable to these diseases for coho salmon. However, studies have shown that native fish tend to be less susceptible to these pathogens than hatchery-reared fish (Buchanon et al., 1983; Sanders et al., 1992).

Infectious disease is one of many factors that can influence adult and juvenile survival (Buchanan et al., 1983). Disease may be contracted through waterborne pathogens or by interbreeding with infected hatchery fish (Fryer and Sanders, 1981; Evelyn et al., 1984 and 1986). Salmonids typically are infected with several pathogens during their life cycle; however, a high intensity of infection (number of organisms per host) and stressful conditions must usually occur before the host/parasite balance favors the parasite (pathogen) and a disease state occurs in the fish.

Many natural and hatchery coho populations throughout California's coast have tested positive for the bacterium, *Renibacterium salmoninarum*, the causative agent of BKD (Cox, 1992; Foott, 1992). The overall incidence of BKD measured by direct fluorescent antibody technique among Scott Creek coho salmon was 100 percent (13/13 fish) and 95.5 percent (21/22 fish) among San Lorenzo River coho (Cox, 1992). Waddell Creek coho salmon are also suspected of having near 100 percent infection (D. Streig, pers. comm.). The CDFG recently initiated a treatment protocol to attempt to control BKD outbreaks in hatchery fish released into the Russian River and Scott Creek (Cox, 1992). The impacts of this disease are subtle. Juvenile salmonids may survive well in their journey downstream but may be unable to make appropriate changes in kidney function for a successful transition to sea water (Foott, 1992). Stress during migration may also cause this disease to come out of remission (Schreck, 1987). Water quantity and quality during late summer is a critical factor in controlling disease epidemics. As water quantity and quality diminishes, stress may trigger the onset of these diseases in fish that are carrying the disease (Holt et al., 1975; Wood, 1979; Matthews et al., 1986; Maule et al., 1988).

Freshwater predation by other salmonids is not believed to be a major factor contributing to the decline of central California coho salmon. Avian predators have been shown to impact some juvenile salmonids in fresh water and near shore environments. Ruggerone (1986) estimated that ring-billed gulls (*Larus delawarensis*) consumed 2 percent of the salmon and steelhead trout passing Wanapum Dam, in the Columbia River, during the spring smolt outmigration in 1982. Wood (1987) estimated that the common merganser (*Mergus merganser*), a known freshwater predator of juvenile

salmonids, were able to consume 24 to 65 percent of coho salmon production in coastal British Columbia streams. Known avian predators in the nearshore marine environment include herons, cormorants, and alcids (Allen, 1974). Cooper and Johnson (1992) and Botkin et al. (1995) reported that marine mammal and avian predation may occur on some local salmonid populations; however, they believed that it was a minor factor in the decline of coastwide salmonid populations. With the decrease in quality riverine and estuarine habitats, increased predation by freshwater, avian, and marine predators will occur. With the decrease in avoidance habitat (e.g., deep pools and estuaries, and undercut banks) and adequate migration and rearing flows, predation may play a small role in the reduction of some localized coho salmon stocks.

Harbor seal and California sea lion numbers have increased along the Pacific Coast. At the mouth of the Russian River, Hanson (1993) reported that the foraging behavior of California sea lions and harbor seals with respect to anadromous salmonids was minimal. Hanson (1993) also stated that predation on salmonids appeared to be coincidental with the salmonid migrations rather than dependent upon them.

Salmonids appear to be a minor component of the diet of marine mammals (Scheffer and Sperry, 1931; Jameson and Kenyon, 1977; Graybill, 1981; Brown and Mate, 1983; Roffe and Mate, 1984; Hanson, 1993). Principal food sources are small pelagic schooling fish, juvenile rockfish, lampreys (Jameson and Kenyon, 1977; Roffe and Mate, 1984), benthic and epibenthic species (Brown and Mate, 1983) and flatfish (Scheffer and Sperry, 1931; Graybill, 1981).

Predation may significantly influence salmonid abundance in some local populations when other prey are absent and physical conditions lead to the concentration of adults and juveniles (Cooper and Johnson, 1992). Low flow conditions in streams can also enhance predation opportunities, particularly in central California streams, where adult coho may congregate at the mouths of streams waiting for high flows for access (CDFG, 1995).

Several studies have indicated that piscivorous predators may control the abundance and survival of salmonids. Holtby et al. (1990) hypothesized that temperature-mediated arrival and predation by Pacific hake may be an important source of mortality for coho salmon off the west coast of Vancouver Island. Beamish et al. (1992) documented predation of hatchery-reared chinook and coho salmon by spiny dogfish (*Squalus acanthias*). Pearcy (1992) reviewed several studies of salmonids off the Pacific Northwest coastline and concluded that salmonid survival was influenced by the factional responses of the predators to salmonids and alternative prey.

The relative impacts of marine predation on anadromous salmonids are not well understood, but most investigators believe that marine predation is a minor factor in coho salmon declines. Predators play an important role in the ecosystem, culling out unfit individuals, thereby strengthening the species as a whole. The increased impact of certain predators has been to a large degree the result of ecosystem modification. Therefore, it would seem more likely that increased predation is but a symptom of a much larger problem, namely, habitat modification and a decrease in water quantity and quality.

D. Inadequacy of Existing Regulatory Mechanisms

A variety of state and Federal regulatory mechanisms exist to protect coho habitat and address the decline of coho salmon in the Central California coast ESU, but they have not been adequately implemented.

The State of California has listed coho as endangered in streams south of San Francisco pursuant to the State ESA, initiated a recovery planning effort, and implemented a biological opinion and incidental take statement to improve the implementation of CFPRs in the range of the listed streams. In CDFG's comment letter (October 23, 1995), CDFG relayed the determination of its Ad-hoc Coho Salmon Advisory Committee that coho south of Punta Gorda qualify for state listing and acknowledged that, while state listing (subsequently implemented by the Fish and Game Commission) did not encompass the entire ESU, it is essential to manage the ESU as a population unit. While the CDFG may intend to expand its recovery planning effort to the entire ESU, it cannot provide the protective measures of the State ESA unless it expands the current listing to encompass the remainder of the ESU.

The Northwest Forest Plan and its Aquatic Conservation Strategy provide a mechanism to ensure protection of functional salmonid habitat on Federal lands. This is accomplished through a set of guidelines and processes for watershed assessment to determine what forest practices are acceptable within certain riparian buffer zones. Federal lands comprise only about 5 percent of the Central California coast coho salmon ESU, a proportion too small to secure recovery even with the strictest of Federal forest management practices.

The CFPRs contain provisions that are protective if fully implemented. For example, provisions for sensitive species designation allow the Board to adopt special management practices for sensitive species and their habitat. The Board did not adopt CDFG's proposal to designate coho salmon as a sensitive species. The current process for approving Timber Harvest Plans receives inadequate environmental review, and monitoring of impacts of timber harvest operations is insufficient to determine whether a particular operation damaged habitat and, if so, how it might be mitigated. There are also exceptions to the rules that allow timber harvest to occur without any requirement for environmental review or monitoring.

The CWA provides for the protection of beneficial uses, including the protection of fishery resources. However, implementation of this statute has not been adequate to protect coho habitat. Seven streams or rivers in central California have been designated as impaired waterbodies pursuant to Section 303(d). The State Water Quality Control Board is required to develop and implement water quality standards for these waterbodies, and, if they do not, the Environmental Protection Agency (EPA) is required to do so. EPA is currently involved in litigation for its failure to designate water quality criteria for these water bodies.

While ocean fishing is regulated to reduce impacts on coho, state sport fishing regulations continue to allow fishing for coho in inland waters. The contribution of coho salmon to the in-river sport catch is unknown, and losses due to injury and mortality from incidental capture in other authorized fisheries, principally steelhead, are also unknown. Current funding and personnel are not available to implement monitoring programs to evaluate these impacts.

E. Other Natural or Human-made Factors Affecting Its Continued Existence

Natural Factors

Long-term trends in rainfall and marine productivity associated with atmospheric conditions in the North Pacific Ocean may have a major influence on coho salmon production.

a. Drought

Much of the Pacific coast has experienced drought conditions during the past 8 years, a situation which has undoubtedly contributed to the decline of many salmonid populations. Drought conditions reduce the amount of water available, resulting in reductions (or elimination) of flows needed for adult coho salmon passage, egg incubation, and juvenile rearing and migration. There are indications in tree ring records that droughts more severe than the 6-year drought that California recently experienced occurred in the past (Stine, 1994). The key to survival in this type of variable and rapidly changing environment is the evolution of behaviors and life history traits that allow coho salmon to cope with a variety of environmental conditions.

Populations that are fragmented or reduced in size and range are more vulnerable to extinction by natural events. Whether recent climatic conditions represent a long-term change that will continue to affect salmonid stocks in the future or whether these changes are short-term environmental fluctuations that can be expected to reverse in the near future remains unclear. Many of the coho salmon population declines began prior to these recent drought conditions.

b. Floods

With high inherent erosion risk, urban encroachment, and intensive timber management, flood events can cause major soil loss (Hagans et al., Nawa et al., 1991; Higgins et al., 1992). As previously mentioned, sedimentation of stream beds has been implicated as a principal cause of declining salmonid populations throughout their range. Floods can result in mass wasting of erodible hillslopes and failure of roads on unstable slopes causing catastrophic erosion. In addition, flooding can cause scour and redeposition of spawning gravels in typically inaccessible areas.

During flood events, land disturbances resulting from logging, road construction, mining, urbanization, livestock grazing, agriculture, fire, and other uses may contribute sediment directly to streams or exacerbate sedimentation from natural erosive processes (California Advisory Committee on Salmon and Steelhead Trout, 1988; CSLC, 1993; FEMAT, 1993). Judsen and Ritter (1964), the California Department of Water Resources (CDWR, 1982b), and the California State Lands Commission (1993) have stated that northwestern and central coastal California have some of the most erodible terrain in the world. Several studies have indicated that, in this region, catastrophic erosion and subsequent stream sedimentation (such as during the 1955 and 1964 floods) resulted from areas which had been clearcut or which had roads constructed on unstable soils (Janda et al., 1975; Wahrhaftig, 1976; Kelsey, 1980; Lisle, 1982; Hagans et al., 1986).

As streams and pools fill in with sediment, flood flow capacity is reduced. Such changes cause decreased stream stability and increased bank erosion, and subsequently exacerbate existing sedimentation problems (Lisle, 1982), including sedimentation of spawning gravels and filling of pools and estuaries. Channel widening and loss of pool-riffle sequence due to sedimentation has damaged spawning and rearing habitat of all salmonids. By 1980, the pool-riffle sequence and pool quality in some California streams still had not fully recovered from the 1964 regional flood. In fact, Lisle (1982) and Weaver and Hagans (1996) found that many Pacific coast streams continue to show signs of harboring debris flow. Such streams have remained shallow, wide, warm, and unstable since these floods.

c. Ocean Conditions

Large fluctuations in Pacific salmon catch have occurred during the past century. Annual world harvest of Pacific salmon has varied from 347 million lb (772 million kg) in the 1930s to about 184 million lb (409 million kg) in 1977 and back to 368 million lb (818 million kg) by 1989 (Hare and Francis, 1993). Mechanisms linking atmospheric and oceanic physics and fish populations have been suggested for Pacific salmon (Rogers, 1984; Nickelson, 1986; Johnson, 1988; Brodeur and Ware, 1992; Francis et al., 1992; Francis, 1993; Hare and Francis, 1993; Ward, 1993). Many studies have tried to correlate the production or marine survival of salmon with environmental factors (Pearcy, 1992; Neeley 1994). Vernon (1958), Holtby and Scrivener (1989), and Holtby et al. (1990) have reported associations between salmon survival and sea surface temperature and salinity, especially during the first few months that slamonids are at sea. Francis and Sibley (1991), Rogers (1984), and Cooney et al. (1993) also found relationships between salmon production and sea surface temperature. Some studies have tried to link salmon production to oceanic and atmospheric climate change. For example, Beamish and Bouillon (1993) and Ward (1993) found that trends in Pacific salmon catches were similar to trends in winter atmospheric circulation in the North Pacific.

Francis and Sibley (1991) and Francis et al. (1992) have developed a model linking decadal-scale atmospheric variability and salmon production that incorporates hypotheses developed by Hollowed and Wooster (1991) and Wockett (1967), as well as evidence presented in many other studies. The model developed by Francis et al. (1992) describes a time series of biological and physical variables from the Northeast Pacific that appear to share decadal-scale patterns. Biological and physical variables that appear to have undergone shifts during the late 1970s include the following: abundance of salmon (Rogers, 1984, 1987; Hare and Francis, 1993) and other pelagic fish, cephalopods, and zooplankton (Broadeur and Ware, 1992); oceanographic properties such as current transport (Royer, 1989), sea surface temperature and upwelling (Holowed and Wooster, 1991); and atmospheric phenomena such as atmospheric circulation patterns, sea-surface pressure patterns, and sea-surface wind-stress (Trenberth, 1990; Trenberth et al., 1993).

Finally, Scarnecchia (1981) reported that near-shore conditions during the spring and summer months along the California coast may dramatically affect year-class strength of salmonids. Bottom et al. (1986) believed that coho salmon along the Oregon and California coasts may be especially sensitive to upwelling patterns because these regions lack extensive bays, straits, and estuaries, such as those found along the Washington, British Columbia, and Alaskan coasts, which could buffer adverse oceanographic effects. The paucity of high quality near-shore habitat, coupled with variable ocean conditions, makes freshwater rearing habitat more crucial for the survival and persistence of many coho salmon populations.

El Niño

An environmental condition often cited as a cause for the decline of west coast salmonids is the condition known as ''El Niño.'' El Niño is a warming of the Pacific Ocean off South America and is caused by atmospheric changes in the tropical Pacific Ocean (Southern Oscillation-ENSO). During an El Niño event, a plume of warm sea water flows from west to east toward South America, eventually reaching the coast where it is reflected south and north along the continents.

El Niño ocean conditions are characterized by anomalously warm sea surface temperature and changes in thermal structure, coastal currents, and

upwelling. Principal ecosystem alterations include decreases in primary and secondary productivity and changes in prey and predator species distributions. Several El Niño events have been recorded during the last several decades, including those of 1940–41, 1957–58, 1982–83, 1986–87, 1991–92, and 1993–94. The degree to which adverse ocean conditions can influence coho salmon production was demonstrated during the El Niño event of 1982–83, which resulted in a 24 to 27 percent reduction in fecundity and a 58 percent reduction (based on pre-return predictions) in survival of adult coho salmon stocks originating from the Oregon Production Index area (Johnson, 1988).

b. Manmade Factors

Artificial Propagation

Non-native coho salmon stocks have been introduced as broodstock in hatcheries and widely transplanted in many coastal rivers and streams in central California (Bryant, 1994; Weitkamp et al., 1995). Potential problems associated with hatchery programs include genetic impacts on indigenous, naturally-reproducing populations (see Waples, 1991), disease transmission, predation of wild fish, difficulty in determining wild stock status due to incomplete marking of hatchery fish, depletion of wild stock to increase brood stock, and replacement rather than supplementation of wild stocks through competition and continuted annual introduction of hatchery fish (Waples, 1991; Hindar et al., 1991; and Stewart and Bjornn, 1990).

While non-native fish have been introduced in the Central California coast ESU, most hatchery programs are currently being conducted without inter-ESU import of broodstock. Hatchery fish releases are conducted based on a determination that the hatchery stocks are considered similar to the native run. Efforts are made to return hatchery fish to their natal streams, and they are held for an acclimation period to increase the probability of imprinting. However, there are inadequate resources to tag enough (perhaps all) hatchery coho to monitor return rates and rates of straying (CDFG memorandum dated October 23, 1995).

Listing Determination

The listing determination is based on the best available information provided by the PSBTCs which were formed for the purpose of collecting information from diverse and remote repositories, information provided by co-manager agencies and tribes, information provided in response to the solicitation for comments, new information collected by NMFS and other scientists subsequent to the publication of the proposed rule, and the results of two BRT meetings (September 2, 1994, memorandum from Michael Schiewe to William Stelle, Jr., and October 15, 1996 memorandum from Michael Schiewe to William Stelle, Jr. and Hilda Diaz-Soltero).

The rationale for the delineation of the Central California coast coho salmon ESU is contained in the Status Review of coho salmon for Washington, Oregon, and California (Weitkamp et al., 1995) and summarized in the proposed rule (60 FR 38011, July 25, 1995). There was no disagreement over the designation of the boundaries of the Central California coast coho Eus. Moreover, the CDFG's Ad-hoc Salmon Advisory Committee confirmed that the appropriate unit for consideration is that which NMFS had described (i.e., all coho reproducing in streams between Punta Gorda, Humboldt County, CA and the San Lorenzo River, Santa Cruz County, CA). The second BRT meeting on October 7 and 8, 1996, reaffirmed the boundaries of this ESU.

The BRT also evaluated the status of existing hatchery coho populations in this ESU and concluded, with the exception of Warm Springs Hatchery, that hatchery fish should be included in the definition of this ESU (BRT Memo, October 16, 1996). The hatchery programs in this ESU are relatively small and they are being operated as supplementation hatcheries rather than production hatcheries. They are taking eggs from the rivers in which they operate and returning fish to the river from which they were taken. Release of hatchery fish occurs in streams with stocks similar to the native runs. The Warm Springs Hatchery is a relatively recent mitigation hatchery established in 1980. It was established with brood stock from an adjacent ESU and non-native coho have been imported for brood stock on several occasions. Based on recent and periodic use of non-native brood stock, the BRT recommended that these hatchery fish not be considered part of this ESU. In its comments on the proposed rule, CDFG stated that its coho hatchery programs can be integrated into recovery plans for each ESU within California through re-evaluation of each hatchery's goals and constraints with program modifications where appropriate (CDFG, October 23, 1995). NMFS is deferring its decision on the BRT's recommendation until it has had the opportunity to discuss with the CDFG and its cooperators/permit holders how they would incorporate these hatchery programs into a coho conservation strategy.

The Status Review of Coho Salmon from Washington, Oregon, and California (Weitkamp et al., 1995) and the proposed listing determination for west coast coho salmon (60 FR 38011, July 25, 1995) summarized the best available information regarding the current status of the Central California coast coho ESU. In its proposed listing determination, NMFS concluded that the Central California coho salmon ESU should be proposed for listing as a threatened species, but indicated that additional information would be gathered prior to making a final determination. Specifically, NMFS indicated that it would: (1) Gather additional biological information on the status of coho salmon populations in this ESU; (2) assess the response, if any, of coho salmon populations to recent coho protection measures proposed by the PFMC and implemented by NMFS; (3) review and evaluate any new protective measures implemented as a result of the State of California's decision to list coho salmon south of San Francisco; (4) review and evaluate any additional protective or conservation measures implemented by the State or private landowners; and (5) evaluate the progress made by the Resources Agency in its effort to coordinate the development and implementation of a long-term conservation plan for coho salmon in California.

NMFS scientists have collected new biological information on the presence-absence of coho salmon in the Central California coast ESU since the proposed listing in July 1995, and they have gathered additional information on coho salmon presence for the period of 1994–96 from other sources. Based on this new information, coho salmon show a higher frequency of presence in this ESU than reported by Brown and Moyle (1991) and Brown et al. (1994). Specifically, the new information showed that coho salmon were present in 57 percent of the streams of historical record in the Central California coast ESU compared with the 47 percent reported by Brown and Moyle (1991). Coho salmon were found in an additional 23 streams where there was no historical record of their occurrence. In addition, sampling data recently supplied by several timber landowners suggest similar increases in occurrence of coho in streams on their property. These new data suggest that coho salmon are more widely distributed in the ESU than was previously thought to

be the case, and indicate that additional and more widespread sampling would improve our ability to assess the status of coho in this ESU. The BRT reviewed this new information and concluded that the Central California coast coho salmon ESU should be listed, but they did not reach a consensus on whether the ESU was at risk of extinction or whether it was likely to become at risk of extinction in the near future.

Since 1994, the PFMC has recommended an ocean harvest management regime that prohibits retention of coho and sets incidental ocean harvest impact rate for coho of 12 percent. Recent data from Oregon suggest that the in-river escapement of coho has increased during the last few years due to the reduction in ocean harvest impacts. However, without an adequate in-river sampling program in California to monitor coho escapement levels, NMFS is not able to evaluate the relative benefit of this level of fishing mortality other than to conclude that the harvest impact rate is low compared to harvest rates for healthy stocks, and incidental harvest rates authorized for endangered winter chinook salmon in the Sacramento River and threatened spring/summer chinook salmon in the Columbia River Basin.

The CDFG has implemented a cooperative effort with the CDF and Santa Cruz County to address habitat issues and improve implementation of the State's forest practice rules. The primary administrative vehicle for this effort was a consultation between the CDFG and CDF and the subsequent issuance of a biological opinion and incidental take statement pursuant to section 2090 of California ESA. NMFS is encouraged by the effort shown by the CDF, Board of Forestry, and County of Santa Cruz to provide greater protection for coho salmon habitat. However, these programs need to be evaluated for a period of time to determine whether they are providing the intended habitat protection.

NMFS has also identified and evaluated existing and new conservation measures contributing to the conservation of coho salmon in this ESU. Examples of watersheds where local coho conservation efforts are being implemented are: San Lorenzo River (Santa Cruz County), Lagunitas Creek (Marin County), Russian River and Gualala River (Sonoma County), and the Garcia River and Navarro River (Mendocino County). Specific efforts within these basins vary in scope and complexity. In Santa Cruz County restoration and recovery efforts range from coho trapping at a water diversion facility and movement to rearing facilities, to County sponsored in-stream fish passage and stream restoration projects. In Marin, Sonoma, and Mendocino Counties, Resource Conservation Districts (RCD) are providing the focus for agriculture and local conservation groups to use Federal grants to develop and implement prioritized restoration plans. One of the best examples of a coordinated effort has been the Garcia River Watershed Advisory Group. In 1991 this group developed a restoration and enhancement plan, and to date has completed many of the prioritized actions. In the summer of 1996, this group began to focus on sediment delivery and monitoring plans to evaluate restoration success, identify data gaps, and monitor population trends. A similar, cooperative effort has been initiated in the Russian River between the local RCD and the Sonoma County Water Agency. NMFS encourages agencies and other groups to continue these efforts and believes that successful watershed restoration initiatives may provide an effective and efficient approach to salmonid conservation on non-Federal lands in a manner that may reduce the vulnerability of landowners to potential section 9 ''take'' liabilities through their adoption into a 4(d) rule.

In July 1995, the California Resources Agency initiated the Coastal Salmon Initiative (CSI). The CSI is a community oriented planning effort designed to produce a conservation program based on voluntary measures and incentives to protect fish and wildlife habitat in a manner that would protect the economic interests of communities within the range of coho salmon. The process has been slow to progress and is currently not expected to develop a plan for NMFS review until March 1997. If the plan is gauged likely to be successful, NMFS will consider implementing it via a section 4(d) rule comparable to the FWS's 4(d) rule for gnatcatchers in southern California. Because this effort is only in its early stages of development and little concrete progress has occurred to date, the CSI itself can have only a de minimis effect on this listing decision. However, MNFS encourages the Resources Agency to continue to process as it provides small timber land owners, ranchers, and farmers a mechanism for fulfilling the requirements of the ESA.

Based on its assessment of the available scientific and commercial information on coho salmon in this ESU and the conservation measures which are being implemented, NMFS has determined that the Central California coast coho salmon ESU should be listed as a threatened species. The Central California Coast coho salmon ESU consists of all coho salmon naturally reproduced in streams between Punta Gorda, Humboldt County, CA and the San Lorenzo River, Santa Cruz County, CA. The determination as threatened is appropriate because of the information contained in the original status review and received during the comment period, confirmed by new information, indicating that coho are present in watersheds where they had been reported to be extirpated or not present historically, and because of the conservation efforts being implemented by NMFS and the PFMC regarding the ocean fishing impacts, measures to improve habitat south of San Francisco under the State's 2090 agreement, and local efforts by RCDs to acquire funding and restore coho aquatic habitat elsewhere within the ESU.

Prohibitions and Proposed Protective Measures

Section 9(a) of the ESA contains specific prohibitions that apply to all endangered fish and wildlife species. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to ''take'' (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taking illegally. These prohibitions apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. Certain exceptions apply to agents of NMFS and State conservation agencies.

Sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA provide NMFS with authority to grant exceptions for the ESA's ''taking'' prohibitions (see regulations at 50 CFR §§ 222.22 through 222.24). Section 10(a)(1)(A) scientific research and enhancement permits may be issued to entities (Federal and non-Federal conducting research that involves intentional take of listed species.

Section 4(d) of the ESA allows the promulgation of regulations ''to provide for the conservation of [threatened] species,'' which may include extending any or all of the prohibitions of section 9 to threatened species. Section 9 also prohibits violations of protective regulations for threatened species promulgated under section 4(d).

In this rulemaking, NMFS is extending, pursuant to section 4(d) of the ESA, the section 9 prohibitions to the threatened Central California coho salmon ESU, with the exceptions provided for under section 10 of the ESA, in order to provide it with maximum and immediate protection. As discussed below, NMFS may develop a regulation pursuant to section 4(d) for the conservation of the species that would be more flexible and more specific than the generic section 9 prohibitions.

NMFS is delaying, for 60 days, the prohibitions of section 9 both with respect to scientific research and enhancement programs to provide time to accept applications and process permits for such programs, and, generally, in order to conclude discussions with CDFG and CDF regarding agreements that will define activities that may occur without taking coho salmon. Thus, the requirements of section 7 will be effective on December 2, 1996, and the section 9 prohibitions on take will be effective on December 30, 1996. This will minimize the disruption of otherwise legal activities within the geographic range of this ESU.

For listed species, section 7(a)(2) of the ESA requires Federal agencies to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with NMFS.

Examples of Federal actions most likely to be affected by listing the Central California coast ESU include Corps of Engineers (COE) section 404 permitting activities under the CWA, COE section 10 permitting activities under the River and Harbors Act and Federal Energy Regulatory Commission licensing and relicensing for non-Federal development and operation of hydropower and EPA promulgation of TMDLs. These actions will likely be subject to ESA section 7 consultation requirements which may result in conditions designed to achieve the intended purpose of the project and avoid or reduce impacts to coho salmon and its habitat within the range of the listed ESU.

There are likely to be Federal actions ongoing in the range of the Central California coast ESU at the time that this listing becomes effective. Therefore, NMFS will review all ongoing actions that may affect the listed species with the Federal agencies, and will complete formal or informal consultations, where requested or necessary, for such actions as appropriate, pursuant to ESA section 7(a)(2).

NMFS has issued section 10(a)(1)(A) research or enhancement permits for other listed species (e.g., Snake River chinook salmon, Sacramento River winter-run chinook salmon) for a number of activities, including trapping and tagging to determine population distribution and abundance, and collection of adult fish for artificial propagation programs. NMFS is aware of several sampling efforts for coho salmon in the Central California coast coho ESU, including efforts by Federal and state fisheries agencies, and private landowners. These and other research efforts could provide critical information regarding coho salmon distribution and population abundance.

Section 10(a)(1)(B) incidental take permits may be issued to non-Federal entities to authorize take of listed species incidental to otherwise lawful activities. The types of activities potentially requiring a section 10(a)(1)(B) incidental take permit include the operation and funding of hatcheries and release of artificially propagated fish by the State, State or university research not receiving Federal authorization or funding, the implementation of state fishing regulations, and timber harvest activities on non-federal lands. Several industrial timber companies with substantial landownership within the boundaries of the Central California coast coho ESU are in the process of developing HCPs and incidental take permit applications for coho salmon. These HCPs are being developed as multi-species plans in conjunction with both NMFS and the FWS.

NMFS and FWS published in the Federal Register on July 1, 1994 (59 FR 34272), a policy that NMFS shall identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The intent of this policy is to increase public awareness of the effect of this listing on proposed and ongoing activities within the species' range. NMFS thinks that, based on the best available information, the following actions will not result in a violation of section 9:

1. Possession of Central California Coast coho salmon acquired lawfully by permit issued by NMFS pursuant to section 10 of the ESA, or by the terms of an incidental take statement pursuant to section 7 of the ESA.

2. Federally approved projects that involve activities such as silviculture, grazing, mining, road construction, dam construction and operation, discharge of fill material, stream channelization or diversion for which consultation has been completed, and when such activity is conducted in accordance with any terms and conditions provided by NMFS in an incidental take statement accompanied by a biological opinion pursuant to Section 7 of the ESA.

3. Incidental catch of coho salmon by recreational anglers in freshwater streams, provided they are fishing legally under California fishing regulations (which must comply with a NMFS incidental take permit) and the coho salmon is returned immediately to the water using handling practices to minimize injury to the fish.

4. Diversion of water, provided a properly designed and functional fish screen (i.e. meets NMFS screen criteria) is in place to prevent entrainment of coho salmon and if resulting instream flow conditions do not adversely affect coho salmon.

5. Ongoing habitat restoration efforts that have been reviewed and approved by NMFS.

Activities that NMFS thinks could potentially harm coho salmon in the Central California Coast ESU and result in ''take'', include, but are not limited to:

1. Land-use activities that adversely affect coho salmon habitat (e.g. logging, grazing, farming, road construction) in riparian areas and areas susceptible to mass wasting and surface erosion.

2. Unauthorized destruction/alteration of the species' habitat, such as removal of large woody debris or riparian shade canopy, dredging, discharge of fill material, draining, ditching, diverting, blocking, or altering stream channels or surface or ground water flow.

3. Discharges or dumping of toxic chemicals or other pollutants (i.e., sewage, oil, and gasoline) into waters or riparian areas supporting the species.

4. Violation of discharge permits.

5. Pesticide applications in violation of label restrictions.

6. Interstate and foreign commerce of central California coast coho salmon (commerce across state lines and international boundaries) and import/export of central California coast coho salmon without prior obtainment of a threatened or endangered species permit.

7. Unauthorized collecting or handling of the species. Permits to conduct these activities are available for purposes of scientific research or to

enhance the propagation or survival of the species.

8. Introduction of non-native species likely to prey on salmon or displace them from their habitat.

This list is not exhaustive. It is intended to provide some examples of the types of activities that might be considered by the NMFS as constituting a ''take'' of Central California coast coho salmon under the ESA and its regulations. Questions regarding whether specific activities will constitute a violation of section 9, and general inquiries regarding prohibitions and permits, should be directed to NMFS (see **ADDRESSES**).

Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the ESA include recognition, recovery actions, Federal agency consultation requirements, and prohibitions on taking. Recognition through listing promotes public awareness and conservation actions by Federal, State, and local agencies, private organizations, and individuals.

Several protective and recovery efforts are underway to address problems contributing to the decline of the Central California coast coho salmon ESU. These include the listing of coho salmon south of San Francisco under CESA, the implementation of improved protective measures for timber harvest in watersheds south of San Francisco, and the development of a recovery plan for coho salmon south of San Francisco. Other important future efforts include development of the California Resources Agency's CSI, the development of several HCPs by industrial timber companies, and development of a Memorandum of Understanding (MOU) with Natural Resources Conservation Service (NRCS) and others.

As discussed under the listing determination, NMFS encourages the State to continue its work with the CSI to create a comprehensive conservation plan for coho salmon throughout California. NMFS thinks these cooperative conservation efforts wherein diverse stakeholders achieve both environmental and economic goals are essential components of recovery planning for coho salmon and other salmonids. Even after a final listing of the Central California coho salmon ESU, the CSI process can serve as an important forum to assist NMFS in the development of ESA 4(d) regulations for listed salmonids.

The California Forest Practices Act provides a process to list threatened or endangered species as ''Sensitive Species,'' thereby requiring additional protection measures either throughout the species range or specific to individual watershed basins. This process could be employed to provide substantial conservation benefits for coho salmon in the central California coast ESU, where at present more than 90 percent of the land is in private ownership, and silviculture is a predominant land use activity. In response to the listing of the Central California coast salmon ESU, the CDF, State Water Resources Control Board, and CDFG, in cooperation with Federal agencies, could provide special emphasis to habitat areas containing listed coho salmon to promote their recovery.

NMFS will assess new scientific information as it becomes available and will continue to assess the degree to which ongoing Federal, state, and local conservation initiatives reduce the risks faced by coho salmon in the Central California coast coho salmon ESU. If these or future initiatives clearly ameliorate risk factors and demonstrate that the species is recovering, NMFS will reconsider the listing status. Information regarding the efficacy of conservation efforts and any new scientific data regarding the Central California Coast coho salmon ESU should be submitted to NMFS (see **ADDRESSES**).

NMFS intends to move rapidly during the next year to develop and implement a strategy to halt the decline and begin the recovery of coho salmon populations within the Central California coast coho salmon ESU. Because the vast majority of land in this ESU is in private ownership (ca. 90 percent), the key to protecting and recovering coho salmon in this ESU will be the implementation of conservation measures on private lands. Also, because coho salmon in this ESU are being listed as threatened, NMFS intends to take full advantage of section 4(d) of the ESA to define and authorize incidental take of coho salmon and its habitat in association with various land use activities on private lands. Key elements of the coho salmon conservation strategy that NMFS will pursue include:

1. Development of ESA 4(d) Rules—NMFS intends to pursue the development of one or more ESA 4(d) rules that will identify conservation measures and strategies for various non-federal land use sectors (e.g. timber harvest, agriculture, and grazing, etc.) and define acceptable levels of incidental take. NMFS thinks that the California Resources Agency's CSI can serve as a particularly useful forum for developing these conservation strategies, since a broad range of stakeholder groups participate in the CSI process. NMFS, therefore, encourages rapid progress by the participants in the CSI so that its work products can contribute to or be incorporated into a 4(d) rule that may define, with greater specificity, permissible activities and protect landowners from potential section 9 liabilities.

2. Development of Interim/Long-term Protective Strategies for Timber Harvest—NMFS will continue to work aggressively with the California Board of Forestry and CDF to develop guidelines for the development of Timber Harvest plans which do not result in the take of coho salmon, including harm to the species by degradation of its habitat. In addition, NMFS will work with the Bureau of Forestry, CDF, and landowners to develop protection strategies for coho salmon and its habitat throughout the ESU. These strategies may also reduce harm or incidental take of coho salmon as a result of modification to habitat. NMFS is hopeful that this type of protection plan can be incorporated into an ESA 4(d) rule which will address smaller landowners in this ESU.

3. Development of Multi-Species HCPs and ITPs—NMFS will continue to work with large industrial timber landowners within this ESU to develop HCPs which protect and conserve coho salmon and its habitat, while at the same time allowing landowners to conduct their economic activities with long-term certainty. NMFS will continue its commitment to work with the FWS to develop multi-species HCPs and issue multi-species ITPs. These efforts are important because large landowners control and manage a substantial portion of coho salmon habitat within the Central California coast coho salmon ESU.

4. Development and Implementation of an MOU with NRCS and others—NMFS will continue working with the Natural Resource Conservation Service, FWS, EPA, the State, local and private interests (e.g. The California Association of Resource Conservation Districts) to develop and implement a voluntary, watershed-based, locally driven program to assist the agricultural and grazing community in complying with Federal and State endangered species and water quality laws including protecting coho salmon and its habitat. Both technical and financial assistance will be made available to farmers in high-priority watersheds.

5. Ocean Harvest Management—NMFS expects that it will be necessary to continue the restrictions on coho

salmon harvest that have been in place since 1994 to protect listed and proposed coho salmon populations. At this time, NMFS does not think that further restrictions on the ocean chinook fisheries are needed to reduce ocean harvest impacts on coho salmon.

6. State-managed Fisheries and Hatcheries—NMFS intends to work with the State of California to evaluate its current fisheries management regulations and hatchery activities to ensure that impacts to coho salmon from in-river recreational fisheries and State managed hatchery practices are minimized. As necessary, NMFS will work with the State to amend its sportfishing regulations and provide incidental take authorization for recreational fisheries targeting other species of salmon, steelhead and trout. Similarly, NMFS will review and authorize appropriate hatchery practices.

7. Develop and Implement Recovery Plan—NMFS intends to establish a recovery team to develop a recovery plan for coho salmon once the final decisions on coho salmon status coastwide are completed by the agency in the coming months. In the interim, NMFS will continue to work with the State in its efforts to develop a recovery plan for coho salmon populations south of San Francisco where the species has been listed under the CESA.

Critical Habitat

Section 4(a)(3)(A) of the ESA requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. NMFS has completed its analysis of the biological status of the Central California Coast coho salmon ESU, but has not completed the analysis necessary for the designation of critical habitat. NMFS has decided to proceed with the final listing determination now and to proceed with the designation of critical habitat in a separate rulemaking. Section 4(b)(6)(C)(ii) provides that, where critical habitat is not determinable at the time of final listing, NMFS may extend the period for designating critical habitat by not more than one additional year. Congress further stated in the 1982 amendments to the ESA, ''where the biology relating to the status of the species is clear, it should not be denied the protection of the Act because of the inability of the Secretary to complete the work necessary to designate critical habitat.'' H. Rep. No. 567, 97th Cong., 2d Sess. 19 (1982). NMFS believes that this final listing determination is appropriate and necessary to protect the ESU and is consistent with congressional direction.

NMFS further concludes that critical habitat is not determinable at this time because information sufficient to perform the required analysis of the impacts of the designation is lacking. NMFS has solicited information necessary to designate critical habitat in its proposed rule (60 FR 38011, July 25, 1995) and will consider such information in the proposed designation. Specifically, designation requires a determination of those physical and biological features that are essential to the conservation of the species and which may require special management considerations or protection; it further requires the consideration of economic analysis of the impacts of the designation. These analyses have not yet been completed, and, therefore, critical habitat is not determinable at this time.

Classification

The 1982 amendments to the ESA in section 4(b)(1)(A) restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus*, 675 F. 2d 825 (6th Cir., 1981), NMFS has categorically excluded all ESA listing actions from the environmental assessment requirements of NEPA (48 FR 4413; February 6, 1984).

As noted in the Conference Report on the 1982 amendments to the ESA, economic considerations have no relevance to determinations regarding the status of the species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. Similarly, this final rule is exempt from review under E.O. 12866.

References

The complete citations for the references used in this document can be obtained by contacting Craig Wingert, NMFS (see **ADDRESSES**)

List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: October 24, 1996.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 227 is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation of part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 227.4, paragraph (h) is added to read as follows:

§ 227.4 Enumeration of threatened species.

* * * * *

(h) Central California coast coho salmon (*Oncorhynchus kisutch*).

3. Section 227.21 is revised to read as follows:

§ 227.21 Threatened salmon.

(a) *Prohibitions.* The prohibitions of section 9 of the ESA (16 U.S.C. 1538) relating to endangered species apply to the threatened species of salmon listed in § 227.4 (f), (g), and (h), except as provided in paragraph (b) of this section. These prohibitions shall become effective for the threatened species of salmon listed in § 227.4(h) on December 30, 1996.

(b) *Exceptions.* (1) The exceptions of section 10 of the Act (16 U.S.C. 1539) and other exceptions under the Act relating to endangered species, including regulations implementing such exceptions, also apply to the threatened species of salmon listed in § 227.4 (f), (g), and (h). This section supersedes other restrictions on the applicability of parts 217 and 222 of this chapter, including, but not limited to, the restrictions specified in §§ 217.2 and 222.22(a) of this chapter with respect to the species identified in 227.21(a).

(2) The prohibitions of paragraph (a) of this section relating to threatened species of salmon listed in § 227.4 (h) of this part do not apply to activities specified in an application for a permit for scientific purposes or to enhance the propagation or survival of the species provided that the application has been received by the Assistant Administrator by December 30, 1996. This exception ceases upon the Assistant Administrator's rejection of the application as insufficient, upon issuance or denial of a permit, or on May 31, 1997, whichever occurs earliest.

[FR Doc. 96–27887 Filed 10–25–96; 5:05 pm]

BILLING CODE 3510–22–P–M

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 102596A]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1996 bycatch mortality allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery in the BSAI.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 26, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 bycatch mortality allowance of Pacific halibut for the BSAI trawl yellowfin sole fishery, which is defined at § 679.21(e)(3)(iv)(B)(1), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) and increased to 870 metric tons in accordance with § 679.25(a)(1)(iii) (61 FR 54580, October 21, 1996).

The Administrator, Alaska Region, NMFS (formerly Regional Director), has determined, in accordance with § 679.21(e)(7)(iv), that the 1996 bycatch mortality allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery in the BSAI has been caught. Therefore, NMFS is prohibiting directed fishing for yellowfin sole by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: October 25, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27889 Filed 10–25–96; 4:34 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563–AB01

General Administrative Regulations; Ineligibility for Programs Under the Federal Crop Insurance Act

AGENCY: Federal Crop Insurance Corporation, Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The regulations contained in this subpart are issued pursuant to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) To prescribe the procedures for determining eligibility for program participation in any program administered under the Federal Crop Insurance Act, as amended, and administering and maintaining an ineligible tracking system. In addition, this rule sets out the criteria for reinstatement of program eligibility.

DATES: Written comments, data, and opinions on this proposed rule will be accepted until close of business December 30, 1996 and will be considered when the rule is to be made final. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through December 30, 1996.

ADDRESSES: Written comments, data, and opinions on this proposed rule should be sent to the Chief, Product Development Branch, Federal Crop Insurance Corporation (FCIC), United States Department of Agriculture (USDA), 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730. Written comments will be available for public inspection and copying in room 0324, South Building, USDA, 14th and Independence Avenue, SW., Washington, DC, 8:15 a.m.–4:45 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: For further information, contact Bill Smith, Supervisory Program Analyst, Research and Development Division, Product Development Branch, FCIC, at the Kansas City, MO address listed above, telephone (816) 926–7743. For a copy of the Cost-Benefit Analysis to the General Administrative Regulations; Ineligibility for Programs Under the Federal Crop Insurance Act, contact Bonnie Hart, USDA, FSA, Advisory and Corporate Operations Staff, Regulatory Review Group, P.O. Box 2415, STOP 0572, USDA, Washington, DC 20013–2415, 8:15 a.m.–4:45 p.m., est, Monday through Friday, except holidays, telephone (202) 690–2857.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Departmental Regulation 1512–1

This action has been reviewed under USDA procedures established by Executive Order 12866 and Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is February 1, 2001.

This rule has been determined to be significant for the purposes of Executive Order 12866, and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Cost-Benefit Analysis

A Cost-Benefit Analysis has been completed and is available to interested persons at the address listed above. In summary, the analysis finds that the expected benefits of this action outweigh the cost to society. By allowing the efficient tracking of ineligible individuals, the Federal government will be able to collect about $6 million annually in debts owed by crop insurance policyholders. The burden on policyholders and crop insurance companies for reporting information to establish the tracking system is estimated to be $5.1 million. However, most policyholders have already reported their Social Security Number for tracking purposes and will not need to report again. Thus, the reporting burden in future years should be considerably less. Federal costs for maintaining the tracking system are estimated to be about $660,000 for the first year and somewhat less in future years.

Paperwork Reduction Act of 1995

The information collection requirements contained in these regulations have been submitted to OMB for their approval under section 3507(j) of the Paperwork Reduction Act of 1995. This proposed rule will amend the information collection requirements under OMB number 0563–0047, through September 30, 1996.

The title of this information collection is ''General Administrative Regulation; Subpart Q, Collection and Storage of Social Security Numbers (SSN) and Employer Identification Numbers (EIN), and Subpart U, Ineligibility for Programs Under the Federal Crop Insurance Act.'' The information collected is used to correctly identify the participant, and any other person with an interest in the policyholder's operation in excess of 10%, as a policyholder within the systems maintained by FCIC, and to compile the names of debtors, persons in violation of the controlled substance provisions of the Food Security Act of 1985, persons who have committed fraud, misrepresentation, or adopted a scheme or device.

The information requested is necessary to protect the integrity of the program by ensuring that those producer's who have abused the program are not eligible for further program benefits, or for program participation in any program administered under the Federal Crop Insurance Act, as amended, and administering and maintaining an ineligible tracking system.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be 25 minutes per response.

Respondents: Policyholders and those with a substantial beneficial interest in the policyholder or any person having any interest in the policyholder and receiving separate benefits under another USDA program as a direct result of such interest.

Estimated Number of Respondents: 2,032,800.

Estimated Number of Responses per Respondent: 1 per year.

Estimated Total Burden Hours: 508,200.

The comment period for information collections under the Paperwork

Reduction Act of 1995 continues on the following: (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 gathering technology.

Comments regarding paperwork reduction should be submitted to the Desk Officer of Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C., 20503 and to Bonnie Hart, Advisory and Corporate Operations Staff, Regulatory Review Group, Farm Service Agency, P.O. Box 2415, Ag Box 0572, United States Department of Agriculture, Washington, D.C. 20013–2415. Copies of the information collection may be obtained from Bonnie Hart at the above address, telephone (202) 690–2857.

The Office of Management and Budget (OMB) is required to make a decision concerning the collection(s) of information contained in these proposed regulations between 30 and 60 days after submission to OMB. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulation.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, FCIC generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FCIC to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandate (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of Government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. The amount of work required of insurance companies should not increase because the information used to determine eligibility is already maintained at their office. The amount of work required of insurance companies may actually be reduced because verification with FCIC of a producer's compliance with the controlled substance regulations, currently done manually, will be automated. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12778

The Office of General Counsel has determined that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before action for judicial review may be brought.

Environmental Evaluation

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

It is the intention of FCIC to compile a list of those persons who have been found ineligible for participation in catastrophic risk protection coverage, limited coverage, and additional coverage because of various violations committed under the Federal Crop Insurance Act, as amended, and the Food Security Act of 1985, as amended. Violations which may cause a person's ineligibility include a delinquent debt from non-payment of premium or overstatement of indemnity, a material scheme or device, fraud, conviction of certain controlled substance infractions, or other causes.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure, Claims, Crop insurance, Fraud, Reporting and recordkeeping requirements.

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) the Federal Crop Insurance Corporation proposes to add a new subpart U to 7 CFR part 400, effective for the 1997 (1998 for Texas and Arizona/California Citrus) and succeeding crop years, to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart U—Ineligibility for Programs Under the Federal Crop Insurance Act

Sec.
400.675 Purpose.
400.676 OMB control numbers.
400.677 Definitions.
400.678 Applicability.
400.679 Criteria for ineligibility.
400.680 Determinations of ineligibility.
400.681 Effect of ineligibility.
400.682 Criteria for reinstatement of eligibility.
400.683 Administration and maintenance.

Subpart U—Ineligibility for Programs Under the Federal Crop Insurance Act

Authority: 7 U.S.C. 1506(1) and 1506(p).

§ 400.675 Purpose.

This subpart prescribes conditions under which a person may be determined to be ineligible to participate in any program administered by FCIC under the Federal Crop Insurance Act, as amended. This

subpart also establishes the criteria for reinstatement of eligibility.

§ 400.676 OMB control numbers.

The collecting of information requirements in this subpart has been approved by the Office of Management and Budget and assigned OMB control number 0563–0047.

§ 400.677 Definitions.

Act.—The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.).

Actively engaged in farming.—Means a person who, in return for a share of profits and losses, makes a significant contribution to the production of an insurable crop in the form of capital, equipment, land, personal labor, or personal management.

Applicant.—A person who has submitted an application for crop insurance coverage under the Act.

Authorized person.—Any current or past officer, employee, elected official, general agent, agent, contractor, or loss adjuster of FCIC, the insurance provider, or any other government agency whose duties require access to the Ineligible Tracking System to administer the Act.

Controlled substance.—Any prohibited drug-producing plants including, but not limited to, cacti of the genus (lophophora), coca bushes (erythroxylum coca), marijuana (cannabis satiua), opium poppies (papauer somniferum), and other drug-producing plants, the planting and harvesting of which is prohibited by Federal or state law.

Debt.—An amount of money which has been determined by an appropriate agency official to be owed, by any person, to FCIC or an insurance provider under any program administered under the ACT. The debt may have arisen from overpayment, premium non-payment, interest, penalties, or other causes.

Debtor.—A person who owes a debt and that debt is delinquent.

Delinquent debt.—Any debt owed to FCIC or the insurance provider, under any program administered under the authority of the Act, that has not been paid by the termination date specified in the applicable contract of insurance, or other due date for payment contained in any other agreement or notification of indebtedness, or any overdue debt owed to FCIC or the insurance provider which is the subject of a scheduled installment payment agreement which the debtor has failed to satisfy under the terms of such agreement. Such debt may include any accrued interest, penalty, and administrative charges for which demand for repayment has been made, or unpaid premium including any accrued interest, penalty and administrative charges (§ 400.116). A delinquent debt does not include debts discharged in bankruptcy and other debts which are legally barred from collection.

EIN.—An Employer Identification Number as required under section 6109 of the Internal Revenue Code of 1986 (26 U.S.C. 6109).

FCIC.—The Federal Crop Insurance Corporation, a wholly owned corporation within the United States Department of Agriculture.

FSA.—The Farm Service Agency or successor agency, USDA.

Ineligible person.—A person who is denied participation in any program administered by FCIC under the Act.

Insurance provider.—A private insurance company approved by FCIC, or FSA providing crop insurance coverage to producers participating in any Federal crop insurance program administered under the Act.

Person.—An individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, political subdivision, or an agency of a State.

Policyholder.—An applicant whose properly completed application for insurance under the crop insurance program has been accepted by FCIC or an insurance provider.

Reinsurance agreement.—An agreement between two parties by which an insurer cedes to a reinsurer certain liabilities arising from the insurer's sale of insurance policies.

Reinsured company.—A private insurance company having a Standard Reinsurance Agreement, or other reinsurance agreement, with FCIC, whose crop insurance policies are approved and reinsured by FCIC.

Scheduled installment payment agreement.—An agreement between a person and FCIC or the insurance provider to satisfy financial obligations of the person under conditions which modify the terms of the original debt.

Settlement.—An agreement between a person and FCIC or the insurance provider to resolve a dispute arising from a debt or other administrative determination.

SSN.—An individual's Social Security Number as required under section 6109 of the Internal Revenue Code of 1986.

Standard Reinsurance Agreement (SRA).—The primary reinsurance agreement between the reinsured company and FCIC.

Substantial beneficial interest.—Any person having an interest of at least ten percent (10%) or more in the applicant or policyholder.

System of records.—Records established and maintained by FCIC and FSA containing SSN or EIN data, name, address, city and State, applicable policy numbers, and other information related to Federal crop programs as required by FCIC, from which information is retrieved by a personal identifier including the SSN, EIN, name, or other unique identifier of a person.

§ 400.678 Applicability.

This subpart applies to any program administered by FCIC under the Act, including:

(a) The Catastrophic Risk Protection Program; and

(b) The Limited and Additional Coverage Program as authorized under sections 508(c) and 508(h) of the Act.

§ 400.679 Criteria for ineligibility.

A person may be determined to be ineligible to participate in any program administered by FCIC under the authority of the Act, if the person meets one or more of the following criteria:

(a) Has a delinquent debt on a crop insurance policy, issued or reinsured by FCIC, or any delinquent debt due FCIC. Any person with a delinquent debt owed to FCIC or to the insurance provider shall be ineligible to participate in any program administered under the authority of the Act. Delinquent debts are limited to those that arise from crop insurance programs administered by FCIC under the Act. The existence and delinquency of the debt must be verifiable.

(b) Has violated the Controlled Substance (7 CFR part 796) provisions of the Food Security Act of 1985, as amended. Any person who violates the Controlled Substance provisions of the Food Security Act of 1985, as amended, shall be ineligible to participate in all programs administered under the Act.

(c) Has committed fraud, misrepresentation, or adopted a scheme or device to obtain any benefits under the Act. Any person who is found in a criminal or civil proceeding, or a formal or informal administrative proceeding to have willfully and intentionally provided any false or inaccurate information to FCIC or the insurance provider, which the person knew or should have known was false or inaccurate, or adopted a material scheme or device in their participation in programs administered under the authority of the Act, shall be ineligible to participate in all programs administered under the Act. Ineligibility determinations resulting from judicial or administrative proceedings will not be stayed pending review.

§ 400.680 Determinations of ineligibility.

If an insurance provider or any other authorized person has evidence that any person meets any of the criteria set forth in this subpart, they must submit the evidence to FCIC. After verification that the person has met one or more of the criteria, a Notice of Ineligibility will be issued and mailed to the person at the person's last known address. The Notice of Ineligibility will state the criteria upon which the determination of ineligibility has been based, a brief statement of the facts to support the determination, the time period of ineligibility, and the person's right for review of the ineligibility determination. Any person receiving such a Notice of Ineligibility may seek reconsideration of the determination of ineligibility from the provider of insurance, or appeal to the USDA National Appeals Division (NAD), pursuant to 7 CFR part 11, within thirty (30) days from the date the Notice of Ineligibility is received by the person.

§ 400.681 Effect of ineligibility.

(a) Once the person has been determined to be ineligible:

(1) All policies in which the person has a 100 percent share of all crops covered by the policy will be void effective for the crop year for which the person was determined to be ineligible;

(2) If the ineligible person is a general partnership, all partners will be individually ineligible and any policy in which a partner has a 100 percent interest will be void effective for the crop year for which the partnership was determined to be ineligible. The partnership and all partners will be removed from any policy in which they have a substantial beneficial interest, and the policyholder share under the policies will be reduced commensurate with the ineligible person's share;

(3) If the applicant or policyholder is a corporation, partnership, or other business entity, and an ineligible person has a substantial beneficial interest in the applicant or policyholder, the application may be accepted or existing policies remain in effect, although the ineligible person will be removed from the policies and the policyholder share under the policies will be reduced commensurate with the ineligible person's share;

(4) If the applicant or policyholder is a corporation, partnership, or other business entity that was created to conceal the interest of a person in the farming operation or to evade the ineligibility determination of a person with a substantial beneficial interest in the applicant or policyholder, the corporation, partnership or other business entity will be disregarded, the individual shareholders or partners will be personally responsible, and any shareholder or partner that is ineligible will be removed from the policy and the policyholder share under the policies will be reduced commensurate with the ineligible person's share;

(5) Any indemnities or payments made on a voided policy or on the portion of the policy reduced because of ineligibility will be declared overpayments and must be repaid; and

(6) If the policy is voided, all premiums may be refunded or if an ineligible person is removed from a policy, the portion of the premium commensurate with the ineligible person's share may be refunded, unless FCIC determines the person has willfully and intentionally provided false or inaccurate information to FCIC or an insurance provider.

(b) The spouse and minor children of an individual are considered to be the same as the individual for purposes of this subpart except that:

(1) The spouse who was actively engaged in farming in a separate farming operation prior to their marriage will be a separate person with respect to that separate farming operation so long as that operation remains separate and distinct from any farming operation conducted by the other spouse;

(2) A minor child who is actively engaged in farming in a separate farming operation will be a separate person with respect to that separate farming operation if:

(i) The parent or other entity in which the parent has a substantial beneficial interest does not have any interest in the minor's separate farming operation or in any production from such operation;

(ii) The minor has established and maintains a separate household from the parent;

(iii) The minor personally carries out the farming activities with respect to the minor's farming operation; and

(iv) The minor establishes separate accounting and record keeping for the minor's farming operation.

(c) An individual shall be considered to be a minor until the age of 18 is reached. Court proceedings conferring majority on an individual under 18 years of age will not change such individual's status as a minor.

(d) Any person determined to be ineligible will be denied subsequent participation in any program administered under the Act until eligibility is reinstated pursuant to this subpart.

(e) Any person who has been determined ineligible for:

(1) Controlled substance violations will be denied benefits for the crop year of the conviction and the four succeeding crop years;

(2) Adopting a material scheme or devise will be denied benefits for one crop year; and

(3) Fraud or misrepresentation may be disqualified from receiving benefits under the Catastrophic Risk protection plan for up to two crop years and for any plan of insurance providing coverage greater than the catastrophic coverage, may be disqualified from receiving benefits for up to ten crop years.

§ 400.682 Criteria for reinstatement of eligibility.

A person who has been determined ineligible may have eligibility reinstated as follows:

(a) A delinquent debt owed on a crop insurance policy insured or reinsured by FCIC or any delinquent debt due FCIC. Eligibility may be reinstated after payment of the debt, or acceptance by FCIC or the insurance provider of a scheduled installment payment agreement. Eligibility will be reinstated as of the date the debt is paid or the date the agreement is accepted.

(b) Violations of the Controlled Substance provisions of the Food Security Act of 1985, as amended. Eligibility will be reinstated in accordance with § 400.681.

(c) Commission of a fraud, misrepresentation, and adoption of a material scheme or device to obtain benefits under any program administered under the Act. Eligibility may be restored when the period of disqualification has expired and payment of all penalties and overpayments have been completed.

(d) Timing of reinstatement of eligibility. If the date of reinstatement of eligibility occurs after the applicable sales closing date for the crop year, the person may not participate in any program administered under the Act until the following crop year.

(e) After eligibility has been reinstated, the person must complete a new application for crop insurance coverage on or before the applicable sales closing date.

§ 400.683 Administration and maintenance.

(a) Ineligible producer data will be maintained in a system of records in accordance with the Privacy Act, 5 U.S.C. 552a.

(1) The Ineligible Tracking System is a record of all persons who have been determined to be ineligible for participation in any program pursuant

to this subpart. This system contains identifying information of the ineligible person including, but not limited to, name, address, telephone number, SSN or EIN, reason for ineligibility, and time period for ineligibility.

(2) Information in the Ineligible Tracking System may be used by Federal agencies, FCIC employees, contractors, and private companies and their personnel who require such information in the performance of their duties in connection with any program administered under the Act. The information may be furnished to other users including, but not limited to, FCIC contracted agencies; credit reporting agencies and collection agencies; in response to judicial orders in the course of litigation; and other users as may be appropriate or required by law or regulation. The individual information will be made available in the form of various reports and notices produced from the Ineligible Tracking System, based on valid requests.

(3) Supporting documentation regarding the determination of ineligibility and reinstatement of eligibility will be maintained by FCIC and FSA, or its contractors, private companies, and Federal and State agencies. This documentation will be maintained consistent with the electronic information contained within the Ineligible Tracking System.

(b) Information may be entered into the Ineligible Tracking System by FCIC or FSA personnel.

(c) All persons applying for or renewing crop insurance contracts issued or reinsured by FCIC will be subject to validation of their eligibility status against the Ineligible Tracking System. Applications or benefits approved and accepted are considered approved or accepted subject to review of eligibility status in accordance with this subpart.

Signed in Washington, D.C., October 22, 1996.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 96–27768 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–FA–P

Animal and Plant Health Inspection Service

9 CFR Parts 51, 56, 71, 75, 76, 78, 80, and 85

[Docket No. 96–041–1]

Interstate Movement of Livestock; Approved Livestock Facilities, Hog Cholera Provisions, and Livestock Identification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the interstate movement of livestock by combining the provisions for the approval of livestock markets for cattle and bison, horses, and swine into a single section. These changes are the result of a comprehensive review of the Animal and Plant Health Inspection Service's regulations, programs, and policies regarding livestock markets and stockyards. We are also proposing to remove the regulations that restrict the movement of swine and swine products from areas quarantined for hog cholera and that provide for the payment of compensation to the owners of swine destroyed because of hog cholera. We would remove the hog cholera regulations because the United States has been free of hog cholera since 1978 and import requirements have proven adequate to prevent the reintroduction of the disease into this country. These proposed actions would eliminate unnecessary or duplicative regulations and remove the implication that hog cholera has not yet been eradicated in the United States.

DATES: Consideration will be given only to comments received on or before December 30, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–041–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–041–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, Surveillance and Animal Identification Team, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–5970; or E-mail: jdavis@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in subchapters B and C of chapter I, title 9, of the Code of Federal Regulations contain provisions designed to prevent the dissemination of animal diseases in the United States and facilitate their control and eradication. Subchapter B, ''Cooperative Control and Eradication of Livestock or Poultry Diseases,'' comprises 9 CFR parts 49 through 56; subchapter C, ''Interstate Transportation of Animals (Including Poultry) and Animal Products,'' is made up of 9 CFR parts 70 through 89. In this document, we are proposing to amend or delete portions of those two subchapters in order to eliminate duplication, streamline existing provisions, and remove unnecessary regulations.

Approval of Livestock Facilities

The regulations in subchapter C include provisions for the approval of livestock markets and stockyards where livestock are gathered for sale purposes. Those approvals are intended to ensure that the markets and stockyards are constructed and operated in a manner that will prevent the transmission of diseases among the livestock assembled for sales or auctions on the premises. Currently, the regulations in subchapter C contain five different approvals for livestock markets or stockyards: One in part 75 for horses, two in part 76 for swine, and two in part 78 for cattle and bison. Although each approval necessarily differs in certain aspects from the others due to considerations related to the specific diseases of concern and the types of animals involved, there are many elements that are common to all five approvals. In 1995, we undertook a comprehensive review of the Animal and Plant Health Inspection Service's (APHIS') regulations, programs, and policies regarding livestock markets and stockyards, and one recommendation that resulted from that review was that the five livestock market or stockyard agreements be consolidated into a single agreement. We are, therefore, proposing to remove the stockyard and market approval provisions from parts 75, 76, and 78 and combine them into a single section that would be located in part 71, ''General Provisions.'' We believe that having a single section dealing with the approval of markets and stockyards

would be logical, given the large number of common elements shared by the five existing market approvals. In addition, having a single market approval agreement would ease the paperwork and recordkeeping burden for both the operators of those markets and for the APHIS and State personnel tasked with supervising the markets.

The proposed new livestock facility approval provisions would be located in a new section, § 71.20. The new section would be divided into two paragraphs; paragraph (a) would set out the approved livestock facility agreement, and paragraph (b) would contain the provisions for the withdrawal or denial of approval for a livestock facility. The agreement itself would be divided into a section of general provisions followed by sections specific to cattle and bison, swine, and horses. When completing the agreement, the operator of the livestock facility would indicate which animals and classes of animals the facility would accept by initialing the appropriate paragraphs of the agreement. Most elements of the existing market approval provisions, which are found in § 75.4(c) and (d) for horses, § 76.18 for swine, and § 78.44 for cattle and bison, would be incorporated into proposed new § 71.20. Two new elements would be added to the agreement and some elements of the existing provisions would be eliminated or modified. These proposed changes are discussed below.

Currently, the livestock market approvals in parts 75 and 78 require that an APHIS representative, State representative, or accredited veterinarian must be on the premises on sale days to perform any duties required by State or Federal regulations. When an APHIS or State representative is unavailable, the operator of the livestock market must hire an accredited veterinarian to perform those duties, which increases the operating expenses for the facility. However, many livestock facilities do not necessarily need an APHIS or State representative or accredited veterinarian on the premises every sale day; depending on the type of animals being sold or the geographic origin of the animals being sold, there may be no duties to be performed under the applicable State or Federal regulations. For example, a livestock market in a tuberculosis accredited-free State may be handling, on a particular sale day, only steers and spayed heifers. Given the State's accredited-free status, there would be no restrictions on the interstate movement of the animals under the tuberculosis regulations in 9 CFR part 77, and, because the animals are steers and spayed heifers, there would be no restrictions on their interstate movement under the brucellosis regulations in 9 CFR part 78. In this example, there would be no need for a State or APHIS representative or an accredited veterinarian to be present at the market to inspect or test the animals prior to their sale or release from the facility, but the current market approval provisions require that a State or APHIS representative or an accredited veterinarian be present nonetheless.

The current market agreements already require that the operator of the facility furnish a copy of the facility's schedule of sale days to the area veterinarian in charge and the State animal health official; the proposed new agreement would retain that requirement. Under the proposed new agreement, the State animal health official and area veterinarian in charge would review that schedule, which would have to indicate the types of animals that will be handled at the facility on each sale day, to ascertain which upcoming sale days will include categories of livestock that are regulated under State or Federal regulations. The State animal health official or area veterinarian in charge will then inform the operator of the facility which sale days will require the presence of an APHIS or State representative or accredited veterinarian. The proposed new agreement, therefore, would require the presence of an APHIS or State representative or accredited veterinarian at the livestock facility only on those days designated by the State animal health official or area veterinarian in charge.

The second element that we would add to the livestock market agreement is an explicit prohibition on the sale of any livestock that show signs of being infected with any infectious, contagious, or communicable disease without the authorization of an APHIS or State representative or accredited veterinarian. The current market approvals provide for the sale of reactor or exposed livestock—i.e., animals known to be infected with or exposed to disease—so there are mechanisms already in place for such animals to be sold with official authorization. Paragraph (f) of § 71.3 requires, in part, that persons offering livestock for interstate movement must exercise reasonable diligence to ascertain whether those animals are affected with or have been exposed to any contagious, infectious, or communicable disease. This proposed addition to the livestock market agreement would reinforce that requirement by helping to ensure that livestock that appear to be affected with disease—but that have not been officially tested and classified as reactor, exposed, or suspect—are not sold without the knowledge and authorization of an APHIS or State representative or accredited veterinarian.

As noted above, some elements of the existing market approval provisions would be eliminated or modified. Those proposed changes are as follows:

Section 75.4. Paragraphs (c) and (d) of § 75.4 pertain not only to the approval of stockyards, but to the approval of laboratories and diagnostic or research facilities as well. Therefore, § 75.4(c)(1) (laboratories) and § 75.4(c)(2) (diagnostic or research facilities) would remain the same; § 75.4(c)(3) (stockyards) would be removed in its entirety and its provisions incorporated into proposed new § 71.20 with one modification: Paragraph (8) of the current agreement calls for the stockyard to retain for 1 year any documents relating to animals that have been in the stockyard. We would increase the length of the record retention period to 2 years in order to make it consistent with that of the Grain Inspection, Packers and Stockyards Administration (GIPSA). The GIPSA regulations in 9 CFR 203.4 require, among other things, that stockyards maintain for 2 years any ''accounts, records, and memoranda that contain, explain, or modify its business,'' and many of the documents maintained to meet APHIS' requirements are also maintained to meet the GIPSA requirements. Paragraph (d) of § 75.4 addresses the denial or withdrawal of approval for laboratories, diagnostic or research facilities, and stockyards. Because proposed new § 71.20 would address denial and withdrawal of approval for stockyards, we would simply delete all the references to stockyards from § 75.4(d) and leave in place the provisions for the denial or withdrawal of approval for laboratories and diagnostic or research facilities.

Section 76.18. The provisions found in § 76.18, ''Approval of Livestock Markets,'' would be incorporated into proposed new § 71.20, with four exceptions. First, paragraph (a) of § 76.18 states that lists of livestock markets approved for the purposes of the regulations in part 76 will be published in the Federal Register. As explained below, we are proposing in this document to remove all of part 76 from subchapter C, which would remove the requirement to publish the names of approved stockyards in the Federal Register. Therefore, the provisions of § 76.18(a) would not be incorporated into proposed new § 71.20. Second, paragraph 10 of the agreement in § 76.18(b)(1) and paragraph 4 of the

agreement in § 76.18(b)(2) prohibit the inoculation of swine at the livestock market with hog cholera vaccine or virulent hog cholera virus. Because hog cholera has been eradicated in the United States, such inoculations have been discontinued throughout the country and that prohibition is no longer necessary. Third, paragraph 11 of the agreement in § 76.18(b)(1) and paragraph 5 of the agreement in § 76.18(b)(2) call for records to be maintained for 1 year. We would increase that period to 2 years to make it consistent with GIPSA requirements, as discussed in the previous paragraph, and with the swine identification retention requirements of § 71.19(d)(2). Finally, we would eliminate the provisions of § 76.18(c), ''Approval of livestock markets in a quarantined area,'' because there are no longer any areas quarantined for hog cholera.

Section 78.44. The provisions found in § 78.44, ''Specifically approved stockyards,'' would be incorporated into proposed new § 71.20, with two exceptions. First, paragraph 7 of the agreement in § 78.44(c) and paragraph 6 of the agreement in § 78.44(d)(7) state, in part, that brucellosis reactors must be identified with a *''B'' brand* on the left jaw. However, the regulations in part 78—specifically, the definition of ''B'' brand in § 78.1—no longer require that brucellosis reactors be branded on the jaw; that requirement was removed in a final rule published in the Federal Register on September 19, 1995 (60 FR 48362–48369, Docket No. 95–006–2), but the agreements in § 78.44 were not amended to reflect that change. To ensure that brucellosis reactor cattle and bison are properly identified in accordance with the applicable regulations, the agreement in proposed § 71.20 would simply state that brucellosis reactors must be identified in accordance with 9 CFR part 78. Second, paragraph 20 of the agreement in § 78.44(c) and paragraph 19 of the agreement in § 78.44(d) call for records to be maintained for 1 year. Again, as discussed previously, we would increase the recordkeeping period to 2 years to make it consistent with GIPSA requirements.

Our proposed consolidation of the market approval provisions into a single new section would make it necessary for us to amend several parts in subchapters B and C to update the references those parts contain to market or stockyard approvals in §§ 75.4, 76.18, or 78.44. Such references are found in §§ 51.1, 71.18(a)(5), 75.4(a), 78.1, 80.1, and 85.1; in each of those sections, we would amend the reference to read ''§ 71.20.'' Similarly, because we would move all the stockyard provisions into part 71, we would remove the references to stockyards that are found in the titles of § 75.4 (currently ''Interstate movement of equine infections anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards''), § 75.4(c) (currently ''Approval of laboratories, diagnostic or research facilities, and stockyards''), and subpart E of part 78 (currently ''Designation of Brucellosis Areas, and Specifically Approved Stockyards'').

Related Changes

The proposed consolidation of livestock market approvals in part 71 would make it necessary for us to add several definitions to § 71.1 to describe several terms used in the proposed new livestock facility agreement.

First, we would add the term *approved livestock facility,* which we would define as ''A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20.'' We would also amend the existing definition in § 71.1 of *livestock market,* which is currently defined, in part, as a premises ''where swine are assembled'' to broaden its applicability to include cattle, bison, and horses by replacing the word ''swine'' with the word ''livestock.'' We would add the term *livestock* to the definitions in § 71.1 as well, defining it as ''Horses, cattle, bison, and swine.'' *Horses* would be defined as ''Horses, asses, mules, ponies, and zebras.'' All these terms that would be added are used in the proposed new consolidated livestock facility agreement, and their proposed definitions are all similar to the definitions used for the same terms elsewhere in APHIS' regulations in title 9.

We are also proposing to add definitions for the terms *breeder swine, feeder swine,* and *slaughter swine,* which are used in the swine-specific provisions of the agreement.

Breeder swine would be defined as ''Sexually intact swine over 6 months of age.'' The designation ''breeder swine'' is used in the proposed new livestock facility agreement to differentiate these swine, which in most cases would be sold to a herd owner for herd increase purposes, from feeder swine and slaughter swine. The interstate movement of swine in this category is subject to the general provisions of part 71, the brucellosis regulations in part 78, and the pseudorabies regulations in part 85. Under the proposed livestock facility agreement, breeder swine and feeder swine could not be released from the facility until they had been officially identified in accordance with applicable Federal or State regulations and inspected by an APHIS representative, State representative, or accredited veterinarian, and certified in accordance with applicable Federal or State regulations. Because breeder and feeder swine are not intended to be moved to slaughter upon their sale at the facility, the identification, inspection, and certification would serve to ensure that the swine are in good health and, therefore, not likely to present any significant risk of transmitting disease to other swine.

Feeder swine would be defined as ''Swine under 6 months of age that are not slaughter swine.'' Such swine would, in most cases, be brought to an approved livestock facility for sale to a feedlot for additional feeding and then moved to slaughter. The interstate movement of swine in this category is subject to the general provisions of part 71 and to the pseudorabies regulations in part 85. The proposed agreement would require that feeder swine be kept separate and apart from other swine while in the livestock facility to prevent any transmission of disease between feeder swine and other swine.

Slaughter swine would be defined as ''Swine being sold or moved for slaughter purposes only.'' The applicability of this term is related to the regulations in parts 78 and 85, which provide for the interstate movement of certain swine through livestock markets for sale for slaughter. Swine infected with or exposed to brucellosis or pseudorabies, certain pseudorabies vaccinates, and even swine not known to be infected with or exposed to disease could, therefore, be characterized as slaughter swine for the purposes of the proposed new livestock facility agreement.

In § 71.1, the terms *APHIS inspector* and *State representative* are among the terms defined. In several places in part 71, however, reference is made to activities that are the responsibility of ''a State inspector'' or ''an APHIS or State inspector.'' For the purposes of consistency within part 71 and consistency with parts 75 and 78, we are proposing to remove the term *APHIS inspector* from § 71.1 and replace it with the term *APHIS representative,* which is the term used in parts 75 and 78. We would then amend the remainder of part 71 by replacing references to ''inspectors''—APHIS or State—with references to APHIS or State ''representatives.'' The definition we would use in part 71 for *APHIS representative* would be the same

definition used in parts 75 and 78, i.e., ''An individual employed by APHIS who is authorized to perform the function involved.''

The introductory text preceding the definitions in § 71.1 states ''As used in this part, the following terms shall have the meanings set forth in this section.'' However, § 71.1 includes the terms *accredited herd, designated dipping station, recognized slaughtering center,* and *stockers and feeders,* terms that are not used anywhere in part 71. We are, therefore, proposing to remove those terms from § 71.1.

Removal of Hog Cholera Provisions

The regulations in 9 CFR part 76, ''Hog Cholera and Other Communicable Swine Diseases,'' prohibit or restrict the interstate movement of swine and swine products to suppress and eradicate hog cholera and other contagious, infectious, and communicable diseases of swine. The regulations in 9 CFR part 56, ''Swine Destroyed Because of Hog Cholera,'' provide for the payment of compensation to the owners of swine destroyed due to hog cholera.

The regulations in parts 76 and 56 were established to promote the eradication of hog cholera within the United States by preventing its spread through restrictions on the interstate movement of swine and swine products from quarantined areas and by providing indemnity for the destruction of infected swine. In that the United States has been free of hog cholera since 1978, the objectives of those regulations have been met. The quarantine requirements contained in ''Subpart E—Swine'' of 9 CFR part 92 (§§ 92.500 through 92.523) contain testing and quarantine provisions that help ensure that hog cholera and other contagious, infectious, and communicable diseases of swine are not introduced into the United States.

We are, therefore, proposing to remove, in their entirety, the hog cholera regulations in 9 CFR parts 56 and 76. Further, we would remove hog cholera from the list in § 71.3(a) of diseases considered to be endemic to the United States and add it to the list in § 71.3(b) of diseases not known to exist in the United States. These proposed actions would remove the implication that hog cholera has not yet been eradicated in the United States and would eliminate unnecessary regulations.

The proposed removal of part 76 would also make it necessary for us to amend two references found in part 85, ''Pseudorabies.'' The first reference, found in § 85.12, directs the reader to § 76.30 for provisions regarding the cleaning and disinfection of means of conveyance; the second reference, found in § 85.13, directs the reader to § 76.31 for provisions regarding the cleaning and disinfection of livestock markets and other facilities. In both instances, we would remove the existing reference and replace it with a reference to § 71.7, ''Means of conveyance, facilities and premises; methods of cleaning and disinfecting,'' which, like the provisions in §§ 76.30 and 76.31, contains the information needed to properly carry out the necessary cleaning and disinfection.

Another change we are proposing in this document is related to the previous two paragraphs. Specifically, we are proposing to add pseudorabies to the list in § 71.3(a) of diseases considered to be endemic to the United States (the same list from which we are proposing to remove hog cholera).

Livestock Identification

We are also proposing four changes in the area of livestock identification. First, we are proposing to amend the definitions of *official eartag* that appear in §§ 71.1 and 78.1. Each definition refers, in part, to a nine-character alphanumeric identification system. However, the eartags used for identifying feeder swine utilize an eight-character alphanumeric identification system that, like the nine-character system, provides individual identification for each animal. Other eartagging systems that are being considered or that are already in use have more or fewer characters. The use of any eartag numbering system would have to be approved by APHIS prior to its employment and would have to provide the level of identification for each eartaged animal required by the particular disease control or surveillance program in which it is being used. For that reason, we do not believe it is necessary to specify the number of characters to be used in an eartag numbering system. Therefore, we are proposing to amend the definitions of *official eartag* in §§ 71.1 and 78.1 to remove the requirement that an *official eartag* must utilize a nine-character identification system.

Second, we are proposing to amend § 71.19(b) to allow the use of premises identification numbers as a means of identifying swine. The regulations in § 71.19(b) currently list *official eartags*, USDA backtags, official swine tattoos, tattoos of at least four characters (for certain swine moving to slaughter), ear notches, or ear tattoos as means of swine identification approved by the Administrator. The premises identification number concept has been developed to provide a means of reliably and accurately tracing swine moved in interstate commerce and to slaughter.

Currently, the primary method of identifying swine moved to slaughter is with a USDA backtag; however, the retention rate for those backtags is low and misidentification of herds is widespread when swine from different herds are commingled and backtags are missing. When traceback and testing of swine in a herd of origin are necessary, the lack of premises identification often leads to tracebacks to the wrong herd and unnecessary testing, which increases costs for producers and State or Federal epidemiologists. A premises identification number, which would be applied to swine either on an eartag or as a tattoo, would greatly simplify the traceback process.

The premises identification number would be assigned and tracked by the State animal health official of the State in which a producer's premises is located. A premises would be defined as a livestock production unit that is, in the judgment of the State animal health official or the area veterinarian in charge, epidemiologically distinct from other livestock production units and that could be quarantined in the event of a disease outbreak. The premises identification number would consist of the State's two-letter postal abbreviation, followed by a space, followed by the premises' assigned number. By way of example, a swine producer in Minnesota might receive the premises identification number ''MN 1234.'' Further, a premises identification number could be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for each animal if the producer wished to do so.

Because we would not require that a premises identification number be combined with a producer's livestock production number to provide unique identification for each swine, we are proposing to amend § 71.19(a)(1), which states, in part, that swine moved in interstate commerce must be individually identified. The goal of that requirement is for each animal to be identified using one of the approved methods listed in § 71.19(a)(2); some of those methods provide unique identification for each animal and others do not. To make it clear that unique identification for each animal is not required, we would change the words ''unless they are individually identified'' to ''unless each swine is identified,'' which better suits the intent of that paragraph and removes any

possible confusion as to whether non-unique methods of identification such as ear notches or the proposed premises identification number may be used.

The use of premises identification numbers would be voluntary. The State animal health official in a particular State may decide that current identification methods are sufficient and elect not to issue premises identification numbers. Similarly, a producer in a State that does issue premises identification numbers may elect not to apply for such a number. However, based on the response that the premises identification number concept has received from the swine industry, individual producers, State animal health officials, other Federal agencies, and the U.S. Animal Health Association, we believe that most States and swine producers would avail themselves of the opportunity to use this proposed new system.

Third, we are proposing to amend § 71.19(b)(6), which relates to one of the means of swine identification approved by the Administrator. Specifically, that paragraph allows ear tattoos to be used as a means of identifying swine for interstate movement if the tattoo has been recorded in the book of record of a purebred registry association. Owners of potbellied pigs have complained that the identification requirements of the regulations are not well-suited to their pigs because eartags are unsightly on animals that are kept as pets and, despite the fact that there are registry associations for potbellied pigs that could record tattoo numbers, the ears of potbellied pigs are too small to accommodate a tattoo. Therefore, at the request of numerous owners of potbellied pigs, we are proposing to allow identifying tattoos to be placed either on the ear or on the inside flank or thigh of swine. The requirement that the tattoo number be recorded by a registry association would remain, although we would no longer specify that it be a ''purebred registry association'' because potbellied pigs are not purebred animals. We believe this proposed change would answer the requests of certain swine owners for an alternative method of swine identification while providing a satisfactory means of identifying swine moved interstate.

Finally, we are proposing to revise § 78.33, ''Sows and boars.'' That section, which deals primarily with the identification of sows and boars moved in interstate commerce, specifies when sows and boars moved to slaughter must be identified and sets forth the herd of origin and health requirements for sows and boars moved for breeding. However, the methods of identifying sows and boars (e.g., eartags, backtags, tattoos) that are set out in § 78.33(a) and (b) are not unique to sows and boars; rather, they are the same methods that are generally required for swine under § 71.19. Further, there is nothing unique to sows and boars in the provisions of § 78.33(d) and (e), which simply repeat the provisions of § 71.19(d) and (e). Therefore, we are proposing to remove the references to specific identification methods from § 78.33(a) and (b) and amend those paragraphs to simply state that sows and boars must be identified in accordance with § 71.19. We would also remove § 78.33(d) and (e) in their entirety. These proposed changes would eliminate duplication and help simplify the regulations.

Miscellaneous

In addition to the proposed amendments discussed above, we would also make several nonsubstantive changes for the sake of clarity or accuracy.

First, there is a reference in § 71.3(c)(2) to provisions in § 77.8 concerning the interstate movement of tuberculin reactors, but § 77.8 does not exist. The interstate movement provisions referred to in § 71.3 are actually contained in § 77.5. We would change the reference to read § 77.5.

Second, we would rectify two incorrect paragraph references in the introductory text of § 71.18(a). The first reference is to § 78.9(a)(3)(iv), but there is no such paragraph in § 78.9. We would correct the reference to read § 78.9(a)(3)(ii), which is the proper reference. The second reference is to § 78.9(d)(3)(vii), which was removed by a final rule published in the Federal Register on January 18, 1989 (54 FR 1923–1926, Docket No. 88–171). When the paragraph was removed in that final rule, all references to the paragraph should have been removed as well, but this one was not. We would remove the reference.

Third, also in § 71.18, we would correct the paragraph designations used in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii). In each of the three paragraphs, italicized lowercase letters are used where regular uppercase letters are needed.

Finally, footnote 1 to § 71.18(a)(1)(i) states, in part, that approved backtags are available from a Veterinary Services representative and that the term *Veterinary Services representative* is defined in § 78.1. However, that definition was removed, and a definition of *APHIS representative* added in its place, by a final rule published in the Federal Register on October 22, 1991 (56 FR 54532–54534, Docket No. 89–150). We would, therefore, correct the footnote to use the current term in both instances.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would amend the regulations regarding the interstate movement of livestock by combining the provisions for the approval of livestock markets for cattle and bison, horses, and swine into a single section and by removing the regulations that restrict the movement of swine and swine products from areas quarantined for hog cholera and that provide for the payment of compensation to the owners of swine destroyed because of hog cholera. The proposed changes to the livestock market approval provisions were recommended following a review of APHIS' regulations, programs, and policies regarding livestock markets and stockyards; the hog cholera regulations would be removed because the United States has been free of hog cholera since 1978 and import requirements have proven adequate to prevent the reintroduction of the disease into this country. These proposed actions would eliminate unnecessary or duplicative regulations and remove the implication that hog cholera has not yet been eradicated in the United States.

We estimate that combining livestock market approval provisions for horses, swine, cattle, and bison onto one form will reduce the number of approvals from 4,800 to fewer than 1,800 because each livestock facility and stockyard will need only one approval. Many livestock facilities and stockyards now have three approvals. APHIS does not charge a user fee for inspections or approvals, so livestock facilities would not experience a reduction in costs. However, this proposed rule change would reduce the amount of paperwork associated with livestock facility approvals.

The provisions of the proposed rule that would allow States, with APHIS concurrence, to determine how frequently State representatives, APHIS representatives, or accredited veterinarians should be present at individual stockyards and livestock facilities could potentially reduce the annual operating expenses of livestock facilities by about $2.3 million annually. Conversely, total annual income for

accredited veterinarians could potentially be reduced by about $2.3 million.

The proposed removal of the hog cholera regulations in 9 CFR parts 56 and 76 would not have any economic impact on livestock markets or stockyards or any other entity. Hog cholera has been eradicated in the United States since 1978 and there are no enforcement measures currently in place.

The Regulatory Flexibility Act requires that APHIS specifically consider the potential economic impacts on ''small'' domestic entities that could result from the implementation of the amendments proposed in this document. The Small Business Administration (SBA) has established size criteria by Standard Industrial Classification that were used as a guide in determining which economic entities meet the definition of a ''small'' business.

The changes proposed in this document will likely have a relatively minor economic impact on the following types of small entities: (1) Wholesale livestock traders and (2) accredited veterinarians. The SBA's definition of a ''small'' entity involved in the wholesale trade of livestock is one that employs no more than 100 employees. Currently, there are 1,992 domestic entities that trade livestock wholesale. About 1,965 of these entities are classified as ''small'' by the SBA. Livestock facilities and stockyards comprise about 1,768 (90 percent) of the ''small'' entities included in this category. We estimate that about 884 (50 percent) of these ''small'' entities currently hire accredited veterinarians. The proposed rule change could reduce annual operating costs for these 884 ''small'' entities by about $2.3 million or $2,600 per entity. This accounts for less than 1 percent of total annual receipts for ''small'' wholesale livestock traders according to SBA data.

The SBA's definition of a ''small'' entity that provides veterinary services for livestock—the category into which the accredited veterinarians potentially affected by this proposed rule would fall—is one that earns less than $5 million in annual receipts. Currently, there are 1,111 domestic entities that provide veterinary services for livestock; 1,110 of these entities are classified as ''small'' by the SBA. The Agency estimates that this proposed rule could reduce total annual income for livestock veterinarians, including accredited veterinarians, by about $2.3 million or $2,070 per ''small'' entity. This accounts for less than 1 percent of total annual receipts for this industry, according to SBA data.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 51

Animal diseases, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements.

9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 75

Animal diseases, Horses, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 76

Animal diseases, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 80

Animal diseases, Livestock, Transportation.

9 CFR Part 85

Animal diseases, Livestock, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we would amend chapter I, title 9, of the Code of Federal Regulations as follows:

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

1. The authority citation for part 51 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

§ 51.1 [Amended]

2. In § 51.1, the definition of *Specifically approved stockyard* would be amended by removing the reference ''§ 78.44'' and adding the reference ''§ 71.20'' in its place.

PART 56—[RESERVED]

3. Part 56 would be removed and reserved.

PART 71—GENERAL PROVISIONS

4. The authority citation for part 71 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 71.1 [Amended]

5. Section 71.1 would be amended as follows:

a. By removing the definitions of *accredited herd, APHIS inspector, designated dipping station, recognized slaughtering center,* and *stockers and feeders.*

b. By adding, in alphabetical order, definitions of *APHIS representative, approved livestock facility, breeder swine, horses, feeder swine, livestock, premises identification number,* and *slaughter swine* to read as set forth below.

c. In the definition of *livestock market,* by removing the word ''swine'' and adding the word ''livestock'' in its place.

d. In the definition of *official eartag,* by removing the words ''nine-character''.

§ 71.1 Definitions.

* * * * *

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Approved livestock facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20.

* * * * *

Breeder swine. Sexually intact swine over 6 months of age.

* * * * *

Feeder swine. Swine under 6 months of age that are not slaughter swine.

* * * * *

Horses. Horses, asses, mules, ponies, and zebras.

* * * * *

Livestock. Horses, cattle, bison, and swine.

* * * * *

Premises identification number. A unique number assigned by the State animal health official to a livestock production unit that is, in the judgment of the State animal health official or area veterinarian in charge, epidemiologically distinct from other livestock production units. A premises identification number shall consist of the State's two-letter postal abbreviation, followed by a space, followed by the premises' assigned number. A premises identification number may be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for an animal.

* * * * *

Slaughter swine. Swine being sold or moved for slaughter purposes only.

* * * * *

§ 71.3 [Amended]

6. Section 71.3 would be amended as follows:

a. In paragraph (a), the words ''hog cholera,'' would be removed and the word ''pseudorabies,'' would be added in its place.

b. In paragraph (b), the words ''hog cholera,'' would be added immediately after the words ''African swine fever,''.

c. In paragraph (c)(2), the reference ''§ 77.8'' would be removed and the reference ''§ 77.5'' would be added in its place.

d. In paragraph (d), introductory text, in the second proviso, the word ''inspector'' would be removed and the word ''representative'' would be added in its place.

e. In paragraph (d)(5), first sentence, the word ''inspector'' would be removed and the word ''representative'' would be added in its place.

§ 71.4 [Amended]

7. Section 71.4 would be amended as follows:

a. In paragraph (a), at the end of the first sentence, the word ''inspector'' would be removed and the word ''representative'' would be added in its place; at the beginning of the second sentence, the words ''such inspector'' would be removed and the words ''an APHIS or State representative'' would be added in their place; and near the end of the second sentence, the words ''such an inspector'' would be removed and the words ''an APHIS or State representative'' would be added in their place.

b. In paragraph (b), the word ''inspector'' would be removed and the word ''representative'' would be added in its place.

§ 71.5 [Amended]

8. In § 71.5, the undesignated regulatory text would be amended by removing the word ''inspector'' both times it appears and by adding the word ''representative'' in its place.

§ 71.6 [Amended]

9. In § 71.6, paragraphs (a) and (b) would be amended by removing the word ''inspector'' both times it appears and by adding the word ''representative'' in its place.

§ 71.13 [Amended]

10. In § 71.13, the section heading and the undesignated regulatory text would be amended by removing the word ''inspector'' each time it appears and adding the word ''representative'' in its place.

§ 71.16 [Amended]

11. In § 71.16, paragraph (a) would be amended by removing the word ''inspector'' both times it appears and by adding the word ''representative'' in its place.

§ 71.18 [Amended]

12. Section 71.18 would be amended as follows:

a. In the introductory text of paragraph (a), in the first sentence, the words ''§§ 78.9(a)(3)(iv), 78.9(b)(3)(iv), 78.9(c)(3)(iv), and 78.9(d)(3)(vii)'' would be removed and the words ''§§ 78.9(a)(3)(ii), 78.9(b)(3)(iv), and 78.9(c)(3)(iv)'' would be added in their place.

b. In paragraph (a)(1)(i), footnote 1, the words ''Veterinary Services'' would be removed both times they appear and the word ''APHIS'' would be added in their place.

c. Paragraphs (a)(1)(i)(*a*) through (a)(1)(i)(*g*) would be redesignated as paragraphs (a)(1)(i)(A) through (a)(1)(i)(G).

d. Paragraphs (a)(1)(ii)(*a*) through (a)(1)(ii)(*f*) would be redesignated as paragraphs (a)(1)(ii)(A) through (a)(1)(ii)(F).

e. Paragraphs (a)(1)(iii)(*a*) through (a)(1)(iii)(*g*) would be redesignated as paragraphs (a)(1)(iii)(A) through (a)(1)(iii)(G).

f. In paragraph (a)(2), in the second sentence, the word ''inspector'' would be removed and the word ''representative'' would be added in its place.

g. In paragraph (a)(5), the words ''§ 78.44 of this chapter'' would be removed and the reference ''§ 71.20'' would be added in its place.

13. Section 71.19 would be amended as follows:

a. In the introductory text of paragraph (a)(1), the words ''they are individually'' would be removed and the words ''each swine is'' would be added in their place.

b. In paragraph (b)(5), the word ''and'' at the end of the paragraph would be removed.

c. Paragraph (b)(6) would be revised and a new paragraph (b)(7) would be added to read as follows:

§ 71.19 Identification of swine in interstate commerce.

* * * * *

(b) * * *

(6) Tattoos on the ear or inner flank of any swine, if the tattoos have been recorded in the book of record of a swine registry association; and

(7) An eartag or tattoo bearing the premises identification number assigned by the State animal health official to the premises on which the swine originated.

* * * * *

14. A new § 71.20 would be added to read as follows:

§ 71.20 Approval of livestock facilities.

(a) To qualify for approval by the Administrator as an approved livestock facility[6] and to retain such designation, the individual legally responsible for the day-to-day operations of the livestock facility shall execute the following agreement:

AGREEMENT—APPROVED LIVESTOCK FACILITY FOR HANDLING LIVESTOCK PURSUANT TO TITLE 9 OF THE CODE OF FEDERAL REGULATIONS

[*Name of facility*]
[*Address and telephone number of facility*]

[6] A list of approved livestock facilities may be obtained by writing to National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231.

I, [*name of the individual legally responsible for the day-to-day operations of the livestock facility*], operator of [*name of facility*], hereby agree to maintain and operate the livestock facility located at [*address of premises*] in accordance with the applicable provisions of this agreement and Chapter I, Title 9, of the Code of Federal Regulations (9 CFR).

Cooperation

(1) The State animal health official and the area veterinarian in charge shall be provided with a schedule of the facility's sale days, which shall indicate the types of animals that will be handled at the facility on each sale day, and shall be apprised of any changes to that schedule prior to the implementation of the changes. The State animal health official and the area veterinarian in charge will review the schedule and inform the operator as to which sale days will require the presence of an accredited veterinarian, State representative, or APHIS representative.

(2) An accredited veterinarian, State representative, or APHIS representative shall be on the facility premises on those sale days designated by the State animal health official or area veterinarian in charge to perform duties in accordance with State and Federal regulations.

(3) State representatives and APHIS representatives shall be granted access to the facility during normal business hours to evaluate whether the facility and its operations are in compliance with the applicable provisions of this agreement and 9 CFR parts 71, 75, 78, and 85.

(4) An APHIS representative, State representative, or accredited veterinarian shall be immediately notified of the presence at the facility of any livestock that are known to be infected, exposed, or suspect, or that show signs of possibly being infected, with any infectious, contagious, or communicable disease.

(5) Any reactor, suspect, or exposed livestock shall be held in quarantined pens apart from all other livestock at the facility.

(6) No reactor, suspect, or exposed livestock, nor any livestock that show signs of being infected with any infectious, contagious, or communicable disease, may be sold at the facility, except as authorized by an APHIS representative, State representative, or accredited veterinarian.

Records

(7) Documents such as weight tickets, sales slips, and records of origin, identification, and destination that relate to livestock that are in, or that have been in, the facility shall be maintained by the facility for a period of 2 years. APHIS representatives and State representatives shall be permitted to review and copy those documents during normal business hours.

Identification

(8) All livestock must be officially identified in accordance with the applicable regulations in 9 CFR parts 71, 75, 78, and 85 at the time of, or prior to, entry into the facility.

Cleaning and Disinfection

(9) The facility, including all yards, docks, pens, alleys, sale rings, chutes, scales, means of conveyance, and their associated equipment, shall be maintained in a clean and sanitary condition. The operator of the facility shall be responsible for the cleaning and disinfection of the facility in accordance with 9 CFR part 71 and for maintaining an adequate supply of disinfectant and serviceable equipment for cleaning and disinfection.

General Facilities and Equipment Standards

(10) All facilities and equipment shall be maintained in a state of good repair. The facility shall contain well-constructed and well-lighted livestock handling chutes, pens, alleys, and sales rings for the inspection, identification, vaccination, testing, and branding of livestock.

(11) Quarantined pens shall be clearly labeled with paint or placarded with the word ''Quarantined'' or the name of the disease of concern, and shall be cleaned and disinfected in accordance with 9 CFR part 71 before being used to pen livestock that are not reactor, suspect, or exposed animals.

(12) Quarantined pens shall have adequate drainage, and the floors and those parts of the walls of the quarantined pens with which reactor, or suspect, or exposed livestock, their excrement, or discharges may have contact shall be constructed of materials that are substantially impervious to moisture and able to withstand continued cleaning and disinfection.

(13) Electrical outlets shall be provided at the chute area for branding purposes.

Standards for Handling Different Classes of Livestock

(By his or her initials, the operator of the facility shall signify the class or classes of livestock that the facility will handle.)

(14) Cattle and bison:

—This facility will handle cattle and bison: [*Initials of operator, date]*

—This facility will handle cattle and bison known to be brucellosis reactors, suspects, or exposed: [*Initials of operator, date]*

—This facility will not handle cattle and bison known to be brucellosis reactors, suspects, or exposed and such cattle and bison will not be permitted to enter the facility: [*Initials of operator, date]*

(i) Cattle and bison shall be received, handled, and released by the facility only in accordance with 9 CFR parts 71 and 78.

(ii) All brucellosis reactor, brucellosis suspect, and brucellosis exposed cattle or bison arriving at the facility shall be placed in quarantined pens and consigned from the facility only in accordance with 9 CFR part 78.

(iii) Any cattle or bison classified as brucellosis reactors at the facility shall be identified in accordance with 9 CFR part 78, placed in quarantined pens, and consigned from the facility only to a recognized slaughtering establishment or an approved intermediate handling facility in accordance with 9 CFR part 78.

(iv) Any cattle or bison classified as brucellosis exposed at the facility shall be identified in accordance with 9 CFR part 78, placed in quarantined pens, and consigned from the facility only to a recognized slaughtering establishment, approved intermediate handling facility, quarantined feedlot, or farm of origin in accordance with 9 CFR part 78.

(v) The identity of cattle from Class Free States or areas and Class A States or areas shall be maintained.

(vi) The identity of cattle from Class B States or areas shall be maintained, and test-eligible cattle from Class B States or areas shall not be placed in pens with cattle from any other area until they have fulfilled the requirements of 9 CFR part 78 for release from the facility.

(vii) The identity of cattle from Class C States or areas shall be maintained, and test-eligible cattle from Class C States or areas shall not be placed in pens with cattle from any other area until they have fulfilled the requirements of 9 CFR part 78 for release from the facility.

(viii) The identity of cattle from quarantined areas shall be maintained, and test-eligible cattle from quarantined areas shall not be placed in pens with cattle from any other area until they have fulfilled the requirements of 9 CFR part 78 for release from the facility.

(ix) Test-eligible cattle that are penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement.

(x) Laboratory space shall be furnished and maintained for conducting diagnostic tests. All test reagents, testing equipment, and documents relating to the State-Federal cooperative eradication programs on the facility's premises shall be secured to prevent misuse and theft. Adequate heat, cooling, electricity, water piped to a properly drained sink, and sanitation shall be provided for properly conducting diagnostic tests.

(15) Swine:

—This facility will handle breeding swine: [*Initials of operator, date*]

—This facility will handle slaughter swine: [*Initials of operator, date*]

—This facility will handle feeder swine: [*Initials of operator, date*]

—This facility will handle pseudorabies reactor, suspect, or exposed swine: [*Initials of operator, date*].

—This facility will not handle swine known to be pseudorabies reactor, suspect, or exposed swine and such swine will not be permitted to enter the facility: [*Initials of operator, date*].

(i) Swine shall be received, handled, and released by the livestock facility only in accordance with 9 CFR parts 71, 78, and 85.

(ii) Slaughter swine may be handled only on days when no feeder swine or breeder swine are present at the facility, unless the facility has provisions to keep slaughter swine physically separated from feeder swine and breeder swine or unless those areas of the facility used by slaughter swine have been cleaned and disinfected before being used by feeder swine or breeder swine.

(iii) No feeder swine or breeder swine may remain in the livestock facility for more than 72 hours, and no slaughter swine may remain

in the livestock market for more than 120 hours.

(iv) Feeder swine shall be kept separate and apart from other swine while in the livestock facility.

(v) No release shall be issued for the removal of feeder swine or breeder swine from the livestock facility until the swine are officially identified in accordance with applicable Federal or State regulations and have been inspected by an APHIS representative, State representative, or accredited veterinarian, and certified in accordance with applicable Federal or State regulations.

(vi) No release shall be issued for the removal of slaughter swine from the livestock facility unless the slaughter swine are officially identified in accordance with applicable Federal or State regulations, consigned for immediate slaughter or to another slaughter market, and the consignee is identified on the release document.

(16) Horses:

—This facility will handle horses: [*Initials of operator, date*]

—This facility will handle equine infectious anemia (EIA) reactors: [*Initials of operator, date*]

—This facility will not handle horses known to be EIA reactors and will not permit EIA reactors to enter the facility: [*Initials of operator, date*]

(i) Horses shall be received, handled, and released by the livestock facility only in accordance with 9 CFR parts 71 and 75.

(ii) Any horses classified as EIA reactors and accepted by the facility for sale shall be placed in quarantined pens at least 200 yards from all non-EIA-reactor horses or other animals, unless moving out of the facility within 24 hours of arrival.

(iii) Any horses classified as EIA reactors and accepted by the facility for sale shall be consigned from the facility only to a slaughtering establishment or to the home farm of the reactor in accordance with 9 CFR part 75.

(iv) Fly Control Program: The livestock facility shall have in effect a fly control program utilizing at least one of the following: Baits, fly strips, electric bug killers (''Fly Zappers,'' ''Fly Snappers,'' or similar equipment), or the application of a pesticide effective against flies, applied according to the schedule and dosage recommended by the manufacturer for fly control.

Approvals

(17) Request for approval:

I hereby request approval for this facility to operate as an approved livestock facility for the classes of livestock indicated in paragraphs (14) through (16) of this agreement. I acknowledge that I have received a copy of 9 CFR parts 71, 75, 78 and 85, and acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement and the applicable provisions of 9 CFR parts 71, 75, 78, and 85 constitutes a basis for the withdrawal of this approval. [*Printed name and signature of operator, date of signature*]

(18) Pre-approval inspection of livestock facility conducted by [*printed name and title of APHIS representative] on [date of inspection*].

(19) Recommend approval:

[*Printed name and signature of State animal health official, date of signature*]

[*Printed name and signature of area veterinarian in charge, date of signature*]

(20) Approval granted:

[*Printed name and signature of the Administrator, Animal and Plant Health Inspection Service, date of signature*]

(b) *Denial and withdrawal of approval.* The Administrator may deny or withdraw the approval of a livestock facility to receive livestock moved interstate under this subchapter upon a determination that the livestock facility is not or has not been maintained and operated in accordance with the agreement set forth in paragraph (a) of this section.

(1) In the case of a denial, the operator of the facility will be informed of the reasons for the denial and may appeal the decision in writing to the Administrator within 10 days after receiving notification of the denial. The appeal must include all of the facts and reasons upon which the person relies to show that the livestock facility was wrongfully denied approval to receive livestock moved interstate under this subchapter. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

(2) In the case of withdrawal, before such action is taken, the operator of the facility will be informed of the reasons for the proposed withdrawal. The operator of the facility may appeal the proposed withdrawal in writing to the Administrator within 10 days after being informed of the reasons for the proposed withdrawal. The appeal must include all of the facts and reasons upon which the person relies to show that the reasons for the proposed withdrawal are incorrect or do not support the withdrawal of the approval of the livestock facility to receive livestock moved interstate under this subchapter. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator. However, withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given as promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

(3) Approval for a livestock facility to handle livestock under this subchapter will be automatically withdrawn by the Administrator when:

(i) The operator of the facility notifies the Administrator, in writing, that the facility no longer handles livestock moved interstate under this subchapter; or

(ii) The person who signed the agreement executed in accordance with paragraph (a) of this section is no longer responsible for the day-to-day operations of the facility.

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

15. The authority citation for part 75 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, and 134–134h; 7 CFR 2.22, 2.80, and 371.2(d).

§ 75.4 [Amended]

16. Section 75.4 would be amended as follows:

a. The section heading would be revised to read as set forth below.

b. In paragraph (a), the definition of *Approved stockyard* would be amended by removing the words ''this part'' and by adding the words ''§ 71.20 of this chapter'' in their place.

c. In paragraph (c), the paragraph heading would be amended by removing the words '', Diagnostic or Research Facilities, and Stockyards'' and by adding the words ''and Diagnostic or Research Facilities'' in their place, and paragraph (c)(3) and the ''Agreement'' following it would be removed.

d. In paragraph (d), the introductory text of the paragraph, including the paragraph heading, and paragraphs (d)(1) and (d)(2) would be revised to read as set forth below, and paragraph (d)(5) would be removed.

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, and research facilities.

* * * * *

(d) *Denial and withdrawal of approval of laboratories and diagnostic or research facilities.* The Administrator

may deny or withdraw approval of any laboratory to conduct the official test, or of any diagnostic or research facility to receive reactors moved interstate, upon a determination that the laboratory or diagnostic or research facility does not meet the criteria for approval under paragraph (c) of this section.

(1) In the case of a denial, the operator of the laboratory or facility will be informed of the reasons for denial and may appeal the decision in writing to the Administrator within 10 days after receiving notification of the denial. The appeal must include all of the facts and reasons upon which the person relies to show that the laboratory or facility was wrongfully denied approval to conduct the official test or receive reactors moved interstate. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

(2) In the case of withdrawal, before such action is taken, the operator of the laboratory or facility will be informed of the reasons for the proposed withdrawal. The operator of the laboratory or facility may appeal the proposed withdrawal in writing to the Administrator within 10 days after being informed of the reasons for the proposed withdrawal. The appeal must include all of the facts and reasons upon which the person relies to show that the reasons for the proposed withdrawal are incorrect or do not support the withdrawal of the approval of the laboratory or facility to conduct the official test or receive reactors moved interstate was or would be wrongfully withdrawn. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator. However, the withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the laboratory or facility. In the event of oral notification, written confirmation shall be given as promptly as circumstances allow. The withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

* * * * *

PART 76—[REMOVED AND RESERVED]

17. Part 76 would be removed and reserved.

PART 78—BRUCELLOSIS

18. The authority citation for part 78 would continue to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.1 [Amended]

19. Section 78.1 would be amended as follows:

a. In the definition of *Approved intermediate handling facility,* the reference ''§ 78.44'' would be removed and the words ''§ 71.20 of this chapter'' would be added in its place.

b. In the definition of *Official eartag,* the words ''nine-character'' would be removed.

c. In the definition of *Originate,* paragraph (c), the reference ''§ 78.44'' would be removed and the words ''§ 71.20 of this chapter'' would be added in its place.

d. In definition of *Specifically approved stockyard,* the reference ''§ 78.44'' would be removed and the words ''§ 71.20 of this chapter'' would be added in its place.

20. Section 78.33 would be revised to read as follows:

§ 78.33 Sows and boars.

(a) Sows and boars may be moved in interstate commerce for slaughter or for sale for slaughter if they are identified in accordance with § 71.19 of this chapter either:

(1) Before being moved in interstate commerce and before being mixed with swine from any other source; or

(2) After being moved in interstate commerce but before being mixed with swine from any other source only if they have been moved directly from their herd of origin to:

(i) A recognized slaughtering establishment; or

(ii) A stockyard, market agency, or dealer operating under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*).

(b) Sows and boars may be moved in interstate commerce for breeding only if they are identified in accordance with § 71.19 of this chapter before being moved in interstate commerce and before being mixed with swine from any other source, and the sows and boars either:

(1) Are from a validated brucellosis-free herd or a validated brucellosis-free State and are accompanied by a certificate that states, in addition to the items specified in § 78.1, that the swine originated in a validated brucellosis-free herd or a validated brucellosis-free State; or

(2) Have tested negative to an official test conducted within 30 days prior to interstate movement and are accompanied by a certificate that states, in addition to the items specified in § 78.1, the dates and results of the official tests.

(c) Sows and boars may be moved in interstate commerce for purposes other than slaughter or breeding without restriction under this subpart if they are identified in accordance with § 71.19 of this chapter.

21. The title of subpart E would be amended by removing the words '', and Specifically Approved Stockyards''.

§ 78.44 [Removed]

22. Section 78.44 would be removed.

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

23. The authority citation for part 80 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, and 125; 7 CFR 2.22, 2.80, and 371.2(d).

§ 80.1 [Amended]

24. In § 80.1, paragraph (j) would be amended by removing the reference ''§ 78.44'' and by adding the words ''§ 71.20 of this chapter'' in its place.

PART 85—PSEUDORABIES

25. The authority citation for part 85 would continue to read as follows:

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 85.1 [Amended]

26. In § 85.1, in the definition of *Approved livestock market,* the words ''§ 76.18 (9 CFR 76.18)'' would be removed and the words ''§ 71.20 of this chapter'' would be added in their place.

27. In § 85.1, in the definition of *Slaughter market,* the words ''§ 76.18 (9 CFR 76.18)'' would be removed and the words ''§ 71.20 of this chapter'' would be added in their place.

§ 85.12 [Amended]

28. Section 85.12 would be amended by removing the reference ''§ 76.30'' and by adding the reference ''§ 71.7'' in its place.

§ 85.13 [Amended]

29. Section 85.13 would be amended by removing the reference ''§ 76.31'' and

by adding the reference ''§ 71.7'' in its place.

Done in Washington, DC, this 28th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27975 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

Animal and Plant Health Inspection Service, USDA

9 CFR Part 92

[Docket No. 94–136–1]

Zoological Park Quarantine of Ruminants and Swine Imported From Countries Where Foot-and-Mouth Disease or Rinderpest Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning ruminants and swine that are imported from a country where foot-and-mouth disease or rinderpest exists into a zoological park in the United States. These animals are maintained in the zoological park under conditions to prevent the spread of animal diseases. We propose to establish conditions under which such animals may be moved from one zoological park in the United States to another. This change would benefit zoo programs that move animals for breeding and other purposes, and would facilitate the movement of animals for endangered species breeding programs, while continuing to protect against the introduction of dangerous animal diseases into the United States.

DATES: Consideration will be given only to comments received on or before December 30, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–136–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–136–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Bowling, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1228, (301) 734–8688.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock. Among other requirements, the regulations restrict the importation of ruminants and swine to prevent the introduction and spread of foot-and-mouth disease (FMD) and rinderpest.

For many years some animals imported in accordance with these regulations have been admitted under the condition that they be placed in postentry quarantine in zoological parks (zoos) that have been approved by APHIS to receive such animals. We refer to such approved zoos as PEQ Zoos, because they are approved to hold imported animals in postentry quarantine (PEQ). At these zoos, the imported animals are maintained in facilities that prevent access to them by the public and by domestic animals, and that include requirements for waste disposal and other matters that prevent the dissemination of any diseases the animals might carry.

Section 92.404(c) concerns the importation, into a PEQ Zoo where they will be maintained under postentry quarantine, of wild ruminants from countries where foot-and-mouth disease or rinderpest exists.

Section 92.504(c) concerns the importation, into a PEQ Zoo where they will be maintained under postentry quarantine, of wild swine from countries where foot-and-mouth disease or rinderpest exists.

The regulations allow APHIS to approve a zoo as a PEQ Zoo if the following conditions, among others, are met. The operator of the zoo receiving the imported animals must enter into a written agreement with APHIS for the maintenance and handling of the animals in a manner specified in the agreement and the regulations to prevent the introduction and dissemination of communicable disease. Among other things, the regulations require that the zoo must include satisfactory pens, cages, or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the zoological park which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead animals within the zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoo. The regulations also require the operator of the zoo to have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, to make periodic examinations of all animals maintained at the zoo for evidence of disease. This veterinarian must make a post-mortem examination of each animal that dies and report suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

We do not propose to change any of the requirements for obtaining permits to import wild ruminants or wild swine, and we do not propose to change the requirements for the PEQ zoos to which these animals are consigned after their importation.

However, the agreement between zoo operators and APHIS which is currently required by 92.404(c)(3) and 92.504(c)(3) states that wild ruminants and wild swine imported and consigned to postentry quarantine in a PEQ Zoo will not be sold, exchanged or removed from the premises of the zoo without the prior consent of APHIS. In this document, we propose to specify the circumstances under which APHIS will consent to the movement of imported wild ruminants and swine from a PEQ Zoo to a non-PEQ zoo within the United States. Many zoos wish to be able to move such animals, especially to participate in breeding programs (including breeding programs for endangered species of ruminants and swine).

We are proposing that wild ruminants or wild swine may be moved to a non-PEQ zoo after they have spent at least one year in postentry quarantine in the PEQ Zoo to which the animal(s) were consigned after importation. We propose this condition because the one year requirement allows time for the symptoms of many communicable animal diseases to manifest, and be detected by the zoo veterinarian required to make periodic examinations of the imported animals. Any imported wild ruminants or swine at a PEQ Zoo that are diagnosed with communicable diseases during this year would not be allowed to move to other zoos, thereby

reducing the risk of infecting other animals.[1]

We are also proposing that wild ruminants or wild swine may be moved from a PEQ Zoo only to a zoo accredited by the American Zoo and Aquarium Association (the AZA), or to a zoo that the Administrator of APHIS determines to have procedures in place that are equivalent to certain requirements for AZA accreditation that address preventing the spread of communicable diseases.

The American Zoo and Aquarium Association maintains an accreditation program to document that their member zoos meet high professional standards in their facilities and operations. The requirements for AZA accreditation include specific standards relevant to preventing the spread of communicable diseases between animals, such as standards for tracking identity and movement of animals, diagnosis of disease in zoo animals, and regular veterinary care. These AZA standards achieve some of the same purposes as the requirements APHIS currently imposes on PEQ Zoos receiving imported wild ruminants or wild swine. Importantly for APHIS program purposes, the AZA standards create records that would allow APHIS to analyze the medical history of imported animals, trace their movements in zoo locations, and identify other animals exposed to the imported animals.

Specifically, the standards for AZA accreditation require that a veterinarian be available to regularly inspect the animals and diagnose and document any signs of communicable disease. AZA standards also require that all animals must be inventoried, identified, and their acquisition and disposition dates and locations recorded. The AZA standards require that guardrails or barriers must keep the visiting public from contact with animals (except for handleable animals in facilities such as petting zoos). The AZA standards also require that there must be separate perimeter fencing in addition to exhibit fencing, and that deceased animals must be necropsied whenever possible to determine the cause of death.

These and other requirements for accreditation of a zoo by the AZA are recorded in official AZA publications,[2] and establish an effective program to prevent the spread of communicable disease in accredited zoos. The AZA requirements are quite similar to the standards APHIS established in §§ 92.404(c)(2) and 92.504(c)(2) for zoos receiving imported ruminants and swine directly from countries where FMD or rinderpest exist. Both APHIS and AZA standards address matters such as maintaining secure facilities for the animals, ensuring adequate veterinary care to diagnose communicable diseases, preventing public contact with the animals, and determining whether animal deaths were caused by communicable disease.

Therefore, we propose to allow movement of imported wild ruminants and wild swine to AZA accredited zoos after they have spent at least one year in the PEQ Zoo to which they were first consigned after importation, if such animals have not been diagnosed with communicable diseases during that 1-year period.

There are some zoos in the United States that are not accredited by the AZA, but that nonetheless have programs to prevent the spread of communicable animal disease that are as effective as the programs at AZA-accredited zoos. A zoo might not seek AZA accreditation because it has a small and relatively static animal collection; or because of the cost of the fees and dues associated with accreditation; or because it is a new zoo that has not yet had time to achieve accreditation. We propose that such zoos may be considered on a case-by-case basis if they wish to acquire imported wild ruminants or wild swine from other zoos. If the Administrator of APHIS determines that the zoo has facilities and procedures (e.g., for animal identification, record keeping, and veterinary care) in place related to preventing the spread of communicable animal diseases that are equivalent to those required for AZA accreditation, the Administrator would permit the zoo to acquire imported wild ruminants or wild swine from PEQ Zoos under the same requirements as AZA accredited zoos will be permitted to do.

Miscellaneous

We also propose to shorten and simplify some of the language in § 92.404 and § 92.504, and to add the term ''PEQ Zoo'' to distinguish zoos approved to receive animals directly after import (PEQ Zoos) from other zoos that may receive animals only after they have spent at least one year in a PEQ zoo.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would allow increased movement of certain imported ruminants and swine from one zoo to another in the United States. It would not increase the number of such animals that are imported. It would not have any appreciable impact on commerce, and would primarily benefit a small number of zoos that wish to acquire animals from other zoos or trade their own animals to other zoos.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The existing information collection and recordkeeping requirements in §§ 92.404 and 92.504 were previously approved by the Office of Management and Budget (OMB) under OMB control number 0579–0040, and we propose to add that control number at the end of these sections.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 would be amended as follows:

[1] This proposed rule only addresses movement of imported wild ruminants and wild swine. Other animals at zoos that are diagnosed with communicable diseases are subject to various movement restrictions by State animal health agencies. In addition, APHIS would investigate and take action if necessary if a zoo has an outbreak of a disease for which we have regulations in 9 CFR Chapter I.

[2] BYLAWS OF THE AMERICAN ZOO AND AQUARIUM ASSOCIATION and ACCREDITATION OF ZOOS AND AQUARIUMS: A PROGRAM OF THE AZA are both available upon request to the person identified in the ''For Further Information Contact:'' section of this document.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

2. § 92.404, paragraph(c) would be revised to read as follows:

§ 92.404 Import permits for ruminants and for ruminant specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.

* * * * *

(c) *Wild ruminants from countries where foot-and-mouth disease or rinderpest exists.* This paragraph applies to the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild ruminants will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild ruminants; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild ruminants.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported ruminants can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to an APHIS representative or the State agency responsible for livestock disease control programs.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild ruminant enters the zoo. If an APHIS veterinarian determines that an imported ruminant shows no signs of any communicable disease or exposure to any such disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that an imported ruminant does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the ruminant's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported ruminants are to be consigned, and the importer of the ruminants, if such operator and importer are different parties, shall execute an agreement covering each ruminant or group of ruminants for which the import permit is requested. The agreement shall be in the following form:

Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine

_____, operator(s) of the zoological park known as _____ (Name) located at _____ (City and state), and _____ (Importer) hereby request a permit for the importation of _____ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation.

_____
(Signature of importer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____
(Title or designation)

_____
(Name of zoological park)

By _____
(Signature of officer of zoological park)

_____

(Title of officer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Title or designation)

(Approved by the Office of Management and Budget under control number 0579–0040.)

3. § 92.504, paragraph (c) would be revised to read as follows:

§ 92.504 Import permits for swine and for swine specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.

* * * * *

(c) *Wild swine from countries where foot-and-mouth disease or rinderpest exists.* This paragraph applies to the importation of wild swine from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild swine will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild swine; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild swine.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported swine can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead swine within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild swine enters the zoo. If an APHIS veterinarian determines that an imported swine shows no signs of any communicable disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that the swine does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the swine's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported swine are to be consigned, and the importer of the swine, if such operator and importer are different parties, shall execute an agreement covering each swine or group of swine for which the import permit is requested. The agreement shall be in the following form:

Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine

_____, operator(s) of the zoological park known as _____ (Name) located at _____ (City and state), and _____ (Importer) hereby request a permit for the importation of _____ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If shipment is made by ocean vessel, the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation.

_____

(Signature of importer)

Subscribed and sworn to before me this_____ day of _____, _____.

_____

(Title or designation)

_____

(Name of zoological park)

By _____

(Signature of officer of zoological park)

_____

(Title of officer)

Subscribed and sworn to before me this _____ day of _____, _____

_____

(Title or designation)

(Approved by the Office of Management and Budget under control number 0579–0040.)

Done in Washington, DC, this 28th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27976 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–271–AD]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Jetstream Model 4101 series airplanes, that would have required a high frequency eddy current (HFEC) inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. That action also proposed to require modification of the rear pressure bulkhead of the fuselage. That proposal was prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. This action revises the proposed rule by referencing a new service bulletin that includes new technical procedures for accomplishing the HFEC inspection, and removing airplanes having certain constructor numbers. The actions specified by this proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

DATES: Comments must be received by November 19, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–271–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–271–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–271–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Jetstream Model 4101 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on July 10, 1996 (61 FR 36308). That NPRM would have required a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. That NPRM also would have required modification of the rear pressure bulkhead of the fuselage. That NPRM was prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. That condition, if not detected and corrected in a timely manner, could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, Jetstream has issued Revision 1 of Service Bulletin J41–53–020 (the original version of this service bulletin was referenced as Service Bulletin J41–53–020–41382A in the NPRM), dated June 4, 1995. This revision revises certain technical procedures specified in the Accomplishment Instructions. In addition, airplanes having constructors numbers 41048 through 41060, inclusive, are removed from the effectivity listing of the service bulletin, since those planes have been identified as not being subject to the addressed unsafe condition. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this service bulletin as mandatory, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

The FAA has examined the findings of the CAA and reviewed the new service information. The FAA has determined that, in order to effectively address the unsafe condition presented by the problems associated with fatigue cracking in the subject area, the proposed rule must be revised to reference Revision 1 of Jetstream Service Bulletin J41–53–020 as the appropriate source of service information. In addition, the applicability of the proposed rule must be revised by removing Model 4101 airplanes having constructors numbers 41048 through 41060, inclusive.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

The FAA estimates that 40 Model 4101 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 work hours per airplane to accomplish the actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $96,000, or $2,400 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Jetstream Aircraft Limited: Docket 95–NM–271–AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41047 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue-related cracking in the rear pressure bulkhead, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane; accomplish the following:

(a) Prior to the accumulation of 10,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, accomplish paragraphs (a)(1) and (a)(2) of this AD, in accordance Jetstream Service Bulletin J41–53–020, Revision 1, dated June 4, 1996.

(1) Perform a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, in accordance with the service bulletin. If any crack is detected, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Modify the rear pressure bulkhead of the fuselage (Jetstream Modification JM41382A), in accordance with the service bulletin.

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27925 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 96–NM–32–AD]

Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 series airplanes. This proposal would require an ultrasonic inspection to determine if certain tubes are installed in the drag stay units of the main landing gear (MLG), and various follow-on actions. This proposal is prompted by a report that, due to fatigue cracking from an improperly machined radius of the inner tube, a drag stay broke, and, consequently, lead to the collapse of the MLG during landing. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity or collapse of the MLG.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–32–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314; and Dowty Aerospace, Customer Support Center, P.O. Box 49, Sterling,

VA 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth E. Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1721; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–32–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–32–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 series airplanes. The RLD advises that it has received a report that, due to a broken drag stay, the main landing gear (MLG) on one airplane collapsed during landing. The broken drag stay is attributed to fatigue cracking, which originated at a change in the cross-section of the inner tube. The apparent cause of such fatigue cracking has been attributed to an improperly machined radius of the inner tube of the drag stay. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity or collapse of the MLG.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF50–32–029, dated February 11, 1994 (for Model F27 Mark 050 series airplanes) and Service Bulletin F27/32–167, dated November 19, 1993 (for Model F27 Mark 100, 200, 300, 400, 600, and 700 series airplanes). These service bulletins describe procedures for performing an ultrasonic inspection to determine if a tube having part number (P/N) 200485300 with a straight bore, or a tube having P/N 200259300 with a change in section (stepped bore), is installed in the drag stay units (DSU) of the main landing gear (MLG). They also describe procedures for various follow-on actions, including re-identification of certain tubes, replacement of certain DSU's with new/re-identified DSU's, and repetitive ultrasonic inspections of certain DSU's. The RLD classified these service bulletins as mandatory and issued Netherlands airworthiness directive BLA 93–169/2(A), dated April 29, 1994, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require an ultrasonic inspection to determine if certain tubes are installed on the DSU's of the MLG, and various follow-on actions. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

The FAA estimates that 10 Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $1,200, or $120 per airplane.

There currently are no Fokker Model F27 Mark 050 series airplanes on the U.S. Register that would require the inspection of the DSU. The only airplanes that would require this inspection are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that inclusion of that requirement in this proposed rule is necessary to ensure that the unsafe condition is addressed in the event that any of these airplanes are imported and placed on the U.S. Register in the future.

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

Regulatory Impact

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

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

action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker: Docket 96–NM–32–AD.

Applicability: Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 series airplanes, equipped with Dowty Aerospace main landing gear (MLG) drag stay units (DSU) having part number (P/N) 200684001, 200261001, or 200485001; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in drag stay unit of the main landing gear (MLG), which could result in reduced structural integrity or collapse of the MLG, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform an ultrasonic inspection to determine if a tube having part number (P/N) 200485300 with a straight bore, or a tube having P/N 200259300 with a change in section (stepped bore), is installed on the DSU's of the MLG, in accordance with Fokker Service Bulletin F27/32–167, dated November 19, 1993 (for Model F27 Mark 100, 200, 300, 400, 600, and 700 series airplanes), or Fokker Service Bulletin SBF50–32–029, dated February 11, 1994 (for Model F27 Mark 050 series airplanes), as applicable.

Note 2: Fokker Service Bulletin F27/32–167 references Dowty Service Bulletins 23–169B and 32–82W; and Fokker Service Bulletin SBF50–32–029 references Dowty Service Bulletin F50–32–50; as additional sources of service information for procedures to accomplish the actions specified in this AD.

(b) For all airplanes: If any tube having P/N 200485300 with a straight bore is found installed during the inspection required by paragraph (a) of this AD, prior to further flight, reidentify it in accordance with Fokker Service Bulletin F27/32–167, dated November 19, 1993 (for Model F27 Mark 100, 200, 300, 400, 600, and 700 series airplanes); or Fokker Service Bulletin SBF50–32–029, dated February 11, 1994 (for Model F27 Mark 050 series airplanes); as applicable.

(c) For Model F27 Mark 50 series airplanes: If any tube having P/N 200259300 with a change in section (stepped bore) is found installed during the inspection required by paragraph (a) of this AD, prior to further flight, replace the DSU with a new or serviceable DSU having P/N 200684004, in accordance with Fokker Service Bulletin SBF50–32–029, dated February 11, 1994.

(d) For F27 Mark 100, 200, 300, 400, 600, and 700 series airplanes: If any tube having P/N 200259300 with a change in section (stepped bore) is found installed during the inspection required by paragraph (a) of this AD, prior to further flight, re-identify the DSU in accordance with Fokker Service Bulletin F27/32–167, dated November 19, 1993. Following accomplishment of the re-identification, prior to further flight, perform an ultrasonic inspection to detect cracks in the re-identified DSU's, in accordance with that service bulletin.

(1) For airplanes equipped with any DSU re-identified as P/N 200684003, 200261003, or 200485003: If no crack is detected, no further action is required by this AD.

(2) For airplanes equipped with any DSU re-identified as P/N 200684002, 200261002, or 200485002: If no crack is detected, accomplish paragraph (c)(2)(i) and (c)(2)(ii) of this AD.

(i) Repeat the ultrasonic inspection required by paragraph (d) of this AD thereafter at intervals not to exceed 1,500 flight cycles.

(ii) At the next MLG overhaul, but no later than 12,000 flight cycles after the effective date of this AD, rework and re-identify the DSU again, or replace the DSU with a re-identified DSU, in accordance with the service bulletin. Accomplishment of the rework and re-identification, or replacement constitutes terminating action for the repetitive inspection requirements of this AD.

(3) If any crack signal indication of any DSU tube is greater than or equal to 80 percent, prior to further flight, replace the DSU with a re-identified DSU, in accordance with the applicable service bulletin.

(4) If any crack signal indication of any DSU tube is greater than or equal to 1 percent but less than 80 percent, accomplish paragraph (d)(4)(i) and (d)(4(ii) of this AD.

(i) Repeat the ultrasonic inspection required by paragraph (d) of this AD thereafter at intervals not to exceed 1,500 flight cycles.

(ii) At the next MLG overhaul, but no later than 12,000 flight cycles after the effective date of this AD, replace the DSU with a re-identified DSU, in accordance with the service bulletin. Accomplishment of the replacement constitutes terminating action for the repetitive inspection requirements of this AD.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–27924 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket 153, NJ23–1; FRL–5643–3]

Approval and Promulgation of Air Quality Implementation Plans; New Jersey: Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed conditional interim rule.

SUMMARY: EPA is proposing a conditional interim approval of a State Implementation Plan (SIP) revision submitted by the State of New Jersey. This revision establishes and requires the implementation of a statewide enhanced inspection and maintenance (I/M) program. The intended effect of this action is to propose conditional interim approval of an I/M program proposed by the State, based upon the State's good faith estimate, which asserts that the State's network design provides emission reduction credits that

are appropriate and the revision is otherwise in compliance with the Clean Air Act (CAA). This action is being taken under section 348 of the National Highway System Designation Act of 1995 (NHSDA) and section 110 of the CAA. EPA is proposing a conditional interim approval because the State's SIP revision is deficient with respect to the following requirements: test procedures, standards, and equipment, and performance standard modeling. If the State commits within 30 days of the publication of this document to correct the major deficiencies by dates certain as described below, and corrects the deficiencies by those dates, then this interim approval shall expire pursuant to the NHSDA and section 110 of the CAA on the earlier of 18 months from final interim approval, or on the date EPA takes final action. In the event that the State fails to submit a commitment to correct all of the major deficiencies within 30 days after the publication of this document, then EPA is proposing in the alternative to disapprove the SIP revision. If the conditional interim approval is converted to a disapproval, EPA will notify the State by letter that the conditions have not been met and that the conditional interim approval has been converted to a disapproval.

DATES: Comments must be received on or before December 2, 1996.

ADDRESSES: Written comments on this proposed action may be addressed to: Regional Administrator, Attention: Air Programs Branch, Division of Environmental Planning and Protection, Environmental Protection Agency, Region 2, 290 Broadway, 25th Floor, New York, New York 10007–1866. Copies of the documents relevant to this action are available for public inspection during normal business hours at the address shown above.

Electronic Availability: This document and EPA's technical support document are available at Region 2's site on the Internet's World Wide Web at: http://www.epa.gov/region02/air/sip/.

FOR FURTHER INFORMATION CONTACT: Rudolph K. Kapichak, Mobile Source Team Leader, Air Programs Branch, Environmental Protection Agency, Region 2, 25th Floor, 290 Broadway, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

I. Background

A. Impact of the National Highway System Designation Act on the Design and Implementation of Enhanced Inspection & Maintenance Programs under the Clean Air Act

The National Highway System Designation Act of 1995 (NHSDA) establishes two key changes to the enhanced I/M Rule requirements previously developed by EPA. Under the NHSDA, EPA cannot require states to adopt or implement centralized, test-only IM240 enhanced vehicle inspection and maintenance programs as a means of compliance with section 182, 184 or 187 of the CAA. Also under the NHSDA, EPA cannot disapprove a state I/M SIP revision, nor apply an automatic discount to a state I/M SIP revision under section 182, 184 or 187 of the CAA, because the I/M program in such plan revision is decentralized, or a test-and-repair program. Accordingly, the so-called ''50 percent credit discount'' that was established by the EPA's I/M Program Requirements Final Rule, (published November 5, 1992, and herein referred to as the I/M Rule or the federal I/M regulation) has been effectively replaced with a presumptive equivalency criterion, which places the emission reduction credits for decentralized networks on par with credit assumptions for centralized networks, based upon a state's good faith estimate of reductions as provided by the NHSDA and explained below in this section.

EPA's I/M Rule established many other criteria unrelated to network design or test type for states to use in designing enhanced I/M programs. All other elements of the I/M Rule, and the statutory requirements established in the CAA continue to be required of those states submitting I/M SIP revisions under the NHSDA. Therefore, the NHSDA specifically requires that these I/M SIP submittals must otherwise comply in all respects with the I/M Rule and the CAA.

The NHSDA also requires states to swiftly develop, submit, and begin implementation of these enhanced I/M programs, since the anticipated start-up dates developed under the CAA and EPA's rules have already been delayed. In requiring states to submit I/M programs within 120 days of the NHSDA passage, and in allowing these states to submit proposed regulations within this time frame for these I/M programs (which can be finalized and submitted to EPA during the interim period), it is clear that Congress intended for states to begin testing vehicles as soon as practicable, now that the decentralized credit issue has been clarified and directly addressed by the NHSDA.

Submission criteria described under the NHSDA allows for a state to submit proposed regulations for this interim program, provided that the state has all of the statutory authority necessary to carry out the program. Also, in proposing the interim emission reduction credits for this program, states are required to make good faith estimates regarding the performance of their enhanced I/M programs. Since these estimates are expected to be difficult to quantify, the state need only provide that the proposed credits claimed for the submission have a basis in fact. A good faith estimate of a state's program may be based on any of the following: the performance of any previous I/M program, the results of remote sensing or other roadside testing techniques, fleet and vehicle miles traveled (VMT) profiles; demographic studies, or other evidence which has relevance to the effectiveness or emissions reducing capabilities of an I/M program.

This action is being taken under the authority of both the NHSDA and section 110 of the CAA. Section 348 of the NHSDA expressly directs EPA to issue this interim approval for a period of 18 months, at which time the interim program will be evaluated in concert with the appropriate state agencies and EPA. The Conference Report on section 348 of the NHSDA states that it is expected that the estimated emission reduction credits claimed by the state in its I/M SIP submittal, and the actual emissions reductions demonstrated through the program data may not match exactly. Therefore, the Conference Report suggests that EPA use the program data to appropriately adjust the proposed emission reduction credits to reflect the emissions actually determined by the state during the program evaluation period.

Furthermore, EPA believes that in taking action under section 110 of the CAA, it is appropriate to grant a conditional interim approval to this submittal since there are some deficiencies with the submittal with respect to CAA statutory and regulatory requirements (identified herein) that EPA believes can be corrected by the state during the interim period.

B. Interim Approvals under the NHSDA

The NHSDA directs EPA to grant interim approval for a period of 18 months to approvable I/M submittals under this Act. This Act also directs

EPA and the states to review the interim program results at the end of 18 months, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to begin operating as soon as possible, which EPA believes should be at the latest, November 15, 1997, so that about six months of operational program data can be collected to evaluate the interim program. EPA further believes that in setting such a strict timetable for program evaluations under the NHSDA that Congress recognized and attempted to mitigate any further delay with the start-up of this program. For the purposes of this program, ''start-up'' is defined as a fully operational program which has begun regular, mandatory inspections and repairs, using the final test strategy and covering each of a state's required enhanced I/M areas. EPA proposes that if the state fails to start its program on this schedule, the conditional interim approval granted under the provisions of the NHSDA will convert to a disapproval after a finding letter is sent to the state.

The program evaluation to be used by the state during the 18-month interim period must be acceptable to EPA. EPA anticipates that such a program evaluation process will be developed by the Environmental Council of States (ECOS) group that has convened and that was organized for this purpose. EPA further anticipates that in addition to the interim, short term evaluation, the state will conduct a long term, ongoing evaluation of the I/M program as required by the I/M Rule in CFR 51.353 and 51.366.

C. Process for Final Approval of this Program under the CAA

As per the NHSDA requirements, this interim rulemaking will expire within 18 months of the date of publication of the conditional interim approval, or sooner if EPA takes action to approve the final SIP submittal prior to that date. A final approval of the state's final I/M SIP revision (which will include the state's program evaluation and final adopted state regulations) is still necessary under section 110 and under section 182, 184 or 187 of the CAA. After EPA reviews the state's submitted program evaluation, final rulemaking on the state's I/M SIP revision will occur.

II. EPA's Analysis of New Jersey's Submittal

On March 27, 1996, the New Jersey Department of Environmental Protection (DEP) submitted a revision to its State Implementation Plan (SIP) for an enhanced I/M program to qualify under the NHSDA. The revision consists of enabling legislation that will allow the State to implement the I/M program, proposed regulations, a description of the I/M program, and a good faith estimate that includes the State's basis in fact for emission reduction claims of the program. The State's credit assumptions were based upon the removal of the 50 percent credit discount for all portions of the program that are based on a test-and-repair network, and the application of the State's own estimate of the effectiveness of its decentralized test-and-repair program.

A. Analysis of the NHSDA Submittal Criteria

Transmittal Letter

On March 27, 1996, New Jersey submitted an enhanced I/M SIP revision to EPA, requesting action under the NHSDA and the CAA. The official submittal was made by Robert C. Shinn, Jr., Commissioner of the Department of Environmental Protection, the appropriate State official, and was addressed to Regional Administrator Jeanne M. Fox, the appropriate EPA official in the Region.

Enabling Legislation

New Jersey has legislation under the Federal Clean Air Mandate Compliance Act, Public Law 1995, Chapter 112, enabling the implementation of a hybrid, biennial I/M program.

Proposed Regulations

On May 6, 1996, New Jersey's proposed regulations appeared in the State Register in accordance with 40 CFR Part 51, establishing an enhanced I/M program. These regulations, which had been signed by DEP Commissioner Shinn on March 26, 1996, take advantage of additional flexibility granted by Congress in the NHSDA. They call for the continuation of a hybrid inspection program. The primary changes to the existing program are as follows:

- the program will require biennial inspection rather than annual inspection,
- a one-mode Acceleration Simulation Mode test (using a dynamometer) will replace the idle test for 1981 and newer vehicles,
- waivers will now be granted for 1981 and newer vehicles meeting the repair expenditure requirements, and
- motorist enforcement will be through revocation of the vehicle registration rather than a windshield sticker.

The State anticipates fully adopting regulations by early November 1996.

Program Description

New Jersey's hybrid I/M program will be operated on a statewide basis and is scheduled to begin operating 12 months after EPA's conditional interim approval of the I/M SIP revision submittal. During the 12 months preceding program start-up, New Jersey will operate a pilot version of the program on a voluntary basis. This will include approximately six test-only lanes (about 7 percent of existing lanes) and will be open to participation by test-and-repair facilities. Since this program will be voluntary, the State will solicit participation by offering a two-year certificate of compliance (sticker) to those motorists who choose and pass the new test. New Jersey hopes to use data from this demonstration program to evaluate the potential effectiveness of the full version of the program.

As required by NHSDA, New Jersey included in its submittal a description of elements that provide the basis for the test-and-repair program effectiveness claim.

Emission Reduction Claim and Basis for the Claim

New Jersey claims an 80 percent effectiveness from the test-and-repair portion of the program based on the following elements: increased auditing of test-and-repair facilities, specifications for the new emissions analyzer equipment, and implementation of the repair technician training and certification program.

B. Analysis of the EPA I/M Regulation and CAA Requirements

As previously stated, the NHSDA left those elements of the I/M Rule that do not pertain to network design or test type intact and specifically required compliance with all other provisions of the Act. Based upon EPA's review of New Jersey's submittal, EPA believes the State has not complied with all aspects of the NHSDA, the CAA and the I/M Rule. Therefore, EPA proposes to grant the I/M SIP revision conditional interim approval. Before EPA can continue with the interim rulemaking process, the State must make a commitment within 30 days of October

31, 1996 to correct the major deficiencies identified within this document by dates certain as described in this document. New Jersey's major deficiencies are described below.

Enhanced I/M Performance Standard Modeling

In order to determine whether the state I/M program meets the enhanced I/M performance standard, and is therefore approvable, the state must submit a modeling demonstration that the program achieves the required emission reductions by the relevant dates. New Jersey did not include all modeling assumptions in its submittal. Given that New Jersey plans to use a one-mode Acceleration Simulation Mode (ASM) test procedure, it is possible that final modeling assumptions would not be available for some time since an acceptable test procedure and emission reduction credits for this test have yet to be established. EPA and states interested in using ASM have been actively pursuing acceptable test procedures using one and two ASM modes.

Test Procedures, Standards and Equipment

Written test procedures and pass/fail standards and equipment specifications shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA document entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, dated April 1994 and ''Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–RSPD–IM–96–2, dated July 1996.

New Jersey's I/M program will be using a one-mode Acceleration Simulation Mode (ASM) emissions test for most of its fleet. New Jersey has been working with other states and the equipment manufacturers, in coordination with EPA, to develop their own procedures, specifications and standards for one- and two-mode ASM testing. It is anticipated that the states' test procedures, specifications and standards will be released shortly. The State must finalize its test procedures, standards and equipment specifications well before testing begins.

The State must commit within 30 days of the publication date of this proposal to correct these major deficiencies by dates certain or this approval will convert to a disapproval under CAA section 110(k)(4). EPA proposes that the deficiency with regard to the enhanced performance standard modeling must be corrected within 12 months of EPA's conditional interim approval. Because the finalization of the test procedures, standards and equipment specifications is critical to ensuring that the program begins testing by the required date EPA proposes that this deficiency must be corrected no later than January 31, 1997. It is essential that the State submit final test procedures, standards and equipment specifications no later than this date because a significant lead time is necessary in order for the program to begin testing as planned.

EPA has also identified certain minor (de minimis) deficiencies in the I/M SIP revision, which include:

(1) Adequate tools and resources,
(2) Vehicle coverage,
(3) Quality control,
(4) Motorist compliance enforcement,
(5) Quality assurance,
(6) Data collection,
(7) Data analysis and reporting, and
(8) Public awareness and consumer protection.

EPA has determined that allowing the State a longer time to correct these minor deficiencies will have a de minimis impact on the State's ability to meet clean air goals. Therefore, the State need not commit to correct these minor deficiencies in the short term, and EPA will not impose conditions on the interim approval with respect to these minor deficiencies. However, the State must correct these minor deficiencies during the 18-month term of the interim approval, as part of the fully adopted rules that New Jersey will submit to support final approval of its I/M SIP revision. So long as the State corrects these minor deficiencies prior to final action on the State's I/M SIP revision, EPA concludes that failure to correct the deficiencies in the short term is de minimis and will not adversely affect EPA's ability to give interim approval to the proposed I/M program.

Applicability—40 CFR 51.350

Sections 182(c)(3) and 184(b)(1)(A) of the CAA and 40 CFR Part 51.350(a) require all states with areas classified as serious or worse ozone nonattainment areas and all metropolitan statistical areas (MSAs) with 1980 populations greater than 100,000 in the Ozone Transport Region to implement an enhanced I/M program. The New Jersey portions of the New York-New Jersey-Long Island and the Philadelphia-Wilmington-Trenton consolidated metropolitan statistical areas are both classified as severe ozone nonattainment areas and are required to implement an enhanced I/M program as per section 182(c)(3) of the CAA and 40 CFR 51.350(2). The Atlantic City MSA and the Allentown-Bethlehem-Easton MSA, which includes one county in New Jersey, have 1980 populations greater than 100,000 and are required to implement an enhanced I/M program as per section 184(b)(1)(A) of the CAA and 40 CFR Part 51.350(a). In addition, section 187(a)(6) of the CAA requires moderate carbon monoxide (CO) nonattainment areas with design value carbon monoxide concentrations greater than 12.7 ppm to implement an enhanced I/M program. Bergen, Essex, Hudson, Union, and part of Passaic Counties comprise such an area in northern New Jersey.

New Jersey's I/M legislation provides the legal authority to establish a statewide program. The State's I/M SIP revision submittal identifies program boundaries as ''statewide'', therefore, EPA is proposing to find that the geographic applicability requirements are satisfied.

The federal I/M regulation requires that the state program shall not sunset until it is no longer necessary. EPA interprets the federal I/M regulation as stating that an I/M SIP that does not sunset prior to the attainment deadline for each applicable area satisfies this requirement. New Jersey's I/M SIP revision includes regulations from both the DEP and the Department of Transportation (DOT) because the two departments share responsibilities for the program and have complementary legal authorities for the implementation of different aspects of the program. The DEP I/M regulations do not include a sunset date. However, the DOT regulations are statutorily bound to expire after five years. If the DOT regulations are not readopted after five years, the State would be unable to operate the I/M program in which case EPA would have reason to notify New Jersey of its failure to implement the program. However, in the past and as a matter of practice, DOT regulations are readopted prior to the expiration of the rules they replace. In light of this past practice, EPA is confident that this practice will continue. Therefore, EPA is not proposing to condition New Jersey's interim approval because of its inability to maintain the program as long as it is necessary to attain the applicable standards. The State's SIP submittal meets the applicability requirements of the federal I/M regulation for interim approvable.

Enhanced I/M Performance Standard—40 CFR 51.351

The federal I/M regulation requires that an enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, which is expressed as emission levels in area-wide average grams per mile (gpm) for certain pollutants. The performance standard shall be established using local characteristics, such as vehicle mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate, and evaluation date. The emission levels achieved by the state's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. At the time of the New Jersey I/M SIP revision submittal, the most current version was MOBILE5a__h. Areas shall meet the performance standard for the pollutants which cause them to be subject to enhanced I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both nitrogen oxides (NO_X) and hydrocarbons (HC) as evaluated for the year 2002. In the case of carbon monoxide nonattainment areas, the performance standard must be met for CO as evaluated in the year 2002. The New Jersey submittal must meet the enhanced I/M performance standard for HC, NO_X, and CO in all applicable I/M areas in New Jersey.

New Jersey did not include all modeling assumptions in its submittal. The State acknowledges that this is the case and commits to submit them at a later date. Given that New Jersey plans to use a one-mode Acceleration Simulation Mode (ASM) test procedure, it is possible that final modeling assumptions would not be available for quite some time since an acceptable test procedure or emission reduction credits for this test have yet to be established. EPA and states interested in using ASM have been actively pursuing acceptable test procedures using one and two ASM modes.

New Jersey intends to phase in the pass/fail standards so that those during the initial cycles will not be as stringent as those the program will eventually use. If the State's final program analysis indicates that use of these standards will not generate the needed emission reductions in order for the State to meet the goals of its 15 percent plan, New Jersey may be required to use tighter standards, or implement other control strategies.

EPA is proposing conditional interim approval of the State program at this time consistent with the intent of the NHSDA that state I/M programs be promptly approved and implemented. EPA proposes that this approval be conditioned upon the requirement that the State conduct and submit the necessary modeling and demonstration that the program will meet the performance standard. The State must commit that the modeling and demonstration be submitted by a date certain within 12 months from conditional interim approval. If the State fails to submit this new modeling within 12 months, EPA proposes that the conditional interim approval will convert to a disapproval upon a letter from EPA indicating that the State has failed to submit the modeling and demonstration of compliance with the performance standard by the required date.

If the State cannot meet the enhanced I/M performance standard, the State may demonstrate compliance with the low enhanced performance standard established in 40 CFR 51.351(g). That section provides that states may select the low enhanced performance standard if they have an approved SIP for reasonable further progress in 1996, commonly known as either a 15 percent reduction SIP or the 15 percent plan. In fact EPA approval of 15 percent plans has been delayed, and although EPA is preparing to take action on 15 percent plans in the near future, it is unlikely that EPA will have completed final action on most 15 percent plans prior to the time EPA believes it would be appropriate to give final or conditional interim approval to I/M programs under the NHSDA. In addition, New Jersey is currently reassessing its 15 percent plan to include the I/M program changes. This reassessment is to be based on the program as it is being implemented in November 1999. If the results indicate that the State will not achieve a 15 percent reduction in emissions, New Jersey may choose to either make I/M program improvements or add other provisions to its overall control plan.

In enacting the NHSDA, Congress evidenced an intent to have states promptly implement I/M programs under interim approval status to gather the data necessary to support state claims of appropriate credit for alternative network design systems. By providing that such programs must be submitted within a four month period, that EPA could approve I/M programs on an interim basis based only upon proposed regulations, and that such approvals would last only for an 18 month period, it is clear that Congress anticipated both that these programs would start quickly and that EPA would act quickly to give them interim approval.

Many states have designed a program to meet the low enhanced performance standard, and have included that program in their 15 percent plan submitted to EPA for approval. Such states anticipated that EPA would propose approval both of the I/M programs and the 15 percent plans on a similar schedule, and thus that the I/M programs would qualify for approval under the low performance standard. EPA does not believe it would be consistent with the intent of the NHSDA to delay action on interim I/M approvals until the Agency has completed action on the corresponding 15 percent plans. Although EPA acknowledges that under its regulations final approval of a low enhanced I/M program after the 18-month evaluation period would have to await approval of the corresponding 15 percent plan, EPA believes that in light of the NHSDA it can grant either final or conditional interim approval of such I/M plans provided that the Agency has determined as an initial matter that approval of the 15 percent plan is appropriate, and has issued a proposed approval of that 15 percent plan.

The State plans to submit a revised 15 percent plan. It is possible that New Jersey's proposed I/M program may fall short of the enhanced I/M performance standard but exceed the low enhanced performance standard. If this is the case and the emission reductions provided by the I/M program allow the State to fulfill the requirements of its 15 percent plan, then EPA will review the 15 percent plan and propose action on it shortly thereafter. Should EPA propose approval of the 15 percent plan, EPA will proceed to take conditional interim approval action on the I/M plan. EPA proposes in the alternative that if the Agency proposes instead to disapprove the 15 percent plan, EPA would then disapprove the I/M plan as well because the State would no longer be eligible to select the low enhanced performance standard under the terms of 40 CFR 51.351(g).

Network Type and Program Evaluation—40 CFR 51.353

The federal I/M regulation requires that enhanced programs shall include an ongoing evaluation to quantify the emission reduction benefits of the program, and to determine if the program is meeting the requirements of

the CAA and the federal I/M regulation. The I/M SIP revision submittal shall include details on the program evaluation and a schedule for submittal of biennial evaluation reports, data from a state-monitored or administered mass emission test of at least 0.1 percent of the vehicles subject to inspection each year, a description of the sampling methodology, the data collection and analysis system, and the legal authority enabling the evaluation program.

In order to determine whether the State I/M program meets the enhanced I/M performance standard, and is therefore approvable, it must submit modeling demonstrating that the program achieves the required emission reductions by the relevant dates. Because of delayed program start-up and program reconfiguration, the existing modeling used by the State to demonstrate compliance with the performance standard is no longer accurate, as it is based on start-up and phase-in of testing and cut-points that do not reflect the current program configuration or start dates that the State will actually implement. EPA believes, based on the available modeling and its own extrapolation of expected emission reductions from the program, that the State program will meet the performance standard. The State must conduct new modeling using the actual program configuration and start dates to verify that the performance standard will in fact be met. For example, phase-in cutpoints corresponding to the test-type and correct program start-up dates should be included in the new modeling.

EPA is proposing conditional interim approval of the State's program at this time consistent with the intent of the NHSDA that state I/M programs be promptly approved and implemented. EPA proposes that this approval be conditioned upon the requirement that the State commit to conduct and submit the necessary new modeling and demonstration that the program will meet the performance standard, by a date certain within 12 months from conditional interim approval. If the State fails to submit this new modeling within 12 months, EPA proposes that the conditional interim approval will convert to a disapproval upon a letter from EPA indicating that the State has failed to submit the modeling and demonstration of compliance with the performance standard by the required date.

In addition, the existing I/M Rule requires that the modeling demonstrate that the state program has met the performance standard by fixed evaluation dates. The first such date is January 1, 2000. However, few state programs will be able to demonstrate compliance with the performance standard by that date as a result of delays in program start-up and phase in of testing requirements. EPA believes that based on the provisions of the NHSDA, the evaluation dates in the current I/M Rule have been superseded. Congress provided in the NHSDA for state development of I/M programs that would start significantly later than the start dates in the current I/M Rule. Consistent with Congressional intent, such programs by definition will not achieve full compliance with the performance standard by the beginning of 2000.

As explained above, EPA has concluded that the NHSDA superseded the start date requirements of the I/M Rule, but that states should still be required to start their programs as soon as possible, which EPA has determined would be by November 15, 1997. Therefore, EPA believes that pursuant to the NHSDA, the initial evaluation date should be January 1, 2002. This evaluation date will allow states to fully implement their I/M programs and complete one cycle of testing at full cut points in order to demonstrate compliance with the performance standard.

New Jersey proposes to implement a hybrid enhanced I/M program, under which the State will maintain a system of centralized test-only stations and decentralized test-and-repair stations. Under the program, motorists will be able to choose where a vehicle is inspected. As part of the State's Request for Proposal (RFP), New Jersey requested that contractors submit alternative network designs that may be considered to be equal to or better than the State's proposed I/M program.

New Jersey commits to perform transient emissions inspection on 0.1 percent of the vehicle population to comply with the program evaluation aspects of the I/M Rule.

With the conditions described above, the State's submittal meets the network type and program evaluation requirements of the federal I/M regulation for interim approval.

Adequate Tools and Resources—40 CFR 51.354

The federal I/M regulation requires the state to demonstrate that adequate funding for the program is available. A portion of the test fee or a separately assessed per vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if it is demonstrated that the funding can be maintained. Reliance on funding from the state or local general fund is not acceptable unless doing otherwise would be a violation of the state's constitution. The I/M SIP revision shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The I/M SIP revision shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

In its revised I/M SIP revision submittal, New Jersey indicates that $25 million in Capital Funds have been dedicated to upgrade the central DMV computer system. New Jersey also plans to use any other source of funding that is made available for auditing and program oversight. The State also indicates that the DEP's funding request will fully fund the DEP's responsibilities in the 1997 budget year. Since the State has not indicated how the I/M program will be funded past the 1997 budget year, the State must confirm its plan for funding the enhanced I/M program throughout its duration by submitting supplemental information to EPA prior to the end of the 18-month interim period.

The State's 1995 I/M SIP revision submittal indicated that under legislative authority, an amount of $11.50 from each vehicle registration fee will be deposited in the ''Motor Vehicle Inspection Program Fund.'' This fund may also receive funds from licensing fees and enforcement fines. This fund will be utilized for implementing, administrating, evaluating, auditing and enforcing the I/M program. The State must confirm that these funds will be available for the program functions described above.

The DMV anticipates requiring a staffing level of 172 full time employees for the operation of the enhanced I/M program. The State must confirm that this level of funding and personnel will be adequate to allow the program to operate unhindered until it is no longer necessary. Alternatives to this approach would be acceptable, if the State can demonstrate that adequate funding can be maintained in some other fashion.

This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Test Frequency and Convenience—40 CFR 51.355

The federal I/M regulation establishes an enhanced I/M performance standard

that assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme, how the test frequency is integrated into the enforcement process and shall include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program shall be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

New Jersey proposes a biennial test frequency. Legal authority is contained in the I/M SIP revision submittal. Vehicles that violate this requirement will have registrations denied or revoked. New Jersey intends to make use of existing inspection stations. Some outdated stations may be closed and new stations constructed to supplement the inspection stations that will have the new equipment installed. Standards will be developed by New Jersey to keep the wait times below 30 minutes. Incentives will be provided to shorten the wait times to 15 minutes.

The New Jersey submittal meets the test frequency and convenience requirements of the federal I/M regulation for interim approvable.

Vehicle Coverage—40 CFR 51.356

The federal I/M regulation establishes a performance standard for enhanced I/M programs that is based on coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in the same type of test network as other vehicles in the state, according to the requirements of 40 CFR 51.353(a). Vehicles which are operated on federal installations located within an I/M program area shall be tested, regardless of whether the vehicles are registered in the State or local I/M area.

The federal I/M regulation requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions including the percentage and number of vehicles to be impacted by the exemption. Such exemptions shall be accounted for in the emissions reduction analysis.

The New Jersey enhanced I/M program requires all model years of light and heavy duty gasoline-fueled vehicles to undergo some form of emissions inspection. The SIP submittal indicates that, as of 1994, 4,830,771 vehicles will be included in the I/M program. New Jersey proposes to exempt diesel vehicles, motorcycles, historic vehicles, collector vehicles, farm equipment and machinery, traction equipment, fire trucks greater than 10,000 pounds GVWR, in-transit construction equipment and military tactical vehicles operated on federal installations within the State. Fleet vehicles primarily operated in the State but registered in other program areas will be identified and may be inspected in New Jersey. Vehicles registered in New Jersey but primarily operated in another program area are required to be inspected in New Jersey.

The State's draft request for proposal (RFP) indicates that fleet vehicles registered in the State or primarily operated in the State are required to participate in the enhanced I/M program. Fleet vehicles may be inspected at a test-only facility or private inspection facility. Owners or lessees of fleet vehicles may apply to become a licensed private inspection facility for self inspections. Fleet vehicles which fail two consecutive initial emissions tests are required to be inspected at a test-only facility following the second initial test.

New Jersey's RFP has not been finalized. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Test Procedures and Standards—40 CFR 51.357

The federal I/M regulation requires that written test procedures and pass/fail standards shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA document entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, dated April 1994 and ''Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–RSPD–IM–96–2, dated July 1996. The federal I/M regulation also requires vehicles that have been altered from their original certified configuration (i.e., engine or fuel switching) to be subject to the requirements of § 51.357(d).

New Jersey's proposed rules require that all test procedures and standards for the chassis model year and type will be applied to vehicles with switched engines. New Jersey's proposed I/M rules do not allow vehicles to switch to a fuel type for which there is no certified configuration. New Jersey's I/M program will be using a one-mode Acceleration Simulation Mode (ASM) emissions test for most of its fleet. New Jersey has been working with other states and the equipment manufacturers, in coordination with EPA, to develop their own procedures, specifications and standards for one- and two-mode ASM testing. It is anticipated that states' test procedures, specifications and standards will be released shortly.

In light of the anticipated release of these test procedures and standards in the near future and their importance to the implementation of the program, EPA believes that it is not appropriate to proceed to conditional interim approval prior to the submittal of the current version of the procedures and standards. Therefore, New Jersey must submit the current version of its procedures and standards to EPA within 30 days of publication of this document.

Within 30 days of the publication of this notice New Jersey must submit both the current version of its test procedures and standards for a one-mode ASM test and a commitment to submit final test procedures and standards by a date certain which is no later than January 31, 1997. It is essential that the State submit final test procedures and standards no later than this date because a significant lead time is necessary in order for the program to begin testing as planned. If the State does not submit the latest draft of the test procedures and standards within 30 days of the publication of this notice or the State fails to commit within 30 days to submit approvable final test procedures and standards for the one-mode ASM test as specified above, then EPA proposes in the alternative to disapprove the New

Jersey I/M SIP. If the State commits to submit the final procedures and standards but these conditions are not met, EPA will issue a letter to the State indicating that the conditional interim approval has been converted to a disapproval.

Test Equipment—40 CFR 51.358

The federal I/M regulation requires computerized test systems for performing any measurement on subject vehicles. The federal I/M regulation requires that the state SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

New Jersey has been working with other states and the equipment manufacturers, in coordination with EPA, to develop their own, specifications for one- and two-mode ASM testing. It is anticipated that the states' test procedures, specifications and standards will be released shortly.

In light of the anticipated release of the specifications in the near future and their importance to the implementation of the program, EPA believes that it is not appropriate to proceed to conditional interim approval prior to the submittal of the current version of the equipment specifications. Therefore, New Jersey must submit the current version of its equipment specifications to EPA within 30 days of the publication of this document.

Within 30 days of the publication of this notice, New Jersey must submit both the current version of its test equipment specifications for a one-mode ASM test and a commitment to submit final test equipment specifications by a date certain which is no later than January 31, 1997. It is essential that the State submit final test equipment specifications no later than this date because a significant lead time is necessary in order for the program to begin testing as planned. If the State does not submit the latest draft of the test equipment specifications within 30 days of the publication of this notice or the State fails to commit within 30 days to submit approvable final test equipment specifications for the one-mode ASM test as specified above, then EPA proposes in the alternative to disapprove the New Jersey I/M SIP. If the State commits to submit the final equipment specifications but these conditions are not met, EPA will issue a letter to the State indicating that the conditional interim approval has been converted to a disapproval.

Quality Control—40 CFR 51.359

The federal I/M regulation requires that states implement quality control measures that will insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained.

New Jersey's draft RFP contains quality control measures for the emission measurement equipment, record keeping requirements and measures to maintain the security of all documents used to establish compliance with the inspection requirements. This portion of the New Jersey submittal complies with the quality control requirements set forth in the federal I/M regulation. However, questions remain as to the details of the one-mode ASM test as stated in the Test Procedures and Standards section of this notice. In addition, a draft RFP cannot be accepted to comply with all requirements of this section. The final RFP should be forwarded to EPA upon completion. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allow a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required in order to qualify for a waiver. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The federal I/M regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The I/M SIP revision must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the I/M SIP revision.

New Jersey has requested that EPA delay the implementation of the $450 waiver plus CPI adjustment requirement until the year 2000. The State proposes to phase-in the waiver by allowing 1981 and newer vehicles a $200 waiver limit. No waivers will be granted to pre-1981 vehicles since New Jersey will require that these vehicles only pass the idle test. Owners applying for a waiver may include proof of qualifying repairs that were made up to 60 days prior to the inspection date.

EPA is proposing to approve the State's request to extend the deadline for the full implementation of the cost waiver including the CPI adjustment until January 1, 2000. This will allow the State to complete one full cycle of testing with the $200 cost waiver and will also allow the State to complete a full cycle of testing with the full $450 plus the annual CPI adjustment made retroactively to 1989 cost waiver before January 1, 2002 which is the performance standard modeling evaluation date. EPA believes, that consistent with its interpretation that the start dates and evaluation dates have been extended by approximately two years by the NHSDA, the full implementation of the waiver can also be extended by two years.

The New Jersey submittal meets the waiver and compliance via diagnostic inspection requirements of the federal I/M regulation for interim approval.

Motorist Compliance Enforcement—40 CFR 51.361

The federal I/M regulation requires that compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. An enhanced I/M area may use either sticker-based enforcement programs or computer-matching programs if either of these programs were used in the existing program that was operating prior to passage of the CAA, and it can be demonstrated that the alternative has been more effective than registration denial. The I/M SIP revision shall provide information concerning the enforcement process, legal authority to implement and enforce the program, and a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice.

New Jersey proposed a system of registration revocation for motorist compliance enforcement. The DMV has statutory authority under N.J.S.A. 39:5–30 and 39:3–5 to deny or revoke motor vehicle registration. New Jersey intends

to use a registration revocation enforcement program that will be backed up by the use of windshield stickers and computer matching of vehicle and motorist information. The method proposed by the State is as effective as a registration denial system because the ultimate enforcement mechanism is the revocation or denial of the vehicle registration. On August 6, 1996, New Jersey supplemented the March 27, 1996 submittal with a flow chart outlining the registration revocation process. In its final submittal of adopted regulations, the State should include a detailed description of how the registration revocation process will be applied. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The I/M SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

New Jersey proposes to use an electronic data capture system facilitated by bar coding of critical vehicle information that will allow cross-referencing of test results. The quality control provisions of this program will be implemented by members of the New Jersey DOT, DEP, and State and local police officials. This section of the New Jersey submittal meets the requirements of the federal I/M regulation for interim approval.

Quality Assurance—40 CFR 51.363

The federal I/M regulation requires that an ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the enhanced I/M program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

In New Jersey's draft RFP, a description of the quality assurance program is given. DEP and DOT will perform performance audits, record audits, and equipment audits in accordance with the requirements of the federal I/M regulation.

The State's RFP is still in draft form. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

The federal I/M regulation requires that enforcement against licensed stations, contractors and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures that can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the I/M SIP revision. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The I/M SIP revision shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

New Jersey submitted State regulations published on October 2, 1995, which include a penalty schedule as required under this section of the I/M Rule. The State's regulations provide for up to lifetime suspensions of inspection licenses for most major violations. The regulations also describe administrative and judicial procedures with respect to the enforcement of this portion of the program. As a result, EPA finds that this section of the New Jersey submittal meets the requirements of the federal I/M regulation for interim approval.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359.

In New Jersey's 1995 I/M SIP revision submittal, the State indicated it will collect data to distinguish complying and noncomplying vehicles and inspection facilities. For each vehicle tested, New Jersey will require collection of data as outlined in the federal I/M regulation. Results of the visual inspection of the catalytic converter, gas cap, evaporative system, and the pressure and purge test will also be provided. Results of quality control checks will be reported and identified by station number, system number, date and start time. Additionally, New Jersey is awaiting guidance from ECOS on the data collection requirements for the short term program evaluation. New Jersey's data collection procedure is not yet finalized. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two-year period and how these problems will be or were corrected.

New Jersey, in its draft RFP, requires the contractor to provide the information to the State in order to meet the requirements of the federal I/M regulation. The State commits to submitting these reports to EPA by July of each year for data collected January to December of the previous year.

The State's RFP is not completed. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Inspector Training and Licensing or Certification—40 CFR 51.367

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

The State's I/M SIP revision submittal requires inspectors to be trained by the contractor or subcontractor and licensed by the DMV. Trainees will be required to pass both a written and a hands-on test in order to be licensed.

This element of New Jersey's SIP submittal meets the requirements of the federal I/M regulation for interim approval.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M regulation requires the I/M SIP to include public information and consumer protection programs.

At least three months prior to I/M program implementation, New Jersey will inform the motoring public on the environmental benefits and requirements of the program. As indicated in the draft RFP, the State, through a contractor, will continue a public awareness program throughout the contract life of seven years. Motorists that fail the emissions test will receive statistics on the repair facilities in the area.

New Jersey's proposed I/M program provides for motorists to be informed of program requirements and protected from potential abuses by inspectors and/or stations. The State's submittal indicates that a public information program will be undertaken prior to program commencement; however, it does not include a description of the activities planned. Based on the unfavorable reaction the public had at the start of other states' programs, public awareness is a crucial element of the program. This is a minor deficiency and must be corrected in the State's final I/M SIP revision submitted at the end of the 18-month interim period.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are key to achieving program goals. The federal I/M regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The I/M SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements in the federal I/M regulation, and a description of the repair technician training resources available in the community.

The State is developing an Emission Technician Education Plan to improve the skills of the current and future technicians. The State will utilize the Automotive Service Excellence (ASE) L1 exam as the final examination for the training program after taking a course on New Jersey-specific enhanced I/M requirements. Performance monitoring will be performed in accordance with the requirements of the federal I/M regulation. Motorists that fail the initial test will be given a summary of the performance of individual repair facilities in order to help the motorist to select a repair facility that has demonstrated the ability to effectively repair failing vehicles. The State's submittal meets the repair effectiveness requirements of the federal I/M regulation for interim approval.

Compliance With Recall Notices—40 CFR 51.370

The federal I/M regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in an emission related recall receive the required repairs prior to completing the emission test and/or renewing the vehicle registration.

In its I/M submittal the State requires motorists to obtain recall repairs in order to complete the inspection process. Motorists will be notified at the inspection station of any outstanding recalls. The State commits to providing an annual report providing information on recall compliance. The State's submittal meets the recall notice requirements of the federal I/M regulation for interim approval.

On-road Testing—40 CFR 51.371

The federal I/M regulation requires on-road testing in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal I/M regulation. The I/M program must include on-road testing of 0.5 percent of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test.

New Jersey proposes to utilize RSD to identify high emitters for roadside pullovers. Testing will be conducted on 20,000 vehicles each cycle. The RSD program will be conducted in two phases. Phase I will be utilized for fleet characterization and data collection. The data also will be used to develop a correlation between RSD results and results from the enhanced I/M test. The RSD cutpoints will also be determined. These cutpoints are not required to be the same as the cutpoints established for the enhanced I/M emissions test since RSD will identify only gross emitters. Phase II of the program will require vehicles that fail the test to have an off-cycle emission inspection within 30 days.

The State's submittal meets the on-road testing requirements of the federal I/M regulation for interim approval.

State Implementation Plan Submissions/Implementation Deadlines—40 CFR 51.372–51.373

These sections of the federal I/M regulations require that the state outline program milestones and provide an implementation schedule.

New Jersey's I/M SIP revision submittal contains the proposed enhanced I/M program regulations. However, the State should review its 1995 I/M SIP revision submittal and its revised 1996 SIP submittal to eliminate any inconsistencies between the submittals. Final equipment specifications have not been developed. The RFP is in draft form as of the date of this notice. Licensing and certification of inspectors will be performed prior to the start of the program in 1997. Mandatory testing is scheduled to begin in 12 months after conditional interim approval. Full stringency cutpoints are proposed to be implemented in January 2000. With the conditions noted above, the State's submittal includes the relevant program requirements of the federal I/M regulation for interim approval.

III. Discussion for Rulemaking Action

Today's notice of proposed conditional interim approval begins a 30-day time period for the State to make a commitment to EPA to correct the major deficiencies of the I/M SIP revision that EPA has identified, by dates certain as described in this notice. These major deficiencies are:

Enhanced I/M Performance Standard Modeling

In order to determine whether the state I/M program meets the enhanced I/M performance standard, and is therefore approvable, states must submit modeling demonstrating that the program achieves the required emission reductions by the relevant dates. New Jersey did not include all modeling assumptions in its submittal. Given that New Jersey plans to use a one-mode Acceleration Simulation Mode (ASM) test procedure, it is possible that final modeling assumptions would not be

available for some time since an acceptable test procedure or emission reduction credits for this test have yet to be established. EPA and states interested in using ASM have been actively pursuing acceptable test procedures using one and two ASM modes.

Test Procedures, Standards and Equipment

Written test procedures and pass/fail standards and equipment specifications shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA document entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, dated April 1994 and ''Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–RSPD–IM–96–2, dated July 1996.

New Jersey's I/M program will be using a one-mode Acceleration Simulation Mode (ASM) emissions test for most of its fleet. New Jersey has been working with other states and the equipment manufacturers, in coordination with EPA, to develop their own procedures, specifications and standards for one- and two-mode ASM testing. It is anticipated that states' test procedures, specifications and standards will be released shortly. EPA must receive the State's test procedures, standards and equipment specifications well before testing begins since finalization of these program elements is critical to the program beginning operation as planned.

Within 30 days of publication of this document, the State must make a commitment to EPA to correct these major deficiencies, by dates certain. In the case of the test procedures, standards and equipment specifications EPA is requiring that the State submit final versions of these materials by January 31, 1997. EPA believes that the State must finalize these elements far in advance of the planned start date for the program so that equipment may be purchased and installed and the program's start date is not jeopardized. In the case of the performance standard modeling, EPA is requiring that the State submit the required modeling no later than 12 months from the date of the publication of the notice of conditional interim approval. If the State does not make such a commitment within 30 days, EPA today is proposing in the alternative that this SIP revision be disapproved.

If EPA disapproves this submission or if the State does not correct the major deficiencies identified above and implement the interim program pursuant to section 110(k) so that the conditional interim approval converts to a disapproval, EPA, under section 179(a)(2), must apply one of the sanctions set forth in section 179(b) within 18 months of such disapproval or finding. Section 179(b) provides two sanctions available to the Administrator: highway funding and the imposition of emission offset requirements. In EPA's August 4, 1994 final sanctions rule, (See 59 FR 39832) the sequence of mandatory sanctions for findings and disapprovals made pursuant to section 179 of the CAA was finalized. This rulemaking states that the section 179(b)(2) offset sanction applies in an area 18 months from the date when the EPA makes a finding or a disapproval under section 179(a) with regard to that area. Furthermore, the section 179(b)(1) highway funding restrictions apply in an area six months following application of the offset sanction. This nondiscretionary process for imposing and lifting sanctions is set forth at 40 CFR 52.31.

If the State makes the commitment within 30 days, EPA's conditional interim approval of the plan will last until the date by which the State has committed to cure all of the major deficiencies. EPA expects that within this period the State will not only correct the major deficiencies as committed to by the State, but that the State will also begin program start-up by November 15, 1997. If the State does not correct the major deficiencies and begin the implementation of the program by the required dates, EPA is proposing in this document that the conditional interim approval will be converted to a disapproval after a finding letter is sent to the State.

IV. Explanation of the Interim Approval

At the end of the 18-month interim period, the approval status for this program will automatically lapse pursuant to the NHSDA. It is expected that the State will at that time be able to make a demonstration of the program's effectiveness using an appropriate evaluation criteria. Since EPA expects that these programs will have started by November 15, 1997, the State will have at least six months of program data that can be used for the demonstration. If the State fails to provide a demonstration of the program's effectiveness to EPA within 18 months of the conditional interim approval, the interim approval will lapse, and EPA will be forced to disapprove the State's I/M SIP revision. If the State's program evaluation demonstrates a lesser amount of emission reductions actually realized than were claimed in the State's previous submittal, EPA will adjust the State's credits accordingly, and use this information to act on the State's final I/M program.

V. Further Requirements for Final I/M SIP Approval

At the end of the 18-month interim period, which is started by the conditional interim approval of the I/M SIP revision, final approval of the State's plan will be granted based upon the following criteria:

1. The State has complied with all the conditions of its commitment to EPA,
2. EPA's review of the State's program evaluation confirms that the appropriate amount of program credit was claimed by the State and was achieved with the interim program,
3. Final program regulations are submitted to EPA, and
4. The State I/M program meets all of the requirements of the federal I/M regulation, including those deficiencies found de minimis for purposes of interim approval.

VI. EPA's Evaluation of the Interim Submittal

EPA is proposing a conditional interim approval of the New Jersey SIP revision for enhanced I/M, which was submitted on March 27, 1996. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking subsequent action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

Proposed Action

EPA is proposing conditional interim approval of this revision to the New Jersey SIP for an enhanced I/M program based on certain conditions.

Major Deficiencies

(1) New Jersey must within 30 days of the publication of this notice: (1) Submit the current version of its one-mode ASM test procedures, standards and equipment specifications to EPA and (2) commit to submitting final test procedures, standards and equipment specifications to EPA by a date certain but no later than January 31, 1997.

(2) New Jersey must commit within 30 days of the publication of this notice to submit modeling results once acceptable test procedures and standards have been developed for one-mode ASM. This commitment must be fulfilled by a date certain but no later than 12 months after conditional interim approval.

Minor Deficiencies

(1) New Jersey must submit proof that adequate funding will be available throughout the life of the program.

(2) New Jersey must submit final requirements for inspection of fleet vehicles.

(3) New Jersey's quality control measures must be in accordance with the requirements set forth in 40 CFR 51.359.

(4) New Jersey must provide a detailed description of its motorist compliance enforcement program.

(5) New Jersey must provide a description of the procedures that will ensure program quality; such as audits, and training requirements.

(6) New Jersey must provide final program requirements for data collection.

(7) New Jersey must provide final procedures for analyzing and reporting program data.

(8) New Jersey must complete the public information program, including the repair station report card.

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

Administrative Requirements

Executive Order 12866

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

Regulatory Flexibility Act

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

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

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

Unfunded Mandates

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 18, 1996.

William J. Muszynski,

Deputy Regional Administrator.

[FR Doc. 96–27951 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 52

[MD037–3008, MD037–3009; FRL–5642–3]

Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Conditional Approval.

SUMMARY: EPA is proposing conditional approval of a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in the counties of Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, and Washington, and the City of Baltimore. The intended effect of this action is to propose conditional approval of the Maryland enhanced motor vehicle I/M program. EPA is proposing conditional approval because Maryland's SIP revision is deficient in

some manner with respect to requirements of the CAA and EPA's I/M program regulations. EPA regards the following deficiencies of the Maryland program as those most significantly affecting its operation: lack of legal authority, performance standard remodeling, and finalized program regulations. EPA expects that Maryland will work quickly to remedy these items. EPA also cites below other flaws of the program. While these areas are less significant to the program's immediate success, they still need to be corrected so as to achieve the program's full air quality potential. This action is taken under Section 110 of the 1990 Clean Air Act (the Act, or CAA).

DATES: Comments must be received on or before December 2, 1996.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and the Maryland Department of the Environmental, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti @ 215–566–2174, at the EPA Region III address above, or via e-mail at magliocchetti.catherine@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the Region III office.

SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxide (NO_X) emissions. An important control measure to reduce these emissions is the implementation of a motor vehicle inspection and maintenance (I/M) program. Despite being subject to the most rigorous vehicle pollution control program in the world, cars and trucks still create toxic contaminants, about half of the ozone air pollution and nearly all of the carbon monoxide air pollution in United States cities. Of all highway vehicles, passenger cars and light-duty trucks emit most of the vehicle-related carbon monoxide and ozone-forming hydrocarbons. They also emit substantial amounts of nitrogen oxides and air toxics. Although the U.S. has made progress in reducing emissions of these pollutants, total fleet emissions remain high. This is because the number of vehicle miles traveled on U.S. roads has doubled in the last 20 years to 2 trillion miles per year, offsetting much of the technological progress in vehicle emission control over the same two decades. Projections indicate that the steady growth in vehicle travel will continue. Ongoing efforts to reduce emissions from individual vehicles will be necessary to achieve our air quality goals.

Today's cars are absolutely dependent on properly functioning emission controls to keep pollution levels low. Minor malfunctions in the emission control system can increase emissions significantly, and the average car on the road emits three to four times the new car standard. Major malfunctions in the emission control system can cause emissions to skyrocket. As a result, 10 to 30 percent of cars are causing the majority of the vehicle-related pollution problem. Unfortunately, it is rarely obvious which cars fall into this category, as the emissions themselves may not be noticeable and emission control malfunctions do not necessarily affect vehicle driveability.

Effective I/M programs, however, can identify these problem cars and assure their repair. I/M programs ensure that cars are properly maintained during customer use. I/M produces emission reduction results soon after the program is put in place.

The Clean Air Act as amended in 1990 (the Act) requires that most polluted cities adopt either ''basic'' or ''enhanced'' I/M programs, depending on the severity of the problem and the population of the area. The moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M programs, fall under the ''basic'' I/M requirements. Enhanced programs are required in serious, severe, and extreme ozone nonattainment areas with urbanized populations of 200,000 or more; CO areas that exceed a 12.7 parts per million (ppm) design value [1] with urbanized populations of 200,000 or more; and all metropolitan statistical areas with a population of 100,000 or more in the Northeast Ozone Transport Region.

''Basic'' and ''enhanced'' I/M programs both achieve their objectives by identifying vehicles that have high emissions as a result of one or more malfunctions, and requiring them to be repaired. An ''enhanced'' program covers more of the vehicles in operation, employs inspection methods that are better at finding high emitting vehicles, and has additional features to better assure that all vehicles are tested properly and effectively repaired.

The Act requires states to make changes to improve existing I/M programs or to implement new ones for certain nonattainment areas. Section 182(a)(2)(B) of the Act directed EPA to publish updated guidance for state I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The Act further requires each area required to have an I/M program to incorporate this guidance into the SIP. Based on these requirements, EPA promulgated I/M regulations on November 5, 1992 (57 FR 52950, codified at 40 Code of Federal Regulations (CFR) 51.350–51.373), herein referred to as the November 1992 I/M Rule. Flexibility amendments to this rule, which provided for a low enhanced I/M performance standard were published on September 18, 1995 (60 FR 48029) and additional I/M flexibility amendments for qualified areas in the OTR were published on July 25, 1996 (61 FR 39031).

Under sections 182(c)(3), 187(a)(6) and 187(b)(1) of the Act, any area having a 1980 Bureau of Census-defined urbanized area population of 200,000 or more and that is either: (1) designated as serious or worse ozone nonattainment or (2) moderate or serious CO nonattainment areas with a design value greater than 12.7 ppm, shall implement enhanced I/M in the 1990 Census-defined urbanized area. The Act also established the ozone transport region (OTR) in the northeastern United States which includes the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, and Northern Virginia and the District of Columbia. Sections 182(c)(3) and 184(b)(1)(A) of the Act require the implementation of enhanced I/M programs in all metropolitan statistical areas (MSAs) located in the OTR that have a population of 100,000 or more people.

The I/M regulation establishes minimum performance standards for basic and enhanced I/M programs as

[1] The air quality design value is estimated using EPA guidance. Generally, the fourth highest monitored value with 3 complete years of data is selected as the ozone design value because the standard allows one exceedance for each year. The highest of the second high monitored values with 2 complete years of data is selected as the carbon monoxide design value.

well as requirements for the following: Network type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standards; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; on-road testing; SIP revisions; and implementation deadlines. The performance standard for enhanced I/M programs is based on a high-technology transient test, known as IM240, for new technology vehicles (i.e, those with closed-loop control and, especially, fuel injected engines), including a transient loaded exhaust short test incorporating hydrocarbons (HC), CO and NOx cutpoints, an evaporative system integrity (pressure) test and an evaporative system performance (purge) test.

Under the November 1992 I/M Rule enhanced I/M programs were required to initially begin phased-in implementation by January 1, 1995, with final full implementation slated for January 1, 1996. Due to recent EPA rule changes, and the flexibility afforded by the National Highway Systems Designation Act of 1995 (NHA), EPA believes, as explained below, that all states should be afforded extra time to begin full implementation of their enhanced I/M programs.

II. Background

The State of Maryland is part of the OTR and contains the following MSAs or parts thereof with populations of 100,000 or more: Baltimore; Washington, DC; Hagerstown; and the Philadelphia-Wilmington-Trenton Consolidated MSA. Sections 182(c)(3) and 184(b)(1)(A) of the Act require all states in the OTR region which contain MSAs or parts thereof with populations of 100,000 or more, to submit a SIP revision for an enhanced I/M program.

On July 11, 1995 the Maryland Department of the Environment (MDE) submitted to EPA a SIP revision for an enhanced I/M program. This SIP revision included a copy of the final enhanced I/M regulations, the Maryland Transportation Article at Title 23, Subtitle 2 (herein referred to as Subtitle 2 of the Maryland Transportation Article); the Maryland I/M Request for Proposals (RFP); the Maryland I/M legislation, and supporting documents. On March 27, 1996, MDE submitted an amendment to this SIP revision, in response to changes to the federal program requirements resulting from new federal legislation governing enhanced I/M programs, and EPA rule changes to the program. Maryland originally had submitted fully adopted state regulations in the July 11, 1995 revision. Parts of the Maryland I/M regulations were reproposed by Maryland because of the flexibility afforded from the federal and state legislative changes, and Maryland's amendment to the SIP revision contains proposed regulatory changes to Maryland's program. As a condition of this rulemaking, Maryland will need to fully adopt and submit final regulations to EPA.

EPA's summary of the requirements of the federal I/M rule as found in 40 CFR 51.350 through 51.373, and EPA's analysis of Maryland's submittal are outlined below. A more detailed analysis of Maryland's submittal is contained in a Technical Support Document (TSD) dated September 3, 1996 which is available from the Region III office, listed in the ADDRESSES section. Parties desiring additional details on the federal I/M regulation are referred to the November 5, 1992 Federal Register document (57 FR 52950) or 40 CFR 51.350 through 51.373, as well as the I/M Flexibility Amendments in the September 18, 1995 Federal Register document (60 FR 48029) and the additional I/M flexibility amendments for qualified areas in the OTR, published on July 25, 1996 at (61 FR 39031).

III. EPA's Analysis of Maryland Enhanced I/M Program

As discussed above, sections 182(c)(3), 184(b)(1)(A), 187(a)(6) and 187(b)(1) of the Act require that States adopt and implement regulations for an enhanced I/M program in certain areas. Based upon EPA's review of Maryland's submittal, EPA believes Maryland has not complied with all aspects of the Act and the I/M rule. For certain sections of the I/M rule and/or of the Act, which are identified below and with which Maryland has not yet fully complied, EPA proposes to conditionally approve the SIP revision if EPA receives a commitment from Maryland to correct said deficiencies. Before EPA can continue with the rulemaking process, Maryland must make a commitment within 30 days of October 31, 1996 to correct these deficiencies by a date certain within 1 year of EPA's conditional approval. If Maryland does not make this commitment, EPA proposes in the alternative to disapprove the Maryland I/M SIP revision. In addition, Maryland must correct these deficiencies by the date specified in the commitment, or the conditional approval will convert to a disapproval under the Act section 110(k)(4).

Applicability—40 CFR 51.350

Sections 182(c)(3) and 184(b)(1)(A) of the Act and 40 CFR 51.350(a) require all states in the OTR which contain MSAs or parts thereof with populations of 100,000 or more to implement an enhanced I/M program. The State of Maryland is part of the OTR and contains the following MSAs or parts thereof with populations of 100,000 or more: Baltimore; Washington, DC; Hagerstown; and the Philadelphia-Wilmington-Trenton Consolidated MSA. The Baltimore; Washington, DC; and Philadelphia areas are also classified as serious or worse nonattainment areas and are also required to implement an enhanced I/M program as per section 182(c)(3) of the Act and 40 CFR 51.350(2).

Under the requirements of the Act, the following 14 jurisdictions in Maryland (which are located in the above listed MSAs) are subject to the enhanced I/M program requirements: Anne Arundel, Baltimore, Carroll, Calvert, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, and Washington counties, and the City of Baltimore.

The Maryland I/M legislative authority (Subtitle 2 of the Maryland Transportation Article) provides the legal authority to establish the geographic boundaries of the program. The program boundaries listed in Appendix C of the SIP revision are the inclusive zipcode listings for all of the jurisdictions listed above, and meet the federal I/M requirements under § 51.350.

The federal I/M regulation requires that the state program shall not sunset until it is no longer necessary. EPA interprets the federal regulation as stating that a SIP which does not sunset prior to the attainment deadline for each applicable area satisfies this requirement.

Maryland's legislative authority for this program states in section 23–208 that unless changed by Act of the legislature the program shall sunset on December 31, 2001, which is before Baltimore's severe nonattainment deadline of November 15, 2005. However, section 23–202 of the legislative authority apparently

supersedes section 23–208, stating that this program shall remain in effect for as long as required by federal law. EPA needs confirmation from the State Attorney General's Office that section 23–202 applies to Maryland's program, and whether section 23–202 constitutes an Act of the legislature extending the sunset date in section 23–208. Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to either provide such an opinion from the State Attorney General's Office that clearly says that Maryland's interpretation of the sunset date is no earlier than November 15, 2005; or in the absence of such an opinion, to commit to provide EPA with new legislative authority that allows for such an extended sunset date of the program. Maryland's commitment must provide for either, (a) the opinion, or (b) the authority, to be provided to EPA by a date certain within 1 year of the final conditional ruling. If Maryland fails to make the commitment, EPA proposes in the alternative to disapprove this SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Enhanced I/M Performance Standard—40 CFR 51.351

In accordance with the Act and with the I/M rule, the enhanced I/M program must be designed and implemented to meet or exceed a minimum performance standard, which is expressed as emission levels in area wide average grams per mile (gpm) for certain pollutants. The performance standard shall be established using local characteristics, such as vehicle mix and local fuel controls, and the following modeling I/M program parameters: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the state's program design shall be calculated using the most current version, at the time of submittal, of the EPA mobile source emission factor model. Areas shall meet the performance standard for the pollutants which cause them to be subject to enhanced I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both NO_X and HC. The Maryland submittal must meet the enhanced I/M performance standard for HC and NO_X in all subject I/M areas.

The Maryland submittal includes a modeling demonstration of the performance standard that uses the following program design parameters. EPA here notes that not all of Maryland's parameter assumptions are acceptable, and as a condition of this rulemaking Maryland must remodel its program and demonstrate compliance with the I/M performance standard:

Parameter	Maryland's program
Network type	Centralized, test-only.
Start date	1984 (existing program); 1989 and 1997 (new pressure and purge testing elements).
Test frequency	Biennial (i.e. every two years).
Model year/vehicle type coverage	1968 and newer model year (1968 +) light duty gasoline vehicles (LDGV); light duty gasoline trucks 1 & 2 (LDGT1, LDGT2); heavy duty gasoline vehicles up to 26,000 lbs gross vehicle weight (HDGV).
Exhaust emissions test type	IM240, transient test type for all model year vehicles in program.
Emission standards	0.8 gpm HC, 15 gpm CO, 2.0 gpm NO_X up until January 1, 1999; 0.6 gpm HC, 15 gpm CO and 1.5 gpm NO_X after December 31, 1998. [Also, transient standards can be found in the Maryland I/M regulations; June 10, 1994 edition of the *Maryland Bulletin*.]
Emission control device visual inspection	Pressure and purge check on all model year vehicles.
Evaporative system function checks	Pressure decay test ‰ 1968 + vehicles. Purge test ‰ 1984 + vehicles.
Stringency rate pre-1981 vehicle failure)	40%.
Waiver rate	3%.
Compliance rate	100%.
Evaluation dates	July 1999, July 2002, July 2005.

Since Maryland used inappropriate assumptions in modeling the program, Maryland's modeling demonstration was not performed correctly, and submittal of a proper modeling demonstration by Maryland is a condition for full approval of the SIP revision. Therefore, Maryland must remodel the program using valid assumptions and verify for EPA that the I/M program in Maryland meets or exceeds the model I/M program performance standard. This demonstration must prove that the Maryland program design will meet the minimum enhanced I/M performance standard, expressed in gpm, for HC, and NO_x, for the years *2002 and 2005* for all areas of Maryland covered by the program. These evaluation years represent a change from the originally required dates of 1999, 2002 and 2005. EPA believes that new modeling of the program should not include a 1999 evaluation year, due to changes in program implementation schedules as per the National Highway Systems Designations Act of 1995. Other program assumptions should be carefully verified by Maryland when this demostration is made to EPA. A more detailed discussion of the program design parameters can be found in the Technical Support Document (TSD), dated September 3, 1996, compiled by EPA in evaluating Maryland's program. Maryland should refer to the TSD for further instructions on remodeling of the program as designed.

Therefore, EPA proposes to conditionally approve the Maryland SIP based on receiving within 30 days of the publication of this document, Maryland's commitment to submit to EPA by a date certain, within 1 year of the final conditional rulemaking, a modeling demonstration of the program using the appropriate assumptions and methodology (which are further discussed in more detail in the TSD). If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Network Type and Program Evaluation—40 CFR 51.353

The enhanced program must include an ongoing evaluation to quantify the emission reduction benefits of the

program, and to determine if the program is meeting the requirements of the Act and the federal I/M regulation. The SIP shall include details on the program evaluation and shall include a schedule for submittal of biennial evaluation reports, data from a state monitored or administered mass emission test of at least 0.1% of the vehicles subject to inspection each year, description of the sampling methodology, the data collection and analysis system and the legal authority enabling the evaluation program. In addition to these requirements, the state should also be prepared, in accordance with this section of the I/M rule, to provide in the biennial report, the results of undercover surveys of inspector effectiveness related to identifying vehicles in need of repair. Also, the state should be prepared in its biennial reports to provide local fleet emission factors in assessing the actual effectiveness of the I/M program.

The submittal includes an ongoing program evaluation that meets the federal I/M regulation requirements. EPA believes that Maryland has the authority to implement this portion of the program under its general authority for the program.

Adequate Tools and Resources—40 CFR 51.354

The federal regulation requires the state to demonstrate that adequate funding of the program is available. A portion of the test fee or separately assessed per vehicle fee shall be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if demonstrated that the funding can be maintained. Reliance on funding from the state or local General Fund is not acceptable unless doing otherwise would be a violation of the state's constitution. The SIP shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP shall also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

The July 1995 SIP revision documented sufficient funds, equipment and personnel have been appropriated to meet program operation requirements for 1995 and 1996. However, no update on the program's financial figures were provided with the SIP revision amendment made in March 1996. In the 1995 submittal, a test fee of $17 was set by Maryland and the contractor to cover the operation costs of the program, and approximately $6 from each fee which was to cover Maryland's administrative costs for quality control and assurance. Since the test fee was capped at $14 by a change in the program's enabling legislation, the quality control budget for this program appears to have been cut by one half. Therefore, as a condition of this rulemaking, Maryland should commit to providing updated budget information to EPA for the years 1997 and 1998, including a detailed explanation of the number of personnel dedicated to quality assurance, data analysis, program administration, and enforcement. Further, Maryland should give its budget allotment for the equipment resources that will be needed to run an effective quality assurance program, including facilities and computer costs required for data analysis, processing and reporting.

EPA understands that Maryland has made certain provisions to account for changes cited above in the program's budget structure and test fee, and EPA is merely requesting an update of the program's budgetary documentation in order to satisfy this condition.

Maryland's submittal has not provided the necessary documentation for this section to show that Maryland meets the adequate tools and resources requirements set forth in the federal I/M regulations and is therefore, not approvable.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to obtain and/or demonstrate to EPA that adequate funding and tools exist to execute the I/M program in accordance with this section of the I/M rule, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Test Frequency and Convenience—40 CFR 51.355

The enhanced I/M performance standard assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP shall describe the test year selection scheme, how the test frequency is integrated into the enforcement process and shall include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program shall be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

The Maryland enhanced I/M regulation provides for a biennial test frequency. Maryland's Transportation Article and Maryland's I/M regulation provide the legal authority to implement and enforce the biennial test frequency. The Maryland I/M Request for Proposals (RFP), and the Maryland I/M contractors's bid response provide sufficient evidence that convenient services will be provided to the motorist.

The Maryland submittal meets the test frequency and convenience requirements of the federal I/M regulations and is approvable.

Vehicle Coverage—40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds GVWR, and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in independent, test-only facilities, according to the requirements of 40 CFR 51.353(a). Vehicles which are operated on Federal installations located within an I/M program area shall be tested, regardless of whether the vehicles are registered in the State or local I/M area.

The federal I/M regulation requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions including the percentage and number of vehicles to be impacted by the exemption.

The Maryland enhanced I/M program requires coverage of all 1977 and newer

LDGV, LDGT1 and LDGT2, and HDGV up to 26,000 pounds GVWR which are registered or required to be registered in the I/M program area. As of the date of the SIP submittal, 1.4 million vehicles per year (2.8 million biennially) will be subject to enhanced I/M testing. Maryland's regulation does not currently include vehicles operating on all fuel types but Maryland commits to adding the required testing of these vehicles once EPA promulgates regulations on alternative fueled vehicle I/M testing. Subtitle 2 of the Transportation Article and the Maryland I/M regulation provide the legal authority to implement and enforce the vehicle coverage.

Maryland's program provides for fleet self-testing for the first year of the program, using the same testing requirements and the same quality control standards as the contractor-run component. Maryland's plan for testing fleet vehicles is acceptable and meets the requirements of the federal I/M regulation. Maryland's regulation requires vehicles which are operated on Federal installations located within an I/M program area to be tested, regardless of whether the vehicles are registered in the State or local I/M area, and is approvable.

Maryland's regulation provides for special exemptions for fire, rescue, and ambulance equipment owned or leased by State or local governments, and for rescue squad, voluntary fire department or ambulance company vehicles registered as emergency vehicles. Also exempted are motorcycles, gasoline trucks greater than 26,000 lbs, Class E and F trucks and tractors, Class H school vehicles, Class L historic vehicles, Class N street rods, Class P passenger buses, diesel and electric vehicles, all model year 1976 and older model years, and military tactical vehicles. These exemptions are acceptable under this section of the I/M requirements.

The SIP revision does not include a full description of the State's plan for how subject vehicles will be identified. Also, Maryland does not describe the mechanism for identification of vehicles that are routinely operated in the program area but that may not be registered in the area. The SIP does not provide an estimate of the number of unregistered vehicles operating in the program area. Maryland should ensure that all elements of this section of the I/M rule are addressed for SIP purposes, and for the purpose of implementing an effective program.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to provide an explanation of how all subject vehicles in the program will be identified, and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Test Procedures and Standards—40 CFR 51.357

Written test procedures and pass/fail standards shall be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA document entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, dated April 1994. The federal I/M regulation also requires vehicles that have been altered from their original certified configuration (i.e. engine or fuel switching) to be tested in the same manner as other subject vehicles.

Maryland regulations and Section VII of the RFP provide written test procedures for transient emission and evaporative system purge and pressure testing in accordance with the requirements of the I/M rule. However, proposed changes to Maryland regulations will prohibit the invasive testing procedures previously recommended by EPA and originally adopted by Maryland. The proposed non-invasive gas-cap only check does not have written procedures given in the SIP revision amendment. EPA notes that Maryland was unable to provide written procedures for this element in the March submittal since this test is different from the pressure test originally slated for Maryland's program. EPA also understands that Maryland did not have gas-cap test procedures avaiable at the time of the March 1996 submittal, as a result of legislative changes at Maryland and federal level. However, Maryland should now be able to quickly encorporate testing procedures for this element into its program, and provide these specifications as part of its SIP revision to EPA. EPA cautions Maryland however, that this type of pressure check does not achieve the emission reduction credit of that in EPA's pressure test regulations. Maryland anticipates non-invasive purge and pressure procedures will be developed in the future, and commits to adopting non-invasive purge procedures when they become available.

The Maryland regulation provides for two sets of permanent emission standards for the transient test, one set which applies from 1997 through 1998; and a second set of more stringent standards that will apply in calendar year 1999 and later. The schedule for implementation of the permanent standards is approvable and should be used in the performance standard modeling demonstration.

Maryland regulations do not meet the requirements of the I/M rule on several counts. Maryland must include by regulation, a provision to prohibit against prior repair or adjustment to vehicles at the testing facilities at the time the inspection is being performed. Maryland should also include as part of its SIP revision, all applicable state regulations that address testing of vehicles with switched engines and regulations that address vehicles with no certified engine configuration.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to amend Maryland's regulation to prohibit repair or adjustment at testing facilities and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter. Under this commitment, Maryland must adopt pressure test procedures beyond the gas-cap check if Maryland is to take credit for pressure testing in its modeling demonstration of the performance standard.

EPA proposes to conditionally approve the Maryland SIP based on Maryland's commitment to amend its regulations at the time when non-invasive procedures become available from EPA. Maryland need not submit a commitment to adopt purge procedures, since one is already contained in the SIP revision amendment.

Test Equipment—40 CFR 51.358

Computerized test systems are required for performing any measurement on subject vehicles. The federal I/M regulation requires that the SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment,

the required features, and written acceptance testing criteria and procedures.

Maryland's submittal contains the written technical specifications for all emission test equipment to be used in the program. The specifications require the use of computerized test systems. The specifications also include performance features and functional characteristics of the computerized test systems which meet the federal I/M regulations and are approvable. EPA believes that Maryland has adequately addressed the requirement to update emission test equipment, in order to accommodate new technology vehicles and changes to the program, through the annual reporting requirement found in Maryland's SIP revision.

Maryland's program is deficient with respect to the gas-cap check referenced in COMAR 11.14.08.12, which does not have written specifications as required by the I/M rule, and therefore must be made a condition of this rulemaking. EPA again notes that Maryland was unable to provide specifications for this element in the March submittal since this test is different from the pressure test originally slated for Maryland's program. EPA also understands that Maryland did not have gas-cap test specifications available at the time of the March 1996 submittal, as a result of legislative changes at the state and federal level. However, Maryland should now be able to quickly incorporate testing specifications for this element into its program, and provide these specifications as part of its SIP revision to EPA.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to incorporate written gas-cap check testing procedures into Maryland's regulations, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Quality Control—40 CFR 51.359

Quality control measures shall insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded and maintained.

Maryland's submittal contains the State's regulations, the RFP and the contractor's bid response, which together describe and establish quality control measures for the emission measurement equipment, record keeping requirements and measures to maintain the security of all documents used to establish compliance with the inspection requirements. Maryland believes, and EPA agrees that the unique identification number given on each vehicle inspection report (VIR) is an adequate measure that Maryland uses to maintain counterfeit resistant compliance documents. Further, the VIRs issued to each lane inspector are accounted for on a numbered basis, and lane inspectors are responsible for the number of compliance documents issued while on duty.

Maryland's SIP revision meets all of this section's requirements, and is approvable with respect to those r.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required in order to qualify for a waiver. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs shall not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. The federal regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the SIP.

Subtitle 2 of Maryland's Transportation Article, and the Maryland I/M regulation provide the necessary authority to issue waivers, set and adjust cost limits, administer and enforce the waiver system, and set a $450 cost limit and allow for an annual adjustment of the cost limit to reflect the change in the CPI as compared to the CPI in 1989. The Maryland regulation, the RFP, and the contractor's bid response include provisions that address waiver criteria and procedures, including cost limits, tampering and warranty related repairs, quality control and administration. These provisions meet the federal I/M regulations requirements and are approvable. In cases of economic hardship, time extensions are allowed under the program, but the length of the extension may not exceed one test cycle. Maryland has set a maximum waiver rate of 3% for both pre-1981 and 1981 and later vehicles and has Stated that corrective action will be taken if the waiver rate exceeds 3%. Maryland should use this waiver rate in the performance standard modeling demonstration.

The Maryland SIP revision does not specify the criteria that it will use to determine economic hardship, and it is unclear to EPA if Maryland intends to grant full waivers from compliance with the program as a result of economic hardship, or if Maryland only intends to issue time extensions for the purpose of compliance with the program. Therefore, as a condition of approval, Maryland should provide further documentation for this area, and fully explain the criteria that Maryland will use to issue these exemptions or extensions.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to fully document this aspect of the program and establish, if necessary, criteria for granting hardship exemptions by regulation or procedures manual and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Motorist Compliance Enforcement—40 CFR 51.361

The federal regulation requires that compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, and a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice.

Title 23, Subtitle 2, of the Maryland Transportation Article and the Maryland I/M regulation provide the legal authority to implement a registration denial system. Maryland's program will use a registration suspension mechanism, followed by registration denial if the vehicle is not in compliance with the inspection requirement on the subsequent registration renewal period.

As a condition of this approval, Maryland needs to provide EPA with a description of the compliance enforcement program for those vehicles routinely operated in, but not necessarily registered in the program area. The Maryland SIP revision does state that MVA routinely identifies such vehicles, but more information is needed as to how this targeting and enforcement takes place in Maryland. Maryland needs to track and limit the use of out-of-state exemptions as well. An explanation as to the handling of out-of-state vehicles should be provided to EPA as a condition of this rulemaking. Further, Maryland needs to describe the mechanism for encouraging the enforcement of vehicle transfer requirements when vehicle owners move into the I/M area. For the purposes of remodeling the program's demonstration of meeting the I/M performance standard, Maryland will need to either use the default value of 96% for the compliance rate (as documented in the July 1995 SIP revision submitted to EPA), or provide further documentation to EPA that proves Maryland's subsequent claim of 100% compliance is more appropriate for modeling purposes. Maryland's modeling demonstration should include an assessment of noncompliance due to loopholes, counterfeiting and unregistered vehicles in the area, as well as the number of vehicles operating in the area without valid registrations. Maryland should include estimates of compliance losses and the impact of fixes to the compliance enforcement program based upon a detailed analysis of actual program data. Maryland must also commit to a minimum enforcement level to be used in modeling and maintained in operation of the program. Maryland needs to supply EPA with documentation that motorists are routinely cited for noncompliance with the registration requirement of Maryland's law.

Under Maryland's regulation, those motorists who choose not to comply with the inspection requirement will have their vehicle registrations suspended. The I/M rule requires that penalties for noncompliance with the program be mandatory and meaningful. Noncompliance with the Maryland program subjects a motorist to up to $500 in penalties. While EPA does consider this penalty meaningful when compared to the minimum waiver expenditure of $450 in 1998, Maryland should adjust the penalty for noncompliance to a higher rate in later years, when the waiver limit is adjusted to include the CPI increase. In this way, noncompliance with the program will continue to be at least as costly as compliance with the program. Further, EPA understands that in lieu of a court appearance for a registration suspension, a motorist may plead guilty and pay $250 plus court costs, and accept a misdemeanor conviction under State law. EPA needs clarification from Maryland as to whether a motorist's vehicle is impounded when a motorist is cited for driving with a suspended registration. Maryland should clarify if this is the case, and if so, EPA considers the $250 fine coupled with seizure of the vehicle as an adequate and meaningful measure for the purposes of this section.

Also per the I/M rule, Maryland is required to have an external, readily visible means of determining a vehicle's compliance with the registration requirement. While Maryland does not provide such information in its SIP revision, EPA recognizes that such an element is present in Maryland's registration process. EPA expects that Maryland will continue the practice of issuing month/year stickers to affix to a vehicle's license plate for the purpose of externally identifying complying vehicles. Maryland will need to keep this practice instituted for as long as the I/M program is operational in order for this program to remain approvable. Should Maryland discontinue or change this practice, Maryland will need to notify EPA as to the replacement enforcement mechanism that will be used for this requirement, or EPA may find that Maryland has failed to implement the program.

Maryland also needs to supply EPA with proof that all types of fraud are prevented at the time of vehicle registration, especially through manipulation of registration or titling requirements. All exemption-triggering elements to a vehicle's registration should be confirmed through physical examination of the vehicle. Maryland does require valid documentation to prove address changes into or out of the I/M program areas, however, there is no evidence in the SIP revision that Maryland visually verifies exemption-triggering registration status for vehicles. This is an important facit of the program implementation, and Maryland will need to submit a commitment to correct this provision for the purposes of compliance with this section.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to demonstrate that an acceptable enforcement compliance program exists in accordance with this section of the I/M rule and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

The Maryland SIP does not describe how the enforcement program oversight is quality controlled and quality assured. The SIP revision does not include the procedures document that will detail the specifics of the implementation of the oversight program. Maryland should include a description of the program's information management activities, as well as the written procedures for the activities of enforcement personnel involved in monitoring the program, and the procedures used for auditing the enforcement personnel. The penalties associated with testing stations' missing program documents should also be included in Maryland's quality assurance program, and should reflect the ''street value'' of such items (i.e. test fee plus the minimum waiver expenditure).

Maryland needs to specify how and when periodic auditing and analysis of the testing database will occur. Comparison of the testing and enforcement database needs to be done to determine program effectiveness and to trigger additional enforcement activities if irregularities are found in the system. Compliance of the in-use fleet should be assessed through parking lot surveys and road-side pullovers.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to demonstrate that an acceptable enforcement compliance oversight program exists in accordance with this section of the I/M rule and cure all of

the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all State I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

The Maryland submittal commits to establishing separate procedures for conducting overt and covert audits. These audits results should be recorded and retained in station and inspector files. As a condition of this rulemaking, Maryland should provide EPA with this documentation. Performance audits of inspectors will consist of both covert and overt audits. Maryland does not specify in the SIP revision the minimum number of covert vehicles that will be employed to conduct covert auditing.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to establish acceptable auditing procedures in accordance with this section of the I/M rule and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations, contractors and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

Maryland does not provide a penalty schedule for enforcement against Maryland's contractor, stations and inspectors. The program does not give descriptions of the administrative and judicial procedures and responsibilities relevant to the enforcement process. There is no listing of the responsible agencies, courts, and jurisdictions involved in the enforcement procedures, nor are the prosecuting and adjudicating parties identified. No funding allocations are described in the SIP revision for this section. Maryland should ensure that penalties against the contractor and individual inspectors conform with § 51.364 of the I/M rule. These penalties should include suspensions, retainage of pay, and retraining of inspectors who exhibit improper conduct. The oversight agency should have the authority to impose penalties against the contractor, even if the contractor had no direct knowledge of the inspector's violation.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to provide for an acceptable penalty schedule in accordance with this section of the I/M rule and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR § 51.359. Maryland's regulation and RFP require the collection of data on each individual test conducted and describe the type of data to be collected. The type of test data collected meets the federal I/M regulation requirements and is approvable.

The submittal also commits to gather and report the results of the quality control checks required under 40 CFR 51.359 and is approvable.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two year period and how these problems will be or were corrected.

The Maryland I/M SIP provides for the analysis and reporting of data for the testing program, quality assurance program, quality control program and the enforcement program. The type of data to be analyzed and reported on meets the federal I/M regulation requirements and is approvable. Maryland commits to submit annual reports on these programs to EPA by July of the subsequent year. A commitment to submit a biennial report to EPA which addresses reporting requirements set forth in 40 CFR 51.366(e) is also included in the SIP.

Inspector Training and Licensing or Certification—40 CFR 51.367

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

The Maryland I/M regulation requires all inspectors to receive formal training, and be certified by the MVA. Maryland's I/M regulation, the RFP and the contractors' proposal include a description of and the information covered in the training program, a description of the required written and hands-on tests and a description of the

certification process. However, recertification of inspectors is not required by Maryland regulation. As a condition of this rulemaking, Maryland must ensure that inspectors are required to be recertified at least every two years.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to ensure by State regulation that recertification of inspectors is required at least every 2 years and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M regulation requires the SIP to include public information and consumer protection programs.

Maryland must provide for the protection of whistle blowers and needs to document how it intends to follow up on complaints by the public or others involved in the program.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to provide for the protection of whistle blowers in the program and to provide a plan for how public complaints are handled by the State of Maryland, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the federal regulation and a description of the repair technician training resources available in the community.

The Maryland SIP revision requires the implementation of a technical assistance program which includes a hot line service to assist repair technicians and a method of regularly informing the repair facilities of changes in the program, training courses, and common repair problems. A repair facility performance monitoring program is also included in Maryland's I/M regulation, the RFP, and the I/M contractors' proposal which includes providing the motorist whose vehicle fails the test a summary of local repair facilities performances, provides regular feedback to each facility on their repair performance and requires the submittal of a completed repair form at the time of retest. The performance monitoring program design meets the criteria described in the federal regulation and is approvable. Maryland's regulation provides for the establishment and implementation of a repair technician training program which, at a minimum, covers the four types of training described in 40 CFR 51.369 of the federal regulation.

The repair effectiveness program described in the SIP meets the federal regulation and is approvable.

Compliance With Recall Notices—40 CFR 51.370

The federal regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in a emission related recall receive the required repairs prior to completing the emission test and/or renewing the vehicle registration.

Under Maryland's regulation, owners are required to comply with emission related recalls before completing the emission test and renewing the vehicle registration. The SIP includes procedures to be used to incorporate national database recall information into Maryland's inspection database and quality control methods to insure recall repairs are properly documented and tracked. The submittal includes a commitment to submit an annual report to EPA which includes the recall related information as required in 40 CFR 51.370(c).

Maryland has complied with all elements of this section, and it is approvable.

On-road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal regulations. The program must include on-road testing of 0.5% of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test.

Legal authority to implement the on-road testing program and enforce off-cycle inspection and repair requirements is contained in Title 23, Subtitle 2, of the Maryland Transportation Article and Maryland's I/M regulation. The SIP submittal requires the use of RSD to test 20,000 vehicles per year in the I/M program area and will be implemented by the contractor. A description of the program which includes test limits and criteria, resource allocations, and methods of collecting, analyzing and reporting the results of the testing are detailed in the submittal. The on-road testing program described in the SIP meets federal requirements and is approvable.

State Implementation Plan Submissions/Implementation Deadlines—40 CFR 51.372 through 52.373

The Maryland submittal included the State's final I/M regulations, legislative authority to implement the program, a final RFP, portions of the contractor's proposal, the signed contract between the State and the contractor, and a detailed discussion on each of the required program design elements. The start date for implementation of full-stringency cutpoints will be June 1, 1997. These cutpoints will be further tightened by the State in calendar year 1999 and beyond. Onboard diagnostic (OBD) checks will be required for 1994 vehicle model years and later, which are equipped with OBD equipment.

While Maryland did not resubmit I/M program design changes under the National Highway System Designation Act of 1995 (NHSDA), some elements of that legislation do affect the manner in which EPA is ruling on Maryland's SIP revision. The NHSDA directed EPA to grant interim approval for a period of 18 months to approvable I/M submittals under this Act. The NHSDA also directs EPA and the states to review the interim program results at the end of 18 months, and to make a determination as to the effectiveness of the interim program. Following this demonstration, EPA will adjust any credit claims made by the state in its good faith effort to reflect the emissions reductions actually measured by the state during the program evaluation period. The NHSDA is clear that the interim approval shall last for only 18 months, and that the program evaluation is due to EPA at the end of that period. Therefore, EPA believes Congress intended for these programs to start-up as soon as possible, which EPA believes should be on or before

November 15, 1997, so that at least 6 months of operational program data can be collected to evaluate the interim program. EPA believes that in setting such a strict timetable for program evaluations under the NHSDA, that Congress recognized and attempted to mitigate any further delay with the start-up of this program. For the purposes of this program, ''start-up'' is defined as a fully operational program which has begun regular, mandatory inspections and repairs, using the final test strategy and covering each of a state's required areas.

EPA believes that for equity reasons even states that ultimately decided not to take advantage of the NHSDA should be able to start their programs in the same time frame. Because of the recent enactment of the NHSDA, many states, including Maryland, delayed implementation of their programs while analyzing the provisions of the NHSDA and determining whether or not to take advantage of its provisions. EPA believes that states such as Maryland that ultimately decided not to make a submission under the NHSDA should not be penalized in relation to states that did make such a submission with respect to start date requirements. These states should also start their programs as soon as currently possible in light of the delays occasioned by the NHSDA. Maryland has indicated that it intends to start its program by June 1, 1997. Therefore, as with submissions under the NHSDA, EPA proposes that if Maryland fails to start its program as soon as possible, or by November 15, 1997 at the latest, the proposed approval will convert to a disapproval at that time after a finding letter is sent to Maryland.

Maryland has not adequately completed a modeling demonstration showing that the program design meets the performance standard, and Maryland must provide evidence of adequate funding and resources to implement the program in the years 1997 and 1998. As explained above in previous sections of this discussion, as a condition of this rulemaking, Maryland will need to sufficiently meet the requirements of the I/M rule for these two areas. As a further condition, Maryland will need to fully adopt and submit to EPA, final regulations for the program.

Therefore, EPA proposes to conditionally approve the Maryland SIP based upon a commitment from Maryland within 30 days, to adopt and submit final regulations to EPA and cure all of the deficiencies related to this section of the I/M rule as explained above, by a date certain within 1 year. If Maryland fails to make the commitment EPA proposes in the alternative to disapprove the SIP. If Maryland fails to meet the condition by the date specified, EPA proposes to convert this rulemaking to a disapproval at that time by letter.

EPA's review of the material indicates that with the conditions described above, Maryland has adopted an enhanced I/M program in accordance with the requirements of the Act. EPA is proposing to conditionally approve the Maryland SIP revision and the addendum to the revision for an enhanced I/M program, which were submitted on July 11, 1995 and March 27, 1996, respectively, subject to the conditions described above. EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

Proposed Action

EPA is proposing to conditionally approve this revision to the Maryland SIP for an enhanced I/M program based on certain contingencies. The conditions for approvability of this SIP revision are explained in detail under each applicable section of the I/M rule discussion found above.

EPA proposes to conditionally approve this SIP if Maryland commits within 30 days of this proposal to correct the deficiencies identified in this document by a date certain within 1 year of the final conditional ruling. If Maryland corrects the deficiencies by that date, and submits a new SIP revision, EPA will conduct rulemaking to fully approve the revision. Each of the conditions must be fulfilled by Maryland and submitted to EPA as an amendment to Maryland's I/M SIP revision. If such commitment is not made with 30 days, EPA proposes in the alternative to disapprove the SIP revision. If Maryland does make a timely commitment, but the conditions are not met by the specified date within 1 year, EPA proposes that this rulemaking will convert to a final disapproval. EPA will notify Maryland by letter that the conditions have not been met and that the conditional approval has converted to a disapproval. Furthermore, EPA proposes that Maryland's program must start no later than November 15, 1997. EPA also proposes that if Maryland fails to start its program as defined in this document and on this schedule, the conditional approval will convert to a disapproval after a finding letter is sent to Maryland.

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

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

If the conditional approval is converted to a disapproval under section 110(k), based on Maryland's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of Maryland's submittal would not affect its state-enforceability. Moreover, EPA's disapproval of the submittal would not impose a new Federal requirement. Therefore, EPA certifies that should this approval convert to a disapproval, this disapproval action would not have a significant impact on a substantial number of small entities because it would not remove existing requirements nor would it substitute a new federal requirement.

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to the State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with

statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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

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

The Administrator's decision to approve or disapprove the Maryland enhanced I/M SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

If Maryland fails to meet any of the conditions of this approval action, the EPA Regional Administrator would directly make a finding, by letter, that the conditional approval had converted to a disapproval and the clock for imposition of sanctions under section 179(a) of the Act would start as of the date of the letter. Subsequently, a document would be published in the Federal Register announcing that the SIP revision has been disapproved.

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

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q

Dated: October 16, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–27882 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 300

[FRL–5642–4]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for partial deletion of the Geneva Industries Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the first seven components (Source Control Portion of the Site) of the eight remedial action components of the Record of Decision (ROD) for the Geneva Industries Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. 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). This partial deletion of the Site is proposed in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (Nov. 1, 1995).

EPA bases its proposal to delete the Source Control Portion of the Site on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate Hazardous Substance Superfund (Fund) financed response under CERCLA for the Source Control Portion of the Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

This partial deletion pertains to the Source Control Portion of the Site only and does not include the eighth ROD remedial action component (Ground Water Portion of the Site), which will remain on the NPL with remedial activities continuing for the ground water system operation.

DATES: Comments concerning this proposed partial deletion may be submitted on or before December 2, 1996.

ADDRESSES: Comments may be mailed to Mr. Donn R. Walters, Community Relations Coordinator (6SF–P), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (800) 533–3508 or (214) 665–6483.

Comprehensive information concerning the Site, as well as information specific to this proposed partial deletion, is available through the EPA Region 6 public docket at EPA's Region 6 office in Dallas, Texas. The Administrative Record for the Site and the Deletion Docket for this proposed partial deletion are maintained at the Site information repositories listed below. Public docket items and Site information repository items are available for public inspection and copying. The relevant locations are as follows:

U.S. EPA Region 6, Library (6MD–II), Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424 or 665–6427, hours of operation: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Texas Natural Resource Conservation Commission, Technical Park Center, Room 190, Building D, 12118 North IH 35, Austin, Texas 78753, (512) 239–2920, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

Central Houston Public Library, Texas and Local History Division, Julia Ideson Building, 500 McKinney, Houston, Texas 77002, (713) 236–1313 (Main Library), (713) 247–1664 (Texas and Local History Division), hours of operation: 9:00 a.m. to 6:00 p.m. Monday through Saturday, excluding holidays. (Note that Texas and Local History Division hours are different from Main Library hours.)

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, Project Manager (6SF–AT), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8521.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for intended Partial Site Deletion

Appendix

A. Deletion Docket
B. Site Coordinate Boundaries

I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the first seven components (Source Control Portion of the Site) of the eight remedial action components of the Record of Decision (ROD) for the

Geneva Industries Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. 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), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the Site is proposed in accordance with 40 CFR § 300.425(e) and Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466 (Nov. 1, 1995)). As described in 40 CFR 300.425(e)(3), releases deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for partial deletion on or before December 2, 1996.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this proposed partial deletion. Section IV discusses the Geneva Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the appropriate state, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required;

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions for the portion deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities for portions not deleted from the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the hazard ranking system. Deletion of a portion of a site from the NPL does not of itself create, alter or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist EPA management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures were used for this proposed deletion of the Source Control Portion of the Site:

(1) EPA consulted with the State of Texas through the Texas Natural Resource Conservation Commission (TNRCC) on the proposed partial deletion prior to developing this document;

(2) EPA recommended the proposed partial deletion;

(3) TNRCC concurred with the proposed partial deletion more than thirty working days before publication of this document in the Federal Register;

(4) Concurrently with publication of this document in the Federal Register, a document will be published in a major local newspaper of general circulation at or near the Site and will be distributed to appropriate federal, state and local officials and other interested parties, which notices will announce a thirty calendar day public comment period on the deletion package and will announce the availability of copies of this notice of intent to delete at the EPA Region 6 library and the information repositories; and

(5) EPA made all relevant documents available at the EPA Region 6 library and the information repositories listed above, which documents are available for public inspection and copying.

The public is invited to comment on EPA's proposal to delete the Source Control Portion of the Site from the NPL.

Upon completion of the thirty calendar day public comment period, EPA Region 6 will evaluate each significant comment and any significant new data received before issuing a final decision concerning the proposed partial deletion. EPA will prepare a responsiveness summary for each significant comment and any significant new data received during the public comment period and will address concerns presented in such comments and data. The responsiveness summary will be made available to the public at the EPA Region 6 library and the information repositories listed above and will be included in the final deletion package. Members of the public are encouraged to contact EPA Region 6 to obtain a copy of the responsiveness summary. If, after review of all such comments and data, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the Federal Register. Deletion of the Source Control Portion of the Site does not actually occur until a final notice of partial deletion is published in the Federal Register. A copy of the final deletion package will be placed in the EPA Region 6 library and the information repositories listed above after a final notice has been published in the Federal Register.

IV. Basis for Intended Partial Site Deletion

The following information provides EPA's rationale for deletion of the Source Control Portion of the Site from the NPL and explains EPA's finding that the proposed partial deletion satisfies 40 CFR § 300.425(e) requirements:

The Site is a thirteen and one-half acre fenced tract located at 9334 Canniff Road in Houston, Texas. The Site is east of Interstate Highway 45 (Gulf Freeway), north of Airport Boulevard/College Street and within two miles of the William P. Hobby Airport. The site has been owned by the following companies since 1967:

- Geneva Industries, June 1967 to Feb. 1974;

• Pilot Industries of Texas, Inc., Feb. 1974 to Dec. 1976;
• Intercostal Refining Co., Dec. 1976 to Dec. 1980;
• Lone Star Fuel Company, Dec. 1980 to May 1982 and
• Fuhrmann Energy Corporation, May 1982 to the present time. Prior to June 1967, the land was used for petroleum exploration and production.

The Site is an abandoned refinery that had been used to manufacture chemicals such as biphenyl, polychlorinated biphenyl (PCB), phenyl phenol, naphtha and Nos. 2 and 6 fuel oils.

In 1981, the Site and adjoining property to the south contained processing tanks and piping, a large waste water lagoon, two smaller lagoons, a closed lagoon containing solid PCB wastes, a diked tank area, several drum storage areas, a landfill and a possible landfarm. As a result of past practices at the Site, extensive soil and shallow ground water contamination occurred.

Before removal actions began, surface soil contamination had PCB levels as high as 12,200 parts per million (ppm). The most prevalent PCB at the Site was Aroclor 1242. A number of chlorinated non-aromatic solvents (e.g., benzene), non-aromatic chlorinated solvents (e.g., trichloroethylene (TCE)) and polynuclear aromatic hydrocarbons (PAHs) were detected at the Site. TCE was detected consistently in the ground water but was limited to the thirty-foot sand and the one hundred-foot sand beneath the Site.

Removal actions were performed by EPA and TNRCC from October 1983 to February 1984 to close three onsite lagoons, remove all drummed waste on the surface, remove all offsite soils containing greater than fifty ppm PCBs, install a temporary cap over all on-site soils containing greater than fifty ppm PCBs and improve Site drainage. Approximately 3,400 cubic yards of contaminated soils and sludges, 550 drums and thirty tons of asbestos were removed and transported to an approved disposal facility in Emmelle, Alabama. Other removal actions to plug abandoned onsite wells and remove storage tank materials were performed in May 1984 and September 1984, respectively. The total cost of these removal actions was $1,748,179.

Removal actions also included investigation of the Site's soil contamination. The Site remedial investigation, which was performed from June 1984 to September 1984, further assessed the nature, degree and extent of the contamination. Based on the results of detailed investigations, EPA assigned the Site a hazard ranking system score of 59.46 and included the Site on the NPL. The Federal Register promulgation date for adding the Site to the NPL was September 21, 1984 (49 FR 37070).

In December 1983, EPA awarded to TNRCC a cooperative agreement in the amount of $600,000 for the remedial investigation and feasibility study (RI/FS). The initial Site work was completed in September 1984, at which time it was determined that additional field work would be required. A $300,000 increase to the cooperative agreement was awarded in March 1985 for investigation of possible seismic faulting at the Site. All field RI/FS work was completed by the end of October 1985.

EPA issued a Record of Decision for the Site on September 18, 1986. This ROD addressed contaminated structures, soils and ground water. The remedy selected in the ROD includes eight major components:
• Removal and disposal of all surface facilities,
• Plugging and abandoning unnecessary monitoring wells,
• Excavation of 22,500 cubic yards of soils contaminated with greater than one hundred ppm PCBs,
• Excavation of all drums buried onsite,
• Disposal of excavated material in an EPA-approved offsite facility,
• Construction of a slurry wall barrier around the Site with a pressure relief well system,
• Construction of a permanent protective cap across the Site surface, and
• Recovery and treatment of TCE contaminated ground water in both the thirty-foot sand and one hundred-foot sand (Ground Water Portion of the Site).

TNRCC contracted with IT Corporation for the remedial design and oversight activities of the remedial action. It was decided early in the project design by EPA, TNRCC, and IT Corporation to split the remedial action into two distinct portions—one for the contaminated soils (Source Control Portion of the Site) and the other for the contaminated ground water (Ground Water Portion of the Site)—although the ROD does not refer to the term ''operable units.'' IT Corporation prepared the design criteria and contract documents (plans and specifications) separately for the Source Control Portion of the Site and the Ground Water Portion of the Site.

Remedial action construction for the Source Control Portion of the Site began in May 1988 but was stopped from October 1988 to June 1989 due to litigation concerning the shipping of waste from the Site to a waste disposal facility in Emmelle, Alabama. Transportation of waste to the Emmelle, Alabama, waste disposal facility began in July 1989 and continued through September 1989. The remedial action for the Source Control Portion of the Site was completed in September 1990. This proposal for partial deletion pertains only to the Source Control Portion of the Site, which includes disposal of 62,290 tons of contaminated material (soils) at a total cost of $20,624,984. The increased volume and other differences from the ROD are documented in the July 1993 explanation of significant differences to the record of decision. The September 1993 preliminary site closeout report further documents that the remedy for the Source Control Portion of the Site is complete and that the ground water pump and treat system has been constructed.

The remedial design for the Ground Water Portion of the Site was completed in March 1992. Construction activities, known as Phase I, for the ground water treatment system, were substantially completed in July 1993. The ten-year ground water pump and treatment, Phase II, is currently in progress, and the ground water monitoring is currently being performed. Monitoring is for TCEs and has been conducted for the past three years. There are ten monitoring wells within the perimeter of the slurry wall: nine monitor the thirty-foot sand, and one monitors the one hundred-foot sand. Outside the perimeter of the slurry wall, four wells monitor the thirty-foot sand, and three wells monitor the one hundred-foot sand. Monitoring has been conducted once every three months. The frequency and duration of future monitoring depend upon the consistency of monitoring results.

The Agency for Toxic Substances and Disease Registry issued an April 1993 Public Health Assessment addendum concluding that the Site poses no apparent public health hazard; a copy of the addendum is in the EPA Region 6 library and the information repositories listed above and is available for public inspection and copying.

A permanent protective cap across the Site surface and a slurry wall barrier around the Site have been constructed, and a ten-year ground water pump and treatment is in progress. Hazardous substances, pollutants or contaminants that will remain onsite are above health-based levels and do not allow unlimited use of, or unrestricted access to, the Site; therefore, EPA will conduct five-year reviews as required by CERCLA

section 121(c), 42 U.S.C. 9621(c), the first of which is scheduled for July 1998.

Operation and maintenance (O&M) activities are required both during implementation of the remedy and during the post-closure period. The major O&M during implementation is associated with the ground water recovery system, which includes replacement of pumps, wells and spent carbon. O&M associated with the post-closure period includes periodic inspection and repair of the surface cap and operation of the pressure relief and leachate collection systems. The post-closure operation and maintenance plan dated January 1988 will be implemented at the Site.

EPA, with the concurrence of TNRCC, has determined that all appropriate Fund-financed response under CERCLA has been implemented concerning the Source Control Portion of the Site to protect public health and the environment and that no further response action by responsible parties is appropriate for the Source Control Portion of the Site. Therefore, EPA proposes to delete the Source Control Portion of the Site from the NPL.

Dated: October 8, 1996.

Approved by:

Jerry Clifford,

Deputy Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 96–27831 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 300

[FRL–5642–5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Triangle Chemical Company Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. 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). This deletion of the Site is proposed in accordance with 40 CFR 300.425(e).

EPA bases its proposal to delete the Site on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate Hazardous Substance Superfund (Fund) financed response under CERCLA for the Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

DATES: Comments concerning this proposed partial deletion may be submitted on or before December 2, 1996.

ADDRESSES: Comments may be mailed to Mr. Donn R. Walters, Community Relations Coordinator (6SF–P), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (800) 533–3508 or (214) 665–6483.

Comprehensive information concerning the Site, as well as information specific to this proposed deletion, is available through the EPA Region 6 public docket at EPA's Region 6 office in Dallas, Texas. The Administrative Record for the Site and the Deletion Docket for this proposed partial deletion are maintained at the Site information repositories listed below. Public docket items and Site information repository items are available for public inspection and copying. The relevant locations are as follows:

U.S. EPA Region 6, Library (6MD–II), Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424 or 665–6427, hours of operation: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Texas Natural Resource Conservation Commission, Technical Park Center, Room 190, Building D, 12118 North IH 35, Austin, Texas 78753, (512) 239 2920, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

Orange Public Library, 2200 North Fifth Street, Orange, Texas 77630, (409) 883–1086, hours of operation: 9:00 a.m. to 9:00 p.m. Mondays and Wednesdays, 9:00 a.m. to 5:00 p.m. Tuesdays and Thursdays and 9:00 a.m. to 1:00 p.m. Saturdays, excluding holidays.

City Hall, City of Bridge City, 260 Rachal Street, Bridge City, Texas 77611, (409) 735–6801, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, Project Manager (6SF–AT), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8521.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for intended Partial Site Deletion

Appendix

A. List of Deletion Docket Contents
B. Site Coordinate Boundaries

I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. 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), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This deletion of the Site is proposed in accordance with 40 CFR 300.425(e). As described in 40 CFR 300.425(e)(3), releases deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for deletion on or before October 31, 1996.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this proposed deletion. Section IV discusses the Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the appropriate state, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required;

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions for the portion deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. In addition, deletion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not of itself create, alter or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist EPA management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures were used for this proposed deletion of the Site:

(1) EPA consulted with the State of Texas through the Texas Natural Resource Conservation Commission (TNRCC) on the proposed deletion prior to developing this notice;

(2) EPA recommended the proposed deletion;

(3) TNRCC concurred with the proposed deletion more than thirty working days before publication of this notice in the Federal Register;

(4) concurrently with publication of this notice in the Federal Register, a notice will be published in a major local newspaper of general circulation at or near the Site and will be distributed to appropriate federal, state and local officials and other interested parties, which notices will announce a thirty calendar day public comment period on the deletion package and will announce the availability of copies of this notice of intent to delete at the EPA Region 6 library and the information repositories; and

(5) EPA made all relevant documents available at the EPA Region 6 library and the information repositories listed above, which documents are available for public inspection and copying.

The public is invited to comment on EPA's proposal to delete the Site from the NPL.

Upon completion of the thirty calendar day public comment period, EPA Region 6 will evaluate each significant comment and any significant new data received before issuing a final decision concerning the proposed deletion. EPA will prepare a responsiveness summary for each significant comment and any significant new data received during the public comment period and will address concerns presented in such comments and data. The responsiveness summary will be made available to the public at the EPA Region 6 library and the information repositories listed above and will be included in the final deletion package. Members of the public are encouraged to contact EPA Region 6 to obtain a copy of the responsiveness summary. If, after review of all such comments and data, EPA determines that the deletion from the NPL is appropriate, EPA will publish a final notice of deletion in the Federal Register. Deletion of the Site does not actually occur until a final notice of deletion is published in the Federal Register. A copy of the final deletion package will be placed in the EPA Region 6 library and the information repositories listed above after a final notice has been published in the Federal Register.

IV. Basis for Intended Partial Site Deletion

The following information provides EPA's rationale for deletion of the Site from the NPL and explains EPA's finding that the proposed deletion satisfies 40 CFR 300.425(e) requirements:

Triangle Chemical Company is a 2.3 acre tract of land located on Texas State Highway 87 approximately one-half mile north of the junction of Texas State Highway 87 and Texas State Highway 62 north of Bridge City, Texas.

Triangle Chemical Company operated a chemical mixing and blending facility from the early 1970s until 1981. Triangle Chemical Company's production consisted of automobile brake fluid, windshield washer solvent, hand cleaners, pesticides and various types of industrial cleaning compounds. The waste management and general housekeeping practices were very poor, resulting in leaks and spills from numerous drums and tanks onsite. Local residents reported seven fish kills that occurred from March 1976 to October 1982.

Investigations by the Texas Department of Water Resources (TDWR), the predecessor agency to the Texas Water Commission (TWC) which is now the Texas Natural Resource Conservation Commission (TNRCC), indicated that the fish kills resulted from discharges of hazardous materials from the Site. In August 1981, the TDWR obtained a temporary injunction against Triangle Chemical Company concerning untreated discharges from the Site and other violations of pollution control laws. In October 1981, TDWR found that the Site had been abandoned. The Site included five buildings and thirty large tanks, eleven of which tanks contained hazardous liquids totaling 51,000 gallons. Raw materials and finished products were stored in bulk surface tanks and fifty-five-gallon drums. There were also 1,095 drums and approximately 350 cubic yards of contaminated soil and trash, all of which were left in an unsecured condition.

In April 1982, EPA initiated an immediate removal action to impede public access to these hazardous materials. This action consisted of construction of a six foot high chain link fence topped with barbed wire around the material storage area, posting of warning signs around the Site and construction a drainage canal in front of the main drum storage area to control runoff.

EPA initiated a planned removal action in August 1982 to remove drums and contaminated trash and soil. This removal operation was limited to the drum staging and crushing area. The wastes removed during this action were taken to the approved hazardous waste disposal facility owned by Chemical Waste Management, Inc., located at Port Arthur, Texas, and included 21,000 gallons of liquids, 350 cubic yards of contaminated soil and trash and 1,095 drums.

The remedial investigation revealed specific zones of soil contamination as determined by elevated volatile organic measurements; however, the depth of contaminated soils varied within the zones. Most of the bands of

contaminants began at one to two and one-half feet below the ground surface and did not extend beyond six and one-half feet in depth. In addition, fifteen large storage tanks contained potentially hazardous materials. Continued deterioration of these abandoned tanks could have contributed to further contamination through leaks and spills. Contaminated refuse was present in the form of shipping and packing materials contaminated by product spills and small containers of unused products. These products were scattered through the buildings. Unauthorized entry on this Site could have resulted in human exposure to the potentially contaminated refuse.

Roy F. Weston, Inc., (Weston) began a feasibility study in August 1984 and completed it in March 1985. WESTON conducted a pilot study from February 3, 1985, through February 14, 1985, on a small area of the Triangle Chemical Company Site to demonstrate and evaluate the effectiveness of mechanical aeration for contaminant removal from the soils. Mechanical aeration was performed on three lifts of soil and was shown to be an effective method of reducing volatile compounds to background levels.

The Record of Decision (ROD) was signed by the EPA Regional Administrator on June 11, 1985, based on the administrative record for the Site including, but not limited to, findings from the remedial investigation, evaluations of the treatment alternatives reviewed during the feasibility study and the results of the pilot study for the Site. The ROD provides for offsite incineration and deep well injection of the contents of the storage tanks and drums, offsite landfill disposal for storage tank sludges, decontamination of all onsite structures, offsite landfill disposal of trash and debris and onsite mechanical aeration of the contaminated soils to remove volatile compounds to background levels. The ROD states EPA's conclusion that the decontamination of soil to background levels would effectively mitigate the potential for future ground water contamination. The ROD provides for monitoring to verify that the ground water is not impacted by the remedial construction.

TNRCC advertised for bids for the remedial action cleanup activities and opened the bids on August 15, 1986. The contract was awarded to ENSCO Environmental Services (ENSCO). After approval of its operations plan and other submittals, ENSCO was issued a notice to proceed on January 2, 1987. ENSCO mobilized for the cleanup activities on January 13, 1987. TNRCC's engineer representative at the Site for inspection and project administrative services was WESTON.

ENSCO performed mechanical aeration by tilling the soils. In addition, contents of drums, tanks and containers were analyzed and classified to determine reactivity groups. The compatible liquids were transferred to larger tanks and transported offsite as documented in WESTON's June 1987 final report. ENSCO's activities also included the cleaning of the remaining buildings and the decontamination of the in-place tanks and process equipment by a triple rinse process.

The analytical results since 1988 show that concentration levels for indicator compounds in monitoring wells MW–6, MW–7 and MW–11 move within an established range and are dependant upon rainfall and tides. None of the six indicator compounds was detected in samples from monitoring wells MW–1, MW–3, MW–5 or MW–10 during operation and maintenance (O&M). There is no indication of horizonal or vertical migration of the contaminant plume at the Site. Wells MW–3 and MW–9, down gradient to MW–6 and adjacent to the nearby bayou, have not been affected. This lack of movement is due to low primary permeability of the aquifer and limited ground water flow velocity. Modeling was done at this Site in a supplemental ground water investigation in 1988. No evidence has yet been presented that would change the conclusion from that investigation that it would take over seventy years for a particle of hazardous substance to move 160 feet. During particle movement, a preponderance of the material would be attracted to the organic carbon in the organic clays and silts. Analytical results do not indicate an increase in concentrations of the six indicator compounds or other volatile organic compounds in ground water at the Site during past O&M. The slight variations in concentrations of contaminants among quarterly sampling events may be attributed to changes in water level elevations and movement during periods of above or below normal precipitation. Should aquifer conditions change during continued ground water monitoring, the Site can be reinstated as a Superfund site.

The shallow aquifer in the vicinity of the Site is brackish, odoriferous and not otherwise suitable as a potable water supply. The shallow aquifer was initially estimated to yield 1.2 gallons per minute; however, it is specifically noted in the reports of Weston and others involved in these sampling activities that all of the shallow monitoring wells at the Site were bailed dry in attempting to achieve three well volumes prior to sampling.

The shallow aquifer at the Site is not currently used for drinking or other water usage, and is it not likely that it will be so used due to high total dissolved solids. This upper shallow aquifer is separated from the deeper fresh water aquifer by a thick clay layer which effectively prevents vertical migration of contamination and protects the lower drinking water aquifers. A pump test and other sampling conducted during the supplemental investigation and sampling to date confirm that there is no communication between upper and lower water-bearing zones.

Delisting requirements for the Site have been met. Specifically, confirmatory sampling has verified that the ROD cleanup objectives have been achieved. All cleanup actions specified in the ROD have been implemented. The remaining activity to be performed is continuing O&M which has been guaranteed by the State of Texas.

EPA and TNRCC have committed to monitoring wells MW–3, MW–6, MW–7, MW–9 and MW–11 for thirty years. If the plume moves away from MW–6, either north to MW–3 or MW–9, northeast to MW–11, or downward to MW–7, the Site can be reinstated as a Superfund site. Such reinstatement would not require application of the hazard ranking system. Based on the facts presented above, EPA proposes that the Site be delisted and removed from the National Priorities List.

EPA, with concurrence of the State of Texas, has determined that all appropriate Fund-financed response under CERCLA at the Triangle Chemical Company Superfund Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

Dated: October 9, 1996.

Jerry Clifford,

Deputy Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 96–27830 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[CGD 96–053]

User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation

AGENCY: Coast Guard, DOT.

ACTION: Notice of recalculation of program costs and reassessment of fees; request for comments.

SUMMARY: The Coast Guard has completed a recalculation of the costs associated with its marine licensing and merchant mariner documentation program and has reassessed the user fees published in 46 CFR Parts 10 and 12. These actions have been taken pursuant to a court order issued by the U.S. District Court for the District of Columbia. This notice announces the completion of, and seeks public comments on, the recalculation and sets out a summary of the results.

DATES: Comments must be received not later than December 30, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA) [CGD 96–053], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Matthew Glomb, Office of Claims and Litigation (G–LCL), telephone (202) 267–1040.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to review and comment on the recalculation by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 96–053), the specific part of the recalculation to which each comment or question applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Background Information

On November 5, 1990, Congress passed the Omnibus Budget Reconciliation Act which amended 46 U.S.C. § 2110 to require establishment of user fees for certain services provided by the Coast Guard. As a result, the Coast Guard issued a final rule entitled ''User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation'' on March 19, 1993 (58 FR 15228). This rule established marine licensing and merchant mariner documentation user fees in 46 Parts 10 and 12. The final rule became effective on April 19, 1993.

On April 15, 1993, Seafarers International Union of North America, *et al.*, brought suit against the Coast Guard and sought to, among other things, enjoin it from collecting marine licensing and merchant mariner documentation user fees. In ruling on the case, on November 23, 1994, the U.S. District Court for the District of Columbia affirmed the Coast Guard's authority to establish and collect user fees and confirmed the methodology by which the Coast Guard established its fees. However, the Court ordered the Coast Guard to recalculate the costs associated with its marine licensing and merchant mariner documentation program, reassess the established fees, and subject the recalculations to public notice and comment. The Court also ordered the Coast Guard to stop charging for FBI criminal history checks.

The Coast Guard conducted a time-motion study of work activity at Regional Examination Centers during the spring and summer of 1995. This study was undertaken in order to update the data contained in the 1989 Workload Study used during the original calculation of the fees. The study was the first step in the process of recalculating program costs. Since 1995, the Coast Guard has updated all data used in the original calculation of the marine licensing and merchant mariner documentation user fees, including Regional Examination Center transaction data and personnel and overhead costs. The Coast Guard updated its transaction activity data, verified supporting documentation, and recalculated its program costs. The data from the 1995 time-motion study was used during the recalculation of both the overall and per activity cost of the marine licensing and merchant mariner documentation program. The Coast Guard then reassessed its published fees by comparing them to the recalculated costs.

The recalculation of costs and the reassessment of user fees ordered by the Court were completed on September 25, 1996. The Coast Guard administratively reduced the amount to be collected for six services where published fees exceeded recalculated costs. These fees can only be permanently changed through the rulemaking process and the Coast Guard will initiate a rulemaking after the close of this comment period.

The published fees, recalculated costs, and the fee collection amounts affected by the Coast Guard's interim administrative action are summarized in Tables 1 and 2.

BILLING CODE 4910–14–M

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY

CFR Section 46 CFR 10.109...	Published Fee	Reduced Collections	Recalculated Program Costs
(a) For Licenses. (1) Upper Level: (i) For evaluation for an original license	$ 87	$ 70[1]	$119[2]
(ii) For evaluation for a license other than an original, including a raise in grade of a license	$ 70	---	$102
(iii) For administration of an examination, including allowable retests	$150	$110	$110
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	$ 55	$ 45	$ 45[3]
(v) For issuance of a license	$ 35	---	$ 62
(2) Lower level: (i) For evaluation for an original license	$ 82	$ 65[1]	$136[4]
(ii) For evaluation for a license other than an original, including a raise in grade in a license	$ 65	---	$119

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section 46 CFR 10.109...	Published Fee	Reduced Collections	Recalculated Program Costs
(iii) For administration of an examination, including allowable retests	$ 80	---	$ 98
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	$ 55	$ 45	$ 45[3]
(v) For issuance of a license	$ 35	---	$ 51
(3) Radio Officer: (i) For evaluation for an original license	$ 62	$ 45[1]	$128[5]
(ii) For evaluation for a license other than an original, including a raise in grade in a license	$ 45	---	$111
(iii) For issuance of a license	$ 35	---	$ 61
(b) For endorsements, except the radar observer endorsement, subsequent to the issuance of the license. (1) For evaluation for single or multiple endorsements	$ 45	---	$ 50

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section 46 CFR 10.109...	Published Fee	Reduced Collections	Recalculated Program Costs
(2) For administration of examinations, including allowable retests	$ 55	$ 45	$ 45
(3) For issuance of single or multiple endorsements to an existing license	$ 35	---	$ 46
(c) For renewal of a license. (1) For evaluation for renewal of a license	$ 45	No Fee for Radio Officers only	$ 50
(2) For administration of an open-book exercise if required under §10.209 of this part	$ 55	$ 45	$ 45
(3) For issuance of a renewed license	$ 35	---	$ 46
(4) For issuance of a renewed license, without evaluation or examination, for continuity purposes only	$ 35	---	$ 46[6]
(d) For Certificates of Registry. (1) For Chief Purser, Purser, and Senior Assistant Purser: (i) For evaluation of an unlicensed applicant for a certificate of registry	$ 62	$ 45[1]	$123[7]

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section 46 CFR 10.109...	Published Fee	Reduced Collections	Recalculated Program Costs
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	$ 45	---	$106
(iii) For issuance of a certificate of registry	$ 35	---	$179
(2) For Junior Assistant Purser, Medical Doctor, and Professional Nurse: (i) For evaluation of an unlicensed applicant for a certificate of registry	$ 17	No Fee[1]	$128[8]
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	No Fee	---	$111
(iii) For issuance of a certificate of registry	$ 35	---	$ 61
(3) For renewal of a Certificate of Registry: (i) For evaluation for renewal of a certificate of registry	No Fee	---	$ 50[9]
(ii) For issuance of a renewed certificate of registry	$ 35	---	$ 46[6]

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section 46 CFR 10.109...	Published Fee	Reduced Collections	Recalculated Program Costs
(e) For reissue of a license or certificate of registry issued under this part where a fee is required in §10.219	$ 35	---	$106
(f) For endorsements to existing license, a raise in grade of a license, an additional license, or certificate of registry where further evaluations are not required	No Evaluation Fee	---	No Cost
(g) For endorsements to an existing license, a raise in grade of a license, or an additional license where further examinations are not required	No Examination Fee	---	No Cost

[1] Fee collected reduced by amount of charge for FBI criminal history check pursuant to court order dated November 23, 1994

[2] Program costs are equal to cost of evaluating an upper level license applicant for a license other than an original ($102) plus the cost of an FBI criminal history check ($17)

[3] Program costs are the same as the costs associated with administering an open-book exercise for renewal of a license

[4] Program costs are equal to cost of evaluating a lower level license applicant for a license other than an original ($119) plus the cost of an FBI criminal history check

[5] Program costs are equal to cost of evaluating a Radio Officer license applicant for a license other than an original ($111) plus the cost of an FBI criminal history check ($17)

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

[6] Program costs are the same as the costs associated with the issuance of a renewed license

[7] Program costs are equal to the cost of evaluating a licensed Chief Purser, Purser or Senior Purser Certificate of Registry applicant ($106) plus the cost of an FBI criminal history check ($17)

[8] Program costs are equal to the cost of evaluating a licensed Junior Assistant Purser, Medical Doctor or Professional Nurse Certificate of Registry applicant ($111) plus the cost of an FBI criminal history check ($17)

[9] Program costs are the same as the costs associated with the evaluation of a license renewal applicant

TABLE 2—MERCHANT MARINER'S DOCUMENTS

CFR Section 46 CFR 12.02-18(a) ...	Published Fee	Reduced Collections	Recalculated Program Costs
(1) For evaluation for an original document (does not apply if applicant holds a license or certificate of registry issued under part 10 of this chapter)	$ 17	No Fee[1]	$128[3]
(2) For evaluation for a merchant mariner's document endorsed with a qualified rating: (i) For an original merchant mariner's document	$ 77	$ 60[1]	$115[4]
(ii) For a merchant mariner's document other than an original	$ 60	---	$ 98
(iii) Where further evaluation is not required, such as when a merchant mariner's document is issued incident to a license transaction	No Fee	---	No Cost
(3) For administration of examination	$ 40	---	$144
(4) For issuance of a document	$ 35	---	$ 53

TABLE 2—MERCHANT MERINER'S DOCUMENTS—Continued

CFR Section 46 CFR 12.02-18(a) ...	Published Fee	Reduced Collections	Recalculated Program Costs
(5) For duplicate of a merchant mariner's document issued in this part where a fee is required in §12.02-23	$ 35	---	$106
(6) For a duplicate continuous discharge book, record of sea service, or copies of certificates of discharge	$ 10[5]	---	$ 106
(7) For renewal of a merchant mariner's document: (i) For evaluation for renewal of a merchant mariner's document endorsed with a qualified rating	$ 45	---	$ 50
(ii) For evaluation for renewal of a merchant mariner's document when submitted with a license where a renewal evaluation fee already applies	No Fee	---	No Cost

TABLE 2—MERCHANT MERINER'S DOCUMENTS—Continued

CFR Section 46 CFR 12.02-18(a) ...	Published Fee	Reduced Collections	Recalculated Program Costs
(iii) For evaluation for renewal of a merchant mariner's document without qualified rating endorsement	No Fee	---	No Cost
(iv) For administration of open-book exercises required by §12.02-27	$ 40	---	$ 45
(v) For administration of MMD open-book exercises when required in addition to license open-book exercises for concurrent renewal of these documents	Only the license exercise fee in 10.109(c)(2) will apply[2]	$ 45[6]	$ 45[7]
(vi) For issuance of a renewal of a merchant mariner's document including those issued for continuity purposes only	$ 35	---	$ 46

[1] Fee collected reduced by amount of charge for FBI criminal history check pursuant to court order dated November 23, 1994

[2] Fee published in 46 CFR 10.109(c)(2) for administration of an open-book exercise for renewal of a license is equal to $55

[3] Program costs are equal to cost of evaluating an applicant for a merchant mariner's document without qualified rating endorsement ($111) plus the cost of an FBI criminal history check ($17)

[4] Program costs are equal to the cost of evaluating an applicant for an original merchant mariner's document with qualified rating endorsement ($98) plus the cost of an FBI criminal history check ($17)

TABLE 2—MERCHANT MERINER'S DOCUMENTS—Continued

Payment of fee is not required if loss is caused by shipwreck or other casualty; other casualty includes damage to a ship caused by collision, explosion, tornado, wreck, flooding, grounding, beaching or fire (see §12.02-23)

[6] Fee collected reduced to match amount collected for administration of an open-book exercise for renewal of a license (see Table 1)

[7] Program costs are the same as the costs associated with the administration of an open-book exercise for renewal of a license

BILLING CODE 4910–14–C

This notice complies with the order of the Court that the recalculation and reassessment be subject to notice and comment.

Dated: October 24, 1996.

J.C. Card,

Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–27881 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 012595A]

Endangered and Threatened Species; Notice of Six-Month Extension on the Final Determination on Whether to List the Oregon Coast and Southern Oregon/Northern California Coast Evolutionarily Significant Units (ESUs) of Coho Salmon

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

ACTION: Notice of extension of final determination.

SUMMARY: NMFS has determined that substantial scientific disagreement exists regarding the sufficiency and accuracy of data relevant to NMFS' proposed determination that two Evolutionarily Significant Units (ESUs) of coho salmon in Oregon and northern California warrant listing as threatened species. Consequently, NMFS extends the deadline for a final listing determination for the Oregon Coast and the Southern Oregon/Northern California Coast ESUs for 6 additional months to solicit, collect, and analyze additional information that will enable NMFS to make the final listing determination based on the best available data.

DATES: The new deadline for final action on the proposed listing of the Oregon Coast and the Southern Oregon/Northern California Coast ESUs of coho salmon is April 25, 1997.

ADDRESSES: Environmental and Technical Services Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503–231–2005, Craig Wingert, 310–980–4021, or Marta Nammack, 301–713–1401.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1995, NMFS published a proposed rule to list three ESUs of naturally-reproducing coho salmon (*Oncorhynchus kisutch*) in Oregon and California as threatened under the Endangered Species Act of 1973 (ESA) (60 FR 38011). The ESUs proposed for listing occur in three coastal areas: (1) The Oregon coast from the Columbia River south to Cape Blanco in southern Oregon (Oregon Coast ESU), (2) the southern Oregon/northern California coasts from Cape Blanco to Punta Gorda in northern California (Southern Oregon/Northern California Coast ESU), and (3) the central California coast from Punta Gorda to the San Lorenzo River in Santa Cruz, including San Francisco Bay (Central California Coast ESU). During a coastwide status review, NMFS found substantial population declines in each of the three coho salmon ESUs proposed as threatened.

Within 1 year from the date of a proposed listing, section 4(b)(6) of the ESA requires NMFS to take one of three actions: (1) Make final the proposed listing; (2) withdraw the proposed listing; or (3) extend the 1-year period for not more than 6 months. On July 23, 1996, the U.S. District Court for the Northern District of California upheld NMFS' proposal of October 25, 1996, as the end of the 1-year work period allowed for making one of these determinations on the three ESUs of coastal coho salmon. This proposal took into consideration the 3-month funding moratorium in early 1996 on NMFS' listing actions. Therefore, by October 25, 1996, NMFS must take one of the three actions outlined above.

Section 4(b)(6)(B)(i) of the ESA authorizes NMFS to extend the deadline for a final listing determination for not more than 6 months for the purpose of soliciting additional data. NMFS' ESA implementing regulations condition such an extension on finding ''substantial disagreement among scientists knowledgeable about the species concerned regarding the sufficiency or accuracy of the available data relevant to the determination'' (50 CFR § 424.17(a)(1)(iv)). After considering comments and information received in response to the proposed rule, NMFS determines that substantial scientific disagreements exist regarding the sufficiency and accuracy of data relevant to final listing determinations for the Oregon Coast ESU and the Southern Oregon/Northern California Coast ESU. These scientific disagreements concern the data needed to determine the status of these species, the threats to their continued existence, and the efficacy of recent local, state, and Federal conservation measures. Therefore, NMFS extends the final listing determination deadline for the Oregon Coast and Southern Oregon/Northern California Coast ESUs for 6 months to solicit, collect, and analyze additional data.

While NMFS concludes that a 6-month extension is warranted for the Oregon Coast and Southern Oregon/Northern California ESUs, NMFS believes that such an extension is not warranted for the Central California Coast Coho Salmon ESU. For NMFS' determination on the Central California Coast Coho Salmon ESU, see the Central California Coast Coho Salmon ESU listing notice in the Rules and Regulations section of this Federal Register.

Points of Substantial Scientific Disagreement

Comments received from peer reviewers, as well as knowledgeable scientists from state fish and wildlife agencies, tribes, and the private sector, dispute the sufficiency and accuracy of data employed by NMFS in its proposed listing of the Oregon Coast and Southern Oregon/Northern California Coast ESUs of coastal coho salmon. The primary areas of dispute concern data relevant to risk assessment and NMFS' evaluation of existing protective measures. The following section briefly discusses the types of data subject to substantial scientific disagreement.

Risk Assessment

Risk assessment involves the collection and analysis of data on the status of coastal coho and the threats presented by various human activities and natural occurrences. In its coastwide status review, NMFS assessed the status of coho salmon and identified the principal threats to coastal coho as habitat loss, adverse ocean conditions, hatchery practices, and harvest.

In the Oregon Coast and Southern Oregon/Northern California Coast ESUs, substantial scientific disagreement exists regarding the sufficiency of data used to assess the risks faced by coastal coho. For example, Oregon Department of Fish and Wildlife (ODFW) and a peer reviewer criticize NMFS' assessment of these ESUs for relying on insufficient data. These scientists argue that NMFS failed to consider the same types of data for Oregon and Washington coastal coho salmon. This difference, they argue, biased NMFS' risk analysis toward finding a relatively higher risk for Oregon ESUs. ODFW argues that the Olympic Peninsula ESU (located in Washington) faces the same risks as the

Oregon ESUs, yet NMFS did not propose the Olympic Peninsula ESU for listing.

ODFW contends that NMFS overstated the depressed condition of Oregon coastal coho salmon leading NMFS to incorrectly conclude that listing is warranted. In the draft Coastal Salmon Restoration Initiative (CSRI) submitted to NMFS on August 20, 1996, ODFW scientists proposed population abundance listing thresholds that are inconsistent with NMFS' assessment that Oregon coho salmon are threatened.

In an attempt to define the risk of extinction faced by coho in the Oregon Coast ESU, ODFW has begun an effort to develop three different population simulation models. The results of these models could have direct bearing on NMFS' final listing determinations. These models apply different approaches and assumptions, and, to date, the models have produced inconsistent results. The third model, under development by a recognized expert in conservation biology, includes genetic data not analyzed in the first two models.

Equally relevant to both the Oregon Coast and Southern Oregon/Northern California Coast ESUs, several scientists claim that NMFS relied on insufficient data in determining the effects of natural environmental variability and population cycles. This, the commenters believe, led NMFS to overstate the risk associated with low population numbers.

Some commenters argue that NMFS did not use sufficient data to properly assess significant risk factors facing coastal coho salmon. For example, ODFW and a peer reviewer contend that NMFS overstated the adverse effects of hatchery fish by failing to consider data relevant to factors that mitigate the risk posed by hatchery stocks. These three factors include: (1) The temporal separation in spawning between wild and hatchery runs; (2) the reduced reproductive success of naturally-spawning hatchery fish; and (3) the limited geographic scope of significant hatchery straying. ODFW argues that by not using these data, NMFS based its determination on insufficient data.

With respect to the Southern Oregon/Northern California Coast ESU, both the States of Oregon and California have expressed disagreement with NMFS' assessment of risks facing coho in this region. As described above, the State of Oregon and a peer reviewer disagree with the sufficiency and adequacy of data used by NMFS in assessing Oregon coho populations in this ESU. In a letter to NMFS dated September 27, 1996, the California Resources Agency expressed similar disagreement. The Resources Agency adopted ODFW's criticisms in whole and argued that they applied equally in California, thus expressing disagreement regarding the sufficiency and accuracy of data used to conduct risk assessments for the California portion of the Southern Oregon/Northern California Coast ESU. Moreover, the data on California coho populations, particularly in small streams in northern California, are limited. The State of California provided NMFS with additional information from private landowners that was consistent with NMFS' recent observations. The State believes the information it provided, and information now being collected, will indicate that coho are more abundant and widespread than currently thought.

Efficacy of Conservation Measures

Sections 4(a)(1)(D) and 4(b)(1)(A) of the ESA require NMFS to consider the likely effect of existing regulatory mechanisms and state efforts to protect the species in making listing determinations. In its proposed rule, NMFS concluded that, at present, existing measures were not sufficient to offset population declines.

Regarding the Oregon Coast and Southern Oregon/Northern California Coast ESUs, several reviewers disagree with this assessment and believe that NMFS should give more weight to existing or recently implemented conservation measures. For example, ODFW and the Oregon Department of Forestry contend that recent conservation measures will substantially improve habitat conditions for coho salmon populations. NMFS believes that more data are needed to properly evaluate measures regarding road erosion, stream habitat assessment, and stream fish surveys. The California Resources Agency asserts that NMFS needs to more carefully consider all available scientific evidence, including existing regulatory mechanisms such as state forest practice rules. Also, ODFW states that recent changes in ocean harvest management have drastically reduced total fishing mortality and will provide substantial protection in future years.

The Southern Oregon/Northern California Coast ESU presents unique problems in evaluating existing conservation measures, given that this ESU includes land in both states. An added level of consideration results from the mix of state jurisdictions and regulatory authorities. Not only must NMFS assess the protective measures provided by each regulatory program, but each program's relative importance to the ESU. For example, while Oregon has recently established a wider range of conservation efforts, California has initiated forest practice changes protective of coho. NMFS must consider the differences in these programs and weigh their overall benefit for coho salmon. As stated above, however, both states contest NMFS' current evaluation of their respective conservation programs. Therefore, more time is required both to resolve these disagreements and conduct a thorough analysis of the relative benefits of state conservation efforts in this ESU.

Prospects for Resolving Existing Disagreements

Several efforts are underway that have prospects for resolving scientific disagreement on the accuracy and sufficiency of data relevant to listing the Oregon Coast and Southern Oregon/Northern California Coast ESUs. NMFS recently requested additional information on the proposed and candidate ESUs from the States of Washington, California, and Oregon. NMFS recently received data from the State of California and expects the submission of additional data (including population modeling results) from the State of Oregon when it completes its CSRI. NMFS expects that all new information will be submitted and under review by late 1996.

On November 13 through 15, 1996, NMFS will conduct a scientific workshop to solicit information and develop and evaluate approaches to risk assessment for Pacific salmon. This workshop will feature twelve scientists with expertise in various aspects of extinction risk analysis. The panelists will provide written summaries of their presentations to NMFS at the time of the workshop. Further, an editor will compile a written report of the workshop, with publication expected by the end of January 1997. Information obtained from this workshop should produce results that are highly relevant to coho salmon listing determinations, in particular, how to interpret limited and conflicting data and how best to make species/ESU risk assessments.

The State of Oregon has requested independent review of the CSRI plan by scientists with Oregon State University and other peer reviewers. By the spring of 1997, the State is expected to provide its completed CSRI to NMFS for its review. In addition, the State of California may have a similar draft prepared next year. NMFS expects these plans to contain detailed summaries and assessments of conservation measures which benefit coho salmon in the respective states. During the period of

this 6-month extension, NMFS will assess more complete versions of these plans, work with the states to resolve scientific disagreements surrounding the adequacy of the plans, and seek a scientific basis for determining whether these conservation measures will substantially reduce the risks faced by one or both of these coho salmon ESUs proposed for listing.

Determination

The scientific disagreements about data and information identified above are substantial and may alter NMFS' assessment of the status of the Oregon Coast and Southern Oregon/Northern California Coast coho salmon ESUs. In light of these disagreements and the fact that more data are forthcoming on conservation planning and risk assessment, NMFS extends the final determination deadline on the Oregon Coast and Southern Oregon/Northern California Coast ESUs of coastal coho salmon for 6 additional months, until April 25, 1997. During this period, NMFS will collect and analyze new information aimed at resolving these disagreements. If new information or analyses indicate that listing of one or more ESUs of west coast coho salmon is not warranted, NMFS will withdraw or modify the proposed rule accordingly.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: October 24, 1996.

Gary C. Matlock,

Acting Assistant Administator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27888 Filed 10–25–96; 5:05 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 648

[I.D. 102296A]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone. There will also be a discussion of applications received for permits for two separate experimental scallop fisheries.

DATES: The meeting will be held on Wednesday, November 6, 1996, at 10 a.m., and on Thursday, November 7, 1996, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Radisson Eastland Hotel, 157 High Street, Portland, ME 04101; telephone (207) 775–5411. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097; telephone (617) 231–0422.

FOR FURTHER INFORMATION CONTACT: Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council, (617) 231–0422.

SUPPLEMENTARY INFORMATION:

November 6, 1996

After introductions, the November 6 session will begin with issues related to sea scallop management. The Council will discuss and provide policy guidance to the Scallop Oversight Committee on the use of separable and transferable units of fishing effort. A framework adjustment to the Atlantic Sea Scallop Fishery Management Plan (Sea Scallop FMP) also will be considered. Monkfish management issues will be addressed on Wednesday afternoon. The Monkfish Committee will ask the Council to finalize a range of proposed management measures. An accompanying draft public hearing document will be reviewed and modified.

Background Information for Abbreviated Rulemaking—Atlantic Sea Scallops

The Council will consider initial action on Framework Adjustment 9 to the Sea Scallop FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. The action would extend the state waters exemption to include the 400 lb (181.44 kg) trip limit for general category scallop permit holders. Currently, scallopers holding this type of permit are prohibited from landing more than 400 lb (188.44 kg) per trip, even when fishing strictly within state waters.

November 7, 1996

On November 7 the meeting will start with reports from the Council Chairman, Acting Executive Director, NMFS Regional Administrator, Northeast Fisheries Science Center, Mid-Atlantic Fishery Management Council liaisons, and representatives of the U.S. Coast Guard and the Atlantic States Marine Fisheries Commission (ASMFC). The Groundfish Oversight Committee will discuss, but will not request final action on two framework adjustments to the Northeast Multispecies FMP. The first action would modify the Amendment 7 effort reduction measures for gillnet vessels and the second would establish an alternative to the current haddock possession limit. Final action may be taken on a third framework adjustment concerning general permit category scallop fishermen who are affected by the Amendment 7 groundfish regulations. The Council also will discuss ASMFC's winter flounder management strategy. In the afternoon, the Council will consider a herring and mackerel joint venture application by World Wide Trading, Inc., and the appointment of advisors to the Responsible Fishing Committee. Changes in Council operations brought about by the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94–265) will be addressed at the end of the day along with any other outstanding business.

Background Information for Abbreviated Rulemaking—Northeast Multispecies

The Council will consider final action on Framework Adjustment 21 to the Northeast Multispecies FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. The modification would allow general category scallop permit holders to fish with small dredges for scallops only (no regulated species bycatch). The current groundfish regulations prohibit the use of dredges because they have not demonstrated a less than 5 percent bycatch of regulated species by weight.

The Council will consider public comments at a minimum of two Council meetings prior to making any final recommendations to the Regional Administrator under the provisions for abbreviated rulemaking cited above. If the Regional Administrator concurs, the measures will be published as a final rule in the Federal Register.

Announcement of Experimental Fishery Applications

There will be a discussion and opportunity for the public to comment on two experimental scallop fisheries proposed in conjunction with two Saltonstall/Kennedy (S/K) Grant awards. The Regional Administrator is considering issuing experimental fishing permits (EFPs) to vessels involved in each project. The Westport Scallop Corporation received an S/K Grant to demonstrate bottom seeding and off-bottom grow-out of Atlantic sea scallops in an offshore commercial setting. The proposed experimental fishery would involve collection and landing of in-shell scallops with less than 3.5 inch (89 mm) shell height to study behavior, disease, growth and

mortality related to various holding and tagging strategies. EFPs are necessary to exempt participating vessels from the prohibition on landing in-shell scallops smaller than the minimum shell height of 3.5 inches (89 mm). The results of the experimental fishing studies would be used to maximize the success of the S/K Grant funded offshore grow-out systems.

SER Enterprises received an S/K Grant to investigate finfish bycatch reduction. One commercial fishing vessel would be chartered to conduct the experiments for the project. The proposed experimental fishery would involve testing finfish excluder devices installed on commercial scallop dredge gear. An EFP is necessary to exempt the participating vessel from the days-at-sea and crew size restrictions of the scallop regulations and gear restrictions of the Northeast multispecies regulations.

Following the conclusion of the public meeting, the Council will hold a closed session for the purpose of discussing the now vacant Executive Director position.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Christopher B. Kellogg (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: October 25, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27905 Filed 10–30–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 212
Thursday, October 31, 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

Animal and Plant Health Inspection Service

[Docket No. 96–087–1]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Approved information collection extension; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection in support of the National Agricultural Pest Information System.

DATES: Comments on this notice must be received by December 30, 1996 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 96–087–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket 96–087–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION: For information on the National Agricultural Pest Information System, contact Mr. C. David McNeal, Jr., Operations Officer, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 139, Riverdale, MD 20737–1236, (301) 734–8295; or e-mail: DMcneal@aphis.usda.gov. For copies of more detailed information, contact Ms. Cathy McDuffie, APHIS' Support Services Specialist, at (301) 734–5190.

SUPPLEMENTARY INFORMATION:

Title: National Agricultural Pest Information System.

OMB Number: 0579–0010.

Expiration Date of Approval: 12/31/96.

Type of Request: Extension of a currently approved information collection.

Abstract: Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service, United States Department of Agriculture, has joined forces with the States to create a program called the Cooperative Agricultural Pest Survey. This program allows the States and PPQ to conduct surveys to detect and measure the presence of plant pests and to place survey data into a national computer-based system called the National Agricultural Pest Information System. This, in turn, allows us to obtain a more comprehensive picture of pest conditions in the United States.

The information generated by this program is used by the States to predict potential pest situations. It is used by Federal interests to promptly detect and respond to the occurrence of new pests and to record the location of those pest incursions that could directly hinder the export of U.S. farm commodities.

The Cooperative Agricultural Pest Survey employs several forms to carry out its information gathering activities. We are seeking OMB approval to continue the use of these forms.

The Cooperative Agreement is an agreement between PPQ and the States in which the States agree to participate in the Survey, and to carry out Survey activities according to our instructions.

During the course of their Survey activities, State cooperators gather a significant amount of information which must then be relayed to us either in writing, via telephone, or via computer.

We are seeking OMB approval to continue the use of these forms.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(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 our 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .0062 hours per response.

Respondents: State Cooperators.

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 601.

Estimated Total Annual Burden on Respondents: 188 hours.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection.

Done in Washington, DC, this 25th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27974 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

[Docket No. 96-084-1]

Granting of Federal Information Processing Standards (FIPS) Waiver for Digital Signature Standard

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of granting of FIPS waiver request.

SUMMARY: The Administrator of the Animal and Plant Health Inspection Service (APHIS) has granted a waiver to APHIS to use RSA digital signature technology in lieu of the Digital

Signature Standard specified by Federal Information Processing Standard 186. This waiver was made pursuant to section 111(d) of the Federal Property and Services Act of 1949, as amended (40 U.S.C. 759(d)), and in accordance with the procedures for waivers contained in Federal Information Processing Standard 186.

DATES: The waiver took effect April 2, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. John B. Belfrage, Staff Veterinarian, USDA, APHIS, VS, CEAH, 555 S. Howe St., Ft. Collins, CO 80521, (970) 490-7939, e-mail jbelfrage@aphis.usda.gov.

SUPPLEMENTARY INFORMATION: Federal Information Processing Standard (FIPS) 186, ''Digital Signature Standard,'' established a standard for generating a digital signature that can be used to verify that electronic documents originated with the signatory of the document, and to protect the entire document against unauthorized modifications of its text. FIPS 186 also allows Federal agency heads to waive use of the FIPS 186 Digital Signature Standard (DSS) under certain circumstances.

A waiver may be granted if compliance with the standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system.

A waiver may also be granted if compliance with the standard would cause a major adverse financial impact on the operator that is not offset by Government-wide savings.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) has granted a waiver for APHIS computer systems to employ the RSA digital signature algorithm instead of the DSS for electronic forms. The RSA algorithm provides document security that is at least comparable to the DSS, but unlike the DSS, the RSA algorithm is widely used in a variety of commercial software applications, making development of applications to generate secure APHIS forms feasible and cost-effective. There is very little commercial software available that employs DSS, and none that meets the current digital signature needs of APHIS. Therefore, employing the DSS would adversely affect APHIS missions that are currently beginning to rely on secure electronic documents, such as animal health certificates. The DSS would also cause major adverse financial impacts on the agency, because the cost of developing new software employing DSS would be many times the cost of using existing commercial software that employs the RSA algorithm.

In accordance with the requirements of FIPS 186 and section 111(d) of the Federal Property and Services Act of 1949, as amended (40 U.S.C. 759(d)), notice of this waiver has been sent to the National Institutes of Standards and Technology, United States Department of Commerce; to the Committee on Government Operations of the House of Representatives; and, to the Committee on Government Affairs of the United States Senate.

Done in Washington, DC, this 28th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27977 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Eastern Washington Cascades Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades PIEC Advisory Committee will meet on November 14, 1996 in Campbell's Conference Center (River Room), 104 W. Wooden, Chelan, Washington. The meeting will begin at 9:00 a.m. and continue until 4:00 p.m. The focus of this meeting will be to discuss riparian zone and grazing management under the Northwest Forest Plan. All Eastern Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington 98807, 509–662–4335.

Dated: October 25, 1996.

Sonny J. O'Neal,

Forest Supervisor, Wenatchee National Forest.

[FR Doc. 96–27928 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Departee Creek Watershed, Independence and Jackson Counties, Arkansas

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Departee Creek Watershed, in Independence and Jackson Counties, Arkansas.

FOR FURTHER INFORMATION CONTACT: Thomas H. Wehri, State Conservationist, Natural Resources Conservation Service, Room 5404, Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72201, Telephone (501) 324–5445.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Thomas H. Wehri, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood prevention. Alternatives under consideration to reach this objective include two upland dams and conservation easements in the floodplain for wetland restoration.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Further information on the proposed action may be obtained from Thomas H. Wehri, State Conservationist at the above address and telephone number.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Dated: October 18, 1996.

Kalven L. Trice,

Deputy State Conservationist.

[FR Doc. 96–27959 Filed 10–30–96; 8:45 am]

BILLING CODE 3210–16–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102496A]

North Pacific Fishery Management Council; Committee Meeting

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

ACTION: Notice of meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Improved Retention/Improved Utilization (IR/IU) Committee will meet November 14–15, 1996, in Seattle, WA.

DATES: The meeting will be held on November 14–15, 1996, beginning at 9:00 a.m. on November 14, and concluding by 5:00 p.m. on November 15.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Room 2079, Building 4, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The Committee's agenda will include the following:

(1) Discussion of issues associated with implementation of IR/IU regulations for the Bering Sea/Aleutian Islands groundfish fisheries.

(2) Discussion of the current vessel incentive program and how it will interact with the IR/IU program.

(3) Preparation of an outline of an IR/IU program for the Gulf of Alaska groundfish fisheries for Council review in December.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: October 25, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27978 Filed 10–30–96; 8:45 am]

BILLING CODE 3510–22–F

[Docket No. 960412111–6297–04; I.D. 102396C]

RIN 0648–ZA20

West Coast Salmon Fisheries; Northwest Emergency Assistance Plan—Washington Salmon License Buy Out

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

ACTION: Final program notice.

SUMMARY: NMFS issues this notice to describe the final program requirements and to respond to comments on proposed bidding options for the 1996 Washington Salmon License Buy Out (WSLB). Pursuant to the authority under the Interjurisdictional Fisheries Act (IFA), the Secretary of Commerce (Secretary) has made funds available to the Washington Department of Fish and Wildlife (WDFW) to buy out salmon permits. The objectives of the program are to provide financial assistance to commercial salmon fishermen adversely impacted by the salmon fishery disaster, and to aid the long-term viability of the fishery resource.

DATES: Effective upon October 25, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Freese, (206) 526–6113.

SUPPLEMENTARY INFORMATION: On August 2, 1995, the Secretary declared that a fishery resource disaster continued in 1995 for the salmon fisheries of the Pacific States of California (north of San Francisco), Oregon, and Washington, excluding Puget Sound. Under the authority of the IFA of 1986 (16 U.S.C. 4107(d)), as amended, an additional $12.7 million in Federal financial assistance was made available for affected salmon fishermen, of which $5.25 million was set aside for a WSLB program. However, the Governor of Washington has requested that $50,000 be transferred to the Data Collection Jobs Program for use in a troll data collection study. If approved, this $50,000 will be taken from the funds initially allocated for the purchase of troll licenses, and will reduce the 1996 WSLB funds available to $5.2 million. The Secretary already provided $4 million for a similar program in 1995, bringing the total amount allocated to license buy outs to $9.2 million. (See Federal Register notice of October 11, 1994 (59 FR 51419), with subsequent amendments published on January 31, 1995 (60 FR 3908), and June 22, 1995 (60 FR 32507)).

On April 23, 1996, NMFS published a Federal Register notice (61 FR 17879) that provided the public with notice of a proposed WSLB program and requested comment on four proposed bidding options. The August 1, 1996, final notice (61 FR 40197) announced the final description for the Northwest Emergency Assistance Plan (NEAP) Habitat Restoration Program and the Data Collection Jobs Program, but cited state and local concerns and a lack of public consensus as grounds for the agency's deferral of the final decision on a buy out program until new bidding options were developed and the public was given notice and an opportunity to comment.

NMFS and the State of Washington then worked together to develop two new options that were similar to the options presented in the April 23, 1996, Federal Register notice, but with important differences. One difference was that the calculation of uninsured loss was no longer necessary under the recently amended IFA. (The IFA was amended during the public comment period associated with the April 23, 1996 notice.) This calculation was replaced by an analogous calculation, ''salmon disaster impact'' (SDI), which is equal to 2.5 times the difference between a fisherman's highest gross salmon fishery income derived from fishing during any calendar year 1986 through 1991 (base year), and the sum of the least amount of gross salmon fishery income derived from commercial salmon fishing during any calendar year from 1991 through 1995 (comparison year). The use of SDI in place of an uninsured loss determination puts similar restrictions on new participants as were placed on the original participants in the 1995 WSLB. Another difference was that the two new options placed lower ceilings on the maximum amount a fisherman can receive for his permit.

The following options were presented for public comment in the notice of August 29, 1996 (61 FR 45408).

Option 1—License holders may offer their licenses for any amount up to $40,000 or their SDI, whichever is less. Licenses will be purchased starting with the lowest bid. In the event of a tie, preference will be given to the fisherman with the highest SDI.

Option 2—License holders may offer their licenses for any amount up to $50,000 or their SDI, whichever is less.

Bids will be ranked according to the offer ratio. The offer ratio is the division of the offer amount by the SDI. Licenses will be ranked and purchased starting with those bids that have the lowest offer ratios. In the event of a tie between identical offer ratios, the lowest offer will be given preference. Successful participants cannot purchase or operate another Washington State commercial salmon troll, salmon delivery, Gray's Harbor-Columbia River salmon gillnet, Willapa Bay-Columbia River salmon gillnet, or salmon charter license for 10 years beginning January 1, 1997, unless the license was owned or operated by that person in 1995.

Comments and Responses

In response to the August 29, 1996, notice of proposed program, NMFS received 17 comment letters, two from fishing associations and 15 from fishermen, covering 15 comments.

Comment 1: The definition of ''fishing income'' should be revised to include only fishing income from Washington deliveries because including income from Oregon and California deliveries is unfair for fishermen who only have a Washington license. If Oregon or California implement buy out programs, only landings in those states should count for fishing income. Furthermore, the commenter felt that successful bidders to the 1995 and 1996 buy out programs should not be able to qualify for future programs.

Response 1: Redefinition of ''fishing income'' as income from Washington deliveries would affect those fishermen who have also invested in licenses from other states. The resource conditions underlying the Secretary's two disaster declarations in Northern California, Oregon, and Washington have also affected these investments in other states. Furthermore, both NMFS and the State of Washington agree that the current definition of ''fishing income'' should be maintained in order to expand participation in the 1996 WSLB, maintain consistency with the 1995 WSLB and with the other NEAP programs, minimize the paperwork burden on fishermen, and avoid further delay in implementing the 1996 WSLB. The design and implementation of future buy out programs will depend on the relevant state and Federal regulations, funding sources, public needs, and state and Federal policy concerns.

Comment 2: The base years should be changed to the years 1975 to 1980 and the comparison years should be changed to the years 1981 to 1996 to reflect the sharp decline in the Washington troll fishery that occurred in 1981–82.

Response 2: The Secretary's 1995 declaration limits the disaster period, or comparison years, to the years 1991 through 1995. Using years prior to 1986 for the ''good'' years, or base years, especially the years 1975 to 1980, would not be representative of the potential earnings fishermen would normally expect to earn, absent the disaster. Prices, general stock levels, fisheries management practices, user group allocations and the number of participants for the 1986–91 period differed greatly from the 1975–80 period. Furthermore, after numerous consultations with affected fishermen, a general consensus developed around using 1986–90 as the base years for calculation of losses due to the salmon resource disaster. A review of pertinent fishing data also supports using these years for comparison with the disaster years outlined in the prior NEAP-related Federal Register notices.

Comment 3: Six commenters opposed Option 2's ten-year license purchase exclusion, especially since fishermen who participated in the 1995 WSLB were allowed to purchase new Washington permits. Two commenters supported the exclusion provision, and one commenter stated that such an exclusion should have been imposed from the beginning of the program.

Response 3: The 1995 License Buy Out Program was intended to achieve two goals: (1) To compensate commercial fishermen for uninsured lost income, and (2) to aid the long-term viability of the fishery resource. Each salmon license has the same potential capacity for producing effort because licenses are transferable among fishermen and vessels. Given the high number of slightly active permit holders, the 1995 WSLB was predicated on removing the maximum number of permits in order to have the greatest effect on capacity. This reflected a concern that, if high prices were paid for licenses, many productive fishermen would participate in the program and then return to the fishery by purchasing a low-priced permit from a marginal producer. This concern was countered, however, by numerous industry comments that the 1995 program focused only on the marginal producer. Therefore, Option 2 is designed to enhance the participation of more productive fishermen, who arguably have been most impacted by the resource disaster. The 10-year license ownership and operation prohibition has two purposes: (1) To achieve the NEAP goal of capacity reduction and prevent capacity recycling, since less capacity, in the form of fewer permits, is likely to exit the fishery due to the higher prices and limited government funds; and (2) to provide an adequate and reasonable counterbalance to those who may submit and receive higher offers. While the 1996 WSLB enhances the competitiveness of high offers, which some members of the public believe will disadvantage smaller bidders, this enhanced competitiveness is offset by the 10-year license purchase or operation prohibition.

Comment 4: Long term relief for unsuccessful bidders should be better defined.

Response 4: Implementation of the 1996 WSLB will exhaust all available funds under the NEAP and the IFA and future Federal programs will depend on additional appropriations. However, a long-term benefit does accrue to unsuccessful bidders, regardless of future funding. The fishermen who remain in the fishery will face decreased competition as a result of the buy out, and the decreased capacity should also accelerate stock recovery.

Comment 5: Option 1 provides the greatest benefits to the greatest number of fishermen.

Response 5: Offers submitted under Option 1 would probably be lower, thereby enabling the government to retire more permits and compensate a greater number of fishermen. Conversely, higher prices would be paid under Option 2, leading to fewer licenses being purchased. Option 2 intended to counterbalance concerns that purchasing the maximum number of permits effectively excludes from competition many of those who suffered the greatest losses. However, under either option, all eligible fishermen may participate and ultimately, the competition among bidders will determine who benefits and to what extent. Likewise, under either option, the WSLB may directly benefit those who exit the fishery, but will also indirectly benefit those remaining fishermen who will face fewer competitors on the fishing grounds and in the marketplace.

Comment 6: Commenters both supported and opposed a lower maximum offer limit for the 1996 WSLB. Four commenters complained that the maximum offer limits were too low, arguing that they are offering up a lifetime fishing career, and some will be using NEAP funds for retirement purposes. One commenter stated that, under Option 2, if the 1996 WSLB maximum amounts equal the maximum amount paid under the 1995 program, 1996 participants would make a greater sacrifice, because they would be excluded from the fishery for 10 years but would receive no greater

compensation than the 1995 participants. On the other hand, another commenter stated that, in order to attract the major producers, the maximum offer amount should be at least $100,000. Many fishermen did not participate in the 1995 WSLB because the $100,000 limit was below the value of their business.

Response 6: The NEAP is a voluntary program, and as with the other NEAP programs, the WSLB is not designed to be an entitlement or retirement program. However, after consideration of the public comments, input from state and local officials, and analysis of the 1995 WSLB program, both NMFS and the State of Washington agree that a maximum offer limit of $75,000 is appropriate. This represents a compromise between the proposed $50,000 limit and the 1995 limit—the lower of $100,000 or 75 percent of the fisherman's uninsured loss. Raising Option 2's maximum offer limit to $75,000 may increase the number of participants who suffered greater impacts from the salmon fishery disaster, and better offsets their exclusion from the fishery for 10 years. On the other hand, a $75,000 maximum offer limit may also lead to higher offers, thereby increasing the competitiveness of offers made by participants with lower salmon disaster impacts.

Comment 7: Several commenters discussed Option 2. One commenter criticized Option 2, arguing that for many vessels, the comparison year income will be zero due to fishery closures. Therefore, the commenter claimed that Option 2 is biased in favor of larger boats that were better able to generate high base year income and consequently higher SDIs. Another commenter supported Option 2, stating that full-time fishermen deserve to be bought out.

Response 7: Developing a ranking system acceptable to all groups is difficult, especially given the polarization of the industry into two groups—those with high SDIs and those with low SDIs. NMFS recognizes that most successful bidders under the 1995 WSLB suffered relatively low uninsured losses. NMFS proposed Option 2 in response to public comments that those with greater losses, and who are arguably most dependent on the fishery, deserve a better chance to participate in the program. Option 2 allows all eligible fishermen to participate but also factors in the impacts of the resource disaster upon each participant.

Comment 8: One commenter felt that exceptions should be made to Option 2's qualifying criteria, which base offers upon earnings history, to allow new license holders to use the past earnings history of previous owners of the license.

Response 8: The IFA limits assistance to commercial fishermen who are affected by the fishery resource disaster. Fishermen who have entered the fishery during the disaster period through the purchase of permits and vessels are presumed to have been relatively unaffected by the disaster, since they were not fishing when the disaster period occurred, and did not watch their long-term investment decline.

Comment 9: One commenter thought that the unsuccessful bidders to the 1995 WSLB should be given preference.

Response 9: As discussed in the Federal Register notice of August 29, 1996 (61 FR 45408), neither the 1995 WSLB notice nor any other notice stated that fishermen who failed to participate in the 1995 program would be excluded or disadvantaged in future programs. Furthermore, NMFS has the discretion to create new grant programs with the same or different terms, limitations, and conditions, even with related funding sources and similar program goals.

Comment 10: The NEAP funding should be audited.

Response 10: All government financial assistance programs are subject to audit. Currently, Commerce's Office of Inspector General is reviewing the NEAP.

Comment 11: NMFS should offer a set buy back offer of $5,000 to $8,000 for those that do not have much of a history in the fishery.

Response 11: The recommendation may have merit in terms of reducing the number of latent permits outstanding and assisting new entrants to the fishery. However, as stated in previous Federal Register notices, NMFS believes that assistance under the NEAP should be closely linked with individual's loss or SDI.

Comment 12: One commenter claimed that the Puget Sound Gillnet fishery needs a fishing capacity reduction program and questioned why the Puget Sound Gillnet fishery was the only Washington State commercial salmon fishery excluded from the program.

Response 12: Puget Sound was excluded because the factors underlying the fishery resource disaster declared by the Secretary on May 26, 1994, were not deemed to have extended to Puget Sound. Coastal and Columbia River salmon fisheries suffered the greatest declines during the 1991–95 disaster period. In contrast, Puget Sound gillnetters recorded substantial landings in 1994 and no sufficient data indicate a natural resource disaster in Puget Sound in 1995.

Comment 13: One commenter charged that Washington State is siphoning off money under the guise of administrative costs.

Response 13: One of the primary objectives of NEAP has been to hold down administrative costs. NMFS believes that the State of Washington has performed its administrative duties with a minimal degree of overhead costs. Under the 1995 WSLB, NMFS allocated $300,000 to WDFW for administrative costs. WDFW spent only 3 percent, or $119,000, of the $4 million grant award on administrative costs, and used the balance to purchase additional permits. The 1996 WSLB provides $250,000 for administrative costs, with the remaining $5 million for license buy out payments for fishermen. If NMFS approves the Governor of Washington's request to transfer $50,000 from the WSLB to the Data Collection Jobs Program, WDFW will have $4.95 million available for license buyouts.

Comment 14: Two commenters wanted the offer ranking system to take into account the number of years a fisherman has held and operated a Washington license, because long-time fishermen have suffered more due to the salmon resource disaster. Furthermore, they argued that older fishermen have fewer career options or may have not been able to generate as high an SDI as younger fishermen.

Response 14: The emphasis of the WSLB is on compensating losses, not seniority. The program strives to achieve the maximum degree of fairness with respect to the losses suffered.

Comment 15: One commenter claimed that the NEAP fails to account for the economic damage caused to salmon markets and to trade associations—two top priority areas that need to be addressed.

Response 15: NMFS and the State of Washington are aware that the salmon resource disaster has affected other salmon-related businesses. However, the NEAP was funded under the IFA, which authorizes assistance to persons engaged in commercial fisheries, which the Secretary has limited to commercial fishermen only.

Final 1996 WSLB Description

The 1996 WSLB has two goals: (1) To compensate commercial fishermen for harm suffered from the salmon resource disaster, and (2) to aid the long-term viability of the fishery resource. In establishing the 1996 WSLB, NMFS has considered comments from state officials and the public, the results of the 1995 program, and the constraints of the legal authority under which the program operates.

Based on the above considerations, NMFS has selected Option 2 as the model on which to base the 1996 WSLB. Option 2 provides greater opportunity for more productive fishermen to exit the fishery, and prevents the removed fishing capacity from cycling back into the fishery for 10 years. Furthermore, as mentioned above, the 1996 WSLB differs from the 1995 WSLB in important aspects. The 1996 WSLB will be based on a fisherman's SDI, which is equal to 2.5 times the difference between a fisherman's highest gross salmon fishery income derived from fishing during any calendar year 1986 through 1991 (base year), and the sum of the least amount of salmon fishery income derived from commercial salmon fishing during any calendar year from 1991 through 1995 (comparison year). Fishermen can use the same information they developed for the 1995 WSLB to determine their SDI. In addition, a competitive offer ranking system will be used, and participants who receive buy outs will be prohibited from purchasing or operating a commercial salmon license for 10 years, unless the participant owned that license in 1995.

Eligibility Criteria

To be eligible, the applicant must fulfill the following requirements:

1. Must have possessed or was eligible to possess one of the following Washington State commercial salmon fishery licenses in 1994 and possessed the same license in 1995:

a. Salmon troll license;

b. Salmon delivery license;

c. Salmon gill net—Grays Harbor-Columbia River;

d. Salmon gill net—Willapa Bay-Columbia River; or

e. Salmon charter.

2. Must demonstrate an SDI greater than $0.

3. Must not have earned more than $2,000,000 in net revenues annually from commercial fishing for the period between 1991 and 1994.

Bidding Procedure

License holders may offer their licenses for any amount up to $75,000 or their SDI, whichever is less. Offers will be ranked according to the offer ratio. The offer ratio is the division of the offer amount by the SDI. Licenses will be ranked and purchased starting with those offers that have the lowest offer ratios. In the event of a tie between identical offer ratios, the lowest offer will be given preference. Successful participants cannot purchase or operate another Washington State commercial salmon troll, salmon delivery, Gray's Harbor-Columbia River salmon gillnet, Willapa Bay-Columbia River salmon gillnet, or salmon charter license for 10 years beginning January 1, 1997, unless the license was owned or operated by that person in 1995.

Additional Terms, Limitations, and Conditions

A license holder may offer more than one license, but income used in the calculation of an offer that is accepted may not be used in the calculation of any other offer. Licenses will be purchased in order of ranking until funds are exhausted. The State of Washington, in consultation with NMFS, will reserve the right to reject any and all offers if it is determined by NMFS that such action is in the best interests of the program or if revisions to the program are warranted in the future. Proprietary information submitted by applicants will only be disclosed to state and Federal officials who are responsible for the NEAP, or otherwise when required by court order or other applicable law. This information is subject to the Freedom of Information Act.

Example of Bidding Procedure

Step 1: Determine SDI

Step 1A: Base Year Selection:

Select the highest year of gross income during the base period 1986 through 1991. For Fisherman A, this is $38,000. For Fisherman B, this is $8,000.

Step 1B: Comparison Year Selection:

Select the lowest year of gross income during the comparison year of 1991 though 1995. For fisherman A, this is $3,000. For Fisherman B, this is $0.

Step 1C: Subtraction

Subtract the selected comparison year gross income from the selected base year income. For Fisherman A, this is $38,000 minus $3,000, or $35,000. For Fisherman B, this is $8,000 minus $0, or $8,000.

Step 1D: Multiplication

Multiply the difference between the comparison year and base year gross income by 2.5. For Fisherman A, this is $35,000 multiplied by 2.5, or $87,500. For Fisherman B, this is $8,000 multiplied by 2.5, or $20,000.

Step 1E: SDI Determination

SDI is the result of steps 1A through 1D. Fisherman A's SDI is $87,500 (($38,000 − $3,000)×2.5=$87,500). Fisherman B's SDI is $20,000 (($8,000 − $0)×2.5=$20,000).

Step 2: Determine Maximum Offer Amount

The maximum offer amount is $75,000 or the fisherman's SDI, whichever is less. Fisherman A's SDI is $87,500, which is greater than $75,000. Therefore, Fisherman A's maximum bid is limited to $75,000 because $75,000 is the maximum any fisherman can receive. Fisherman B's maximum bid is $20,000 because his SDI is less than $75,000.

Step 3: Determine Bid

Fishermen can choose to submit an offer that ranges from $1 up to their maximum offer limit. Fisherman A's range is from $1 to $75,000. Fisherman B's range is from $1 to $20,000.

Ranking of Bids

If both Fisherman A and Fisherman B elected to submit their respective maximum offers, Fisherman A's offer would be the first accepted because the 0.857 ($75,000/$87,500) offer ratio is less than 1.0. If Fisherman B elected to submit an offer of $11,000, then Fisherman B's offer ratio would be 0.550 ($11,000/$20,000). Because Fisherman B's offer ratio is lower than Fisherman A's offer ratio, Fisherman B's offer would be accepted first. In the event of a tie with identical offer ratios, preference will be given to the fishermen with the lowest offer amount. If Fisherman A submits an offer of $75,000 (ratio=.857) and Fisherman B submits an offer of $17,140 (ratio=.857), Fisherman B's offer would be accepted first because it is less than Fisherman A's offer.

Catalogue of Federal Domestic Assistance

The program is listed in the *Catalogue of Federal Domestic Assistance* under No. 11.452, Unallied Industry Projects.

Classification

This action has been determined to be not significant for purposes of E.O. 12866. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this notice would not have a significant economic impact on a substantial number of small entities because only a small portion of West Coast salmon fishermen will be directly affected. NMFS estimates that only approximately 3.6 percent of the industry will receive financial assistance through the WSLB. Therefore, the impacts of the notice are not significant within the meaning of the Regulatory Flexibility Act. They are not likely to lead to a reduction in the annual gross revenues by more than 5 percent or an increase in total costs of production by more than 5 percent, nor would this action result in any greater compliance costs.

This program involves a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by the Office of Management and Budget (OMB), under OMB control number 0648–0288. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Authority: Public Law 99–659 (16 U.S.C. 4107 *et seq.*); Public Law 102–396.

Dated: October 24, 1996.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27902 Filed 10–25–96; 4:48 pm]

BILLING CODE 3510–22–W

DEPARTMENT OF DEFENSE

Department of the Army

Programmatic Environmental Impact Statement: Destruction of Non-Stockpile Chemical Warfare Materiel Containing Chemical Agent

AGENCY: Department of the Army, Department of Defense.

ACTION: Announcement of public scoping meetings.

SUMMARY: The Department of the Army (DA) with this announcement is providing the dates, times, and locations of five regional public scoping meetings to be held in the vicinity of Salt Lake City, Utah; Newport, Indiana; San Antonio, Texas; Huntsville, Alabama; and Tampa, Florida. The purpose of these meetings is to solicit public input on the scope of DA's Programmatic Environmental Impact Statement (PEIS) on the Destruction of Non-Stockpile Chemical Warfare Materiel containing chemical agent. The Department of the Army announced its intent to prepare the PEIS in the October 18, 1996, Federal Register (61 FR 54421–54424) and initiated the public scoping process for the PEIS. The PEIS is being prepared in accordance with the National Environmental Policy Act, as amended.

DATES: Written and oral comments on alternative strategies and their components (treatment, storage, transportation, and destruction/disposal) and the important environmental issues that should be evaluated in the PEIS are invited. Comments should be provided by February 28, 1997, to ensure consideration. Comments received after this date will be considered to the extent practicable.

To facilitate public participation and comment on the proposed scope of the PEIS, the Army will hold five regional public scoping at: Holiday Inn Airport, Salt Lake City, Utah on November 14, 1996; Rockville National Guard Armory, Rockville, Indiana on December 5, 1996; Red Lion Hotel, 37 Northeast Loop 410, San Antonio, Texas on December 11; Huntsville Hilton Inn, 401 Williams Avenue, Huntsville, Alabama on January 16, 1997; and Hyatt Regency Tampa, Two Tampa City Center, Tampa, Florida on January 23, 1997.

These meetings will utilize an open-house format where the public can obtain information, discuss concerns, and make comments. Each meeting will run from approximately 3:00 p.m. to 9:00 p.m. on the date specified. Program and PEIS overview presentations will be given at approximately 4:00 p.m., 6:00 p.m., and 8:00 p.m., and at other times as dictated by public attendance. The preceding meeting dates, times, and locations will also be announced in appropriate news media.

ADDRESSES: Written comments on the scope of the PEIS should be sent to Program Manager for Chemical Demilitarization, ATTN: SFAE–CD–NP (Mr. Dragunas/PEIS), Aberdeen Proving Ground, Maryland 21010–5401. Comments on the scope of the PEIS may also be made by calling the toll-free telephone number, 1–800–410–9901.

FOR FURTHER INFORMATION CONTACT: Program Manager for Chemical Demilitarization, ATTN: SFAE–CD–NP (Mr. Dragunas/PEIS), Aberdeen Proving Ground, Maryland 21010–5401. Requests for further information may also be made by calling the toll free telephone number, 1–800–4410–9901.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OHSA (I,L&E).

[FR Doc. 96–27980 Filed 10–30–96; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Notice of Availability of Record of Decision for Hood River Fisheries Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of record of decision.

SUMMARY: Bonneville Power Administration (BPA) is making available for public information the Record of Decision for the Hood River Fisheries Project. The Environmental Impact Statement for this project was previously made available.

BPA proposes to protect and improve anadromous salmonid populations in the Hood River Basin. These actions are proposed in an attempt to mitigate the losses of fish and wildlife associated with the construction and operation of Federal hydro-power facilities in the Columbia River Basin. The proposed project would be located in Hood River, Hood River County, Oregon. BPA prepared an EIS in accordance with the requirements of the National Environmental Policy Act, and the Council on Environmental Quality regulations implementing NEPA, and the Department of Energy NEPA Regulations.

ADDRESSES: If you would like to receive a copy of the Hood River Fisheries Project ROD, please call BPA's toll-free document request line: 1–800–622–4520.

FOR FURTHER INFORMATION, CONTACT: If you have any questions on this ROD, please contact Tom Morse, Project Manager at (503) 230–3694.

PUBLIC AVAILABILITY: This ROD will be distributed to all interested and affected persons and agencies.

Issued in Portland, Oregon on October 24, 1996.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 96–27963 Filed 10–30–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulation Commission

[Docket No. CP97–36–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

October 25, 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' 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. W–4583 in Ritchie 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. 96–27908 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

[Docket No. CP97–44–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

October 25, 1996.

Take notice that on October 18, 1996, Equitrans, L.P. (Equitrans), 3500 Park Lane, Pittsburgh, PA 15275, filed in Docket No. CP97–44–000 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' blanket certificate issued in Docket No. CP83–508–000 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 one delivery tap on Equitrans field gathering pipeline No. W–1630 in Tyler County, WV. The tap will be instituted to provide transportation deliveries to Equitable Gas for ultimate distribution to one residential customer. Equitrans projects that the quantity of gas to be delivered through the proposed delivery tap will be approximately 1 Mcf on a peak day.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27909 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–221–071]

Frontier Gas Storage Company; Notice of Sale Pursuant to Settlement Agreement

October 25, 1996.

Take notice that on October 18, 1996, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., N.W., Suite 800, Washington, D.C. 20004, in compliance with provisions of the Commission's February 13, 1985, Order in Docket No. CP82–487–000, *et al.*, submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to a daily quantity of 50,000 MMBtu, not to exceed 5 Bcf of Frontier's gas storage inventory on an ''as metered'' basis to Enron Capital & Trade Resources Corporation, for term ending September 30, 1997.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985, Order, Frontier is ''authorized to commence the sale of its inventory under such an executed service agreement fourteen days after filing the agreement with the Commission, and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter.''

Any person desiring to be heard or to make a protest with reference to said filing should, within 10 days of the publication of such notice in the Federal Register, file with the Federal Energy Regulatory Commission (888 1st Street N.E., Washington, D.C. 20426) a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 or 385.211. 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 proceding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27906 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–9–001]

Koch Gateway Pipeline Company; Notice of Revised Filing

October 25, 1996.

Take notice that on October 22, 1996, Koch Gateway Pipeline Company (Koch Gateway) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective November 1, 1996:

Substitute Fourteenth Revised Sheet No. 20
Substitute Thirteenth Revised Sheet No. 21
Substitute Fourteenth Revised Sheet No. 22
Substitute Fourteenth Revised Sheet No. 24

Koch Gateway states that the purpose of this filing is to revise the Appendix contained in its October 1, 1996 filing in this docket. The corrected Appendix reflects the interest plus principal that was approved for recovery by the Commission in Docket No. RP95–30–004.

Koch states that copies of the filing are being served upon all parties on the official service list created by the Secretary in Docket No. RP97–9–000.

Any person desiring to protest this filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27918 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT97–6–000]

Mississippi River Transmission Corporation; Notice of Refund Report

October 25, 1996.

Take notice that on October 18, 1996, Mississippi River Transmission Corporation (MRT) submitted a refund report reflecting the flowthrough of the Gas Research Institute (GRI) refund received by MRT on June 28, 1996.

MRT states that pursuant to the 1993 GRI settlement, MRT has credited such refund proportionally to its firm customers of non-discounted service based on the GRI surcharges those customers paid during the calendar year 1995. MRT states that each customer's credit, including interest, was refunded by check issued on or about October 15, 1996.

MRT states that a copy of this filing is being mailed to each of MRT's affected customers and the State commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must 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 available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27912 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–331–004]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 25, 1996.

Take notice that on October 22, 1996, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Original Sheet No. 6B, to be effective November 1, 1996.

National Fuel states that the filing is made to implement a firm storage agreement between National Fuel and Westcoast Gas Services (U.S.A.), Inc. (Westcoast), that provides for negotiated rates pursuant to GT&C Section 17.2 of National Fuel's tariff and the Commission's policy regarding negotiated rates. National Fuel states that under its agreement with Westcoast, firm storage service would be provided under its FSS Rate Schedule at a formula rate based upon the difference between the price of gas at Niagara, as published by Gas Daily, applicable at the time of injection, and such price applicable at the time of withdrawal. The specific formula is set forth in the agreement, which accompanies National Fuel's tariff filing.

National Fuel states that it is serving copies of the filing on its firm customers and interested State commissions. National Fuel also states that copies are also being served on all interruptible customers as of the date of the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27917 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–407–010]

Questar Pipeline Company; Notice of Tariff Filing

October 25, 1996.

Take notice that on October 21, 1996, Questar Pipeline Company (Questar), in compliance with the Commission's October 7, 1996, letter order in Docket Nos. RP95–407–008, tendered for filing and acceptance the following tariff sheets to become effective as shown:

Listing of Proposed Tariff Sheets to be effective February 1, 1996

First Revised Volume No. 1

Fourth Substitute Alternate Fifth Revised Sheet No. 5
Third Substitute Fifth Revised Sheet No. 6
Second Substitute Third Revised Sheet No. 6A
Second Substitute First Revised Sheet No. 13
Second Substitute Second Revised Sheet No. 14
Fifth Revised Sheet No. 40
Second Substitute Second Revised Sheet No. 92
Second Substitute First Revised Sheet No. 92A
Third Substitute First Revised Sheet No. 98
Third Substitute Original Sheet No. 98A
Third Substitute Original Sheet No. 98B
Substitute Third Revised Sheet No. 172
Substitute Third Revised Sheet No. 173

Original Volume No. 3

Third Substitute Fifteenth Revised Sheet No. 8

Listing of Proposed Tariff Sheet to be effective August 15, 1996

First Revised Volume No. 1

Substitute First Revised Sheet No. 80
Substitute First Revised Sheet No. 80A
Substitute Second Revised Sheet No. 81

Questar states that the proposed tariff sheets (1) reflect the FERC citation that is applicable to the Commission's order issued July 1, 1996, in Docket No. RP95–407, –006, –007 and (2) revise the Table of Contents as directed by the Commission in the October 7 letter order.

Questar states further that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Wyoming Public Service Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulation's. 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. 96–27916 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2869–000]

State Line Energy L.L.C.; Notice of Issuance of Order

October 25, 1996.

State Line Energy, L.L.C. (State Line) submitted for filing a rate schedule under which State Line will engage in wholesale electric power and energy transactions as a marketer. State Line also requested waiver of various Commission regulations. In particular, State Line requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by State Line.

On October 17, 1996, the Commission issued a letter order that granted the 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 State Line 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, State Line 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 State Line'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 18, 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. 96–27911 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–42–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 25, 1996.

Take notice that on October 18, 1996, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective November 17, 1996.

Trunkline states that this filing, made in accordance with the provisions of Section 154.202 of the Commission's Regulations, is to implement Rate Schedule LFT for Limited Firm Transportation service pursuant to Trunkline's blanket certificate authorization under Section 284.211 of the Commission's Regulations. Accordingly, this filing includes tariff sheets for the new Rate Schedule and certain conforming revisions to the General Terms and Conditions to reflect the addition of Rate Schedule LFT to the services Trunkline makes available to its shippers.

Trunkline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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. 96–27919 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2715–000]

UGI Power Supply, Inc.; Notice of Issuance of Order

October 25, 1996.

UGI Power Supply, Inc. (UGI Power) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, UGI Power requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by UGI Power. On October 11, 1996, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's October 11, 1996 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (G):

(D) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by UGI Power 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.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, UGI Power is hereby authorized, pursuant to Section 204 of the FPA, to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some unlawful object within the corporate purposes of UGI Power, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of UGI Power's issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 12, 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. 96–27910 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. OR97–2–000]

Ultramar Inc. v. SFPP, L.P.; Notice of Complaint

October 25, 1996.

Take notice that on October 21, 1996, pursuant to sections 9, 13(1), and 15(1) of the Interstate Commerce Act of 1887 (49 U.S.C. §§ 9, 13(1), 15(1), Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), and the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings (18 CFR 343.1(c)), Ultramar Inc. (Ultramar) tendered for filing a complaint against charges collected by SFPP, L.P. (SFPP) for the pipeline transportation of petroleum products.

Ultramar complains against charges collected under Tariffs Nos. 15, 16, 17, and 18 (and their successor tariffs) for transportation over SFPP's West Line system from Watson Station in California to destination points in Arizona and to an intermediate point in California.

Ultramar complains that as a result of changed economic circumstances, the foregoing charges have been and are unjust, unreasonable, and unduly discriminatory and preferential in violation of sections 1(5), 8, and 15(1) of the Act. 49 U.S.C. §§ 1(5), (8), 15(1). Ultramar seeks the refund of all such unlawful charges collected by SFPP and the establishment of rates that are just, reasonable, and non-discriminatory.

Ultramar requests that the Commission (1) investigate the rates collected by SFPP for transportation through the West Line, (2) order refunds to Ultramar to the extent that the Commission finds that the rates are unlawful, (3) determine and prescribe just, reasonable, and non-discriminatory rates for the West Line, and (4) award Ultramar reasonable attorney's fees and costs.

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, NE., Washington, DC 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 25, 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 25, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27914 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT97–1–000]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 25, 1996.

Take notice that on October 18, 1996, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets with the proposed effective date of November 18, 1996:

Second Revised Sheet No. 222

WNG states that this filing is being made pursuant to Order Nos. 566, et seq. and 18 CFR 250.16 and 284.10. References to the Commission's regulations contained on Sheet No. 222 are being updated to reflect changes made in Order No. 566.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing 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 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 determing the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to 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. 96–27913 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG97–4–000, et al.]

Brooklyn Navy Yard Cogeneration Partners, L.P., et al.; Electric Rate and Corporate Regulation Filings

October 25, 1996.

Take notice that the following filings have been made with the Commission:

1. Brooklyn Navy Yard Cogeneration Partners, L.P.

[Docket No. EG97–4–000]

On October 18, 1996, Brooklyn Navy Yard Cogeneration Partners, L.P., 366 Madison Avenue, Suite 1103, New York, New York 10017, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended by Section 711 of the Energy Policy Act of 1992.

The applicant is a corporation that will be engaged directly and exclusively in owning and operating an eligible facility under construction in Brooklyn, New York. The facility consists of a 315 MW (net) topping-cycle cogeneration facility fueled primarily by natural gas. The facility includes such interconnection components as are necessary to interconnect the facility with the facilities of the applicant's wholesale customers. Applicant has previously been found to be an exempt wholesale generator. This filing requests a new determination of status, in light of the intent of one of applicant's wholesale power customers to use electricity purchased from applicant for two other uses.

Comment date: November 14, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Milford Power Limited Partnership

[Docket No. ER93–493–006]

Take notice that on October 1, 1996, Milford Power Limited Partnership tendered for filing notice of utility affiliate pursuant to the Commission's September 17, 1993, order in this proceeding.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Vermont Electric Transmission Company, Inc.

[Docket Nos. ER96–76–000 and ER96–77–000]

Take notice that on October 7, 1996, Vermont Electric Transmission Company, Inc. tendered for filing an

amendment in the above-referenced dockets.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Company

[Docket No. ER96–2671–000]

Take notice that Certificate of Concurrences were filed on October 15, 1996 by Washington Water Power Company and October 21, 1996 by Colockum Transmission Company in the above-referenced docket.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Northern Indiana Public Service Company

[Docket No. ER97–170–000]

Take notice that on October 18, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Electric Clearinghouse, Inc.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Electric Clearinghouse, Inc. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Electric Clearinghouse, Inc. request a waiver of the Commission's sixty-day notice requirement to permit an effective date of November 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northern Indiana Public Service Company

[Docket No. ER97–171–000]

Take notice that on October 18, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Industrial Energy Applications, Inc.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Industrial Energy Applications, Inc. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepted for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Industrial Energy Applications, Inc. request a waiver of the Commission's sixty-day notice requirement to permit an effective date of November 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Power and Light Company

[Docket No. ER97–172–000]

Take notice that on October 18, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing an Agreement dated October 14, 1996, establishing National Gas & Electric LP as a point-to-point transmission customer under the terms of WP&L's Transmission Tariff.

WP&L requests an effective date of October 14, 1996, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. The Dayton Power and Light Company

[Docket No. ER97–173–000]

Take notice that on October 18, 1996, The Dayton Power and Light Company (Dayton), submitted a service agreement establishing Carolina Power & Light (CP&L), as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of October 4, 1996 for this filing for the service agreement. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon CP&L and the Public Utilities Commission of Ohio.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. PacifiCorp

[Docket No. ER97–174–000]

Take notice that on October 18, 1996, PacifiCorp, tendered for filing, in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Exhibit A (Revision No. 19, effective September 30, 1995) to the February 25, 1976 Transmission Agreement (PacifiCorp Rate Schedule FERC No. 123) between PacifiCorp and Tri-State Generation and Transmission Association, Inc. (Tri-State).

Exhibit A specifies the projected maximum integrated demand in kilowatts which Tri-State desires to have transmitted to its respective points of delivery by PacifiCorp.

Copies of this filing were supplied to Tri-State, the Wyoming Public Service Commission, the Public Utility Commission of Oregon and the Washington Utilities and Transmission Commission.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company

[Docket No. ER97–175–000]

Take notice that on October 18, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a Purchase and Sales Agreement between Louisville Gas and Electric Company (LG&E) and Enron Power Marketing, Inc., pursuant to LG&E's Rate Schedule GSS.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER97–176–000]

Take notice that on October 18, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Minnesota Power & Light Company.

Cinergy and Minnesota Power & Light Company are requesting an effective date of October 15, 1996.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER97–177–000]

Take notice that on October 18, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Citizens Lehman Power Sales.

Cinergy and Citizens Lehman Power Sales are requesting an effective date of October 15, 1996.

Comment date: November 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27948 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EC96–36–000, et al.]

Enron Corp. and Portland General Corporation, et al.; Electric Rate and Corporate Regulation Filings

October 23, 1996.

Take notice that the following filings have been made with the Commission:

1. Enron Corp. and Portland General Corporation

[Docket No. EC96–36–000]

Take notice that on October 16, 1996, Enron Corp. supplemented its September 20, 1996 filing. Enron Corp. tendered for filing an Amended and Restated Agreement and Plan of Merger and Notice of General Corporation along with a Joint Proxy Statement/Prospectus.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Hidro Operaciones Don Pedro S.A.

[Docket No. EG97–3–000]

On October 17, 1996, Hidro Operaciones Don Pedro S.A. (''Hidro Operaciones'') filed with the Federal Energy Regulatory Commission (''Commission'') an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Hidro Operaciones will be the operator of a 14 MW eligible facility owned by P.H. Don Pedro S.A. to be located in the Sarapiqui District of Alajuela Province, Costa Rica. Hidro Operaciones has entered into an operations and maintenance agreement (''O&M Agreement'') whereby Hidro Operaciones will, among other things, perform services related to the day-to-day operation of the Facility at the direction of P.H. Don Pedro S.A. In performing these services, Hidro Operaciones will be acting in effect as the agent of P.H. Don Pedro S.A. and, therefore, will be ''selling electric energy at wholesale'' pursuant to Section 365.3(a)(1)(iii) of the Commission's Regulations.

Comment date: November 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Potomac Electric Power Company

[Docket No. ER97–48–000]

Take notice that on October 15, 1996, the Potomac Electric Power Company (Pepco) asked to withdraw its filing of a power sales agreement dated and filed October 4, 1996. The transaction was in fact conducted pursuant to Pepco's FERC Electric Tariff No. 1 and a service agreement with the customer, GPU Service Corp., already on file with the Commission.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Pennsylvania Power & Light Company

[Docket No. ER97–75–000]

Take notice that on October 8, 1996, Pennsylvania Power & Light Company (PP&L) filed a Service Agreement, dated October 3, 1996, with Electric Clearinghouse, Inc. (Electric) for non-firm point-to-point transmission service under PP&L's Open Access Transmission Tariff. The Service Agreement adds Electric as an eligible customer under the Tariff.

PP&L requests an effective date of September 9, 1996, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Electric and to the Pennsylvania Public Utility Commission.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Company

[Docket No. ER97–148–000]

Take notice that on October 16, 1996, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company's FERC Electric Tariff No. 5, Open Access Transmission Tariff, between Western Power Services, Inc. and Idaho Power Company.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Company

[Docket No. ER97–149–000]

Take notice that on October 16, 1996, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company's FERC Electric Tariff, Second Revised, Volume No. 1 between ConAgra Energy Services, Inc. and Idaho Power Company.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER97–150–000]

Take notice that on October 16, 1996, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company's FERC Electric Tariff, Second Revised, Volume No. 1 between Benton Company PUD and Idaho Power Company.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Florida Power & Light Company

[Docket No. ER97–164–000]

Take notice that on October 17, 1996, Florida Power & Light Company (FPL), tendered for filing a proposed notice of cancellation of an umbrella service agreement with Orlando Utilities Commission for Firm Short-Term transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed cancellation be permitted to become effective on July 9, 1996.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power & Light Company

[Docket No. ER97–165–000]

Take notice that on October 17, 1996, Florida Power & Light Company (FPL), tendered for filing a proposed notice of cancellation of an umbrella service agreement with LG&E Power Marketing for Firm Short-Term transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed cancellation be permitted to become effective on July 9, 1996.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power & Light Company

[Docket No. ER97–166–000]

Take notice that on October 17, 1996, Florida Power & Light Company (FPL), tendered for filing a proposed notice of cancellation of an umbrella service agreement with Coastal Electric Services Company for Firm Short-Term transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed cancellation be permitted to become effective on July 9, 1996.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER97–167–000]

Take notice that on October 17, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Phibro Inc.

Cinergy and Phibro Inc. are requesting an effective date of October 15, 1996.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Kansas Gas and Electric Company

[Docket No. ER97–168–000]

Take notice that on October 17, 1996, Western Resources, Inc. (Western Resources), on behalf of its wholly-owned subsidiary Kansas Gas and Electric Company (KGE), tendered for filing a Fourth Revised Exhibit B to the Electric Power, Transmission and Service Contract between KGE and Kansas Electric Power Cooperative, Inc. (KEPCo). KGE states that the filing is to update Exhibit B to reflect the installation of the Koch point of delivery. This filing is proposed to become effective October 3, 1996.

A copy of this filing was served upon KEPCo and the Kansas Corporation Commission.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Tampa Electric Company

[Docket No. ER97–169–000]

Take notice that on October 17, 1996, Tampa Electric Company (Tampa Electric), tendered for filing a letter of commitment providing for the sale of capacity and energy to the Florida Municipal Power Agency (FMPA) under Service Schedule D of the Agreement for Interchange Service between Tampa Electric and FMPA. Tampa Electric requests that the letter of commitment be made effective on December 16, 1996.

Tampa Electric also submitted a notice of termination of a preexisting letter of commitment with FMPA, effective December 31, 1996.

Copies of the filing have been served on FMPA and the Florida Public Service Commission.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Black Creek Hydro, Inc.

[Docket No. OA97–19–000]

Take notice that on October 18, 1996, Black Creek Hydro, Inc. tendered for filing a request for waiver of Order No. 889.

Comment date: November 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27921 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2616–004–NY]

Niagara Mohawk Power Corporation; Notice of Availability of Draft Environmental Assessment

October 25, 1996.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the office of Hydropower Licensing has reviewed the application for a new license for the Hoosic River Project located in Rensselaer and Washington counties, New York, and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection or enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2A of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix ''Hoosic River Project No. 2616–004'' to all comments. For further information, please contact Edward R. Meyer at (202) 208–7998.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27915 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–164–000 and CP96–254–000]

Tennessee Gas Pipeline Company, Distrigas of Massachusetts Corporation; Notice of Availability of the Environmental Assessment for the Proposed Tennessee Domac Projects

October 25, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Tennessee Gas Pipeline Company (Tennessee) and the vaporization facilities proposed by Distrigas of Massachusetts Corporation (DOMAC) in the above-referenced dockets.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed facilities including:

Tennessee's proposed facilities:

• 7.4 miles of 20-inch-diameter natural gas pipeline beginning at its existing 10-inch-diameter Malden-Melrose-Revere Line 270C–300 pipeline in Saugus, crossing Revere and Malden, and ending at the DOMAC liquefied natural gas (LNG) facility in Everett, Massachusetts;

• two new valve stations, one at milepost (MP) 0.0 at the northern end of the pipeline in Saugus, Massachusetts and one at MP 3.3 in Malden, Massachusetts (about 400 feet northeast of Maplewood Street); and

• a new meter station and odorization system at MP 7.4 at the southern end of the pipeline at DOMAC's facility in Everett, Massachusetts.

DOMAC's proposed facilities:

• two shell and tube hot water vaporization trains, each with a nominal capacity rating of 75 million cubic feet per day;

• three submerged motor LNG booster pumps (including one installed spare);

• about 660 feet of 12-inch-diameter natural gas sendout pipeline; and

• auxiliary equipment located in separate buildings required to operate the vaporization trains, including boilers, water circulation pumps, electrical switchgear, and a distributed control system.

The purpose of the Tennessee's proposed facilities would be to transport up to 90,000 decatherms per day of natural gas on a firm basis for DOMAC. The purpose of DOMAC's proposed facilities would be to increase reliability and meet the anticipated need for increased LNG vaporization capacity.

The EA has been placed in the public files of the FERC and is available for public inspection. A limited number of copies are available for distribution from: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. Written comment must reference Docket Nos. CP96–164–000 and CP96–254–000, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Comments should be filed as soon as possible, but must be received no later than November 25, 1996 to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Ms. Lauren O'Donnell, Environmental Project Manager, Room 72–57, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about this project is available from Ms. Lauren O'Donnell, Environmental Project Manager.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27907 Filed 10–30–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5643–7]

Agency Information Collection Activities: Proposed Collection; Comment Request

Total Human Exposure in Arizona: A Comparison of the Border Communities and the State; and Exposure of Children to Pesticide in Yuma Co., Arizona. Supplemental Studies related to NHEXAS Arizona Study.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that EPA is planning to submit a revision of the following Information Collection Request (ICR) to the Office of Management and Budget (OMB): Total Human Exposure in Arizona: A Comparison of the Border Communities and the State (Total Human Exposure); and Exposure of Children to Pesticide in Yuma Co. Arizona (Exposure of Children), EPA ICR No. 1702.03, OMB Control No. 2080–0053, expiring 7/31/98. Before submitting the ICR supplement to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collections as described below.

DATES: Comments must be submitted on or before December 30, 1996.

ADDRESSES: Interested persons may obtain a copy of the ICR without charge by contacting: Gary Robertson (ASB), U.S. EPA, NERL, P.O. Box 93478, Las Vegas, NV 89193. Electronic copies are available by contacting Mary Kay O'Rourke at maryk@hrp.arizona.edu.

FOR FURTHER INFORMATION CONTACT: Gary Robertson (ASB), U.S. EPA, NERL, P.O.Box 93478, Las Vegas, NV 89193 (Border Community Exposure Study), or Chris Saint, U.S. EPA, 401 M Street SW (8723), Washington, D.C. 20460 (Exposure of Children study).

PROJECT ABSTRACTS:

Border Community Exposure Study

There are concerns among border communities that their exposures are high relative to other parts of the country. These communities believe they encounter elevated exposures related to their proximity to Mexico. Associated with increased exposure is a community-wide fear of increased health effects. Currently, there are no data available to validate this perception of elevated exposure among border communities. A project called NHEXAS (National Human Exposure Assessment Survey) is currently underway in the State of Arizona (NHEXAS AZ). In NHEXAS AZ, multiple media (air, soil, house dust, skin, food and beverages, water, blood and urine) will be evaluated to determine contributions to the exposure through the various pathways (inhalation, absorption, ingestion). The proposed Arizona Border Study will enable comparison of Border exposures with those from adjacent non-border areas (NHEXAS AZ). In the Arizona Mexico Border Study, exposure information will be gathered directly from subjects, from environments frequented by subjects (primarily home environments) and from public records. Questionnaires will be employed to characterize the study population, evaluate common practices believed to contribute to exposures and evaluate potential bias in the study due to non-participation. Blood and urine samples will be gathered directly from the subjects and concentrations of target pollutants will be measured. Additional concentrations of target pollutants will be measured from the air, dust, soil, water and home environments. Duplicate diets (regardless of food and beverage source) will be collected. Investigators will also include data from

public records containing usable information on target pollutants (in air, water, soil) which will be used where available. Exposure assessment models will be generated using direct and surrogate measures varying in the intensity of detail. Total exposure models to the pollutants sampled during the study (VOCs, Metals, Pesticides and PAHs) will be developed. These models will be associated with multi-media contact. Probabilistic exposure models developed by NHEXAS AZ will be applied to this proposed border population study. These models will be fine tuned to reflect the differences between the two study populations as needed. The precision and accuracy of the previously developed models will be tested with the independent data obtained from the border population. The objectives of these models are to estimate the multi-media pollutant exposures to the subject and determine the sources of inter-individual variability.

Exposure of Children Study

Yuma County is responsible for growing much of the nation's fresh fruit and vegetable supply during the winter months. These crops are tended by seasonal and migrant laborers who frequently live near the edge of the fields with their families. Many of these pesticides are pyrethroids, some are dinitroanilines. Further, diazinon and Chlorpyrifos are used in many of these substandard dwellings to combat termites and roaches. As a result, children living in these homes are at great risk for routine exposure to pyrethroids and cholinesterase inhibitors.

We propose a study of 300 children recruited from the Valley Health Clinic, a primary care provider that serves primarily low income Hispanic and Cocopah. A pesticide use questionnaire will be administered in the clinic and 100 families will be selected for multi-media sampling for pyrethroids and OPs in their homes. All 300 children will be evaluated for cholinesterase inhibitors. We expect to sample the households of the upper 50% for pesticides. We will sample air, dust, surfaces and the children's hands. To model ''total'' exposure, we will supplement these databases with regional information garnered while sampling for the NHEXAS project. We expect to find that children from low socioeconomic status households have greater exposure than those of the rest of the state as determined by the NHEXAS evaluation. Further, since more pesticides are used in the Yuma area, we expect to find greater pesticide exposure in Yuma than elsewhere along the US-Mexico Border.

Collection of this information is consistent with EPA's mandates in that all participation will be completely voluntary and subject identity will be held in the strictest confidence in accordance with the Human Subjects Guidelines issued by the University of Arizona. The University of Arizona has an approved assurance of compliance on file with the Department of Health and Human Services which covers this study (assurance # M–1233). Published reports will not identify any individual but be presented as summary statistics, such as points on distribution curves. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

BURDEN STATEMENT: The annual public reporting and record keeping burden for this collection of information is estimated to average 3.75 (Border Community Exposure) and 2 (Exposure of Children) hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Border Community Exposure study:

Respondents/Affected Entities: 300 families.

Estimated Number of Respondents: 300 primary respondents plus 600 secondary respondents.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 1800 hours.

Estimated Total Annualized Cost Burden: $0.

Exposure of Children study:

Respondents/Affected Entities: 300.

Estimated Number of Respondents: 300.

Frequency of Response: Once for 200 and 3 times for up to 100.

Estimated Total Annual Hour Burden: 300 hours.

Estimated Total Annualized Cost Burden: $0.

Dated: October 24, 1996.

Wayne N. Marchant,

Director, CRD–LV, Office of Research and Development.

[FR Doc. 96–27956 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5644–5]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: EPA will transfer Confidential Business Information (CBI) to its contractor, Research Triangle Institute and its subcontractors: Abt Associates, Inc.; Allison Geoscience Consultants, Inc.; HydroGeoLogic, Inc.; Research and Evaluation Associates, Inc.; and Science Applications International Corporation that has been or will be submitted to EPA under Section 3007 of the Resource Conservation and Recovery Act (RCRA). Under RCRA, EPA is involved in activities to support, expand and implement solid and hazardous waste regulations.

DATES: Transfer of confidential data submitted to EPA will occur no sooner than November 12, 1996.

ADDRESSES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments should be identified as ''Transfer of Confidential Data.''

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 703–308–7909.

SUPPLEMENTARY INFORMATION:

1. Transfer of Confidential Business Information

Under EPA Contract 68–W6–0053, RTI, and its subcontractors, will assist the Office of Solid Waste, Communications, Information and Resources Management Division, by providing technical support for: Cost Analyses of RCRA Waste Programs and Regulations; Analyses of Environmental and Human Health Effects, Cost and Risk Comparative Analyses; Regulatory Support; Data Collection and Management; Analysis Support Services; and Communications, Outreach, and Public Access. RTI, and its subcontractors, will need access to RCRA CBI submitted to the Office of Solid Waste to complete this work. Specifically, RTI and its subcontractors, need access to the CBI that EPA collects, under the authority of Section 3007 of RCRA, in Industry Studies Surveys and other studies of industries involved with waste management such as: organic and inorganic chemicals, pulp and paper, refuse and waste management, mining, mineral processing, wood preserving, petroleum refining, paint production, and cement kilns.

In accordance with 40 CFR 2.305(h), EPA has determined that RTI, and its subcontractors, require access to CBI submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is submitting this notice to inform all submitters of CBI of EPA's intent to transfer CBI to these firms on a need-to-know basis. Upon completing their review of materials submitted, RTI, and its subcontractors, will return all CBI to EPA.

EPA will authorize RTI, and its subcontractors, for access to CBI under the conditions and terms in EPA's ''Contractor Requirements for the Control and Security of RCRA Confidential Business Information Security Manual.'' Prior to transferring CBI to RTI, and its subcontractors, EPA will review and approve their security plans and RTI, and its subcontractors, will sign non-disclosure agreements.

Dated: October 7, 1996.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 96–27952 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5643–8]

Investigator-Initiated Grants: Request for Applications

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of request for applications.

SUMMARY: This notice provides information on the availability of the fiscal year 1997 investigator-initiated grants program announcement, in which the areas of research interest, eligibility and submission requirements, evaluation criteria, and implementation schedule are set forth. Grants will be competitively awarded following peer review.

DATES: Proposals must be received at the contact point on a schedule beginning January 15, 1997, through February 15, 1997, depending on the research area.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, National Center for Environmental Research and Quality Assurance (8703), 401 M Street SW, Washington DC 20460, telephone (800) 490–9194. The complete announcement can be accessed on the Internet from the EPA home page: http://www.epa.gov/ncerqa.

SUPPLEMENTARY INFORMATION: In its Request for Applications (RFA) the U.S. Environmental Protection Agency (EPA) invites research grant applications in the following areas of special interest to its mission: (1) Exploratory Research, (2) Ecosystem Indicators, (3) Issues in Human Health Risk Assessment, (4) Endocrine Disruptors, (5) Ambient Air Quality, (6) Health Effects and Exposures to Particulate Matter and Associated Air Pollutants, (7) Drinking Water, and (8) Contaminated Sediments. In cooperation with the National Science Foundation, three areas of interest to both agencies are identified: (1) Water and Watersheds, (2) Technology for a Sustainable Environment, and (3) Decision-making and Valuation for Environmental Policy.

The RFA provides relevant background information, summarizes EPA's interest in the topic areas, and describes the application and review process. Additional programs to be announced separately will involve cooperation with other agencies.

Contacts for Research Topics of Interest

Exploratory Research

- Clyde Bishop, 202–260–5727, bishop.clyde@epamail.epa.gov

Ecosystem Indicators

- Barbara Levinson, 202–260–5983, levinson.barbara@epamail.epa.gov

Issues in Human Health Risk Assessment

- Chris Saint, 202–260–1093, saint.chris@epamail.epa.gov

Endocrine Disruptors

- David Reese, 202–260–7342, reese.david@epamail.epa.gov

Ambient Air Quality

- Deran Pashayan, 202–260–2606, pashayan.deran@epamail.epa.gov

Health Effects and Exposures to Particulate Matter and Associated Air Pollutants

- Deran Pashayan, 202–260–2606, pashayan.deran@epamail.epa.gov

Drinking Water

- Sheila Rosenthal, 202–260–7334, rosenthal.sheila@epamail.epa.gov

Contaminated Sediments

- David Reese, 202–260–7342, reese.david@epamail.epa.gov

Water and Watersheds

- Barbara Levinson, 202–260–5983, levinson.barbara@epamail.epa.gov

Technology for a Sustainable Environment

- Stephen Lingle, 202–260–5748, lingle.stephen@epamail.epa.gov

Decision-making and Valuation for Environmental Policy

Deborah Hanlon, 202–260–2726, hanlon.deborah@epamail.epa.gov.

Dated: October 28, 1996.

Approved for publication:

Robert J. Huggett,

Assistant Administrator for Research and Development.

[FR Doc. 96–27955 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5644–4]

Allocation of Drinking Water State Revolving Fund Monies; Request for Comment

AGENCY: Environmental Protection Agency.

SUMMARY: The Environmental Protection Agency (EPA) is seeking public comment on allocation of Drinking

Water State Revolving Fund (DWSRF) monies among States.

The DWSRF program was established by the reauthorized Safe Drinking Water Act (SDWA), signed by President Clinton on August 6, 1996. The SDWA authorizes $9.6 billion for the DWSRF program through Fiscal Year 2003. For Fiscal Year 1997, EPA's budget includes $1.275 billion for the DWSRF program. On a national level, EPA's Office of Water is responsible for implementing the SDWA requirements, including the DWSRF program. As intended by Congress, the DWSRF program will be implemented largely by the States.

DWSRF capitalization grants to States for FY 1997 will be allocated based on the formula used to distribute public water system supervision grant funds in fiscal year 1995 (SDWA Section 1452(a)(1)(D)). Congress has directed that capitalization grants for fiscal year 1998 and subsequent years be distributed among States based on the results of the most recent Drinking Water Needs Survey (SDWA section 1452(a)(1)(D)(ii)). The first Drinking Water Needs Survey was conducted over the last two years with the cooperation of every State. The results of the Survey are required by the reauthorized SDWA to be published by February, 1997.

For FY 1988 and subsequent years, EPA intends to establish a formula which allocates funds to States based on the need identified for each state in the most recent Needs Survey, provided that each State will be allocated a minimum share of one percent of the funds available to the States, as required by law. EPA is requesting comment on the six options for allocation explained here. Commentators may suggest other options within the scope of the law; commentators should remember that the law requires that funds be allocated based on the results of the most recent Drinking Water Needs Survey.

DATE: EPA will accept public comment on this approach until December 2, 1996.

ADDRESSES: Send written comment on these options to Comment Clerk; Water Docket MC–4101; Environmental Protection Agency; 401 M Street, SW; Washington, D.C. 20460. Commentators are requested to submit any reference cited in their comments. Commentators are also requested to submit an original and 3 copies of their written comments and enclosures. Commentators who want receipt of their comments acknowledged should include a self addressed, stamped envelope. All comments must be postmarked or delivered by hand by [insert date 30 days after comment period opens]. No facsimiles (faxes) will be accepted.

FOR FURTHER INFORMATION CONTACT: Mr. Clive Davies (202) 260–1421.

SUPPLEMENTARY INFORMATION:

Background

The 1996 amendments to the Safe Drinking Water Act (SDWA) provide for a Drinking Water State Revolving Loan Fund (DWSRF). DWSRF funding started in fiscal year 1997 at the level of $1.275 billion. As directed by Congress, DWSRF capitalization grants to States for 1997 will be allocated based on the formula used to distribute public water system supervision grant funds in fiscal year 1995. DWSRF funding will likely continue from fiscal year 1998 through at least fiscal year 2003 (SDWA Section 1452(m)).

Congress has directed that capitalization grants for fiscal year 1998 and subsequent years be distributed among States based on the results of the most recent Drinking Water Needs Survey (SDWA Section 1452(a)(1)(D)(ii)).

Drinking Water Needs Survey

The Drinking Water Needs Survey was conducted over the last two years with the cooperation of every State. States participated in design of the survey methodology, the questionnaire, documentation requirements, and the Report to Congress (which will be published this fall). The survey examined the needs of approximately 4,000 water systems and used this information to extrapolate needs for each State. The survey included all but ten of the 795 largest systems. Site visits were performed at about 600 small systems. The result is a very precise estimate of national need that is statistically significant on a State-by-State basis.

The Drinking Water Needs Survey includes needs for Community Water Systems (CWS) only. Both CWSs and not-for-profit non-community water systems (NCWS) are eligible to receive loans from a State's DWSRF (SDWA Section 1452(a)(2)). Unfortunately, resource constraints and limitations on the quality of inventory data made it impossible to include the estimated 19,000 not-for-profit NCWSs in the survey. However, including the not-for-profit NCWSs in a grant allocation formula would not significantly affect distribution of funds. As an exercise to show that the needs of not-for-profit NCWSs would not cause significant variance, all not-for-profit NCWSs were assigned a generous need and included in a needs analysis. The change in the allocation formula as a result of this exercise proved to be insignificant.

The Needs Survey will present State-by-State needs in several ways. The bottom line of the Needs Survey is Total Need, which reflects capital costs for all drinking water infrastructure projects allowed for inclusion in the Survey. Total Need can be divided into Current Need (projects needed now to protect public health) and Future Need (projects needed over the next 20 years).

The Survey also provides an estimate of each State's Total SDWA Need. The Total SDWA Need is the capital expenditure required for compliance with SDWA regulations. For example, a new filtration plant needed for compliance with the Surface Water Treatment Rule would be counted in both the Total Need and the Total SDWA Need, while a storage tank needed to meet peak demands would be counted in the Total Need, but not in the Total SDWA Need. The Total SDWA Need is divided into Current SDWA Need (projects needed now for SDWA compliance) and Future SDWA Need (projects needed over the next 20 years for compliance with existing or proposed regulations). Proposed regulations included in the Future SDWA Need are for the Disinfectants and Disinfection Byproducts Rule (D/DBPR) and the Enhanced Surface Water Treatment Rule (ESWTR). Distribution system improvements needed for compliance with the Total Coliform Rule are considered SDWA-related needs and are included in the Total Need, but not in the Total SDWA Need.

Options

EPA has developed options for allocating DWSRF funds among States. Preliminary options were presented to State drinking water program administrators at an October 14, 1996, meeting of the Association of State Drinking Water Administrators (ASDWA), and comments from the State program administrators have been incorporated into the revised options as presented below.

It should be noted that the options outlined here are for allocation of funds among States. While the choice of an option may affect the level of funding available to each State, such a choice will not affect eligibility of individual projects for funding. Guidance for eligibility of individual projects for funding will be specified in the DWSRF Guidance.

All of the options discussed below assume that each State will receive a minimum share of one percent of the funds available to the States, as required by law. Like State grants, allocations for

the Pacific Islands, the Virgin Islands, and Washington, DC, are taken from the funds available to the States. The funds available to the States will be the level of funds appropriated by Congress, less the national set-asides, which include the allocation for Native Americans. This framework was specified by Congress in the 1996 amendments to the SDWA.

Option 1—Total Need

Option 1 is to allocate DWSRF monies to States based on each State's share of the Total Need, provided that each State receives a minimum allocation of one percent of the funds available to States, as required by the law. The Total need is the survey's bottom line and the simplest way of allocating DWSRF grant funds among States. States participating in the October 14, 1996, ASDWA meeting favored this option.

The Total Need is broad and includes all projects that were allowed for collection under the Drinking Water Needs Survey. The Total need includes projects needed now and over the next 20 years in all categories—source rehabilitation and development, storage, treatment, and transmission and distribution. Some types of need were not included in the Drinking Water Needs Survey and are therefore not included in the Total Need. Notable projects not included include those designed solely for future growth, as well as distribution system needs not associated with the Total Coliform Rule.

A formula based on the Total Need does not discriminate between categories and considers all needs equal. The Total Need includes documented projects that water systems believed were important enough to be included in the survey. Under a formula based on Total Need, projects to correct imminent public health threats (e.g., a replacement filter plant) would be given the same weight as less critical needs (e.g., replacing a storage tank that is expected to reach the end of its useful life in five years). However, a formula based on Total Need may be appropriate since the repayment stream from a DWSRF would be used to fund future projects.

Option 2—Current Need

Under Option 2, DWSRF funds would be allocated to States based on each State's share of Current Need, with each State receiving at least one percent of the funds available to States, as required by the law. Current Need is for infrastructure improvements needed now to protect public health. Current Need includes projects needed for compliance with the SDWA (''Current SDWA Needs'') and the portion of current distribution needs tied to the Total Coliform Rule.

Using Current Need as the basis for allocating DWSRF capitalization grant funds would emphasize projects needed now. Examples of Current Needs are replacement of a failing filtration plant and replacement of a storage tank that have reached the end of their useful lives. An allocation formula based on Current Need would place emphasis on Current Need, and also emphasize other important but less critical needs, such as maintenance of adequate storage.

It is impossible that using an allocation formula based on Current Need may penalize States with active enforcement or funding programs. This would be the case if such States were shown to have relatively low levels of Current Need. However, some States with active funding programs also have active capital planning processes. These States, although they may have funded many projects, have many more projects documented. They may also have had a relatively high need reflected in the Drinking Water Needs Survey (undocumented needs were not accepted) and may benefit from an allocation formula based on Current Need.

Option 3—Current SDWA Need

Under Option 3, monies would be allocated to States based on each State's share of Current SDWA Need, with each State receiving a minimum of one percent of the funds available to States, as required by the law. This approach for allocating funds deserves special attention because it deals with improvements required now to ensure compliance with drinking water regulations. Importantly, 84 percent of the Current SDWA Need is for protection against microbiological contaminants. Most of the remainder of the Current SDWA Need is for corrosion control for lead and copper, replacement of lead service lines and treatment or new sources to deal with nitrate contamination. Current SDWA Need does not include distribution need tied to the Total Coliform Rule.

Using Current SDWA Need as the basis for allocating DWSRF capitalization grant funds would emphasize the high-priority projects that fall into this category. Importantly, the 1996 amendments to the SDWA (SDWA Section 1452(b)(3)(A)) state that priority should be given to projects that address the most serious risks to human health and to projects that will ensure compliance with the SDWA.

Option 4—Total SDWA Need

Under Option 4, monies would be allocated to States based on each State's share of Total SDWA Need, with each State receiving a minimum of one percent of the funds available to States, as required by the law. This component of the need includes the Current SDWA Need and Future SDWA Need—both are for improvements required by SDWA regulations. Future SDWA need includes projects needed over the next 20 years for compliance with existing regulations. Future SDWA Need also includes projects for the proposed D/DBPR and ESWTR. Total SDWA Need does not include distribution need tied to the coliform rule.

Using Total SDWA Need as the basis for allocating DWSRF capitalization grant funds would emphasize the high priority of SDWA projects and also give emphasis to projects for compliance with proposed regulations. Please note that the capital need for future regulations is based on national regulatory impact analysis estimates. These estimates used EPA's best knowledge of existing infrastructure and the paths that water systems will likely use to attain compliance. The need for proposed regulations is divided among States based solely on the number of systems in given size categories in each State. It does not factor in geographical differences. Estimates for proposed regulations are rough and not as good as the estimates of need for existing regulations from the Drinking Water Needs Survey.

Options 1 through 4 outline the range of possibilities for use as the basis of a grant allocation formula. Because each has limitations, a hybrid option may be more suitable. The following are examples of hybrid formulas. EPA seeks comment on appropriate hybrid formulas for allocation of DWSRF funding.

Option 5—Hybrid of Current Need and Current SDWA Need

A hybrid formula using the Current Need and Current SDWA Need (e.g., a formula based on 50 percent Current Need and 50 percent Current SDWA Need) would take advantage of the positives of both approaches. The Current Need component of the hybrid formula would take into account all projects needed now that were included in the Drinking Water Needs Survey. The Current SDWA Need component would place emphasis on the projects required now for compliance. Additionally, distribution need associated with the Total Coliform Rule could be factored in.

Option 6—Hybrid to Emphasize Small System Need

Small water systems will likely have a greater need for DWSRF monies than larger systems that have better access to other sources of funding. Small water systems have a comparatively high per-household need and analysis of data shows that small water systems have more trouble than other systems in maintaining compliance with drinking water regulations.

A formula could be constructed to give extra weight to small systems, which could be defined as systems serving fewer than 10,000, or 3,300, or some other level, as appropriate. For example, 50 percent of the formula could be based on Total Need (or Current Need, or Current SDWA Need) and the other 50 percent could be based on the Total Need (or Current Need, or Current SDWA Need) of systems serving fewer than 10,000 persons. Such a formula could include or exclude distribution need tied to the coliform rule.

Dated: October 23, 1996.

Cynthia C. Dougherty,

Director, OGWDW.

[FR Doc. 96–27953 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5644–3]

Notice of Proposed Administrative Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, Regarding the Photech Superfund Site, Rochester, New York

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (''EPA'') Region II announces a proposed administrative settlement pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h), relating to the Photech Superfund Site (''Site'') in Rochester, New York. This Site is not on the National Priorities List established pursuant to Section 105(a) of CERCLA. This notice is being published to inform the public of the proposed settlement and of the opportunity to comment.

The settlement, memorialized in an Administrative Cost Recovery Agreement (the ''Agreement''), is being entered into by EPA and W. Daniel Johnson (''Johnson''). EPA's past and projected response costs at or in connection with the Site do not exceed $500,000, excluding interest. Under the Agreement, Johnson will reimburse EPA $50,000 for its response costs at the Site.

DATES: EPA will accept written comments relating to the proposed settlement until December 2, 1996.

ADDRESSES: Comments should be sent to the individual below. Comments should reference the Photech Superfund Site and EPA Index No. II–CERCLA–96–0203. For a copy of the Agreement, contact the individual listed below.

FOR FURTHER INFORMATION CONTACT: Brian E. Carr, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, NY 10007–1866, telephone: (212) 637–3170.

Dated: October 18, 1996.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96–27954 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

October 25, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before December 30, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0119.

Title: Section 90.145 Special temporary authority.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 6,000.

Estimated Time Per Response: .5 hours.

Total Annual Burden: 3,000 hours.

Total Annual Cost: 0.

Needs and Uses: The reporting requirement contained in Section 90.145 is necessary to determine if a grant of a Special temporary authorization (STA) is warranted and to allow the Commission to have certain minimum information about the radio station's characteristics should interference problems arise. In the absence of this requirement, applicants would be unable to meet their special and emergency needs for communications since they would have to go through the full written application process specified by section 308(b) of the Communications Act of 1934, as amended.

OMB Approval Number: 3060–0286.

Title: Section 80.302 Notice of discontinuance, reduction, or impairment of service involving a distress watch.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit, individuals or households, non-profit institutions, state and local governments.

Number of Respondents: 160.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 160 hours.

Total Annual Cost: 0.

Needs and Uses: The reporting requirement contained in Section 80.145 is necessary to ensure that the U.S. Coast Guard is timely notified when a coast station, which is responsible for maintaining a listening watch on a designated marine distress and safety frequency, discontinues, reduces or impairs its communications services. This notification allows the Coast Guard to seek an alternate means of providing radio coverage to protect the safety of life and property at sea or object to the planned diminution of service. The information is used by the U.S. Coast Guard district office nearest to the coast station. Once the Coast Guard is aware that such a situation exists, it is able to inform the maritime community that radio coverage has or will be affected and/or seek to provide coverage of the safety watch via alternate means. When appropriate the Coast Guard may file a petition to deny an application.

Federal Communications Commission.

William F. Caton,

Acting, Secretary.

[FR Doc. 96–27937 Filed 10–30–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

* * * * *

Federal Register Number: 96–27502

Previously Announced Date & Time: Thursday, October 31, 1996, 10:00 a.m., Meeting open to the public

The following item was deleted from the Agenda: FY 1997 Management Plan.

* * * * *

DATE AND TIME: Tuesday, November 5, 1996 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, November 7, 1996 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 1996–45: Representative Lucille Roybal-Allard.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Signed:

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 96–28059 Filed 10–29–96; 11:19 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–009648A–078.

Title: Inter-American Freight Conference.

Parties:

A.P. Moller-Maersk Line
Compania Sud Americana de Vapores, S.A.
Crowley American Transport, Inc.
A/S Ivaran Rederi
Companhia Maritima Nacional
Companhia de Navegacao Lloyd Brasileiro
Empresa Lineas Maritimas Argentinas
Empresa de Navegacao Alianca S.A.
Frota Amazonica S.A.
Columbus Line
Hanjin Shipping Company, Ltd.
Transroll/Sea-Land Joint Service
Transportacion Maritima Mexicana

Synopsis: The proposed modification limits the geographic scope of Section C of the Agreement to cover Brazilian ports south of and including Fortaleza. The modification also proposes to create a new Section E of the Agreement to cover Brazilian ports north of Fortaleza.

Dated: October 28, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–27970 Filed 10–30–96; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Miami Cargo Freight Forwarders, 2917 N.W. 82nd Avenue, Miami, FL 33122, Officer: Lourdes C. Lopez, President

Emery Global Logistics, Inc., One Lagoon Drive, Suite 400, Redwood City, CA 94065, Officers: David I. Beatson, President; Edward J. Kelly, Vice President.

Dated: October 28, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–27938 Filed 10–30–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 25, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Summit Bancorp, Princeton, New Jersey; to merge with B.M.J. Financial Corp., Bordentown, New Jersey, and thereby indirectly acquire The Bank of Mid-Jersey, Bordentown, New Jersey.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Compass Bancshares, Inc., Birmingham, Alabama, Compass Banks of Texas, Inc., Birmingham, Alabama, and Compass Bancorporation of Texas, Inc., Wilmington, Delaware; to merge with Greater Brazos Valley Bancorp, Inc., College Station, Texas, and Greater Brazos Valley Delaware Bancorp, Inc., Dover, Delaware, and thereby indirectly acquire Commerce National Bank, College Station, Texas.

C. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Deerwood Bancshares, Inc., Deerwood, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Deerwood Bancorporation, Deerwood, Minnesota, and thereby indirectly acquire First National Bank of Deerwood, Deerwood, Minnesota.

In connection with this application, Applicant also has applied to engage in general insurance agency activities in a town with a population of less than 5,000, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in Deerwood, Minnesota.

Board of Governors of the Federal Reserve System, October 25, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–27936 Filed 10-30-96; 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 14, 1996.

A. Federal Reserve Bank of Boston, (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Bank of Boston Corporation, Boston, Massachusetts, The Bank of New York Company, Inc., New York, New York, The Chase Manhattan Corporation, New York, New York, Citicorp, New York, New York, First Union Corporation, Charlotte, North Carolina, Fleet Financial Group, Inc., Providence, Rhode Island, The Governor and Company of the Bank of Ireland, Dublin, Ireland, The Royal Bank of Scotland Group plc, Edinburgh, Scotland, The Royal Bank of Scotland, plc, Edinburgh, Scotland, Citizens Financial Group, Inc., Providence, Rhode Island, HSBC Holdings plc, London, United Kingdom, HSBC Holdings BV, Amsterdam, Netherlands, HSBC Americas, Inc., Buffalo, New York, and National Westminster Bank plc, London, England; to engage *de novo* through their subsidiary, NYCE Corporation, Woodcliff Lake, New Jersey, in data processing and related services (including transaction switching) in connection with the distribution through electronic banking terminals of: (1) public transportation tickets; (2) event and attraction tickets; (3) gift certificates; (4) prepaid telephone cards; (5) other forms of alternate media that evidence a cardholder's prepayment for goods or services; and (6) other forms of alternate media, the dispensing of which is the automated equivalent of a customary banking activity such as distributing money orders, mutual fund shares and insurance policies under circumstances permitted by law, *Banc One Corporation*, (82 Fed. Res. Bull. 848 (1996).

Board of Governors of the Federal Reserve System, October 25, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–27935 Filed 10–30–96; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Study to Assess the Effectiveness of Commission Divestiture Orders Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Proposed collection; comment request.

SUMMARY: The FTC invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

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. The FTC publishes this notice containing proposed information collection requests prior to submission of this request to OMB.

The FTC is soliciting public comments on the proposed collection of information. The FTC is especially interested in comments from members of the public and affected agencies concerning the proposed collection of information to: (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 agency's 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.

Title: Study of the Effectiveness of the Commission's divestiture orders.

Type of review: New.

Frequency: Once.

Affected public: Businesses.

Reporting and Recordkeeping Hour Burden:

Responses: Approximately 410.

Burden Hours: Approximately 1,000.

Abstract: This study is designed to assist the Commission in evaluating the effectiveness of its merger enforcement actions. Specifically, the study will inform the Commission about whether to modify its current divestiture procedures so as to make divestitures more timely and effective. The study includes some collection of information from the public by means of telephone interviews, requests for documents, and a limited questionnaire. All interviews will be conducted on a voluntary basis. All information will be collected on a voluntary basis.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the study. They also will become a matter of public record.

DATES: Comments on the proposed study must be submitted on or before December 30, 1996.

ADDRESSES: Written comments should be addressed to Elaine W. Crockett, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Room 598, Washington, DC 20580. Requests for copies of the proposed information requirements should be addressed to: Kenneth Davidson, Compliance Division, Bureau of Competition, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Kenneth Davidson, Compliance Division, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580 (202) 326–2863.

By direction of the Commission.

Donald S. Clark,

Secretary.

Questionnaire

Specification Number 1: In the chart below, provide annual net sales in dollars and units of [describe the product] for five years beginning the year before the [description of the divestiture]. Describe the units used. Describe how ''net sales'' were calculated. If the company's fiscal year is not the calendar year, describe the company's fiscal year and provide the data requested for the company's fiscal year closest to the calendar year requested. If requested data are not available, provide estimated data and describe the basis upon which the estimates were made.

	19–[1]	19–[2]	19–	19–	19–
Annual net sales ($$$)					
Annual net sales (units)					

[1] Company's fiscal year the year before the divestiture occurred.
[2] Company's fiscal year the year the divestiture occurred.

Specification Number Two: Provide interim and annual income statements and balance sheets for the divested assets for each of five years beginning the year before [describe the divestiture] occurred. If such statements were not produced in the course of business for the divested assets then provide these statements for the smallest business unit that contains said assets that were produced in the course of business.

Outline of Questions for Buyer of Assets to be Divested

1. The Divestiture Process
   a. How were you made aware of the order and the divestiture?
   b. Terms of the sales purchase agreement/lease
   c. Difficulties
   d. Did you get everything you were entitled to under the order and the sales purchase agreement, e.g. technical assistance, supply agreement, all assets.
   e. Did you get everything you expected to get under the order? The sales purchase agreement?
   f. When did the divestiture actually occur?
   g. Continuing relationship with respondent?
   h. How did the divestiture fit into your business?
2. The Operation of the Assets
   a. Have you ever operated the assets to make [product]
   b. How quickly were you able to get into the market?
   c. Current operation in the market
   d. Market data
   e. Market changes from time of acquisition until the present
3. Acquirer's Assessment of Divestiture/Order.

[FR Doc. 96–27940 Filed 10–30–96; 8:45 am]

BILLING CODE 6750–01–M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 09/30/96 AND 10/11/96

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Reliance Steel & Aluminum Co., Mervin Pregulman, Siskin Steel & Supply Company, Inc	96–2921	09/30/96
Reliance Steel & Aluminum Co., Robert S. Siskin, Siskin Steel & Supply Company, Inc	96–2923	09/30/96
Kirtland Capital Partners II L.P., The British Petroleum Company plc, Unifrax Corporation	96–2959	09/30/96
U.S. Office Products Company, Sofco, Inc. Employee Stock Ownership Plan, Sofco-Mead, Inc	96–2975	09/30/96
Red Lion, a California limited partnership, Doubletree Corporation, Doubletree Corporation	96–2977	09/30/96
Doubletree Corporation, Red Lion, a California Limited Partnership, Red Lion Hotels, Inc	96–2978	09/30/96
UtiliCorp United Inc., The Dow Chemical Company, Oasis Pipe Line Company	96–2979	09/30/96
Praxair, Inc., Parry Corporation, Parry Corporation	96–2830	10/01/96
Unison HealthCare Corporation, David A. Kremser, Signature HealthCare Corporation	96–2990	10/01/96
The Sherwin-Williams Company, Robert Reiner, Sunshine Quality Products, Inc	96–3008	10/01/96
Minnesota Power & Light Company, Thomas and Susan Friedkin, Gulf States Automotive Remarketing, Inc	96–2964	10/02/96
Belk Brothers Company, Leggett of Virginia, Inc., Leggett of Virginia, Inc	96–2985	10/02/96
New Rio, L.L.C., Calvin Klein, Inc., Calvin Klein, Inc	96–2986	10/02/96
United Magazine Company, George R. Klein, Geo. R. Klein News Co	96–2987	10/02/96
Phillips Publishing International, Inc., Knowledge Sciences, Inc., Knowledge Sciences, Inc	96–2988	10/02/96
W.A. Thomas Company, Inc., SPX Corporation, SPX's Hy-Lift Division	96–2989	10/02/96
The Viscount Rothermere, Southam Inc., Southex Exhibitions, Inc	96–2992	10/02/96
United Auto Group, Inc., Charles A. Standefer, Standefer Motor Sales, Inc	96–2998	10/02/96
Pillowtex Corporation, Fieldcrest Cannon, Inc., Fieldcrest Cannon, Inc	96–3002	10/02/96
Physician Sales & Service, Inc., Diagnostic Imaging, Inc., Diagnostic Imaging, Inc	96–3012	10/02/96
Heilig-Meyers Company, Self Service Furniture, Inc., Self Service Furniture, Inc	96–3015	10/02/96
Northwestern Public Service Company, Stephen R. Plaster Trust, Empire Energy Corporation	96–2947	10/03/96
Archer-Daniels-Midland Company, Donald G. Brouillette, Demeter, Inc	96–2983	10/03/96
Aktieselskabet Potague (a Danish company), American Concrete Products, Inc., American Concrete Products, Inc	96–2736	10/04/96
Graham-Field Health Products, Inc., Brierley Investments Limited (a New Zealand company), Everest & Jennings International Ltd	96–2918	10/04/96
Brierley Investments Limited, Graham-Field Health Products, Inc., Graham-Field Health Products, Inc	96–2919	10/04/96
Modern Health Affiliates, Inc., Riverview Healthcare Services Corporation, Riverview Healthcare Services Corporation	96–2912	10/07/96
Modern Health Affiliates, Inc., The Ocean Health System, Inc., The Ocean Health System, Inc	96–2913	10/07/96
Union Pacific Corporation, Electrafina S.A. (a Belgian company), Rockland Pipeline Company	96–3001	10/07/96
Sumitomo Corporation, Laramie Tire Distributors, Inc., Laramie Tire Distributors, Inc	96–3009	10/07/96
Sumitomo Corporation, Hoffman Tire Co., Inc., Hoffman Tire Co., Inc	96–3010	10/07/96
Esselte, AB, Stephen J. McCoy, New England Card & Index Company	96–3016	10/07/96
Wingate Partners, L.P., Lagasse Brothers, Inc., Lagasse Brothers, Inc	96–3018	10/07/96
Mercury, Inc., William L. Henning, Sr., Cameron Communication Corporation	96–3023	10/07/96
Cypress Merchant Banking Partners, L.P., AMTROL Inc., AMTROL Inc	96–2852	10/08/96
William L. Henning, Sr., Mercury, Inc., Mercury, Inc	96–3024	10/08/96
Steven Dinetz or Hicks, Muse, Tate & Furst Equity Fund, Steven M. Rales, Equity Group Holdings	96–3027	10/08/96
Steven Dinetz or Hicks, Muse, Tate & Furst Equity Fund, Mitchel P. Rales, Equity Group Holdings	96–3028	10/08/96
Quorum Health Group, Inc., Tuscora Park Health Services Corporation, Tuscora Park Health Services Corporation	96–3031	10/08/96
Steelcase Inc., Robert C. Spradlin, Contract Interiors, Inc	96–3032	10/08/96
Questor Partners Fund, L.P., Ryder System, Inc., Ryder Truck Rental, Inc., Ryder Move Management, Inc	96–3040	10/08/96
AccuStaff, Incorporated, Career Horizons, Inc., Career Horizons, Inc	96–3047	10/08/96
HEALTHSOUTH Corporation, ReadiCare, Inc., ReadiCare, Inc	96–3054	10/08/96
Lowell W. Paxson, The Moody Bible Institute of Chicago, The Moody Bible Institute of Chicago	96–3057	10/08/96
Scudder Family Voting Trust for ANI, Kenneth R. Thomson, Thomson Newspapers, Inc	96–3061	10/08/96
Mr. Sven A. Behrendt, Solectron Corporation, Solectron Corporation	96–3064	10/08/96
Solectron Corporation, Mr. Sven A. Behrendt, Force Computers Inc	96–3065	10/08/96
Premier Parks Inc., Elitch Gardens Company, Elitch Gardens Company	96–3068	10/08/96
Colonial Data Technologies Corp., WorldCorp, Inc., US Order, Inc	96–3074	10/08/96
WorldCorp, Inc., Colonial Data Technologies Corp., Colonial Data Technologies Corp	96–3075	10/08/96
Marmon Holdings, Inc., Laurence Bettcher, Bettcher Industries, Inc., Protective Wear Division	97–0007	10/08/96
Raycom Media, Inc., AFLAC Incorporated, WITN–TV, Inc. and AFLAC Broadcast Partners	96–3063	10/09/96
HK Systems, Inc., Western Atlas, Inc., Western Atlas, Inc	96–3014	10/10/96
Smithfield Foods, Inc., Lykes Bros. Inc., Lykes Bros. Inc	96–3066	10/10/96
Peter Munk, Trizec Corporation, Trizec Corporation	97–0008	10/11/96

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–27939 Filed 10–30–96; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Policy Division, FAR Secretariat; Stocking Change of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/FAR Secretariat is changing the stocking of the following Standard form because of low user demand:

SF 1420, Performance Evaluation—Contracts

Since this form is now authorized for local reproduction, you can obtain the updated camera copy in two ways:

On the internet. Address: http://www.gsa.gov/forms, or;

From CARM, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: FAR Secretariat, (202) 501–4755.

DATES: Effective October 31, 1996.

Dated: October 7, 1996.

Theodore D. Freed,

Standard and Optional Forms Management Officer.

[FR Doc. 96–27932 Filed 10–30–96; 8:45 am]

BILLING CODE 6820–34–M

Office of Acquisition Policy, FAR Secretariat; Creation and Stocking of Standard Form, SF 1448, Proposal Cover Sheet

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/Federal Acquisition Regulatory Council issued Standard Form, SF 1448, Proposal Cover Sheet. This form is authorized for local reproduction. You can obtain the camera copy in two ways:

On the internet. Address: http://www.gsa.gov/forms, or;

From CARM, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Olson, General Services Administration, (202) 501–3221. This contact is for information on completing the form and interpreting the FAR only.

DATES: Effective October 31, 1996.

Dated: October 2, 1996.

Barbara Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 96–27933 Filed 10–30–96; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration of Native Americans

[Program Announcement 93612–972]

ANA Environmental Mitigation Program Announcement; Extension of Closing Date for Submittal of Applications

AGENCY: Administration for Native Americans (ANA); Administration for Children and Families (ACF); Department of Health and Human Services (DHHS).

ACTION: Extension of closing date for submittal of applications under the ANA Environmental Mitigation program announcement cited above.

SUMMARY: On September 5, 1996, the Administration for Native Americans published a program announcement in the Federal Register (61 FR 46994).

This program announcement solicited applications from eligible applicants to address environmental problems and impacts caused by Department of Defense (DOD) activities to Indian lands. The closing date under this program announcement for submittal of applications is November 8, 1996.

ANA has determined based upon interest being generated by potential eligible applicants under this program announcement that insufficient time is allowed for potential applicants to prepare applications for submittal to ANA to address these environmental problems and impacts to Indian lands due to DOD activities.

Therefore, ANA will extend the due date for submission of applications under the aforementioned program announcement until March 27, 1997.

(*Catalog of Federal Domestic Assistance* number 93.612 Native American Programs)

Dated: October 16, 1996.

Martin Koenig,

Deputy Commissioner, Administration for Native Americans.

[FR Doc. 96–27979 Filed 10–30–96; 8:45 am]

BILLING CODE 4184–01–M

Requirements for Group Health Plans for Certain State and Local Government Employees—COBRA Continuation Coverage

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: This notice contains information about the recently enacted amendments to Title XXII of the Public Health Service (PHS) Act. Title XXII requires that certain State and local government employers provide certain individuals and their family members the opportunity to continue health care coverage under a group health plan in certain instances where coverage under the plan would otherwise be terminated. Under the amendments, the group health plans maintained by these employers are required to provide to employees who have elected continuation coverage notice of the changes to the statute by November 1, 1996.

DATES: Section 421 of Public Law 104–191, ''COBRA Clarifications,'' enacted amendments which will become effective on January 1, 1997, regardless of when the qualifying event (the event that leads to eligibility for COBRA continuation coverage) occurred.

See section 421(d), ''Effective Date.'' Also, section 421(e), ''Notification of Changes,'' requires that, no later than November 1, 1996, each group health plan covered under Title XXII of the PHS Act shall notify each qualified beneficiary who has elected continuation coverage of the amendments made by this section.

FOR FURTHER INFORMATION CONTACT: David Benor, Senior Attorney, Office of the General Counsel, Room 4A–53, 5600 Fishers Lane, Rockville, MD 20857. Telephone: (301) 443–2006.

SUPPLEMENTARY INFORMATION: On August 21, 1996, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) was signed into law (Pub. L. 104–191). Section 421 of HIPAA makes changes, described below, to three areas in the continuation coverage rules applicable to group health plans under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended. These three areas relate to the disability extension, the definition of qualified beneficiary and the duration of COBRA continuation coverage. These changes are effective beginning January 1, 1997, regardless of when the event occurs that entitles an individual to COBRA continuation coverage.

Section 421(e) of HIPAA requires group health plans that are subject to COBRA to notify, by November 1, 1996, individuals who have elected COBRA continuation coverage of these changes. The Department is issuing this notice to apprise State and local government employers and plan administrators of the changes in the continuation coverage rules made by HIPAA and to inform them of their obligation under HIPAA to notify qualified beneficiaries of such changes. Such notification must be given by November 1, 1996, to each qualified beneficiary who has elected continuation coverage. The following is a discussion of the specific changes in the continuation coverage rules made by HIPAA.

Disability Extension

Under current law, if an individual is entitled to COBRA continuation coverage because of a termination of employment or reduction in hours of employment, the plan generally is only required to make COBRA continuation coverage available to that individual for 18 months. However, if the individual entitled to the COBRA continuation coverage is disabled (as determined under the Social Security Act) and satisfies the applicable notice requirements, the plan must provide COBRA continuation coverage for 29 months, rather than 18 months. Under current law, the individual must be disabled at the time of the termination of employment or reduction in hours of employment. HIPAA makes changes to the current law to provide that, beginning January 1, 1997, the disability extension will also apply if the individual becomes disabled at any time during the first 60 days of COBRA continuation coverage. HIPAA also makes it clear that, if the individual entitled to the disability extension has non-disabled family members who are entitled to COBRA continuation coverage, those non-disabled family members are also entitled to the 29 month extended period of coverage.

Definition of Qualified Beneficiary

Individuals entitled to COBRA continuation coverage are called qualified beneficiaries. Individuals who may be qualified beneficiaries are the spouse and dependent children of a covered employee and, in certain cases, the covered employee. Under current law, in order to be a qualified beneficiary an individual must generally be covered under a group health plan on the day before the event that causes a loss of coverage (such as a termination of employment, or a divorce from or death of the covered employee). HIPAA changes this requirement so that a child who is born to the covered employee, or who is placed for adoption with the covered employee, during a period of COBRA continuation coverage is also a qualified beneficiary.

Duration of COBRA Coverage

Under the COBRA rules there are situations in which a group health plan may stop making continuation coverage available earlier than usually permitted. One of those situations is where the qualified beneficiary obtains coverage under another group health plan. Under current law, if the other group health plan limits or excludes coverage for any preexisting condition of the qualified beneficiary, the plan providing the COBRA continuation coverage cannot stop making the COBRA continuation coverage available merely because of the coverage under the other group health plan. HIPAA makes a coordinating change to the COBRA rules so that if a group health plan limits or excludes benefits for preexisting conditions but because of the new HIPAA rules those limits or exclusions would not apply to (or would be satisfied by) an individual receiving COBRA continuation coverage, then the plan providing the COBRA continuation coverage can stop making the COBRA continuation coverage available. The HIPAA rules limiting the applicability of exclusions for preexisting conditions become effective in plan years beginning on or after July 1, 1997 (or later for certain plans maintained pursuant to one or more collective bargaining agreements).

Notice to Employees

As indicated above, group health plans maintained by State and local government employers subject to Title XXII of the PHS Act are required to notify their qualified beneficiaries who have elected continuation coverage of the amendments described above. This notice is required to be given by November 1, 1996. This Department believes that supplying qualified beneficiaries with the information set forth above (or with a copy of this notice) would constitute compliance with the notice requirement of section 421(e) of HIPAA if this information is sent to each qualified beneficiary who has elected continuation coverage by first class mail at the last known address of the qualified beneficiary by November 12, 1996.

This Department published a notice in the Federal Register on January 7, 1987, setting forth guidance on the Title XXII requirements. 52 FR 604–606. Included as an appendix to that notice was a model statement that covered employers (or the group health plans they maintain) could provide their employees about their continuation coverage rights. We also urge these employers to modify the general notice regarding continuation coverage rights to make it consistent with the HIPAA amendments. As provided in section 2206 of the PHS Act, the group health plan maintained by these employers must provide such notice to their employees at the time of commencement of coverage under the plan; in addition, the employer, the employee, and the plan administrator have certain other notice requirements related to specific qualifying events.

Dated: October 25, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–27964 Filed 10–29–96; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 96N–0287]

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 December 2, 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, 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 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:

Investigational New Drug Application (IND) Regulations (21 CFR Part 312) (OMB Control Number 0910–0014)

FDA has the responsibility under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) to issue regulations under which the clinical investigation of the safety and effectiveness of unapproved new drugs can be conducted. The IND information requirements are needed to ensure the safe and ethical investigation of the safety and effectiveness of new drugs.

FDA is charged with implementing statutory requirements that drug products marketed in the United States be shown to be safe and effective and be properly manufactured and properly labeled for their intended uses. The act provides in section 505(a) that a new drug may not be introduced or delivered for introduction into interstate commerce in the United States unless FDA has previously approved a new drug application (NDA). FDA approves an NDA only if the sponsor of the application first demonstrates that the drug is safe and effective for the conditions prescribed, recommended, or suggested in the product's labeling. Proof must consist, in part, of adequate and well-controlled studies, including studies in humans, that are conducted by qualified experts.

The IND regulations establish reporting requirements that include an initial application as well as amendments to that application, reports on significant revisions of clinical investigation plans, and information on a drug's safety or effectiveness. In addition, the sponsor is required to give FDA an annual summary of the previous year's clinical experience. Submissions are reviewed by medical officers and other agency scientific reviewers assigned responsibility for overseeing the specific study.

The IND regulations also contain recordkeeping requirements that pertain to the responsibilities of sponsors and investigators. The detail and complexity of these requirements is dictated by the scientific procedures and human subject safeguards which must be followed in the clinical tests of investigational new drugs.

FDA estimates the burden of the information collection provisions of the IND regulations as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
312.7	7	1	7	24 hours	168
312.10	12	1	12	5 hours	60
312.23	1,623	1	1,623	100 hours	162,300
312.30	1,201	9	10,809	84 hours	907,956
312.31	880	5.64	4,963	8 hours	39,704
312.32	440	8	3,520	20 hours	70,400
312.33	1,517	2.6	3,944	450 hours	1,774,800
312.35	5	1	5	260 hours	1,300
312.36	300	1	300	5 hours	1,500
312.38	579	1.2	695	45 minutes	521
312.44	300	1	300	16 hours	4,800
312.45	205	1.4	287	5 hours	1,435
312.47	100	1	100	24 hours	2,400
312.53	4,000	1	4,000	84 hours	336,000
312.55	500	1	500	16 hours	8,000
312.56	560	2.4	1,344	84 hours	112,896
312.58	260	2.6	676	84 hours	56,784
312.64	1,500	1.3	2,000	24 hours	48,000
312.66	700	1	700	8 hours	5,600
312.83	5	1	5	160 hours	800
312.85	260	2.6	676	960 hours	648,960
312.110	30	11.6	348	24 hours	8,352
312.120(b)	560	2.4	1,344	100 hours	134,000
312.120(c)(3)	560	2.4	1,344	3 hours	4,032

There are no capital costs or operating and maintenance costs associated with this information collection.

ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
312.52	280	1	280	30 minutes	140
312.57	560	2.4	1,344	100 hours	134,400
312.59	250	2.4	600	8 hours	4,800
312.62(a)	4,000	1	4,000	40 hours	160,000
312.62(b)	4,000	10	40,000	40 hours	1,600,000
312.160(a)	250	40	10,000	30 minutes	5,000
312.160(c)	250	30	7,500	30 minutes	3,750
Total Burden Hours					6,238,858

There are no capital costs or operating and maintenance costs associated with this information collection.

Dated: October 23, 1996.

William K. Hubbard,

Associate Commissioner for Policy.

[FR Doc. 96–27993 Filed 10–30–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96F–0401]

BASF Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that BASF Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyamide-ethyleneimine-epichlorohydrin resin as a retention aid in the production of paper and paperboard intended for use in contact with dry food.

DATES: Written comments on the petitioner's environmental assessment by December 2, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 6B4501) has been filed by BASF Corp., 11501 Steele Creek Rd., Charlotte, NC 28273. The petition proposes to amend the food additive regulations in § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of polyamide-ethyleneimine-epichlorohydrin resin for use as a retention aid in the production of paper and paperboard intended for use in contact with dry food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for

public review and comment. Interested persons may, on or before December 2, 1996 submit to the Dockets Management Branch (address above) written comments. 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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: October 16, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–27994 Filed 10–30–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96D–0344]

Guidance for Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA-Derived Product or a Monoclonal Antibody Product for In Vivo Use; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance document entitled ''Guidance for Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA-Derived Product or a Monoclonal Antibody Product for In Vivo Use.'' This guidance document was prepared by the Center for Biologics Evaluation and Research (CBER) and the Center for Drug Evaluation and Research (CDER). On May 14, 1996, FDA published a final rule that amended the biologics regulations to eliminate the establishment license application (ELA) for manufacturers of certain products. Instead, a sponsor may submit a biologics license application that includes a chemistry, manufacturing, and controls (CMC) section. This guidance document is intended to assist applicants in the preparation of the CMC information for marketing applications for certain specified products, including therapeutic recombinant deoxyribonucleic acid (DNA)-derived products or monoclonal antibody products for in vivo use, as well as those recombinant DNA-derived products regulated using a new drug application submitted to CDER.

DATES: Written comments may be submitted at any time, however, to ensure comments are considered for the next revision they should be submitted by January 29, 1997.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Guidance for Industry for the Submission of Chemistry, Manufacturing, and Controls Information for a Therapeutic Recombinant DNA-Derived Product or Monoclonal Antibody Product for In Vivo Use'' to the Manufacturers Assistance and Communications Staff (HFM–42), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. The document may also be obtained by mail or fax by calling the CBER Fax Information System at 1–888–223–7329.

Persons with access to Internet may obtain the document in several ways. Users of ''Web Browser'' software, such as Mosaic, Netscape, or Microsoft Internet Explorer may obtain this document via the World Wide Web by using the following Uniform Resource Locators (URL's):

http://www.fda.gov/cber/cberftp.html
ftp://ftp.fda.gov/CBER/

The document may also be obtained via File Transfer Protocol (FTP). Requestors should connect to the FDA FTP Server, FTP.FDA.GOV (192.73.61.21.). The CBER documents are maintained in a subdirectory called ''CBER'' on the server. Logins with the user name of anonymous are permitted, and the user's e-mail address should be sent as the password. The ''READ.ME'' file in that subdirectory describes the available documents which may be available as an ASCII text file (*.TXT), or a Word Perfect 5.1 or 6.x document (*.w51,wp6), or both. Finally, the document can be obtained by ''bounce-back e-mail.'' A message should be sent to: ''CMCDNAMCA@al.cber.fda.gov''.

Submit written comments on the guidance to the Dockets Managements Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sharon A. Carayiannis, Center for Biologics Evaluation and Research (HFM–630), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–3074.

SUPPLEMENTARY INFORMATION: As outlined in the President's November, 1995, National Performance Review, ''Reinventing the Regulation of Drugs Made from Biotechnology,'' FDA has announced that it will develop a single harmonized application form for all licensed biological products and all drug products. In the Federal Register of May 14, 1996 (61 FR 24227), FDA published a final rule entitled ''Elimination of the Establishment License Application for Specified Biotechnology and Specified Synthetic Biological Products.'' The final rule, also part of FDA's continuing effort to achieve the objectives of the President's ''Reinventing Government'' initiatives, amended the biologics regulations to eliminate ELA for specified biotechnology and specified synthetic biological products, including: Therapeutic DNA plasmid products, therapeutic synthetic peptide products of 40 or fewer amino acids, monoclonal antibody products for in vivo use, and therapeutic recombinant DNA-derived products.

Prior to the publication of the final rule, the manufacturers of these biological products were required to submit both a product license application and an ELA to FDA for marketing approval (21 CFR 601.2). Under the final rule, a company may submit information in a single biologics license application for specified biotechnology and specified synthetic biological products to harmonize the approval requirements for specified biotechnology and specified synthetic biological products with similar drug products approved under the new drug provisions of the Federal Food, Drug, and Cosmetic Act (the act).

The guidance document announced in this notice is intended to provide assistance to applicants in preparing the CMC section of the harmonized application for a therapeutic

recombinant DNA-derived product or a monoclonal antibody product for in vivo use (submission to CBER) or a recombinant DNA-derived product subject to approval under section 505(b) of the act (21 U.S.C. 355(b)) (submission to CDER). The guidance document is divided into seven sections as follows: (1) Introduction; (2) Drug Substance, including discussions of description and characterization, manufacturer(s), method(s) of manufacture, process controls, reference standard, specifications/analytical methods, container/closure system, and drug substance stability; (3) Drug Product, including discussions of composition, specifications and methods for drug product ingredients, manufacturer(s), methods of manufacturing and packaging, specifications and test methods for drug product, container/closure system, microbiology, drug product stability; (4) Investigational Product/Formulation; (5) Environmental Assessment; (6) Method Validation; and (7) References.

As with other procedural guidance documents, FDA does not intend that this guidance document is all-inclusive. Alternative approaches could be warranted in specific situations, and certain aspects might not be applicable in all situations. If an applicant believed the procedures described in this guidance document were inapplicable to a specific situation for a particular product, the applicant could provide, for FDA's consideration, information supporting an alternative process. If an applicant chooses to use alternative processes, the applicant may wish to discuss the matter further with the agency to prevent expenditure of money and resources on activities that later might be determined to be unacceptable by FDA. This document does not bind FDA and does not create or confer any rights, privileges, or benefits on or for any person, but is intended for guidance.

Interested persons may submit to Dockets Management Branch (address above) written comments on the guidance document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments and information are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance document and received comments are available for public examination in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 18, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–27992 Filed 10–30–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4066–N–03]

NOFA for FY 1996 Public and Indian Housing Tenant Opportunities Program; Notice of No Awards for FY 1996

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: NOFA for FY 1996 Public and Indian Housing Tenant Opportunities Program; Notice of No Awards for FY 1996.

SUMMARY: For reasons set forth in the Supplementary Information section of this document, this Notice advises the public that HUD will not award funds under the Public and Indian Housing Tenant Opportunities Program for FY 1996, until further notice.

DATES: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Priscilla S. Banks, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4112, Washington, D.C. 20410; telephone: (202) 708–3611. All Indian Housing applicants may contact Tracy Outlaw, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room B–133, Washington, D.C. 20410; telephone: (202) 755–0088. For hearing- and speech-impaired persons, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339. (Other than the ''800'' TTY number, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On July 3, 1996, HUD published in the Federal Register a Notice of Funding Availability (NOFA) for FY 1996 for the Public and Indian Housing Tenant Opportunities Program Technical Assistance (FR–4066–N–01). The NOFA announced the availability of approximately $15 million to eligible resident organizations to provide technical assistance and training activities under the TOP program. These funds were appropriated for TOP from the Omnibus Rescissions and Appropriations Act of 1996.

On August 9, 1996, HUD published in the Federal Register (61 FR 41646) an amendment to the July 3, 1996, NOFA which: (1) decreased the amount of funds made available for basic and additional grants for resident organizations; (2) correspondingly increased the amount of funds made available for the provision of technical assistance by national, regional, or statewide resident organizations (NROs/RROs/SROs); and, (3) extended the eligibility and the application deadline to September 9, 1996, for NROs/RROs/SROs to apply for funding under the other requirements and criteria set out in the July 3, 1996 NOFA. The amendment also provided that NRO/RRO/SRO applicants who had previously submitted applications in accordance with the provisions in the July 3, 1996 NOFA, were permitted to amend their applications prior to the extended deadline date of September 9, 1996.

On September 20, 1996, the Congress issued a Conference Report (H. Rpt. 104–812) that accompanied H.R. 3666, the bill that appropriated funds for HUD (and other agencies) for FY 1997 and that was signed into law on September 26, 1996 (Public Law 104–204). The Conference Report stated: ''Funds for the Tenant Opportunity Program shall not be available for any purpose until the Secretary certifies that the program is working effectively. The conferees are concerned about reports of wasteful spending practices and allegedly fraudulent activities within the program, practices which put the program at risk of elimination altogether.'' (H. Rpt 104–812 at p. 59) Therefore, HUD is undertaking an evaluation of the TOP program's effectiveness and problems of concern to the Congress and will take corrective action upon confirmation of program deficiencies, in order to reduce and eliminate potential risks.

HUD will issue a NOFA for FY 1997, after incorporating program revisions that are responsive to the Conference Report regarding the need for TOP program integrity and accountability. The NOFA will include the funding appropriations from both FY 1996 and FY 1997.

Dated: October 24, 1996.

Christopher Hornig,

Deputy Assistant Secretary for Public Housing Investments.

[FR Doc. 96–27904 Filed 10–30–96; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–017–1430–01/G–010–G7–0200; NMNM 95806]

Emergency Closure of Access to Andrews Ranch Ruin, Chacoan Protection Site in McKinley County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure of access.

SUMMARY: Notice is hereby given that T. 14 N., R. 11 W., sec. 33, NMPM, is closed to all forms of access except as specifically authorized by the Bureau of Land Management. This area includes unusually significant cultural resources, which are potentially crucial to the understanding of the Chacoan Cultural System.

The purpose of this road closure is to prevent unnecessary degradation of resources, undue environmental damage and to ensure resource protection on public lands. The emergency access closure is in accordance with the provisions of 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Joe Jaramillo, Realty Specialist at Bureau of Land Management, Rio Puerco Resource Area, 435 Montano NE, Albuquerque, New Mexico 87107, (505) 761–8779.

Dated: October 22, 1996.

Michael R. Ford,

District Manager.

[FR Doc. 96–27961 Filed 10–30–96; 8:45 am]

BILLING CODE 4310–AG–M

[MT–923–1610–00]

Montana/Dakotas Standards for Rangeland Health and Guidelines for Livestock Grazing Management Draft Environmental Impact Statement; Public Meetings Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to notice of availability.

SUMMARY: A Notice was published in the Federal Register on October 11, 1996, announcing the availability of a draft environmental impact statement (EIS) on regional standards for rangeland health and guidelines for livestock grazing management on BLM-administered lands east of the Continental Divide in Montana, North Dakota, and South Dakota. The comment period for this draft EIS is from October 11, 1996, to January 13, 1997. This notice supplements and, in some cases, changes the information on public meetings provided in the earlier notice.

FOR FURTHER INFORMATION CONTACT: Dan Lechefsky, Project Manager, Bureau of Land Management (BLM) Montana State Office, P.O. Box 36800, Billings, Montana 59107–6800, or 406–255–2919.

SUPPLEMENTARY INFORMATION: Public meetings will be held in Montana and South Dakota, to exchange information with the public about the standards and guidelines draft EIS. The following information updates the times, dates and locations of those meetings.

Butte BLM District—Open houses will be held from 4 p.m. to 7 p.m. at each of the following locations. The public may come at any time during the open house: December 9, 1996, Helena National Forest Supervisor's Office, Conference Room, 2880 Skyway Drive, Helena, Montana; December 10, 1996, Bozeman Ranger District, Gallatin National Forest, Conference Room, 3710 Fallon Street, Bozeman, Montana; December 16, 1996, Dillon Resource Area Office, Conference room, 1005 Selway Drive, Dillon, Montana; December 17, 1996, Butte District and Headwaters Resource Area Office, Conference Room, 106 North Parkmont, Butte, Montana; December 18, 1996, Ennis Town Hall, Ennis, Montana.

Miles City BLM District—The Miles City District is holding public meetings in the following locations: December 2, 1996, Miles Community College, Room 106, 4 p.m. to 8 p.m., Miles City, Montana; December 3, 1996, Roundup, location and time to be announced through local media; December 4, Montana State University-Billings, Education Building, Room 102, 7 p.m. to 10 p.m., Billings, Montana; December 9, 1996, Department of Agriculture Building, 2 p.m. to 5 p.m., Terry, Montana; December 10, 1996, VFW Hall, 3 p.m. to 5 p.m., Jordan, Montana; December 11, 1996, Ridgeway Community Hall, 2 p.m. to 5 p.m., between Hammond and Ekalaka, Montana.

Dakota District—The meeting in the Dakotas District will be an open house format; the public can come at any time during the open house: December 4, 1996, First Western Bank, Community Room, 41 5th Avenue, 1 p.m. to 5 p.m. and 7 p.m. to 9 p.m., Belle Fourche, South Dakota.

Lewistown District—The meetings in the Lewistown District will be an open house format; the public may come at any time during the open house: November 18, 1996, Valley Resource Area Office, Route Number 1, 4 p.m. to 7 p.m., Glasgow, Montana; November 19, 1996, Phillips Resource Area Office, 501 South Second Street East, 4 p.m. to 7 p.m., Malta, Montana; November 20, 1996, Havre Resource Area Office, West Second Street, 4 p.m. to 7 p.m., Havre, Montana; November 21, 1996, Lewistown District and Judith Resource Area Office, Airport Road, 10 a.m. to 1 p.m., Lewistown, Montana; November 21, 1996, Great Falls Resource Area Office, 812 14th Street North, 4 p.m. to 7 p.m., Great Falls, Montana.

Dated: October 25, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 96–27930 Filed 10–30–96; 8:45 am]

BILLING CODE 4310–DN–P–M

Minerals Management Service (MMS)

Minerals Management Advisory Board, Outer Continental Shelf, Scientific Committee; Announcement of Plenary Session

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, 5 U.S.C., Appendix I, and the Office of Management and Budget Circular A–63, Revised.

The Minerals Management Advisory Board OCS SC will meet in plenary session on Wednesday, November 20, and will meet in subcommittee meetings on Thursday, November 21, 1996, at the Washington Dulles Airport Hilton, 13869 Park Center Road, Herndon, Virginia 20170, telephone (703) 478–2900.

The OCS SC is an outside group of scientists which advises the Director, MMS, on the feasibility, appropriateness, and scientific merit of the MMS' OCS Environmental Studies Program (ESP) as related to information needed for informed OCS decisionmaking.

Below is a schedule of meetings that will occur.

The Committee will meet in plenary session on Wednesday November 20, from 8:30 a.m. to 5:30 p.m. Discussion will focus on:

- Committee Business and Resolutions.
- Environmental Studies Program Status Review.
- MMS Goals and Objectives.

The SC will meet in subcommittees on Thursday, November 21, from 8:30 a.m. to 4:15 p.m., to review regional and headquarter's strategic plans.

The meetings are open to the public. Approximately 30 visitors can be accommodated on a first-come-first-served basis at the plenary session.

A copy of the agenda may be requested from the MMS by writing Ms. Phyllis Clark at the address below. Other inquiries concerning the OCS SC meeting should be addressed to Dr. Ken Turgeon, Executive Secretary to the OCS Scientific Committee, Minerals Management Service, 381 Elden Street, Mail Stop 4310, Herndon, Virginia 20170–4817. He may be reached by telephone at (703) 787–1717, and by electronic mail at Ken/Turgeon@SMTP.MMS.GOV.

Dated: October 10, 1996.

Thomas A. Readinger,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 96–27958 Filed 10–30–96; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Reclamation

Review of Existing Coordinated Long-Range Operating Criteria for Colorado River Reservoirs

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meetings.

SUMMARY: The 1970 Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs (Criteria), promulgated pursuant to Public Law 90–537, were published in the Federal Register on June 10, 1970. The Criteria provided for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act for the purposes of complying with and carrying out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty.

The 1970 Criteria specified that a formal review take place at least once every five years with participation by such Colorado River Basin state representatives as each Governor may designate, and other parties and agencies as the Secretary of the Interior may deem appropriate. Public law 90–537 allows the Secretary, as a result of actual operating experience or unforeseen circumstances, to modify the Criteria to better accomplish the purposes of the two basin compacts and the Mexican Water Treaty. The Commissioner of Reclamation is the authorized agent of the Secretary for the purpose of conducting and coordinating this review.

Reclamation will be conducting public meetings for this review in November and December of 1996. At that time, members of the Reclamation review team will be available to listen to and discuss ideas, issues, and concerns, and to answer any questions about the Criteria review. The various public viewpoints expressed during the review process will be considered in determining if a change to the Criteria is warranted. In addition to the public meetings, written comments on issues will be accepted until January 1, 1997.

DATES AND LOCATIONS: Public meetings will be held at the following times and locations.

Phoenix, Arizona—Monday, November 18, 1996, at 10 a.m. at the La Quinta Inn, 2510 West Greenway Road (via Black Canyon Freeway), Phoenix, Arizona.

Denver, Colorado—Monday, December 2, 1996, at 1 p.m. at the Red Lion Hotel, 3203 Quebec Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Bruce Moore, Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone (801) 524–5415, or Jayne Harkins, Bureau of Reclamation, P.O. Box 61470, Boulder City, Nevada 89005, telephone (702) 293–8190.

SUPPLEMENTARY INFORMATION: This will be the fifth review of the Criteria conducted since their initial promulgation in 1970. The Criteria and a Notice asking for written comments were published in the Federal Register on August 20, 1996. Previous reviews of the Criteria were initiated in 1975, 1980, 1985, and 1990. They resulted in no changes to the operating Criteria.

Dated: October 28, 1996.

Eluid L. Martinez,

Commissioner, Bureau of Reclamation.

[FR Doc. 96–27949 Filed 10–30–96; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–372]

Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing Same; Enforcement Proceeding

Notice is hereby given that the prehearing conference in this matter will commence at 8:30 a.m. on November 4, 1996, in Courtroom B (Room 111), U.S. International Trade Commission Building, 500 E St. S.W., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the Federal Register.

Issued: October 28, 1996.

Paul J. Luckern,

Administrative Law Judge.

[FR Doc. 96–27965 Filed 10–30–96; 8:45 am]

BILLING CODE 7020–02–P

[Inv. No. 337–TA–387]

Notice of Commission Decision Not to Review an Initial Determination

In the Matter of: Certain Self-Powered Fiber Optic Modems.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) (Order No. 14) issued by the presiding administrative law judge (ALJ) on September 25, 1996.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3098.

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation was instituted by the Commission on April 25, 1996, on behalf of Patton Electronics Co. of Gaithersburg, Maryland. The complaint alleges violations of section 337 based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain self-powered fiber optic modems that allegedly infringe claims 1, 2, 3, 7, and 8 of U.S. Letters Patent 4,161,650, (the 650 patent) and that there exists an industry in the United States as required by subsection (a)(2) of section 337. The notice of investigation named RAD Data Communications, Ltd., of Tel Aviv, Israel and RAD Data Communications, Inc., (collectively ''RAD'') of Mahwah, New Jersey as respondents. The target date for completion of the investigation is May 1, 1997.

On August 20, 1996, RAD moved for summary determination on the basis that its accused modems did not infringe, either literally or under the doctrine of equivalents, or contribute to the infringement of the asserted claims of the 650 patent.

On September 25, 1996, the presiding ALJ issued an ID (Order No. 14) granting in part RAD's motion, finding that the the accused devices did not literally

infringe the claims at issue. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rules 210.42, 19 CFR 210.42.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: October 25, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–27966 Filed 10–30–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance; Agency Information Collection Activities: Revision of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; simplified request for advance or reimbursement.

The Department of justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency procedures of the Paperwork Reduction Act of 1995. Emergency review and approval of this collection has been requested from OMB by November 1, 1996. If granted, the emergency approval is only valid for 180 days.

This information collection was previously published in the Federal Register on January 30, 1996, and 60 days was allowed for public comment. No comments were received by the Office of Justice Programs. In addition to requesting emergency approval, this notice also serves as the 30 day notice requesting public comments.

Written comments and/or suggestions regarding item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Information and 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. Comments may be submitted to the Department of Justice via facsimile to 202–514–1590. Written comments and suggestions from the public and affected agencies should address one or more of the following:

(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 the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information collection;

(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:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Simplified Request for Advance or Reimbursement.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form: H–3. Office of Justice Programs, Bureau of Justice Assistance, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Not-for-profit institutions. *Others:* Individuals or households, Business or other for profit, State and Local governments. The information collected is used to process request for payments to recipients of agency funds, either through advance or reimbursement. Upon receipt, review, and approval of the H–3, the agency will notify Treasury either to electronically send funds to the grantee's bank account or to issue and mail a Treasury check.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10,000 responses at 0.25 hours, or 15 minutes per response.

(6) *An estimate of the total public (in hours) associated with the collection:* 30,000 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: October 25, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–27884 Filed 10–30–96; 8:45 am]

BILLING CODE 4410–18–M

Office of Juvenile Justice and Delinquency Prevention

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Three Month Individual Youth Program Tracking Form, Evaluation of the ''Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program.''

The 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.

The agency requests 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 four 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.

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 Marilyn Landon, Program Manager, Office of Juvenile Justice and Delinquency Prevention at (202) 307–0586. To receive a copy of the proposed information collection instrument with instructions, or additional information, please contact Marilyn Landon, 202–307–0586, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, Room 782, 633 Indiana Avenue, NW, Washington, D.C. 20531.

Additionally, 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. Additional comments may be submitted to DOJ via facsimile at 202–514–1534.

Overview of this information collection:

(1) Type of information collection: New collection.

(2) The title of the form/collection: Three Month Individual Youth Program Tracking Form, Evaluation of the ''Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program''.

(3) The agency form number if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Juvenile Justice and Delinquency Prevention, 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: Not-for-Profit Institutions. Other: State, Local, or Tribal Government. The study will obtain interview and test information on youth background, social adjustment, deviancy/crime activity, self-esteem, and depression/personality adjustment. The information obtained will be used to determine what the nature of contacts made and services provided to program youth are, how workers evaluate these contacts and services, and what the characteristics of workers are. It will determine the effectiveness of the program, comparing program subjects to non-program gang youth of the same ages, approximately 13 to 20 years old, and their backgrounds.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5.104 hours, per response unit times 400.

(6) An estimate of the total public burden (in hours) associated with the collection: 2,041.1 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: October 25, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–27885 Filed 10–30–96; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Pacific Coast Feather Co., Debarment

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of debarment, Pacific Coast Feather Co.

SUMMARY: This notice advises that Pacific Coast Feather Co. (hereafter ''Pacific Coast''), will be barred as an eligible bidder on future Government contracts, subcontracts or federally assisted construction contracts for a period of three years from the effective date of the Consent Decree.

FOR FURTHER INFORMATION CONTACT: Joe N. Kennedy, Deputy Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Ave. NW., Room C–3325, Washington, D.C. 20210 (202–219–9430).

SUPPLEMENTARY INFORMATION: On May 2, 1996, pursuant to 41 CFR 60–30.13(a), the Chief Administrative Law Judge approved the decree consented to by the parties. The Consent Decree and the approval constitute the final Administrative Order in this case and declares Pacific Coast and its successors, officers, agents, servants, employees, direct or beneficial owners, divisions or subsidiaries, and those persons in active concert or participation with them who receive actual notice of the decree and order by personal service or otherwise, ineligible for the award of any Government contracts, subcontracts or federally assisted construction contracts for a period of three years and continuing thereafter until Pacific Coast satisfies the Deputy Assistant Secretary for Federal Contract Compliance Programs that is in compliance with Executive Order 11246, as amended. A copy of the Final Administrative Order is attached.

Signed October 22, 1996, Washington, D.C.

Shirley J. Wilcher,

Deputy Assistant Secretary for Federal Contract Compliance Programs.

Rochelle Kleinberg,

Associate Regional Solicitor, Office of the Solicitor, U.S. Department of Labor, 1111 Third Avenue, Suite 945, Seattle, Washington 98101–3212, (206) 553–0940

United States Department of Labor, Office of Administrative Law Judges

Office of Federal Contract Compliance Programs, United States Department of Labor, Plaintiff v. Pacific Coast Feather Company, Defendant. Case No. 96–OFC–7.

Consent Decree

This Consent Decree is entered into between the Plaintiff, United States Department of Labor, Office of Federal Contract Programs (hereinafter ''OFCCP''), and Defendant, Pacific Coast Feather Company (hereinafter ''Defendant'') in resolution of the Administrative Complaint filed by OFCCP pursuant to Executive Order No. 11246 (30 FR 12319), as amended by Executive Order No. 11375 (32 FR 14303) and Executive Order 12086 (43 FR 46501) (''Executive Order''), Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (''Section 503''), and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212. The Administrative Complaint alleged that Defendant failed to develop, maintain or update a current affirmative action plan (hereinafter ''AAP'') as required by 41 CFR 60–1–40.

Part A. General Provisions

1. The entire record on the basis of which this Consent Decree is entered shall consist of the Complaint and the Consent Decree.

2. This Consent Decree shall not become final until it has been signed by the Administrative Law Judge and the effective date of the Decree shall be the date it is signed by the Administrative Law Judge.

3. This Consent Decree shall be binding upon Defendant and any and all purchasers, successors, assignees, and/or transferees, and shall have the same force and effect as an order made after a full hearing.

4. All further procedural steps to contest the binding effect of the Consent Decree, and any right to challenge or contest the obligations entered into in accordance with the agreement contained in this Decree, are waived by the parties.

5. Nothing herein is intended to relieve Defendant from compliance with the requirements of the Executive Order, Section 503, VEVRA or their

regulations, nor to limit OFCCP's right to review Defendant's compliance with such requirements should Defendant become a government contractor again in the future.

Part B. Jurisdiction and Procedural History

6. On March 31, 1995 OFCCP notified Defendant that it had been selected for a compliance review.

7. During the course of the compliance review Defendant indicated it had not created an affirmative action plan.

8. On February 15, 1996 OFCCP issued a show cause notice.

9. Defendant orally informed OFCCP that it chose to not do business with the government in lieu of developing and maintaining an AAP.

Part C. Specific Provisions

The parties desire to enter into a just and reasonable resolution of this matter without further proceedings. To that end, they have negotiated in good faith and have executed this Consent Decree with the following specific provisions:

Debarment Period

10. Defendant agrees that it will be barred from bidding for or entering into future government contracts, subcontracts or federally assisted construction contracts for a period of three years from the effective date of this Consent Decree. This three-year debarment period shall be effective against Defendant and its officers, agents, servants, employees, successors, divisions and subsidiaries and those persons in active concert or participation with them.

11. Notice of the debarment shall be printed in the Federal Register. In addition, OFCCP shall notify the Comptroller General of the United States General Accounting Office and all federal contracting offices that Defendant is ineligible for the award of any government contracts, subcontracts or federally assisted construction contracts.

12. The debarment shall be lifted at the conclusion of the three-year period once Defendant satisfies the Director of OFCCP that it is in compliance with ¶ 13 below.

13. In order to satisfy the Director of OFCCP that it is in compliance with the Executive Order, Section 503, VEVRA and their implementing regulations, Defendant must accomplish the following:

a. Defendant must develop and maintain a current affirmative action plan as required by 41 CFR 60–1–40.

14. If OFCCP finds that Defendant has complied with the terms of this Consent Decree, the debarment shall be lifted after the three-year period and Defendant shall be free to enter into future government contracts, subcontracts and federally assisted construction contracts. OFCCP will notify Defendant in writing within 90 days of the submission of the AAP whether it will be reinstated. Notice of the reinstatement shall be printed in the Federal Register and shall be made to the Comptroller General of the General Accounting Office and all federal contracting officers.

15. If OFCCP finds that Defendant has not complied with the terms of the Consent Decree, OFCCP will notify Defendant in writing within 90 days of the submission of the proposed AAP that the debarment shall not be lifted. The debarment shall remain in effect until Defendant submits to OFCCP an acceptable AAP containing the information required by 41 CFR 60–1–40.

Part D. Implementation and Enforcement of the Decree

16. Jurisdiction, including the authority to issue any additional orders or decrees necessary to effectuate the implementation of the provisions of this Consent Decree, is retained by the Office of Administrative Law Judges for a period of nine months from the date this Consent Decree becomes final. If any motion is pending before the Administrative Law Judges nine months from the date this Consent Decree becomes final, jurisdiction shall continue beyond nine months and until such time as the pending motion is finally resolved.

17. The Agreement, herein set forth, is hereby approved and shall constitute the final Administrative Order in this case.

It is so Ordered, this 2nd day of May, 1996.

John M. Vittone,

Administrative Law Judge, U.S. Department of Labor.

So agreed.

On behalf of Pacific Coast Feather Company.

Date: April 9, 1996.

Eric Moen,

Senior Vice President, Chief Financial Officer.

On behalf of the Office of Federal Contract Compliance Programs.

J. Davitt McAteer,

Acting Solicitor of Labor.

Daniel W. Teehan,

Regional Solicitor.

Date: April 2, 1996.

Rochelle Kleinberg,

Associate Regional Solicitor.

Service Sheet

Case Name: Pacific Coast Feather Company.

Case No.: 96–OFC–7.

Title of Document: Consent decree.

A copy of the above document was mailed to the following individuals on May 3, 1996.

James D. Henry,

Associate Solicitor, U.S. Department of Labor, Room N–2464, FPB, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Daniel W. Teehan,

Regional Solicitor, Office of the Solicitor, U.S. Department of Labor, 71 Stevenson Street, Room 1110, 11th Floor, San Francisco, CA 94105.

Rochelle Kleinberg,

Associate Regional Solicitor, Office of the Solicitor, U.S. Department of Labor, 1111 Third Avenue, Suite 945, Seattle, WA 98101–32212.

Pacific Coast Feather Company,

1964 4th Avenue S., Seattle, WA 98134.

J. Davitt McAteer,

Acting Solicitor of Labor, U.S. Department of Labor, Room S–2002, FPB, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Karen A. Tanavage,

Secretary.

[FR Doc. 96–27984 Filed 10–30–96; 8:45 am]

BILLING CODE 4510–27–M

Bureau of Labor Statistics

Labor Research Advisory Council; Notice of Meetings and Agenda

The Fall meetings of committees of the Labor Research Advisory Council will be held on November 14, 19, and 20. All of the meetings will be held in the Conference Center of the Postal Square Building (PSB), 2 Massachusetts Avenue, N.E., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members. The schedule and agenda of the meetings are as follows:

Thursday, November 14, 1996

10:00 a.m.—Committee on Occupational Safety and Health Statistics—Meeting Room 2, PSB

1. Budget overview—FY 1996, 1997
2. Survey of Occupational Injuries and Illnesses, sample redesign
3. Occupational safety and health data available on the internet
4. 1993 and 1994 Bulletins—discussion of format changes
5. Review of 1995 Census of Fatal Occupational Injuries

Tuesday, November 19, 1996

9:30 a.m.—Committee on Employment and Unemployment Statistics—Meeting Room 3, PSB

Agenda to be announced.

1:30 p.m.—Committee on Wages and Industrial Relations—Meeting Room 3, PSB

1. Comp2000 update
2. Research in progress
   a. Wage calculator
   b. Relating generic occupations to Federal grades
3. Completed research
   a. Alternate index methodologies for the Employment Cost Index (ECI)
   b. Reconciliation of differences between Employer Costs for Employee Compensation (ECEC) series and the ECI

Wednesday, November 20, 1996

9:30 a.m.—Committee on Productivity, Technology and Growth—Meeting Room 3, PSB

1. Improvements in the BLS multifactor productivity measurement program
2. Other items to be announced

Committee on Foreign Labor Statistics—Meeting Room 3, PSB

1. Recent trends in international comparisons of labor productivity in manufacturing
2. Recent developments in BLS international technical cooperation activities

1:30 p.m.—Committee on Prices and Living Conditions—Meeting Room 3, PSB

1. Update on program developments
   a. Consumer Price Index
   b. Producer Price Indexes
2. Other business

The meetings are open to the public. Persons planning to attend these meetings as observers may want to contact Wilhelmina Abner on (Area Code 202) 606–5970.

Signed at Washington, D.C. this 23rd day of October 1996.

Katharine G. Abraham,

Commissioner.

[FR Doc. 96–27983 Filed 10–30–96; 8:45 am]

BILLING CODE 4510–24–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

November 1, 1996.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on November 14–15, 1996.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on November 14–15, 1996, will not be open to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 522b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on November 14, 1996 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9:00–10:00 a.m.
Research/Education Programs—Room M07
Challenge Grants and Preservation and Access—Room 415

Council Discussion Groups

(Closed to the Public)

9:00—until Adjourned
Public Programs Retreat—Room 420
10:30 a.m. until Adjourned
Discussion of specific grant applications before the Council
1:30–3:00 p.m.
Chairman's Meeting with Council Members—Room 527

(Portions Open to the Public)

3:00–5:00 p.m.
External Affairs—Room 527
Strategic Plans/Enterprise—Room 503
Federal/State partnership—Room 507

The morning session on November 15, 1996 will convene at 10:30 a.m. in the 1st Floor Council Room, M–09. The session will be open to the public as set forth below:

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Staff Report
C. Budget Report
D. Legislative Report
E. National Conversation on American Pluralism
F. Reports on Policy & General Matters
   1. Overview
   2. Research and Education Programs
   3. Preservation and Access and Challenge Grants
   4. Public Programs

The remainder of the proposed meeting will be closed to the public for the reasons stated above. Further information about this meeting can be obtained from Michael S. Shapiro, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Michael S. Shapiro,

Advisory Committee Management Officer.

[FR Doc. 96–27894 Filed 10–30–96; 8:45 am]

BILLING CODE 7536–01–M

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Michael S. Shapiro, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* November 1, 1996
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications for Reference Materials Projects submitted to the Division of Preservation and Access, for projects at the May 1, 1997 deadline
2. *Date:* November 7, 1996
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications for Reference Materials Projects submitted to the Division of Preservation and Access, for projects at the May 1, 1997 deadline
3. *Date:* November 19, 1996
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications for the Library and Archival Preservation and Access Projects submitted to the Division of Preservation and Access, for projects at the May 1, 1997 deadline
4. *Date:* November 22, 1996
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications for the Library and Archival Preservation and Access Projects submitted to the Division of Preservation and Access, for projects at the May 1, 1997 deadline

Michael S. Shapiro,

Advisory Committee Management Officer.

[FR Doc. 96–27893 Filed 10–30–96; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–10 and NPF–15 issued to Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station (SONGS), Unit Nos. 2 and 3 located in San Diego County, California.

The proposed amendment would revise Technical Specification 3.9.6, ''Refueling Water Level.'' The proposed change is required to restore certain provisions of the SONGS Units 2 and 3 operating practice that were not incorporated during the conversion to the improved technical specifications (Amendment Nos. 127 and 116 dated February 9, 1996).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Proposed Technical Specification Change Number NPF–10/15–472 (PCN–472) addresses modifications to the Technical Specifications for San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 approved by Nuclear Regulatory Commission (NRC) Amendment Nos. 127 and 116. NRC Amendment Nos. 127 and 116 approved changes to adopt the recommendations of NUREG–1432, ''Standard Technical Specifications Combustion Engineering Plants,'' requested through Proposed Technical Specification Change Number NPF–10/15–299 (PCN–299). The proposed changes were identified during drafting of the procedure changes required to implement NRC Amendment Nos. 127 and 116.

PCN–472 is required to restore certain provisions of the previous TSs that were not incorporated in Amendment Nos. 127 and 116. Changes are proposed that would revise Technical Specification (TS) 3.9.6, ''Refueling Water Level.''

Specifically, the proposed change revises the applicability of TS 3.9.6, includes a clarifying note to TS 3.9.6, and revises Surveillance Requirement (SR) 3.9.6.1 for consistency. The proposed reduction in water level to 23 feet above the fuel is considered acceptable since the fuel assemblies would be seated in the reactor vessel during CEA coupling, uncoupling, and weighing, and during removal of the four-finger CEAs. Consequently, no fuel damage could occur above the top of the fuel, and the 23 feet of water above the top of the fuel would continue to ensure that sufficient water depth is available to remove 99% of the assumed 10% iodine gap activity released from a fuel assembly damaged by any conceivable accident.

Operation of the facility would remain unchanged as a result of the proposed changes. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change will restore provisions of the previous TSs for SONGS Units 2 and 3. The proposed change would revise the applicability of TS 3.9.6, include a clarifying note to TS 3.9.6, and revise SR 3.9.6.1 for consistency.

Operation of the facility would remain unchanged as a result of the proposed change. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change will restore provisions of the previous TSs for SONGS Units 2 and 3 and make certain additional changes for clarity. Operation of the facility would remain unchanged as a result of the proposed change. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice

of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 2, 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 temporary local public document room located at the Science Library, University of California, P.O. Box 19557, Irvine, California 92713. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William H. Bateman, Director, Project Directorate IV–2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to T.E. Oubre, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

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 October 11, 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 temporary local public document room located at the Science Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 25th day of October 1996.

For the Nuclear Regulatory Commission.

Mel B. Fields,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–27946 Filed 10–30–96; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Account; Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92–463 that the Actuarial Advisory Committee will hold a meeting on November 18, 1996, at 10 a.m. at the office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 20th Actuarial Valuation of the Railroad Retirement System. The agenda for this meeting will include a discussion of the assumptions to be used in the 20th Actuarial Valuation. A report containing recommended assumptions and the experience on which the recommendations are based will have been sent by the Chief Actuary to the Committee before the meeting.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

Dated: October 25, 1996

[FR Doc. 96–27981 Filed 10–30–96; 8:45 am]

BILLING CODE 7905–01–M

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends part T of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter TA covers the Deputy Commissioner for Programs and Policy. Notice is given that Subchapter TAP, the Office of Program Benefits Policy is being amended to reflect a realignment. The functions of the Division of Payment Policy (TAPE) are undergoing some changes. The Division of Coverage (TAPB) is being retitled as the Division of Coverage and Support and is assuming some additional functions. Two new divisions are being established. Finally, the Division of Benefit Continuity (TAPA), the Division of Entitlement (TAPC), the Division of Program Requirements Policy (TAPG), and the Division of Program Management, Research and Demonstration (TAPH) are being deleted and their responsibilities are being redistributed. The changes to Subchapter TAP are as follows:

Section TAP.10 *The Office of Program Benefits Policy*—(Organization)

Delete:

D. The Division of Benefit Continuity (TAPA).

F. The Division of Entitlement (TAPC).

H. The Division of Program Requirements Policy (TAPG).

I. The Division of Program Management, Research and Demonstration (TAPH).

Retitle:

E. The ''Division of Coverage'' to the ''Division of Coverage and Support'' (TAPB).

Reletter:

''E'' to ''D''.

Establish:

E. The Division of Eligibility and Enumeration (TAPJ).

F. The Division of Representative Payment and Evaluations (TAPK).

Section TAP.20 *The Office of Program Benefits Policy*—(Functions)

Delete in their entirety:

D. The Division of Benefit Continuity (TAPA).

F. The Division of Entitlement (TAPC).

H. The Division of Program Requirements Policy (TAPG).

I. The Division of Program Management, Research and Demonstration (TAPH).

Retitle and amend as follows:

E. The ''Division of Coverage'' to the ''Division of Coverage and Support'' (TAPB).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program in the areas of coverage and pre-1987 State and local reporting and corrections; and to the disability program in common areas of coverage.

2. Develops and issues guidelines, directives, instructions and operating procedures for such coverage subject areas as wages, coverage and exceptions, earnings records and earnings records corrections and discrepancies, self-employment status and income, religious exemptions (including determinations as to whether sects meet legal requirements for exemptions to apply), State and local coverage, statutes of limitations, State and local agreements, taxation of Social Security benefits, SSA benefit estimate statements, and territory agreements.

3. Formulates, plans and implements in-house office automation activities in support of program policy, studies and administrative needs.

Reletter:

''E'' to ''D''.

Establish:

E. The Division of Eligibility and Enumeration (TAPJ).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program, the supplemental security income program in the areas of applications, eligibility and enumeration; and to the disability program in common areas of eligibility and enumeration.

2. Develops and issues guidelines, directives, instructions and operating procedures for such eligibility and enumeration subject areas as applications, alien issues, evidence, relationships, insured status, income and resources, living arrangements, in-kind support and maintenance, work incentives, and applications for Social Security numbers, and interprogram relationships with food stamps, medicaid and medicare.

F. The Division of Representative Payment and Evaluations (TAPK).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program, the supplemental security income program and the disability program in the areas of representative payment and outreach.

2. Develops and issues guidelines, directives, instructions and operating procedures for such representative payment subject areas as (in) capability assessment, investigation and selection of payees, use and conservation of benefits, misuse of benefits, payment for payee services and payee oversight.

3. Manages demonstration projects and initiatives to target special populations and program issues. Evaluates the effectiveness of demonstrations and initiatives and develops recommendations for new and revised policies and procedures to implement program improvements.

Amend as follows:

G. The Division of Payment Policy (TAPE).

1. Plans, develops and evaluates the operational policies, standards and instructions and provides guidance to field components on issues related to the retirement and survivors insurance program and the supplemental security income program in the areas of compliance and payment policy and to the disability insurance program in common areas of payment policy and compliance.

2. Develops and issues guidelines, directives, instructions and operating procedures for such payment policy subject areas as redeterminations, reporting, change of address, computations, offset, overpayments and underpayments, suspensions and terminations, garnishments, administrative finality, res judicata, due process, IRS levies, appeals, and retirement earnings test.

Dated: October 3, 1996.

Ronald E. Brooks,

Acting Deputy Commissioner for Human Resources.

[FR Doc. 96–27941 Filed 10–30–96; 8:45 am]

BILLING CODE 4190–29–P

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Notice is given that Chapter S2D, the Office of the Regional Commissioner is being amended to reflect major organizational changes in subordinate offices and other changes in functional descriptions. The changes are as follows:

Section S2D.00 *The Office of the Regional Commissioner*—(Mission):

Amend to read as follows:

The Office of the Regional Commissioner (ORC) serves as the principal SSA component at the regional level and ensures effective SSA interaction with other Federal agencies in the regions; State welfare agencies; State Disability Determination Services (DDSs); and other regional and local organizations. The office provides leadership for regional planning, implementation and evaluation of Agency goals and objectives and is accountable for the delivery of service in the administration of SSA's Retirement, Survivors and Disability (RSDI) programs, the Black Lung Benefits program and the Supplemental Security Income (SSI) program. It issues regional operating policy and procedures for these programs and evaluates program effectiveness. It implements national operational and management plans for providing SSA service to the public and directs a region wide network of field offices (FOs), teleservice centers (TSCs) and where present, program service centers (PSCs). It facilitates integration and coordination of SSA programs with other Federal and State programs in the region. It provides overall management direction for the provision of personnel services and administrative priorities and issues policy directives consistent with national program objectives, operational requirements and systems and implements a regional SSA public affairs program. The office maintains a broad overview of administrative operations of the regional offices (ROs) of SSA's Office of Hearings and Appeals (OHA) and a data operations center to ensure effective coordination of SSA activities at the regional level.

Section S2D.10 *The Office of the Regional Commissioner*—(Organization):

Delete:

D. The Office of the Assistant Regional Commissioner for Program Operations and Systems (S2D1B–S2DXB).

E. The Office of the Assistant Regional Commissioner for Field Operations (S2D14–S2DX4).

F. The Office of the Assistant Regional Commissioner for Management and Budget (S2D17–S2DX7).

Establish:

D. The Office of the Assistant Regional Commissioner for Management and Operations Support (S2D1G–S2DXG).

E. The Office of the Area Director (S2D1K–L–M–N, S2D2K–L–M–N–P–Q, S2D3K–L–M–N–P–Q, S2D4K–L–M–N–P–Q–R–S–T, S2D5K–L–M–N–P–Q–R–S–T, S2D6K–L–M–N–P–Q, S2D7K–L–M, S2D8K–L, S2D9K–L–M–N–P–Q, S2DXK–L).

F. The Office of the Teleservice Center Operations Manager (S2D2H, S2D6H).

H. The Mega Teleservice Center (S2DXJ).

Section S2D.20 *The Office of the Regional Commissioner*—(Functions):

Delete:

D. The Office of the Assistant Regional Commissioner for Program Operations and Systems (S2D1B–S2DXB).

E. The Office of the Assistant Regional Commissioner for Field Operations (S2D14–S2DX4).

F. The Office of the Assistant Regional Commissioner for Management and Budget (S2D17–S2DX7).

Establish:

D. The Office of the Assistant Regional Commissioner for Management and Operations Support (S2D1G–S2DXG).

1. Provides support services to SSA regional components not under the line authority of the Regional Commissioner (Office of the Inspector General [OIG], Office of General Counsel [OGC], Regional Program and Integrity Review [RPIR] and OHA).

2. Provides program leadership and technical direction for regional administration of the insurance, disability and assistance programs and automated systems operations within the region.

3. Facilitates the development and interpretation of regional operating instructions and procedures covering the retirement, survivors and disability provisions of title II (RSI), title XVI (SSI) and the Black Lung Benefits program. Participates with other regional officials in the development and initiation of major regional initiatives and projects; directs assigned staff in conducting evaluations on the operational effectiveness of the instructions and guidelines provided.

4. Furnishes technical advice and coordination to the regional efforts in administering SSA's part of the Food Stamp Program, to the resolution of vocational rehabilitation issues and to the establishment of effective relationships with groups and other organizations having responsibility or interest in income maintenance or social service activities.

5. Negotiates and coordinates the maintenance of agreements with the States covering optional State SSI supplementation, mandatory State SSI supplementation and Medicaid eligibility determinations; also administers State/local coverage provisions. Participates in the review, evaluation and resolution of Federal/State financial management transactions involving the programs administered.

6. Provides program coordination and administrative guidance to State DDS administrators. Facilitates the monitoring and evaluation of the operation of the various disability programs. Facilitates the planning, development and coordination of DDS budgetary activities. Facilitates implementation of SSA systems for DDS and parent Agency structures.

7. Furnishes automated data processing systems expertise and assistance to SSA field and processing center components, to State DDS' and to state/local programs. Coordinates regional needs and interests in the systems area with the Associate Commissioner for Automation and

Support. Responsible for all systems analysis, programming, office automation, end-user computing functions and systems modernization activities. Coordinates the systems needs and requirements of all SSA components to ensure these needs are recognized and met in an efficient manner.

8. Furnishes leadership and program, systems/automation and management information support to all SSA components within the region, OIG, OHA and other components, that are not under the line authority of the Regional Commissioner.

9. Provides managers and employees with guidance and support services on all issues related to SSA personnel management programs and services, including recruitment and placement, performance management, classification, pay administration and benefits, employee relations, leave, etc.

10. Coordinates and facilitates the implementation of all recruitment and placement activities and employee counseling services; processes personnel actions; classifies and reviews positions and assures effective position management; provides guidance and consultation on appeals, adverse actions, discipline, performance management, retirement, health benefits life insurance and other personnel management programs and policies.

11. Provides management officials with guidance and assistance on all aspects of the labor relations program, including: impact and implementation bargaining; administration of negotiated agreements; grievance and arbitration proceedings; investigation/resolution of unfair labor practices; etc.

12. Facilitates the planning, development and coordination of SSA financial activities for SSA regional components. This may also include DDS budgetary activities. Coordinates a variety of analytical, management and staff functions in the areas of budget and resource management, including regional multi-year budget formulation, execution and modification. Provides the staff expertise in the review, tracking and evaluation of total financial policy and its administration throughout the region.

13. Facilitates the planning, development and direction of the acquisition, procurement and contracting activities for the region, including the establishment and maintenance of internal operating procedures, policies, controls and reports necessary to facilitate responsible acquisition, procurement and contract management.

14. Analyzes the continuing need for new field facilities and service in light of program expansion, changing socioeconomic patterns and technological changes. Reviews recommendations for new facilities and/or the realignment of existing service and administrative areas in terms of conformity to established standards, principles of sound administration and overall management policy. Facilitates negotiation with GSA to obtain new space, relocate or expand facilities and resolve problems in building services and protection.

15. Facilitates the design, implementation and administration of the Regional Security Plan and coordinates an ongoing program of comprehensive internal control reviews. Facilitates the planning, direction and coordination of internal security and audit programs involving systems, records, property and potential beneficiary or employee fraud. Coordinates regional activities responsible for ensuring the protection of SSA records and systems against misuse or manipulation for fraudulent purposes, and for procedures and techniques which will control access to these records and systems.

E. The Office of the Area Director (S2D1K–L–M–N, S2D2K–L–M–N–P–Q, S2D3K–L–M–N–P–Q, S2D4K–L–M–N–P–Q–R–S–T, S2D5K–L–M–N–P–Q–R–S–T, S2D6K–L–M–N–P–Q, S2D7K–L–M, S2D8K–L, S2D9K–L–M–N–P–Q, S2DXK–L).

1. Provides overall direction and leadership to district and branch offices and, where applicable, TSCs. Facilitates the establishment of long-range operating plans, schedules, goals and emphasis necessary for the attainment of regional workload goals. Coordinates area-wide activities to ensure consistency with national and regional policies and procedures.

2. Serves as the facilitator for overall service delivery to the public through the management of operational sites and program leadership for administration of the insurance, disability and assistance programs including systems support and automation. The operational sites include district and branch offices and may include TSCs.

3. Through area public relations programs, ensures the public is informed of SSA-administered programs and assists the public in obtaining benefits. Responsible for experimenting and implementing initiatives aimed at enhancing service delivery.

4. Serves as the facilitator through which management and operational aspects of district and branch office and, where applicable, TSC responsibilities and performance are coordinated.

5. Serves as a principal point of advice and guidance to the Regional Commissioner in reflecting the interests of district and branch offices and, where applicable, TSCs on operational and administrative concerns and considerations, including the determination of overall priorities for the area. Facilitates the review and analysis of administrative and program management policies; reports significant problems and trends to the Regional Commissioner and recommends effective solutions to problems identified.

6. Ensures that district managers are carrying out their assigned responsibilities fully and effectively. Assures sound working relationships are established and maintained between district offices and DDSs, large employers, unions, medical associations and organizations, Federal, State, and local agencies, major information media, etc. Facilitates the administration of programs to obtain the advantages of coordinated, area-wide effort in such fields as public affairs, community relations, recruiting, training, career development, equal opportunity and parallel functions.

7. Provides leadership and guidance to district managers and, where applicable, TSC managers in the effective utilization of budgetary and staffing allocations to ensure unified and balanced program administration. Facilitates the development and implementation of a program for coordinated management of personnel and workloads.

F. The Office of the Teleservice Center Operations Manager (S2D2H, S2D6H).

1. Provides overall direction and leadership to TSCs. Facilitates the establishment of long-range operating plans, schedules, goals and emphasis necessary for the attainment of regional workload goals. Coordinates TSC activities to ensure consistency with national and regional policies and procedures.

2. Serves as the facilitator for overall service delivery to the public through the management of the TSCs and provides program leadership to the TSCs for administration of the insurance, disability and assistance programs including systems support and automation.

3. Serves as the facilitator through which management and operational aspects of TSC responsibilities and performance are coordinated.

4. Serves as the principal point of advice and guidance to the Regional Commissioner in reflecting the interests

of TSCs on operational and administrative concerns and considerations. Facilitates the review and analysis of administrative and program management policies; reports significant trends to the Regional Commissioner and recommends effective solutions to problems identified.

5. Ensures that TSC managers are carrying out their assigned responsibilities fully and effectively.

6. Provides leadership and guidance to TSC managers in the effective utilization of budgetary and staffing allocations to ensure unified and balanced program administration. Facilitates the development and implementation of a program for coordinated management of personnel and workloads.

H. The Mega Teleservice Center (S2DXJ).

1. Provides leadership and direction in the management and operation of the Mega Teleservice Center. Establishes long-range operating plans, schedules, goals and emphasis necessary for the attainment of regional workload goals. Coordinates Mega TSC activities to ensure consistency with national and regional policies and procedures.

2. Serves as the facilitator for overall service delivery to the public through the management of the Mega TSC and provides program leadership to the TSC for administration of the insurance, disability and assistance programs including systems support and automation.

3. Serves as the facilitator through which management and operational aspects of Mega TSC responsibilities and performance are coordinated.

4. Serves as a principal point of advice and guidance to the Regional Commissioner in reflecting the interests of the Mega TSC on operational and administrative concerns and considerations. Facilitates the review and analysis of administrative and program management policies; reports significant problems and trends to the Regional Commissioner and recommends effective solutions to problems identified.

5. Ensures that subordinate managers are carrying out their assigned responsibilities fully and effectively.

6. Provides leadership and guidance to subordinate managers in the effective utilization of budgetary and staffing allocations to ensure unified and balanced program administration. Facilitates the development and implementation of a program for coordinated management of personnel and workloads.

Revise as follows:

G. The Office of the Assistant Regional Commissioner for Processing Center Operations (S2D25, 35, 45, 55, 75, 95).

5. Receives and coordinates new/revised computer programs/systems and resolves exceptions in case processing. Maintains accounting controls and ensures that magnetic tape records reflect actual authorized payment actions.

Add:

7. Where applicable, provides leadership and direction for service delivery to the public through the management of TSCs within the respective region. Establishes long-range operating plans, schedules, goals and emphasis necessary for the attainment of workload goals. Coordinates TSC activities to ensure consistency with national and regional policies and procedures.

Dated: September 25, 1996.

Ruth A Pierce,

Deputy Commissioner for Human Resources.

[FR Doc. 96–27942 Filed 10–30–96; 8:45 am]

BILLING CODE 4190–29–P

STATE DEPARTMENT

[Public Notice No. 2460]

Overseas Security Advisory Council Notice of Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on Tuesday and Wednesday, November 19 and 20, at the U.S. Department of State, Washington, D.C. Pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c) (1) and (4), it has been determined the meeting will be closed to the public. Matters relative to classified national security information as well as privileged commercial information will be discussed. The agenda calls for the discussion of classified and corporate proprietary/security information as well as private sector physical and procedural security policies and protective programs at sensitive U.S. Government and private sector locations overseas.

For more information contact Marsha Thurman, Overseas Security Advisory Council, Department of State, Washington, D.C. 20522–1003, phone: 202–663–0869.

Dated: October 21, 1996.

Gregorie W. Bujac,

Director of the Diplomatic Security Service.

[FR Doc. 96–27960 Filed 10–30–96; 8:45 am]

BILLING CODE 4710–24–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Entry Into Force of Trade Agreement With the Kingdom of Cambodia and the Grant of Most-Favored-Nation Treatment to Products of Cambodia

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of entry into force of trade agreement.

SUMMARY: On October 4, 1996, the Acting United States Trade Representative (USTR) signed a trade agreement with the Kingdom of Cambodia (Cambodia) obligating reciprocal most-favored-nation treatment between Cambodia and the United States. The trade agreement entered into force as of October 25, 1996, the effective date of this notice, after which time all products of Cambodia entered, or withdrawn from warehouse for consumption, shall be granted most-favored-nation treatment by the United States. Cambodia was formerly known as ''Kampuchea'' and appears as such in the 1996 Harmonized Tariff Schedule of the United States.

DATES: The effective date of this notice is Friday, October 25, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Joseph Damond, Director for Southeast Asia, (202) 395–6813, or Thomas Robertson, Associate General Counsel, (202) 395–6800.

SUPPLEMENTARY INFORMATION: On September 25, 1996, President Clinton signed into law H.R. 1642 (Public Law No. 104–203), which makes products of Cambodia eligible for most-favored-nation (MFN) treatment by the United States as of the effective date of a notice published in the Federal Register by the USTR that a trade agreement between the United States and Cambodia containing reciprocal MFN obligations has entered into force. Cambodia is currently referred by its old name of ''Kampuchea'' in the 1996 Harmonized Tariff Schedule of the United States. On October 4, 1996, the United States and Cambodia signed a bilateral trade agreement containing reciprocal MFN obligations. Through an exchange of written notes of acceptance of the terms of the agreement by the two parties on October 25, 1996, the parties brought the agreement into force. Therefore, pursuant to the terms of Public Law No. 104–203, products of Cambodia entered, or withdrawn from warehouse for

consumption, on or after October 25, 1996, are granted MFN treatment by the United States. Pursuant to the terms of the trade agreement, products of the United States will receive reciprocal MFN treatment by Cambodia as of the effective date of this notice.

Jennifer Hillman,

General Counsel.

[FR Doc. 96–27950 Filed 10–30–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act 1995 (44 USC Chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 12, 1996 [FR 61, page 41820].

DATES: Comments must be submitted on or before December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Taylor E. Jones, Jr., Director, Maritime Administration, MAR–250, Room 7302, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–5755 or fax 202–366–3889. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Maritime Administration (MARAD)

Title: Request for Waiver of Service Obligation; Request for Deferment of Service Obligation; Request for Review of Waiver/Deferment Decisions.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0510.

Form Number: MA–935, MA–936, MA–937.

Affected Public: Every student and graduate of the USMMA and subsidized State maritime academy student incurs a mandatory service obligation in the U.S. merchant marine.

Abstract: Information collection is necessary to determine if a graduate of the USMMA or subsidized State maritime academy student or graduate has a waiverable situation that prevents them from fulfilling the requirements of their service obligation contract. It also permits MARAD to determine if a graduate, who wishes to defer the service obligation to attend graduate school, may receive a deferment.

Estimated Annual Burden: The total annual burden is 67 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention DOT Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on October 22, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–27944 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–62–P

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for reinstatement, with change, of a previously approved collection for which approval has expired. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice soliciting comments on the following collection of information was published on March 7, 1996 [FR 61, page 9103].

DATES: Comments must be submitted on or before December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Edward Kosek, (202) 366–2590, and refer to the OMB Control Number.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration (NHTSA)

Title: Certification Requirements for State Grants for Drunk Driving Prevention Programs.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Control Number: 2127–0501.

Form Number: HS–217.

Affected Public: State and local governments.

Abstract: Title 23 USC established a Federal alcohol incentive grant program designed to enact strong effective anti-drunk driving legislation and improve the enforcement of these laws. Section 410 also promotes the development and implementation of innovative programs to combat impaired driving. The program is administered by the National Highway Traffic Safety Administration. Grants are awarded to States through their designated Highway Safety Officer.

Need and Use of the Information: The information provided by the states and submitted to NHTSA is used to determine the state's eligibility to Section 410 Alcohol Incentive Grant funds and to demonstrate that they continue to meet the criteria.

Annual Estimated Burden: The total estimated annual burden is 2,340 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention OST Desk Officer.

Comments are Invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on October 24, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–27945 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–62–P

Coast Guard

[CGD 95–066]

National Environmental Policy Act Final Environmental Impact Statement for the USCG Atlantic Protected Living Marine Resource Initiative

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of the Final Environmental Impact Statement (FEIS) for the Atlantic Protected Living Marine Resource Initiative (APLMR) that it is proposing for the Atlantic Coast of the United States. The FEIS contains an overview of the Coast Guard missions and describes how the proposed action aids the Coast Guard in its ability to fulfill its missions and enhance preservation of protected species. This FEIS was prepared concurrently with an Endangered Species Act consultation with the National Marine Fisheries Service.

DATES: The review period for this FEIS will end on 9 December 1996.

ADDRESSES: Commandant (G–O), U.S. Coast Guard Headquarters, 2100 2nd St SW, Washington, DC 20593–0001, ATTN: CDR Rooth.

FOR FURTHER INFORMATION CONTACT: Commander R. Rooth at (202) 267–1456, or by fax at (202) 267–4427 or (202) 267–4222.

SUPPLEMENTARY INFORMATION: The Coast Guard encourages interested persons to review the FEIS.

Background Information

On August 9, 1995, the Coast Guard published, in the Federal Register (60 FR 40631), a notice of availability and request for comments announcing the availability of an Environmental Assessment (EA) and a proposed Finding of No Significant Impact (FONSI) on Coast Guard activities along the U.S. Atlantic coast. On October 11, 1995, the Coast Guard published in the Federal Register (60 FR 52949), a notice reopening and extending the comment period for the EA and FONSI.

The EA focused on the six whale and five turtle species listed as threatened or endangered found along the Atlantic coast. The Coast Guard received comments from Federal, State, and local agencies and the public.

On April 2, 1996, the Coast Guard published, in the Federal Register (61 FR 14590), a notice of intent to prepare an Environmental Impact Statement (EIS) to assess the impacts of a revised proposed project under Section 102(2)(C) of the National Environmental Policy Act. The decision to prepare an EIS was the result of new information concerning the October 1995 interaction between a Coast Guard vessel and a suspected Humpback whale, as well as recent observations of increased Northern Right Whale mortalities, and comments received in response to the EA and FONSI.

The Coast Guard prepared a Draft Environmental Impact Statement (DEIS) and on July 31, 1996, published, in the Federal Register (61 FR 40062), a notice of availability and request for comments. The comment period ended September 16, 1996. All comments received on the DEIS were considered and addressed in the FEIS.

Proposed Action

The FEIS contains an overview of the Coast Guard missions and describes how the proposed action, the Atlantic Protected Living Marine Resource Initiative, aids the Coast Guard in fulfilling its mission while enhancing preservation of protected species. The proposed initiative in this FEIS works to preserve all protected species in the Atlantic.

Measures evaluated in the FEIS include:

1. Adding protected species information as part of the testing criteria for the public applying for USCG licenses to operate vessels.
2. Training programs on marine mammal identification for USCG vessel lookouts.
3. Distributing notices of species locations via marine radio (operating on VHF–FM frequency) and the NAVTEX program.
4. Surveying critical habitat areas, noting presence and activities of protected species.
5. Focusing on enforcement of existing laws.
6. Participating in regional whale recovery implementation groups.
7. Establishing or modifying vessel traffic routes.
8. Developing Coast Guard-wide and regional procedures to alert mariners of seasonally heightened potentials for interaction with protected species.
9. Including protected species awareness information in USCG basic boating safety training provided to the public.
10. Notifying the National Marine Fisheries Service regional office when a significant incident is brought to the attention of the Coast Guard.
11. Participating in regional species stranding networks.
12. Surveying lighting options for Coast Guard stations in the vicinity of turtle nesting beaches.

In its FEIS, the Coast Guard evaluates the latest data on the habits and habitats of protected species and the location of Coast Guard stations and vessels. The FEIS also examines navigational capabilities of Coast Guard vessels, training of Coast Guard employees regarding protected species, and possible modifications of vessel traffic control and aircraft operations. The FEIS also analyzes cumulative impacts of Coast Guard assets operating together and in conjunction with other vessels. This FEIS will serve as the basis for the Coast Guard's final Record of Decision (ROD) on the proposed APLMR Initiative.

Dated: October 28, 1996.

T.J. Meyers,

Captain, U.S. Coast Guard, Chief, Office of Aids to Navigation.

[FR Doc. 96–27982 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–14–M

[CGD 96–044]

International, Private-Sector, Tug of Opportunity System Plan

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting; request for comments.

SUMMARY: This notice provides notice of a public meeting to obtain views and comments from the public on the International Tug-of-Opportunity System (ITOS) plan for the Strait of Juan de Fuca and the Waters of the Olympic Coast National Marine Sanctuary to be held on November 26, 1996. This plan was prepared voluntarily by a cross section of the marine operating community in the State of Washington and British Columbia, Canada.

DATES: The meeting will be held November 26, 1996, from 9 a.m. to 12 p.m. and 6 p.m. to 9 p.m. Written statements and requests to make oral presentations should reach the Coast Guard on or before November 19, 1996. Other comments should reach the Coast Guard on or before November 30, 1996.

ADDRESSES: The meeting will be held in the National Oceanic and Atmospheric Administration Western Region Conference Center, Building Nine Auditorium, 7600 Sand Point Way N.E., Seattle, Washington. Written materials may be mailed to the Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant W. M. Pittman, Office of Response (G–MOR–1), telephone (202) 267–0426, fax (202) 267–4085. The telephone number is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Background Information

On November 28, 1995, the President signed the Alaska Power Administration Asset Sale and Termination Act (Pub. L. 104–58), authorizing exports of Alaskan North Slope (ANS) crude oil when transported in U.S. flag tankers. Section 401 of the statute directs the Coast Guard to submit, within 15 months of enactment of the Act, a plan to Congress on the most cost-effective means of implementing an international private sector tug of opportunity system. The plan is to include a coordinated system of communication, using exiting towing vessels to provide timely emergency response to a vessel in distress transiting the waters within the boundaries of the Olympic Coast Marine Sanctuary or the Strait of Juan de Fuca.

In order to implement this action, the Department of Transportation has required that the Coast Guard establish marine safety requirements concerning crew qualification, tug performance capabilities, and response times which any proposed international tug-of-opportunity system (ITOS) must meet to ensure marine environmental safety. In addition, the Coast Guard has proposed to establish specific ITOS documentation requirements needed to properly describe the operation of any proposed ITOS so that it may be fully evaluated as required by Public Law 104–58.

These marine safety requirements and documentation requirements are contained in the Interim Report on the International, Private-Sector Tug-of-Opportunity System for the Waters of the Olympic National Marine Sanctuary and the Strait of Juan de Fuca and will be revised based upon public comments received in a prior public meeting held on October 17, 1996. The comments from the October 17, 1996 meeting will be addressed in a future notice.

The present meeting provides the public an opportunity to comment directly on the ITOS plan submitted by the marine operating community which the Coast Guard is currently reviewing. Initial copies of the interim report were provided to interested parties, distributed by Federal Register notice, and distributed at the October 17, 1996 public meeting. Additional copies of the interim report and copies of the ITOS plan may be obtained by contacting the Office of Response (G–MOR–1), Directorate of Field Operations, US Coast Guard, 2100 Second Street SW., Washington DC 20593–0001 or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Procedural

Attendance is open to the public. Persons wishing to make oral presentations at the meeting should notify the person listed under **FOR FURTHER INFORMATION CONTACT.** no later than November 19, 1996.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: October 25, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–27985 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Training and Qualifications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss training and qualification issues.

DATES: The meeting will be held on December 11, 1996 at noon.

ADDRESSES: The meeting will be held at the Regional Airlines Association, Third floor, 1200 19th St. NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Regina L. Jones, (202) 267–9822, Office of Rulemaking (ARM–100), 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee (ARAC) to discuss training and qualification issues. This meeting will be held December 11, 1996, at noon, at the Regional Airlines Association. The agenda for this meeting will include the following: The Aircraft Dispatcher Working Group will provide a recommendation regarding the Revision of Certification Requirements: Aircraft Dispatcher, part 65 proposed rulemaking; ARAC will vote on whether to approve the Aircraft Dispatcher Working Group's recommendation. The Operator Flight Attendant English Language Program Working Group will provide a recommendation on the disposition of comments made to the Advance Notice of Proposed Rulemaking No. 94–74, which proposes to amend the applicable portions of parts 123, 125, and 135. ARAC will recommend and vote on an appropriate rulemaking action (e.g., notice of proposed rule making, withdrawal) or issuance of advisory material in reference to the Advance Notice of Proposed Rulemaking No. 94–74. In addition, ARAC will discuss parts 121 and 135 training program advisory circular.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening devise, if requested 10 calendar days before the meeting.

Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on October 25, 1996.

Thomas Toula,

Executive Director for Training and Qualifications, Aviation Rulemaking Advisory Committee.

[FR Doc. 96–27990 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Dane County Regional Airport; Madison, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Dane County Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of

the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before December 2, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Peter L. Drahn, Airport Director of the County of Dane, Madison, WI at the following address: 4000 International Lane, Madison, WI 53704–3120.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Dane under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Sandra E. DePottey, Program Manager, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450, 612–725–4221. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Dane County Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 18, 1996 the FAA determined that the application to impose and use the revenue from a PFC submitted by County of Dane was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 6, 1997.

The following is a brief overview of the application.

PFC Application Number: 97–03–C–00-MSN
Level of the proposed PFC: $3.00
Actual charge effective date: 9/1/93
Proposed charge expiration date: 11/30/2001
Total estimated PFC revenues: $12,128,000
Brief description of proposed project(s): Land Acquisition for Runway 3/21, Construct Parallel taxiway for Runway 3/21, Construct north perimeter road.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: FAR Part 135 Air Taxi.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the County of Dane.

Issued in Des Plaines, Illinois, on October 23, 1996.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 96–27987 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Myrtle Beach International Airport, Myrtle Beach, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Myrtle Beach International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before December 2, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, DOT/FAA, Campus Building, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. C.P. Winters, Director of the Myrtle Beach International Airport at the following address: 1100 Jetport Road, Myrtle Beach, SC 29577.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Myrtle Beach International Airport under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. D. Cameron Bryan, Program Manager, Atlanta Airports District Office, DOT/FAA, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Myrtle Beach International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 24, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by Myrtle Beach International Airport was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application in whole or in part, no later than February 15, 1997.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: May 1, 1997
Proposed charge expiration date: May 31, 2008
Total estimated PFC revenue: $14,158,933
Application number: 97–02–C–00–MYR
Brief description of proposed project(s): Terminal A Baggage Claim Expansion, PFC Administrative Costs.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air carriers operating under Part 135, nonscheduled, whole-plane-charter basis not selling tickets.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Myrtle Beach International Airport.

Issued in Atlanta, Georgia, on October 24, 1996.

Dell T. Jernigan,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 96–27988 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Petition for Waivers of Compliance

In accordance with 49 CFR 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions

involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Siemens Transportation Systems, Incorporated (Siemens)

Docket Number H–96–2

Siemens requests waivers of compliance with certain provisions of the Federal Railroad Administration (FRA) railroad safety regulations. It is seeking relief from sections of the Railroad Locomotive Safety Standards (49 CFR Part 229), the Railroad Safety Appliance Standards (49 CFR Part 231) and the Railroad Safety Glazing Standards (49 CFR Part 223). The relief is being sought in order to demonstrate the Regio Sprinter (Sprinter) diesel powered rail vehicle in the United States. The planned demonstration is being organized by Siemens and the National Railroad Passenger Corporation (Amtrak) in cooperation with several transit districts, private rail operators, and state departments of transportation.

The Sprinter completed a 5 month demonstration in Calgary, Alberta, Canada and is currently in the Siemens assembly facility in Sacremento, California. Presently Sprinters are manufactured by Siemens A.G. in Krefeld, Germany. Sprinters are presently in operation in two locations in Germany and one in Denmark. The Sprinter was developed to serve the German transit non-electrified secondary lines about 30 miles long which link city-centers and mid-size towns with their rural surroundings. The Sprinter used in Calgary and which will be demonstrated in the United States was built for a regional rail authority in Germany and is on loan for the tour.

Siemens states that all necessary modifications will be made to the equipment in their Sacramento facility. The horn and headlights will be checked and brought into compliance with Federal Railroad Administration (FRA) Railroad Locomotive Safety Standards, if necessary. Marker lights will be verified for proper color and intensity. The necessary communication equipment will be installed. Exterior sound level tests will be performed in Sacramento. The required air brake tests and inspections will be done prior to any demonstration operation.

The Sprinter is a double articulated, 70% low floor, diesel hydraulic train set with an operating cab at each end carried on an A+2+A wheel arrangement. The driven end wheels are 30 inches in diameter and the center truck wheels are 20 inches in diameter. The Sprinter carbody is approximately 80 feet long, with a center section of approximately 13.5 feet. It has a maximum width of approximately 10 feet and a height above top-of-rail of approximately 11 feet. The Sprinter has a tare weight of approximately 30 ton, a maximum weight of approximately 50 ton, seating capacity of 74 people and a maximum capacity of 100 people. It has a maximum speed of 60 mph. The Sprinter has retractable access ramps for elderly and handicapped passengers. The double-articulated body shell is designed as a self supporting aluminum structure with welded underframe and bolted side walls. The side walls are of FRP sandwich construction, the roof of aluminum sandwich construction. Two sets of two-swing plug doors measuring 52 inches are located at each side of the sprinter.

Located at each end of the cab is an autonomous drive system comprised of a 5-cylinder turbocharged and intercooled MAN B&W diesel engine rated at 198 horsepower direct connected to a reversing Hurth automatic transmission. A carden shaft connects the transmission to the axle gear box assembly. The transmission includes a hydrodynamic retarder unit. The two outer sections of the railcar run on single-axle driving wheel-sets, which are connected to the carbody by means of longitudinal steering rods. The center unit is carried on a two axle truck assembly. The center section is connected to the end sections through flexible drawbars. Each engine is suppled from a 350 liter (92 gallon) fuel oil reservoir.

The Sprinter brake system consists of the two transmission hydrodynamic retarders, a Knorr computer controlled air brake system and an electromagnetic track brake at the center truck. In a normal service brake application, braking is provided primarily by the transmission retarders, assisted by the air brakes, as modulated by the computer. This system minimizes brake lining wear. All power and intermediate wheel sets are equipped with two brake discs and brake pads. In the event of a brake computer failure, a manual air brake system can be utilized. The electro-magnetic track brake is provided for emergency braking and derives its power from the 24 volt battery system. The Sprinter is equipped with spring-loaded parking brakes, which replaces the handbrakes.

Siemens seeks a temporary waiver from compliance with the Railroad Locomotive Safety Standards 49 CFR 229.71, Clearance above top of rail, which requires that no part or appliance of a locomotive except the wheels, flexible nonmetalic sand pipe extension tips, and trip cock arms may be less that 2½ inches above top of rail. The magnetic track brake of the intermediate truck is approximately 1-inch above the top of rail. A temporary waiver is requested from 49 CFR 229.123, Pilot, snowplows and end plates, which requires an end plate that extends across both rails, a pilot or a snow plow. The Sprinter has no end plate, snow plow or pilot. The ends are covered by a shroud fabricated of fiberglass with a foam core.

Seimens seeks a temporary waiver from compliance with the Railroad Glazing Standards, Section 223.15 (a) and (b), which requires that all front and rear facing windows on passenger cars must meet the FRA Type I testing criteria and all side facing glazing on passenger cars must meet the FRA Type II testing criteria. The windshield and side facing glazing are of the bonded frameless type. The windshield is made of 6.8 mm (.272 inch) laminated safety glass and the side windows are made of 6 mm safety glass (.24 inch). The side windows are designed as sliding windows. Section 223.15(c) requires that each passenger car be equipped with minimum of four (4) emergency side windows. The Sprinter has no emergency side windows, and the escape method is to break the windows with emergency hammers strategically located in the passenger compartments. The four wide entrance doors located in the two sides of the Sprinter provides a high proportion of door opening to floor space which provides for emergency capability. The doors can be opened manually from inside and outside without the assistance of compressed air and electrical power.

Siemens seeks a temporary waiver from Section 231.12(c), which requires that each passenger car with wide vestibules have two (2) horizontal handholds located near each end on each side of the vestibule end sill. The Sprinter has no horizontal handholds at either end. Modifying the vehicle structure for handholds is impractical for such a short duration test. Section 231.12(d) requires uncoupling levers. The Sprinter does not have a conventional AAR coupler or uncoupling lever at each end but is equipped with European style buffers and hook and turnbuckle drawgear. A tempory portable AAR coupler will be carried on the Sprinter for emergency moves.

Siemens demonstration sites and dates are as follows:

December, 1996	
Folsom, California	Regional Transit of Greater Sacramento.
Napa, California	Napa Valley Wine Train (Private railroad).
San Jose, California	Transit Authority of Santa Clara County.
January, 1997	
Santa Cruz, California	Santa Cruz Transit District.
Oceanside, California	North County Transit District.
Los Angeles, California	Los Angeles Metrolink.
Williams, Arizona	Grand Canyon Railways (Private railroad).
February, 1997	
Austin, Texas	Capitol Metro Transit.
Tampa, Florida	Hartline Transit-Hillsborough County.
Orlando, Florida	Lynx Transit-Greater Orlando.
March, 1997	
North Carolina	Triangle Transit-Raleigh, Durham, Chapel Hill District.
March/April, 1997	
New Jersey	New Jersey Transit.

The planned demonstration tour will focus on locations where there are lightly used secondary branch lines, which could be used for future passenger service. Siemens does not intend to demonstrate the Sprinter on main lines of operation. Movement of the Sprinter from demonstration site to site will be done as either a rail movement where short distances are involved, or on a special leased 89 foot flat car for long hauls. The moves will be coordinated by Amtrak and the local authorities. In many cases the Sprinter service will be run on track where there is only infrequent switching operations.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number H–96–2) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 30 days of the date of publication of this notice will be considered before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on October 28, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–27971 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

National Award for the Advancement of Motor Vehicle Research and Development

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Announcement of award; request for nominations.

SUMMARY: This notice announces the National Award for the Advancement of Motor Vehicle Research and Development, describes its background and basis, and solicits nominations for the award. It also identifies the required content for nominations and describes the evaluation process and criteria to be used in making selections.

DATES: Nominations must be received not later than December 13, 1996.

ADDRESSES: Send complete nominations with supporting information to William A. Boehly, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, 400 Seventh St. SW, Washington, DC 20590. For further information, contact Louis J. Brown, Jr., Special Assistant for Technology Transfer Policy and Programs, NRD–01, National Highway Traffic Safety Administration, Washington, DC 20590, phone: 202–366–5199, fax: 202–366–5930.

SUPPLEMENTARY INFORMATION: The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 established a National Award for the Advancement of Motor Vehicle Research and Development. It set the basis for the award as follows:

The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who, in the opinion of the Secretary of Transportation, have substantially improved domestic motor vehicle research and development in safety, energy savings, or environmental impact. No person may receive the award more than once every 5 years. (15 USC 3711c.)

This announcement is to solicit nominations for the National Award for the Advancement of Motor Vehicle Research and Development and to provide relevant information. It is the fourth year of competition for the award; the third competition having closed on December 15, 1995 after having been announced by Federal Register notice (60 FR 55645, Wednesday, November 1, 1995). The award consists of a medal and citation from the Secretary of Transportation. It will be presented at an appropriate ceremony.

Nominators: Any person may nominate individuals or organizations he or she believes are worthy of receiving the award by reason of accomplishments.

Eligibility: Eligibility for the National Award for the Advancement of Motor Vehicle Research and Development is limited to domestic motor vehicle manufacturers, domestic suppliers to the motor vehicle industry, their employees, and personnel of Federal laboratories. See the *Definitions* section below for the definitions of the following terms:

Domestic motor vehicle manufacturer, Domestic supplier, and

Federal laboratory.

Qualifying Work: The award will recognize work that has substantially improved domestic motor vehicle research and development in the areas of motor vehicle safety, motor vehicle energy savings, or environmental impacts of motor vehicles. The work may be a singular one time accomplishment or it may be a series of accomplishments that have had substantial effect over time. Examples of the types of achievements that fall into the three categories are:

1. *Safety Improvement*—Vehicular technology that reduces the likelihood of crashes (crash avoidance) or the likelihood of serious injury when a crash occurs (crashworthiness) or otherwise improves the chances of post-crash survival/recovery of crash victims. This could include research and development of instrumentation or biomechanics.

2. *Energy Savings*—Technology that saves energy in the production or operation of motor vehicles by such means as light weight structures, engine and drive train improvements, reductions in tire rolling resistance or aerodynamic drag, and modifications of fuel characteristics.

3. *Improvements in Environmental Quality*—Motor vehicle technology that reduces emissions, reduces solid waste, reduces hazardous waste, reduces noise (e.g., tire noise), as well as technology that reduces waste byproducts of motor vehicle production, operation, or scrappage.

Required Contents of Nomination

- Names and identification of specific individuals or organizations being nominated.
- Identification of nominator(s) with title(s), address(es) and phone number(s). At least one nominator must sign the nomination.
- Description of accomplishments, including the nature of the specific research and development accomplishment and reasons why it constitutes substantial improvement. Identify involvement of organization or individual(s) nominated.
- References for improvements (patents, awards, papers, other recognition).
- Establish eligibility of nominees. Individuals must be past or current employees of organization at which research and development was accomplished.
- Establish that improved technology is for motor vehicles offered for sale in the United States.

Limitation on length of nomination: The nomination is limited to 10 numbered pages of 8.5 inch by 11.0 inch paper with one inch margins and font size not less than 12 point.

Send an original and three copies of the complete nomination to William A. Boehly, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, 400 Seventh St. SW, Washington, DC 20590. Nomination will be returned to the nominator if it includes a written request.

Evaluation process and criteria: NHTSA and other Federal agency staff will make an initial screening of all nominations received on or before December 13, 1996 to ensure that they contain the required information and meet the statutory requirements for eligibility and field of work. Subsequently, a special panel will evaluate the nominations. NHTSA intends that the evaluation panel will include experts in the fields of energy savings and environmental impact in addition to motor vehicle safety. The panel will make its evaluations according to the following criteria:

1. Quality of cited work.

2. Contribution of cited work to improved safety, energy savings or environmental quality.

3. Involvement of nominees with cited work.

The Secretary of Transportation will then select the awardee from among the nominees receiving high evaluations from the evaluation panel. The Secretary may also decide not to make an award. His decision is final.

Definitions

For the purposes of determining eligibility for the National Award for the Advancement of Motor Vehicle Research and Development, the following definitions will apply:

Domestic motor vehicle manufacturer—a company engaged in the production and sale of motor vehicles in the United States and that has majority ownership or control by individuals who are citizens of the United States. [Definition based on that of ''United States-owned company'' in Section 15 U.S.C. 278n(j)(2) as added by Public Law 102–245.]

Domestic supplier—a company that supplies research and development, design services, materials, parts and/or items of equipment or machinery to a motor vehicle manufacturer or subcontractor to a motor vehicle manufacturer or whose products are used in new motor vehicles and that has majority ownership or control by individuals who are citizens of the United States.

Personnel of Federal laboratory—Individuals employed by the Federal Government at a facility engaging in research and development activities or employed by a contractor at such a facility that is owned by the Federal Government and operated by that contractor.

Ricardo Martinez,

Administrator.

[FR Doc. 96–27838 Filed 10–30–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Federal Reserve System

Federal Deposit Insurance Corporation

Submission for OMB Review; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: On February 21, 1995, the OCC, the Board, and the FDIC (the ''agencies'') requested approval from the U.S. Office of Management and Budget (OMB) and published for a 30-day public comment proposed revisions to the Country Exposure Report. In response to public request the comment period was extended to April 21, 1995. The agencies received comments from one trade group and one commercial bank. After considering the comments, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has adopted several modifications to the revised reporting requirements initially proposed.

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid Office of Management and Budget (OMB) control number. Comments are invited on: (a) whether the proposed revisions to the following collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility; (b) the accuracy of the agencies' estimate of the burden of the information collections as they are proposed to be revised, including the validity of the

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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before December 2, 1996.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the Agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Ninth Floor, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, D.C. 20219; Attention: Paperwork Docket No. 1557–0100 [FAX number (202) 874–5274; Internet address: reg.comments@occ.treas.gov]. Comments will be available for inspection and photocopying at that address.

Board: Written comments should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M–P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FDIC: Written comments should be addressed to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments may be hand-delivered to Room F–402, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. Comments may be sent through facsimile to: (202) 898–3838 or by the Internet to: comments@fdic.gov. Comments will be available for inspection at the FDIC Public Information Center, Room 100, 801 17th Street, N.W., Washington, D.C., between 9:00 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the revised collection of information may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Gates, OCC Clearance Officer, (202) 874–5090, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. McLaughlin, Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users only, Dorothea Thompson, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collection of information:

1. Report Title: Country Exposure Report/Country Exposure Information Report

Form Number: FFIEC 009 and FFIEC 009a

Frequency of Response: Quarterly.

Affected Public: Business or other for profit.

For OCC:

OMB Number: 1557–0100.

Number of Respondents: 60 (FFIEC 009); 60 (FFIEC 009a)

Total Annual Responses: 480

Estimated Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a)

Total Annual Burden: 8,460 burden hours.

For Board:

OMB Number: 7100–0035.

Number of Respondents: 34 (FFIEC 009); 34 (FFIEC 009a)

Total Annual Responses: 272

Estimated Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a)

Total Annual Burden: 4,794 burden hours.

For FDIC:

OMB Number: 3064–0017.

Number of Respondents: 40 (FFIEC 009); 40 (FFIEC 009a)

Total Annual Responses: 320

Estimated Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a)

Total Annual Burden: 5,640 burden hours.

General Description of Report: This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 248(a), 1844(c), and 3906 (for state member banks), and 12 U.S.C. 1817 and 1820 (for insured state nonmember commercial and savings banks). The FFIEC 009 is given confidential treatment (5 U.S.C. 552 (b)(4) and (b)(8)). Small businesses (that is, small banks) are not affected.

Abstract: The Country Exposure Report (FFIEC 009) is filed quarterly with the agencies and provides information on international claims of U.S. banks and bank holding companies that is used for supervisory and analytical purposes. The information is used to monitor country exposure of banks to determine the degree of risk in their portfolios and the possible impact on U.S. banks of adverse developments in particular countries.

The Country Exposure Information Report (FFIEC 009a) is a supplement to the FFIEC 009 and provides publicly available information on material foreign country exposures (all exposures to a country in excess of one percent of total assets or 20 percent of capital, whichever is less) of U.S. banks and bank holding companies that file the FFIEC 009 report. Reporting institutions must also furnish a list of countries in which they have lending exposures above .75 percent of total assets or 15 percent of total capital, whichever is less.

Current Actions: Revisions initially proposed for the FFIEC 009 consisted of: the addition of two new items, ''Revaluation Gains on Off-Balance-Sheet Items'' and ''Securities Held in Trading Accounts;'' the deletion of the item ''Amount of Claims that Represent Guarantees Issued by the U.S. Government and its Agencies;'' the combination of three items ''Commercial Letters of Credit,'' ''Standby Letters of Credit and Risk Participations Purchased,'' and ''All other Commitments'' into one item ''All Commitments;'' the redefinition of the item ''Trade Financing'' to include ''commercial letters of credit;'' and the revision of the reporting instructions to require all claims consisting of available-for-sale securities to be reported at amortized cost rather than at fair value, as well as other minor instructional clarifications. After considering the comments, the regulatory agencies made several modifications to the initial proposed changes. Changes and comments are discussed below.

Type of Review: Revision.

Commenters generally supported the revisions proposed by the regulatory agencies but also suggested additional changes to the report in order to deal with new financial and economic realities and to recognize recent approaches and arrangements undertaken by banks to manage and reduce country exposure. After considering the comments, the FFIEC has approved a revised Country Exposure Report (FFIEC 009) and a revised Country Exposure Information Report (FFIEC 009a) for implementation as of the March 31, 1997, report date.

The revised FFIEC 009 report consists of two schedules: schedule 1, which collects information on the respondent's country exposure excluding claims resulting from foreign exchange and derivative products; and schedule 2, which collects information on the respondent's country exposure resulting from revaluation gains on foreign exchange and derivative contracts held in the trading account. Schedule 1 is substantially the same as the revised report as originally proposed, except that the proposed memorandum column for ''Revaluation Gains on Off-Balance Sheet Items,'' in essence, moved to Schedule 2. In addition, columns for the breakdown of time remaining to maturity for total claims on foreign residents for ''Over One Year to Two Years'' and ''Over Two Years to Five Years'' have been combined into a single column for ''Over One Year to Five Years,'' and the proposed column for ''Securities Held in Trading Accounts'' has been redefined as ''Assets Held for Trading.'' Schedule 2 was developed as the result of a recommendation from commenters that mark-to-market gains on foreign exchange and derivative contracts should be reported on a new, separate schedule.

Revisions to the FFEIC 009a report reflect the inclusion of a country's exposure resulting from revaluation gains on derivative products. A new column has been added to collect the ''Amount of Cross-border Claims Outstanding from Derivative Products after Mandated Adjustments for Transfer of Exposure and Amount of Net Local Country Claims from Derivative Products.''

The specific comments received and how they were addressed by the regulatory agencies follow:

1. The commenters agreed with the regulatory agencies that information on revaluation gains on foreign exchange and derivative contracts should be included in the report, but recommended that the agencies collect this information on a separate schedule. Commenters noted that since the Financial Accounting Standards Board (FASB) Interpretation No. 39 provides for netting exposure to a counterparty resulting from revaluation gains and losses, regardless of currency or maturity, and use of the current schedule would not be feasible for this purpose. Working closely with representatives of the major banks that are primarily affected by this reporting change, the regulatory agencies developed a new schedule for foreign exchange and derivative contracts. The information that is collected on the FFIEC 009, Schedule 2, will distinguish the portion of an institution's gross exposure that is comprised of on-balance sheet revaluation gains from the remainder of its on-balance sheet exposure which consists of funds the institution has actually disbursed. This schedule is required to be completed only by banks which report total gross notional derivative contracts held for trading in excess of 10 billion dollars, or gross fair values of derivative contracts held for trading in an amount greater than 5 percent of their total assets.

2. The commenters noted that the requirement for reporting revaluation gains by remaining maturity, which was proposed in the original FFIEC 009 form, is not information that is maintained or readily available and would exacerbate reporting burdens for U.S. banking organizations. Therefore the agencies removed the requirement of reporting remaining maturities of these gains in the revised form.

3. The commenters suggested expanding the definition of ''local currency claims and liabilities'' to include local funding in either a local or non-local currency. The commenters' view is that claims of a branch or a subsidiary of a U.S. bank in a foreign country on a resident of that country should not be regarded as involving country exposure when the claim is funded in that country, irrespective of whether the claim is denominated in the local currency or in a non-local currency. The regulatory agencies concur with this view and are aware that the need for this approach becomes particularly important as non-local currencies increasingly become an important element of local monetary systems. The commenters also suggested that claims funded by nonresidents that expressly assume transfer risk should be excluded from local country calculations. The agencies have revised the instructions to incorporate this suggestion. In the revised reports, local currency claims and local currency liabilities have been redefined as local country claims and local country liabilities where local country liabilities may be to residents or nonresidents of the local country, but which represent the legal obligations only of the local office and for which no payment is guaranteed at locations outside the country of that office.

4. For the purpose of minimizing reporting burden, commenters suggested: (a) Excluding from the reports revaluation gains and losses on derivatives and foreign exchange contracts entered into with counterparties in G–10 countries, on the grounds that transfer risk in these countries is considered to be extremely low; and (b) exempting reporting of exposure that is not significant to the reporting institution. Information collected in this report is used to assess exposures to possible sources of credit risk, as well as transfer risk, and exposures in G–10 countries may be relevant to this purpose. The report is also used to develop aggregate international debt data. Exposures that may be small relative to individual institutions may be significant in the aggregate. These suggestions for burden reduction were therefore not adopted.

Commenters also suggested reporting exposures only after the application of arrangements that transfer country exposure to the country of the ultimate obligor. The requirement that exposures are reported gross of collateral and other arrangements for transferring risk was retained in schedule 1 because such information may be important in analyzing risks inherent in particular situations. Exposures arising from foreign exchange and derivative products are generally reported in schedule 2, however, only in the country of the ultimate obligor, except in certain circumstances where possible residual transfer risk may remain in, for example, the country where a branch office is located. Such exposures are reported in these cases as a memorandum item.

Dated: October 22, 1996.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, October 25, 1996.

William W. Wiles,

Secretary of the Board.

Dated at Washington, DC, this 23rd day of October, 1996.

Federal Deposit Insurance Corporation

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–27969 Filed 10–30–96; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P

Internal Revenue Service

Notice of Open Meeting of the Information Reporting Program Advisory Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

SUMMARY: In 1991 the IRS established the Information Reporting Program Advisory Committee (IRPAC). The primary purpose of IRPAC is to provide an organized public forum for discussion of relevant information reporting issues between the officials of the IRS and representatives of the payer community. IRPAC offers constructive observations about current or proposed policies, programs, and procedures and, when necessary, suggests ways to improve the operation of the Information Reporting Program (IRP).

There will be a meeting of IRPAC on Tuesday and Wednesday, November 19–20, 1996. The meeting will be held in Room 3313 of the Internal Revenue Service Building, which is located at 1111 Constitution Avenue, NW., Washington, DC. A summarized version of the agenda along with a list of topics that will be discussed are listed below.

Summarized Agenda for Meeting on November 19–20, 1996

Tuesday, November 19, 1996

9:30 Public Meeting Opens
11:30 Break for Lunch
1:00 Public Meeting Continues
4:30 Adjourn for the Day

Wednesday, November 20, 1996

9:30 Public Meeting Reconvenes
12:00 Adjourn

The topics that will be covered are as follows:

(1) Logos on Certain Form 1099 Payee Statements Update
(2) Summary of Recent Legislative Tax Initiatives
(3) Medical Savings Accounts (MSA's)
(4) SIMPLE Plans
(5) Escrow Fund Disbursements & Form 1099–MISC Reporting Issues
(6) Domestic Partners
(7) Backup Withholding Issues
(8) Electronic Federal Tax Payment System (EFTPS) Update
(9) Electronic Filing of the Form W–4
(10) IRS Electronic Information Services
(11) Electronic Filing of Information Returns
(12) On-Line TIN Matching Program
(13) Reporting Rollovers of Ineligible Amounts to an Individual Retirement Account
(14) Harmonized Codes for Forms 1099–R and 5329
(15) Statutory Employee Check Box on Form W–2
(16) Closing Agreements in Lieu of Corrected Forms 1099 Update
(17) Magnetic Media Filing of Form W–2 to SSA for U. S. Territories
(18) Employee Classification Update
(19) Tax Reporting When a Mutual Fund Changes Transfer Agents
(20) Reporting Deposit Interest Paid to Canadians
(21) Reporting December/January Mutual Fund Dividends
(22) C-Notice Program Improvements
(23) Updating Employee Address on Form W–2C

Note: Last minute changes to these topics are possible and could prevent advance notice.

SUPPLEMENTARY INFORMATION: IRPAC reports to the National Director, Office of Specialty Taxes, who is the executive responsible for information reporting payer compliance and is charged with its system wide planning and improvement. IRPAC is instrumental in providing advice to enhance the IRP Program. Increasing participation by external stakeholders in the planning and improvement of the tax system will help achieve the goals of increasing voluntary compliance and reduction of burden. IRPAC is currently comprised of 20 representatives from various segments of the private sector payer community. IRPAC members are not paid for their time or services, but consistent with Federal regulations, they are reimbursed for their travel and lodging expenses to attend two meetings each year.

DATES: The meeting will be open to the public, and will be in a room that accommodates approximately 90 people, including members of IRPAC and IRS officials. Seats are available to the public on a first-come, first-served basis. In order to get your name on the building access list, *notification of intent to attend this meeting must be made with Ms. Tommie Matthews no later than Friday, November 15, 1996. Ms. Matthews can be reached at 202–622–4214 (not a toll-free number).* Notification of intent to attend should include your name, organization and phone number. If you leave this information for Ms. Matthews in a voice-mail message, please spell out all names. A draft of the agenda will be available via facsimile transmission the week prior to the meeting. Please call Ms. Matthews on or after Tuesday, November 12, 1996 to have a copy of the agenda faxed to you. Please note that a draft agenda will not be available until Tuesday, November, 12, 1996.

ADDRESSES: If you would like to have IRPAC consider a written statement at a future IRPAC meeting (not the November 1996 meeting), please write to Kate LaBuda at IRS, Office of Specialty Taxes, CP:EX:ST:PC, Room 2013, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: To give notification of intent to attend this meeting, call Ms. Tommie Matthews at 202–622–4214 (not a toll-free number). For general information about IRPAC call Kate LaBuda at 202–622–3404 (not a toll-free number).

Dated: October 17, 1996.

Approved:

Kate LaBuda,

(Acting) Director, Office of Payer Compliance, Office of Specialty Taxes.

[FR Doc. 96–27863 Filed 10–30–96; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Edmund S. Muskie and Freedom Support Act Graduate Fellowship Programs Host Institution Competition

ACTION: Notice—announcement.

SUMMARY: The Office of Academic Programs, European Branch, of the United States Information Agency's Bureau of Educational and Cultural Affairs announces opportunities for regionally and professionally accredited U.S. institutions offering degree and executive education programs at the master's level in business administration, education administration, economics, journalism/mass communications, law, library and information science, public administration and public policy to host graduate students from Armenia, Azerbaijan*, Belarus, Estonia, Georgia, Kazakstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzberkistand for one- to two-year degree or non-degree programs under the auspices of the 1997 Edmund S. Muskie and Freedom Support Act Graduate Fellowship Programs.

Application Information: The Edmund S. Muskie and Freedom Support Act (FSA) Graduate Fellowship Programs are comprised of one- to two-year Master's-level academic programs and a three-month internship program. Pending available funding, the 1997 Muskie and FSA Graduate Fellowship Programs will be administered by USIA through cooperative agreements with the American Council of Teachers of

Russian/American Council for Collaboration in Education and Language Study (ACTR/ACCELS) and the Soros Foundations/Open Society Institute (Soros/OSI). Under these agreements ACTR and Soros/OSI will be responsible for recruitment, selection, academic placement, and monitoring of Fellows. Interested institutions should contact these organizations for additional program and application information:

For programs in Business Administration, Economics, Library and Information Science, Public Administration, and Public Policy, Kent Lewis, ACTR/ACCELS, 1776 Massachusetts Avenue, NW, Suite 700, Washington, DC 20036, E-Mail: fellows@actr.org.

For programs in Law, Education Administration and Journalism/Mass Communications: Kristin Crosby, Open Society Institute, 888 Seventh Avenue, Floor 31, New York, NY 10106, E-Mail: kcrosby@sorosny.org.

Current host institutions should contact the above organizations for renewal applications.

Applications must be received by 5pm Washington, DC time, Friday, February 28, 1997. Faxed copies or applications mailed on Friday, February 28, 1997, but received later will not be accepted.

Additional Information: Increases in program expenses together with reduced overall government funding for exchange programs make cost-sharing arrangements with host institutions a critical part of the Muskie and FSA Graduate Fellowship Programs. Preference will be given to institutions that can provide cost-sharing toward tuition, fees, and/or room and board expenses. Cost-sharing may also be in the form of other direct program and participant costs.

The Edmund S. Muskie and Freedom Support Act Graduate Fellowship Programs are not intended as precursors to doctoral studies in the United States. At the end of their designated academic and internship Programs, Fellows are required to return to their home countries to fulfill the two-year home residency requirement as specified in the Exchange Visitor (J-Visa) regulations and the Muskie and FSA Graduate Fellowship Programs Terms and Conditions.

ACTR/ACCELS and Soros/OSI will not approve the transfer of visa sponsorship to universities or the extension of visas for the purpose of Ph.D. programs, extended practical training, or other additional academic study. Universities that do not comply with the policies of the Muskie and FSA Graduate Fellowship Programs and J-Visa regulations will be removed from the pool of host institutions.

*Please note: Programs with Azerbaijan are subject to restrictions of Section 907 of the Freedom Support Act: Employees of the Government of Azerbaijan or any of its instrumentalities are excluded from participation, and no U.S. participant overseas may work for the Government of Azerbaijan or any of its instrumentalities. In addition, the Government of Azerbaijan or any of its instrumentalities will have no control in the actual selection of participants.

Dated: October 25, 1996.

Dell Pendergrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 96–27926 Filed 10–30–96; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0423.

Titles and Form Numbers: Invitation, Bid, and/or Acceptance or Authorization, VA Form 26–6724.

Type of Review: Revision of a currently approved collection.

Need and Uses: The form is used to solicit competitive bids or serves as a work order for the repair of properties acquired by the VA. In addition, the form serves as a record of a contractor's bid, the VA's acceptance of a bid, inspection of completed work, and a contractor's invoice and payment authorization.

Current Actions: In the operation of home loan activities authorized by 38 U.S.C., Chapter 37, the VA acquires residential properties which are rehabilitated and rented or sold. Without the use of VA Form 26–6724, the VA would have to rely on contractors to submit bids on separate documents and would not have the advantage of a single record of each repair program's specification, bid, acceptance, inspection, and payment authorization.

Affected Public: Business or other for-profit.

Estimated Total Annual Burden: 25,000 hours.

Estimated Total Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 50,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27895 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this

information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0353.

Title and Form Number: Certification of Lessons Completed, VA Form 22–6553b.

Type of Review: Extension of a currently approved collection.

Need and Uses: The information collected on the form is used to determine the number of lessons completed by the student and serviced by the school, and if necessary to determine the date of completion or termination of correspondence training. Without this information, the VA would be unable to determine the proper payment or the student's status.

Current Actions: The VA is authorized to pay educational assistance for correspondence training under Title 38, U.S.C., Chapters 30, 32, and 35, Title 10, U.S.C., Chapter 1606, and Section 903 of Public Law 96–342. Benefits are payable quarterly based on the number of lessons completed by the student and serviced by the school. Benefits are not payable when training is interrupted, discontinued or completed. The student uses the form to apply for benefits for correspondence training. On the form the student verifies the number of correspondence lessons completed. The student then gives the form to the Certifying Official at the school to certify the number of lessons serviced by the school.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit institutions.

Estimated Annual Burden: 3,186 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 6,330.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27896 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0009.

Titles and Form Numbers: Disabled Veterans Application for Vocational Rehabilitation, VA Form 28–1900.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Need and Uses: The form is used by service-connected disabled veterans and servicepersons awaiting discharge for disability to apply for vocational rehabilitation benefits. The information is used by the VA to evaluate an applicant's claim for benefits.

Current Actions: The VA evaluates the information for completeness and verifies the information against the VA file data to determine if the claimant meets basic criteria for benefits. If so, the applicant is scheduled for an evaluation appointment with a counseling psychologist.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 7,500 hours.

Estimated Total Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 30,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27897 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should

address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0114.

Titles and Form Numbers: Statement of Marital Relationship, VA Form 21–4170.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used to develop the evidence necessary to make a determination as to whether a claimed common law marriage can be recognized by the VA.

Current Actions: Title 38 U.S.C., 103(c) provides that a marriage is valid for VA purposes if it is valid under the laws of the place where the parties reside at the time of the marriage. A number of states recognize common law marriages.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 3,000 hours.

Estimated Total Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 6,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27898 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0105.

Titles and Form Numbers: Statement of Witness to Accident, VA Form Letter 21–806.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form letter is used in support of claims for disability benefits based on disability which is the result of an accident. The information given by a witness to the accident is used as a source to gather specific data regarding the accident and to obtain from the witness opinions as well as facts based on his or her own knowledge and beliefs regarding the accident.

Current Actions: The form letter is used to help the VA gather information to comply with Title 38, U.S.C. 105, 1110, 1131, and 1521a, which provide basic requirements for line of duty and misconduct determinations. Benefits may be paid if a disability is incurred in the line of duty and is not the result of the veteran's own willful misconduct.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 4,400 hours.

Estimated Total Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 13,200.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 8, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27899 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0191.

Titles and Form Numbers: Application for Designation as Management Broker, VA Form 26–6685.

Type of Review: Extension of a currently approved collection.

Need and Uses: It is the general policy of the VA to utilize the services of local brokers in the sale and management of VA-owned properties. Generally management activities are conducted by staff personnel only when the property is in close proximity to a VA field station and no reputable local brokers are willing to represent the VA. Each management broker wishing to represent the VA must submit a signed VA Form 26–6685. The information collected on the form, as well as other relevant material, such as a credit report, is used to determine the qualifications and acceptability of those management brokers who apply to participate in this program.

Current Actions: Title 38 U.S.C., 3720(a)(6) authorizes the VA to maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to this Chapter. Also Title 38 U.S.C., 513 authorizes the VA to enter into contracts or agreements with private or public agencies or persons for necessary services in order to carry out the purposes of those laws. Accordingly, the VA has established a management broker program whereby fee personnel are hired to carry out specific property management responsibilities for those properties acquired by the VA under title 38 U.S.C., Chapter 37.

Affected Public: Business or other for-profit.

Estimated Total Annual Burden: 63 hours.

Estimated Total Average Burden Per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Total Number of Respondents: 250.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27900 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 30, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0067.

Titles and Form Numbers: Application for Automobile or Other Conveyance and Adaptive Equipment, VA Form 21–4502.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used to gather the necessary information to determine if the veteran has established entitlement to an automobile allowance or adaptive equipment.

Current Actions: The information requested under the authority of Title 38 U.S.C. 3901–3904 provides eligibility to an automobile or other conveyance if the eligible person meets the disability requirements.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 375 hours.

Estimated Total Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 1,500.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 18, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96–27901 Filed 10–30–96; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors

Correction

In rule document 96-26949 beginning on page 54731 in the issue of Tuesday, October 22, 1996 make the following corrections:

1. On page 54732, in the first column, in the ADDRESSES section, in the last line, ''secretarycftc.gov.'' should read ''secretary@cftc.gov.''

2. On the same page, in the same column, in the FOR FURTHER INFORMATION CONTACT: section, in the last line, ''tmcftc.gov.'' should read ''tm@cftc.gov.''

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-15]

Michael J. Septer, D.O., Grant of Request To Modify Continuation of Registration With Restrictions

Correction

In document 96–26321, beginning on page 53762, in the issue of Tuesday, October 15, 1996, in the first column, the docket number should read as stated above.

BILLING CODE 1505–01–D

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1852

Rewrite of the NASA FAR Supplement (NFS)

Correction

In rule document 96–25189 beginning on page 52325 in the issue of Monday, October 7, 1996 make the following corrections:

1852.215-84 [Corrected]

1. On page 52344, in the second column, the amendatory instruction 11. ''As prescribed in 1815.7003, insert the following clause:'' should read ''Section 1852.215-84 is revised to read as follows:''.

2. On the same page, in the same column, after amendatory instruction 11., insert the section heading:

1852.215-84 Ombudsman.

3. On the same page, in the same column, in the space under the newly inserted section heading, and above ''Ombudsman (October 1996)'' insert ''As prescribed in 1815.7003, insert the following clause:''.

BILLING CODE 1505–01–D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

RIN 3206–AH31

Funding of Administrative Law Judge Examination

Correction

In rule document 96–19100, beginning on page 39267, in the issue of Monday, July 29, 1996, make the following correction:

On page 39267, in the third column, in the first line of the authority citation, ''1305'' should read ''3105''.

BILLING CODE 1505–01–D

federal register

Thursday
October 31, 1996

Part II

Environmental Protection Agency

Reproductive Toxicity Risk Assessment Guidelines; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5630–6]

Guidelines for Reproductive Toxicity Risk Assessment

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of final Guidelines for Reproductive Toxicity Risk Assessment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is today publishing in final form a document entitled Guidelines for Reproductive Toxicity Risk Assessment (hereafter ''Guidelines''). These Guidelines were developed as part of an interoffice guidelines development program by a Technical Panel of the Risk Assessment Forum. They were proposed initially in 1988 as separate guidelines for the female and male reproductive systems. Subsequently, based upon the public comments and Science Advisory Board (SAB) recommendations, changes made included combining those two guidelines, integrating the hazard identification and dose-response sections, assuming as a default that an agent for which sufficient data were available on only one sex may also affect reproductive function in the other sex, expansion of the section on interpretation of female endpoints, and consideration of the benchmark dose approach for quantitative risk assessment. These Guidelines were made available again for public comment and SAB review in 1994. This notice describes the scientific basis for concern about exposure to agents that cause reproductive toxicity, outlines the general process for assessing potential risk to humans from exposure to environmental agents, and addresses Science Advisory Board and public comments on the 1994 Proposed Guidelines for Reproductive Toxicity Risk Assessment. Subsequent reviews have included the Agency's Risk Assessment Forum and interagency comment by members of subcommittees of the Committee on the Environment and Natural Resources of the Office of Science and Technology Policy. The EPA appreciates the efforts of all participants in the process and has tried to address their recommendations in these Guidelines.

EFFECTIVE DATE: The Guidelines will be effective October 31, 1996.

ADDRESSES: The Guidelines will be made available in the following ways:

(1) The electronic version will be accessible on EPA's Office of Research and Development home page on the Internet at http://www.epa.gov/ORD/WebPubs/repro/.

(2) 3½-inch high-density computer diskettes in WordPerfect 5.1 will be available from ORD Publications, Technology Transfer and Support Division, National Risk Management Research Laboratory, Cincinnati, OH; telephone: 513–569–7562; fax: 513–569–7566. Please provide the EPA No. (EPA/630/R–96/009a) when ordering.

(3) This notice contains the full document. In addition, copies of the Guidelines will be available for inspection at EPA headquarters in the Air and Radiation Docket and Information Center and in EPA headquarters and regional libraries. The Guidelines also will be made available through the U.S. Government Depository Library program and for purchase from the National Technical Information Service (NTIS), Springfield, VA; telephone: 703–487–4650; fax: 703–321–8547. Please provide the NTIS PB No. (PB97–100093) when ordering.

FOR FURTHER INFORMATION CONTACT: Dr. Eric D. Clegg, National Center for Environmental Assessment—Washington Office (8623), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; telephone: 202–260–8914; e-mail: clegg.eric@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

A. Application of the Guidelines

The EPA is authorized by numerous statutes, including the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Clean Air Act, the Safe Drinking Water Act, and the Clean Water Act, to regulate environmental agents that have the potential to adversely affect human health, including the reproductive system. These statutes are implemented through offices within the Agency. The Office of Pesticide Programs and the Office of Pollution Prevention and Toxics within the Agency have issued testing guidelines (U.S. EPA, 1982, 1985b, 1996a) that provide protocols designed to determine the potential of a test substance to produce reproductive (including developmental) toxicity in laboratory animals. Proposed revisions to these testing guidelines are in the final stages of completion (U.S. EPA, 1996a). The Organization for Economic Cooperation and Development (OECD) also has issued testing guidelines (which are under revision) for reproduction studies (OECD, 1993b).

These Guidelines apply within the framework of policies provided by applicable EPA statutes and do not alter such policies. They do not imply that one kind of data or another is prerequisite for action concerning any agent. The Guidelines are not intended, nor can they be relied upon, to create any rights enforceable by any party in litigation with the United States. This document is not a regulation and is not intended to substitute for EPA regulations. These Guidelines set forth current scientific thinking and approaches for conducting reproductive toxicity risk assessments. EPA will revisit these Guidelines as experience and scientific consensus evolve.

The procedures outlined here in the Guidelines provide guidance for interpreting, analyzing, and using the data from studies that follow the above testing guidelines (U.S. EPA 1982, 1985b, 1996a). In addition, the Guidelines provide information for interpretation of other studies and endpoints (e.g., evaluations of epidemiologic data, measures of sperm production, reproductive endocrine system function, sexual behavior, female reproductive cycle normality) that have not been required routinely, but may be required in the future or may be encountered in reviews of data on particular agents. The Guidelines will promote consistency in the Agency's assessment of toxic effects on the male and female reproductive systems, including outcomes of pregnancy and lactation, and inform others of approaches that the Agency will use in assessing those risks. More specific guidance on developmental effects is provided by the Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991). Other health effects guidance is provided by the Guidelines for Carcinogen Risk Assessment (U.S. EPA, 1986a, 1996b), the Guidelines for Mutagenicity Risk Assessment (U.S. EPA, 1986c), and the Proposed Guidelines for Neurotoxicity Risk Assessment (U.S. EPA, 1995a). These Guidelines and the four cited above are complementary.

The Agency has sponsored or participated in several conferences that addressed issues related to evaluations of reproductive toxicity data which provide some of the scientific bases for these risk assessment guidelines. Numerous publications from these and other efforts are available which provide background for these Guidelines (U.S. EPA, 1982, 1985b, 1995b; Galbraith et al., 1983; OECD, 1983; U.S. Congress, 1985, 1988; Kimmel, C.A. et al., 1986; Francis and Kimmel, 1988; Burger et al., 1989; Sheehan et al., 1989; Seed et al., 1996). Also, numerous resources provide background information on the

physiology, biochemistry, and toxicology of the male and female reproductive systems (Lamb and Foster, 1988; Working, 1989; Russell et al., 1990; Atterwill and Flack, 1992; Scialli and Clegg, 1992; Chapin and Heindel, 1993; Heindel and Chapin, 1993; Paul, 1993; Manson and Kang, 1994; Zenick et al., 1994; Kimmel, G.L. et al., 1995; Witorsch, 1995). A comprehensive text on reproductive biology also has been published (Knobil et al., 1994).

B. Environmental Agents and Reproductive Toxicity

Disorders of reproduction and hazards to reproductive health have become prominent public health issues. A variety of factors are associated with reproductive system disorders, including nutrition, environment, socioeconomic status, lifestyle, and stress. Disorders of reproduction in humans include but are not limited to reduced fertility, impotence, menstrual disorders, spontaneous abortion, low birth weight and other developmental (including heritable) defects, premature reproductive senescence, and various genetic diseases affecting the reproductive system and offspring.

The prevalence of infertility, which is defined clinically as the failure to conceive after one year of unprotected intercourse, is difficult to estimate. National surveys have been conducted to obtain demographic information about infertility in the United States (Mosher and Pratt, 1990). In their 1988 survey, an estimated 4.9 million women ages 15–44 (8.4%) had impaired fertility. The proportion of married couples that was infertile, from all causes, was 7.9%.

Carlsen et al. (1992) have reported from a meta analysis that human sperm concentration has declined from 113 x 10^6 per mL of semen prior to 1960 to 66 x 10^6 per mL subsequently. When combined with a reported decline in semen volume from 3.4 mL to 2.75 mL, that suggests a decline in total number of sperm of approximately 50%. Increased incidence of human male hypospadias, cryptorchidism, and testicular cancer have also been reported over the last 50 years (Giwercman et al., 1993). Several other retrospective studies that examined semen characteristics from semen donors have obtained conflicting results (Auger et al., 1995; Bujan et al., 1996; Fisch et al., 1996; Ginsburg et al., 1994; Irvine et al., 1996; Paulsen et al., 1996; Van Waeleghem et al., 1996; Vierula et al., 1996). While concerns exist about the validity of some of those conclusions, the data indicating an increase in human testicular cancer, as well as possible occurrence of other plausibly related effects such as reduced sperm production, hypospadias, and cryptorchidism, suggest that an adverse effect may have occurred. However, there is no definitive evidence that such adverse human health effects have been caused by environmental chemicals.

Endometriosis is a painful reproductive and immunologic disease in women that is characterized by aberrant location of uterine endometrial cells, often leading to infertility. It affects approximately five million women in the United States between 15 and 45 years of age. Very limited research has suggested a link between dioxin exposure and development of endometriosis in rhesus monkeys (Rier et al., 1993). Gerhard and Runnebaum (1992) reported an association in women between occurrence of endometriosis and elevated blood PCB levels, while a subsequent small clinical study found no significant correlations between disease severity in women and serum levels of halogenated aromatic hydrocarbons (Boyd et al., 1995).

Even though not all infertile couples seek treatment, and infertility is not the only adverse reproductive effect, it is estimated that in 1986, Americans spent about $1 billion on medical care to treat infertility alone (U.S. Congress, 1988). With the increased use of assisted reproduction techniques in the last 10 years, that amount has increased substantially.

Disorders of the male or female reproductive system may also be manifested as adverse outcomes of pregnancy. For example, it has been estimated that approximately 50% of human conceptuses fail to reach term (Hertig, 1967; Kline et al., 1989). Methods that detect pregnancy as early as eight days after conception have shown that 32%–34% of postimplantation pregnancies end in embryonic or fetal loss (Wilcox et al., 1988; Zinaman et al., 1996). Approximately 3% of newborn children have one or more significant congenital malformations at birth, and by the end of the first post-natal year, about 3% more are recognized to have serious developmental defects (Shepard, 1986). Of these, it is estimated that 20% are of known genetic transmission, 10% are attributable to known environmental factors, and the remaining 70% result from unknown causes (Wilson, 1977). Also, approximately 7.4% of children have low birth weight (i.e., below 2.5 kg) (Selevan, 1981).

A variety of developmental alterations may be detected after either pre- or postnatal exposure. Several of these are discussed in the Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991), and developmental neurotoxicity is discussed in the Proposed Guidelines for Neurotoxicity Risk Assessment (U.S. EPA, 1996a). Relative to developmental reproductive alterations, chemical or physical agents can affect the female and male reproductive systems at any time in the life cycle, including susceptible periods in development. The reproductive system begins to form early in gestation, but structural and functional maturation is not completed until puberty. Exposure to toxicants early in development can lead to alterations that may affect reproductive function or performance well after the time of initial exposure. Examples include the actions of estrogens, anti-androgens or dioxin in interfering with male sexual differentiation (Gill et al., 1979; Gray et al., 1994, 1995; Giusti et al., 1995; Gray and Ostby, 1995). Adverse effects such as reduced fertility in offspring may appear as delayed consequences of in utero exposure to toxicants. Effects of toxic agents on other parameters such as sexual behavior, reproductive cycle normality, or gonadal function can also alter fertility (Chapman, 1983; Dixon and Hall, 1984; Schrag and Dixon, 1985b; U.S. Congress, 1985). For example, developmental exposure to environmental compounds that possess steroidogenic (Mattison, 1985) or antisteroidogenic (Schardein, 1993) activity affect the onset of puberty and reproductive function in adulthood.

Numerous agents have been shown to cause reproductive toxicity in adult male and female laboratory animals and in humans (Mattison, 1985; Schrag and Dixon, 1985a, b; Waller et al., 1985; Lewis, 1991). In adult males and females, exposure to agents of abuse, e.g., cocaine, disrupts normal reproductive function in both test species and humans (Smith, C.G. and Gilbeau, 1985). Numerous chemicals disrupt the ovarian cycle, alter ovulation, and impair fertility in experimental animals and humans. These include agents with steroidogenic activity, certain pesticides, and some metals (Thomas, 1981; Mattison, 1985). In males, estrogenic compounds can be testicular toxicants in rodents and humans (Colborn et al., 1993; Toppari et al., 1995). Dibromochloropropane (DBCP) impairs spermatogenesis in both experimental animals and humans by another mechanism. These and other examples of toxicant-induced effects on reproductive function have been reviewed (Katz and Overstreet, 1981; Working, 1988).

Altered reproductive health is often manifested as an adverse effect on the reproductive success or sexual behavior of the couple even though only one of the pair may be affected directly. Often, it is difficult to discern which partner has reduced reproductive capability. For example, exposure of the male to an agent that reduces the number of normal sperm may result in reduced fertility in the couple, but without further diagnostic testing, the affected partner may not be identified. Also, adverse effects on the reproductive systems of the two sexes may not be detected until a couple attempts to conceive a child.

For successful reproduction, it is critical that the biologic integrity of the human reproductive system be maintained. For example, the events in the estrous or menstrual cycle are closely interrelated; changes in one event in the cycle can alter other events. Thus, a short or inadequate luteal phase of the menstrual cycle is associated with disorders in ovarian follicular steroidogenesis, gonadotropin secretion, and endometrial integrity (McNatty, 1979; Scommegna et al., 1980; Smith, S.K. et al., 1984; Sakai and Hodgen, 1987). Toxicants may interfere with luteal function by altering hypothalamic or pituitary function and by affecting ovarian response (La Bella et al., 1973a, b).

Fertility of the human male is particularly susceptible to agents that reduce the number or quality of sperm produced. Compared with many other species, human males produce fewer sperm relative to the number of sperm required for fertility (Amann, 1981; Working, 1988). As a result, many men are subfertile or infertile (Amann, 1981). The incidence of infertility in men is considered to increase at sperm concentrations below 20×10^6 sperm per mL of ejaculate. As the concentration of sperm drops below that level, the probability of a pregnancy resulting from a single ejaculation declines. If the number of normal sperm per ejaculate is sufficiently low, fertilization is unlikely and an infertile condition exists. However, some men with low sperm concentrations are able to achieve conception and many subfertile men have concentrations greater than 20×10^6 illustrating the importance of sperm quality. Toxic agents may further decrease production of sperm and increase risk of impaired fertility.

C. The Risk Assessment Process and Its Application To Reproductive Toxicity

Risk assessment is the process by which scientific judgments are made concerning the potential for toxicity to occur in humans. In 1983, the National Research Council (NRC) defined risk assessment as comprising some or all of the following components: hazard identification, dose-response assessment, exposure assessment, and risk characterization (NRC, 1983). In its 1994 report, Science and Judgment in Risk Assessment, the NRC extended its view of the paradigm to include characterization of each component (NRC, 1994). In addition, it noted the importance of an interactive approach that deals with recurring conceptual issues that cut across all stages of risk assessment. These Guidelines adopt an interactive approach by organizing the process around the components of hazard characterization, the quantitative dose-response analysis, the exposure assessment, and the risk characterization where hazard characterization combines hazard identification with qualitative consideration of dose-response relationships, route, timing, and duration of exposure. This is done because, in practice, hazard identification for reproductive toxicity and other noncancer health effects include an evaluation of dose-response relationships, route, timing, and duration of exposure in the studies used to identify the hazard. Determining a hazard often depends on whether a dose-response relationship is present (Kimmel, C.A. et al., 1990). This approach combines the information important in comparing the toxicity of a chemical to potential human exposure scenarios identified as part of the exposure assessment. Also, it minimizes the potential for labeling chemicals inappropriately as ''reproductive toxicants'' on a purely qualitative basis.

In hazard characterization, all available experimental animal and human data, including observed effects, associated doses, routes, timing, and duration of exposure, are examined to determine if an agent causes reproductive toxicity in that species and, if so, under what conditions. From the hazard characterization and criteria provided in these Guidelines, the health-related database can be characterized as sufficient or insufficient for use in risk assessment (Section III.G.). This approach does not preclude the evaluation and use of the data for other purposes when adequate quantitative information for setting reference doses (RfDs) and reference concentrations (RfCs) is not available.

The next step, the quantitative dose-response analysis (Section IV), includes determining the no-observed-adverse-effect-level (NOAEL) and/or the lowest-observed-adverse-effect-level (LOAEL) for each study and type of effect. Because of the limitations associated with the use of the NOAEL, the Agency is beginning to use an additional approach, the benchmark dose approach (Crump, 1984; U.S. EPA. 1995b), for a more quantitative dose-response evaluation when allowed by the data. The benchmark dose approach takes into account the variability in the data and the slope of the dose-response curve, and thus, provides more complete use of the data for calculation of the RfD or RfC. If the data are considered sufficient for risk assessment, and if reproductive toxicity occurs at the lowest toxic dose level (i.e., the critical effect), an RfD or RfC, based on adverse reproductive effects, could be derived. This RfD or RfC is derived using the NOAEL or benchmark dose divided by uncertainty factors to account for interspecies differences in response, intraspecies variability and deficiencies in the database.

Exposure assessment identifies and describes populations exposed or potentially exposed to an agent, and presents the type, magnitude, frequency, and duration of such exposures. Those procedures are considered separately in the Guidelines for Exposure Assessment (U.S. EPA, 1992). However, unique considerations for reproductive toxicity exposure assessments are detailed in Section V.

A statement of the potential for human risk and the consequences of exposure can come only from integrating the hazard characterization and quantitative dose-response analysis with human exposure estimates in the risk characterization. As part of risk characterization, the strengths and weaknesses in each component of the risk assessment are summarized along with major assumptions, scientific judgments, and to the extent possible, qualitative descriptions and quantitative estimates of the uncertainties.

In 1992, EPA issued a policy memorandum (Habicht, 1992) and guidance package on risk characterization to encourage more comprehensive risk characterizations, to promote greater consistency and comparability among risk characterizations, and to clarify the role of professional judgment in characterizing risk. In 1995, the Agency issued a new risk characterization policy and guidance (Browner, 1995) that refines and reaffirms the principles found in the 1992 policy and outlines a process within the Agency for implementation. Although specific program policies and procedures are still evolving, these Guidelines discuss attributes of the Agency's risk

characterization policy as it applies to reproductive toxicity.

Risk assessment is just one component of the regulatory process. The other component, risk management, uses risk characterization along with directives of the enabling regulatory legislation and other factors to decide whether to control exposure to the suspected agent and the level of control. Risk management decisions also consider socioeconomic, technical, and political factors. Risk management is not discussed directly in these guidelines because the basis for decisionmaking goes beyond scientific considerations alone. However, the use of scientific information in this process is discussed. For example, the acceptability of the margin of exposure (MOE) is a risk management decision, but the scientific bases for generating this value are discussed here.

Dated: October 15, 1996.

Carol M. Browner,

Administrator.

Contents

List of Tables
Part A. Guidelines for Reproductive Toxicity Risk Assessment
I. Overview
II. Definitions and Terminology
III. Hazard Characterization for Reproductive Toxicants
III.A. Laboratory Testing Protocols
III.A.1. Introduction
III.A.2. Duration of Dosing
III.A.3. Length of Mating Period
III.A.4. Number of Females Mated to Each Male
III.A.5. Single- and Multigeneration Reproduction Tests
III.A.6. Alternative Reproductive Tests
III.A.7. Additional Test Protocols That May Provide Reproductive Data
III.B. Endpoints for Evaluating Male and Female Reproductive Toxicity In Test Species
III.B.1. Introduction
III.B.2. Couple-Mediated Endpoints
III.B.2.a. Fertility and Pregnancy Outcomes
III.B.2.b. Sexual Behavior
III.B.3. Male-Specific Endpoints
III.B.3.a. Introduction
III.B.3.b. Body Weight and Organ Weights
III.B.3.c. Histopathologic Evaluations
III.B.3.d. Sperm Evaluations
III.B.3.e. Paternally Mediated Effects on Offspring
III.B.4. Female-Specific Endpoints
III.B.4.a. Introduction
III.B.4.b. Body Weight, Organ Weight, Organ Morphology, and Histology
III.B.4.b.1. *Body weight*
III.B.4.b.2. *Ovary*
III.B.4.b.3. *Uterus*
III.B.4.b.4. *Oviducts*
III.B.4.b.5. *Vagina and external genitalia*
III.B.4.b.6. *Pituitary*
III.B.4.c. Oocyte Production
III.B.4.c.1. *Folliculogenesis*
III.B.4.c.2. *Ovulation*
III.B.4.c.3. *Corpus luteum*
III.B.4.d. Alterations in the Female Reproductive Cycle
III.B.4.e. Mammary Gland and Lactation
III.B.4.f. Reproductive Senescence
III.B.5. Developmental and Pubertal Alterations
III.B.6. Endocrine Evaluations
III.B.7. In Vitro Tests of Reproductive Function
III.C. Human Studies
III.C.1. Epidemiologic Studies
III.C.1.a. Selection of Outcomes for Study
III.C.1.b. Reproductive History Studies
III.C.1.c. Community Studies and Surveillance Programs
III.C.1.d. Identification of Important Exposures for Reproductive Effects
III.C.1.e. General Design Considerations
III.C.2. Examination of Clusters, Case Reports, or Series
III.D. Pharmacokinetic Considerations
III.E. Comparisons of Molecular Structure
III.F. Evaluation of Dose-Response Relationships
III.G. Characterization of the Health-Related Database
IV. QUANTITATIVE DOSE-RESPONSE ANALYSIS
V. EXPOSURE ASSESSMENT
VI. RISK CHARACTERIZATION
VI.A. Overview
VI.B. Integration of Hazard Characterization, Quantitative Dose-Response, and Exposure Assessments
VI.C. Descriptors of Reproductive Risk
VI.C.1. Distribution of Individual Exposures
VI.C.2. Population Exposure
VI.C.3. Margin of Exposure
VI.C.4. Distribution of Exposure and Risk for Different Subgroups
VI.C.5. Situation-Specific Information
VI.C.6. Evaluation of the Uncertainty in the Risk Descriptors
VI.D. Summary and Research Needs
VII. REFERENCES
PART B. RESPONSE TO SCIENCE ADVISORY BOARD AND PUBLIC COMMENTS
I. INTRODUCTION
II. RESPONSE TO SCIENCE ADVISORY BOARD COMMENTS
III. RESPONSE TO PUBLIC COMMENTS

List of Tables

1. Default Assumptions in Reproductive Toxicity Risk Assessment
2. Couple-Mediated Endpoints of Reproductive Toxicity
3. Selected Indices That May Be Calculated From Endpoints of Reproductive Toxicity in Test Species
4. Male-Specific Endpoints of Reproductive Toxicity
5. Female-Specific Endpoints of Reproductive Toxicity
6. Categorization of the Health-Related Database
7. Guide for Developing Chemical-Specific Risk Characterizations for Reproductive Effects

PART A. GUIDELINES FOR REPRODUCTIVE TOXICITY RISK ASSESSMENT

I. Overview

These Guidelines describe the procedures that the EPA follows in using existing data to evaluate the potential toxicity of environmental agents to the human male and female reproductive systems and to developing offspring. These Guidelines focus on reproductive system function as it relates to sexual behavior, fertility, pregnancy outcomes, and lactating ability, and the processes that can affect those functions directly. Included are effects on gametogenesis and gamete maturation and function, the reproductive organs, and the components of the endocrine system that directly support those functions. These Guidelines concentrate on the integrity of the male and female reproductive systems as required to ensure successful procreation. They also emphasize the importance of maintaining the integrity of the reproductive system for overall physical and psychologic health. The Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991) focus specifically on effects of agents on development and should be used as a companion to these Guidelines.

In evaluating reproductive effects, it is important to consider the presence, and where possible, the contribution of other manifestations of toxicity such as mutagenicity or carcinogenicity as well as other forms of general systemic toxicity. The reproductive process is such that these areas overlap, and all should be considered in reproductive risk assessments. Although the endpoints discussed in these Guidelines can detect impairment to components of the reproductive process, they may not discriminate effectively between nonmutagenic (e.g., cytotoxic) and mutagenic mechanisms. Examples of endpoints affected by either type of mechanism are sperm head morphology and preimplantation loss. If the effects seen may result from mutagenic events, then there is the potential for transmissible genetic damage. In such cases, the Guidelines for Mutagenicity Risk Assessment (U.S. EPA, 1986c) should be consulted in conjunction with these Guidelines. The Guidelines for Carcinogen Risk Assessment (U.S. EPA, 1986a, 1996b) should be consulted if reproductive system or developmentally induced cancer is detected.

For assessment of risk to the human reproductive systems, the most appropriate data are those derived from human studies having adequate study

design and power. In the absence of adequate human data, our understanding of the mechanisms controlling reproduction supports the use of data from experimental animal studies to estimate the risk of reproductive effects in humans. However, some information needed for extrapolation of data from experimental animal studies to humans is not generally available. Therefore, to bridge these gaps in information, a number of default assumptions are made. These default assumptions, which are summarized in Table 1, should not preclude inquiry into the relevance of the data to potential human risk and should be invoked only after examination of the available information indicates that necessity. These assumptions provide the inferential basis for the approaches to risk assessment in these Guidelines. Each assumption should be evaluated along with other relevant information in making a final judgment as to human risk for each agent, and that information summarized in the risk characterization.

TABLE 1.—DEFAULT ASSUMPTIONS IN REPRODUCTIVE TOXICITY RISK ASSESSMENT

1. An agent that produces an adverse reproductive effect in experimental animals is assumed to pose a potential threat to humans.
2. Effects of xenobiotics on male and female reproductive processes are assumed generally to be similar unless demonstrated otherwise. For developmental outcomes, the specific effects in humans are not necessarily the same as those seen in the experimental species.
3. In the absence of information to determine the most appropriate experimental species, data from the most sensitive species should be used.
4. In the absence of information to the contrary, an agent that affects reproductive function in one sex is assumed to adversely affect reproductive function in the other sex.
5. A nonlinear dose-response curve is assumed for reproductive toxicity.

An agent that produces an adverse reproductive effect in experimental animal studies is assumed to pose a potential reproductive threat to humans. This assumption is based on comparisons of data for agents that are known to cause human reproductive toxicity (Thomas, 1981; Nisbet and Karch, 1983; Kimmel, C.A. et al., 1984, 1990; Hemminki and Vineis, 1985; Meistrich, 1986; Working, 1988). In general, the experimental animal data indicated adverse reproductive effects that are also seen in humans.

Because similar mechanisms can be identified in the male and female of many mammalian species, effects of xenobiotics on male and female reproductive processes are assumed generally to be similar across species unless demonstrated otherwise. However, for developmental outcomes, it is assumed that the specific outcomes seen in experimental animal studies are not necessarily the same as those produced in humans. This latter assumption is made because of the possibility of species-specific differences in timing of exposure relative to critical periods of development, pharmacokinetics (including metabolism), developmental patterns, placentation, or modes of action. However, adverse developmental outcomes in laboratory mammalian studies are presumed to predict a hazard for adverse developmental outcome in humans.

When sufficient data are available (e.g., pharmacokinetic) to allow a decision, the most appropriate species should be used to estimate human risk. In the absence of such data, it is assumed that the most sensitive species is most appropriate because, for the majority of agents known to cause human reproductive toxicity, humans appear to be as or more sensitive than the most sensitive animal species tested (Nisbet and Karch, 1983; Kimmel, C.A. et al., 1984, 1990; Hemminki and Vineis, 1985; Meistrich, 1986; Working, 1988), based on data from studies that determined dose on a body weight or air concentration basis.

In the absence of specific information to the contrary, it is assumed that a chemical that affects reproductive function in one sex may also adversely affect reproductive function in the other sex. This assumption for reproductive risk assessment is based on three considerations: (1) For most agents, the nature of the testing and the data available are limited, reducing confidence that the potential for toxicity to both sexes and their offspring has been examined equally; (2) Exposures of either males or females have resulted in developmental toxicity; and (3) Many of the mechanisms controlling important aspects of reproductive system function are similar in females and males, and therefore could be susceptible to the same agents. Information that would negate this assumption would demonstrate that either a mechanistic difference existed between the sexes that would preclude toxic action on the other sex or, on the basis of sufficient testing, an agent did not produce an adverse reproductive effect when administered to the other sex. Mechanistic differences could include functions that do not exist in the other sex (e.g., lactation), differences in endocrine control of affected organ development or function, or pharmacokinetic and metabolic differences between sexes.

In a quantitative dose-response analysis, mode of action, pharmacokinetic, and pharmacodynamic information should be used to predict the shape of the dose-response curve when sufficient information of that nature is available. When that information is insufficient, it has generally been assumed that there is a nonlinear dose-response for reproductive toxicity. This is based on known homeostatic, compensatory, or adaptive mechanisms that must be overcome before a toxic endpoint is manifested and on the rationale that cells and organs of the reproductive system and the developing organism are known to have some capacity for repair of damage. However, in a population, background levels of toxic agents and preexisting conditions may increase the sensitivity of some individuals in the population. Thus, exposure to a toxic agent may result in an increased risk of adverse effects for some, but not necessarily all, individuals within the population. Although a threshold may exist for endpoints of reproductive toxicity, it usually is not feasible to distinguish empirically between a true threshold and a nonlinear low-dose relationship. The shift to the term nonlinear does not change the RfD/RfC methodology for reproductive system health effects, including the use of uncertainty factors.

II. Definitions and Terminology

For the purposes of these Guidelines, the following definitions will be used:

Reproductive toxicity—The occurrence of biologically adverse effects on the reproductive systems of females or males that may result from exposure to environmental agents. The toxicity may be expressed as alterations to the female or male reproductive organs, the related endocrine system, or pregnancy outcomes. The manifestation of such toxicity may include, but not be limited to, adverse effects on onset of puberty, gamete production and transport, reproductive cycle normality, sexual behavior, fertility, gestation, parturition, lactation, developmental toxicity, premature reproductive senescence, or modifications in other functions that are dependent on the integrity of the reproductive systems.

Fertility—The capacity to conceive or induce conception.

Fecundity—The ability to produce offspring within a given period of time. For litter-bearing species, the ability to produce large litters is also a component of fecundity.

Fertile—A level of fertility that is within or exceeds the normal range for that species.

Infertile—Lacking fertility for a specified period. The infertile condition may be temporary; permanent infertility is termed sterility.

Subfertile—A level of fertility that is below the normal range for that species but not infertile.

Developmental toxicity—The occurrence of adverse effects on the developing organism that may result from exposure prior to conception (either parent), during prenatal development, or postnatally to the time of sexual maturation. Adverse developmental effects may be detected at any point in the lifespan of the organism. The major manifestations of developmental toxicity include (1) death of the developing organism, (2) structural abnormality, (3) altered growth, and (4) functional deficiency (U.S. EPA, 1991).

III. Hazard Characterization for Reproductive Toxicants

Identification and characterization of reproductive hazards can be based on data from either human or experimental animal studies. Such data can result from routine or accidental environmental or occupational exposures or, for experimental animals, controlled experimental exposures. A hazard characterization should evaluate all of the information available and should:

- Identify the strengths and limitations of the database, including all available epidemiologic and experimental animal studies as well as pharmacokinetic and mechanistic information.
- Identify and describe key toxicological studies.
- Describe the type(s) of effects.
- Describe the nature of the effects (irreversible, reversible, transient, progressive, delayed, residual, or latent effects).
- Describe how much is known about how (through what biological mechanism) the agent produces adverse effects.
- Discuss the other health endpoints of concern.
- Discuss any nonpositive data in humans or experimental animals.
- Discuss the dose-response data (epidemiologic or experimental animal) available for further dose-response analysis.
- Discuss the route, level, timing, and duration of exposure in studies as compared to expected human exposures.
- Summarize the hazard characterization, including:

—Major assumptions used,
—Confidence in the conclusions,
—Alternative conclusions also supported by the data,
—Major uncertainties identified, and
—Significant data gaps.

Conduct of a hazard characterization requires knowledge of the protocols in which data were produced and the endpoints that were evaluated. Sections III.A. and III.B. present the traditional testing protocols for rodents and endpoints used to evaluate male and female reproductive toxicity along with evaluation of their strengths and limitations. Because many endpoints are common to multiple protocols, endpoints are considered separately from the discussion of the overall protocol structures. These are followed by presentation of many of the specific characteristics of human studies (Section III.C.) and limited discussions of pharmacokinetic and structure-activity factors (Sections III.D. and III.E.).

III.A. Laboratory Testing Protocols

III.A.1. Introduction

Testing protocols describe the procedures to be used to provide data for risk assessments. The quality and usefulness of those data are dependent on the design and conduct of the tests, including endpoint selection and resolving power. A single protocol is unlikely to provide all of the information that would be optimal for conducting a comprehensive risk assessment. For example, the test design to study reversibility of adverse effects or mechanism of toxic action may be different from that needed to determine time of onset of an effect or for calculation of a safe level for repeated exposure over a long term. Ideally, results from several different types of tests should be available when performing a risk assessment. Typically, only limited data are available. Under those conditions, the limited data should be used to the extent possible to assess risk.

Integral parts of the hazard characterization and quantitative dose-response processes are the evaluation of the protocols from which data are available and the quality of the resulting data. In this section, design factors that are of particular importance in reproductive toxicity testing are discussed. Then, standardized protocols that may provide useful data for reproductive risk assessments are described.

III.A.2. Duration of Dosing

To evaluate adequately the potential effects of an agent on the reproductive systems, a prolonged treatment period is needed. For example, damage to spermatogonial stem cells will not appear in samples from the cauda epididymis or in ejaculates for 8 to 14 weeks, depending on the test species. With some chemical agents that bioaccumulate, the full impact on a given cell type could be further delayed, as could the impact on functional endpoints such as fertility. In such situations, adequacy of the dosing duration is a critical factor in the risk assessment.

Conversely, adaptation may occur that allows tolerance to levels of a chemical that initially caused an effect that could be considered adverse. An example is interference with ovulation by chlordimeform (Goldman et al., 1991); an effect for which a compensatory mechanism is available. Thus, with continued dosing, the compensatory mechanism can be activated so that the initial adverse effect is masked.

In these situations, knowledge of the relevant pharmacokinetic and pharmacodynamic data can facilitate selection of dose levels and treatment duration (see also section on Exposure Assessment). Equally important is proper timing of examination of treated animals relative to initiation and termination of exposure to the agent.

III.A.3. Length of Mating Period

Traditionally, pairs of rats or mice are allowed to cohabit for periods ranging from several days to 3 weeks. Given a 4- or 5-day estrous cycle, each female that is cycling normally should be in estrus four or five times during a 21-day mating period. Therefore, information on the interval or the number of cycles needed to achieve pregnancy may provide evidence of reduced fertility that is not available from fertility data. Additionally, during each period of behavioral estrus, the male has the opportunity to copulate a number of times, resulting in delivery of many more sperm than are required for fertilization. When an unlimited number of matings is allowed in fertility testing, a large impact to sperm production is necessary before an adverse effect on fertility can be detected.

III.A.4. Number of Females Mated to Each Male

The EPA test guidelines prepared pursuant to FIFRA and TSCA specify the use of 20 males and enough females to produce at least 20 pregnancies for each dose group in each generation in the multigeneration reproduction test (U.S. EPA, 1982, 1985b, 1996a). However, in some tests that were not designed to conform to EPA test guidelines (OECD, 1983), 20 pregnancies may have been achieved by mating two females with each male and using fewer than 20 males per treatment group. In such cases, the statistical treatment of the data should be examined carefully. With multiple females mated to each male, the degree of independence of the observations for each female may not be known. In that situation, when the cause of the adverse effect cannot be assigned with confidence to only one sex, dependence should be assumed and the male used as the experimental unit in statistical analyses. Using fewer males as the experimental unit reduces ability to detect an effect.

III.A.5. Single- and Multigeneration Reproduction Tests

Reproductive toxicity studies in laboratory animals generally involve continuous exposure to a test substance for one or more generations. The objective is to detect effects on the integrated reproductive process as well as to study effects on the individual reproductive organs. Test guidelines for the conduct of single- and multigeneration reproduction protocols have been published by the Agency pursuant to FIFRA and TSCA and by OECD (U.S. EPA, 1982, 1985b, 1996a; Galbraith et al., 1983; OECD, 1983).

The single-generation reproduction test evaluates effects of subchronic exposure of peripubertal and adult animals. In the multigeneration reproduction protocol, F_1 and F_2 offspring are exposed continuously in utero from conception until birth and during the preweaning period. This allows detection of effects that occur from exposures throughout development, including the peripubertal and young adult phases. Because the parental and subsequent filial generations have different exposure histories, reproductive effects seen in any particular generation are not necessarily comparable with those of another generation. Also, successive litters from the same parents cannot be considered as replicates because of factors such as continuing exposure of the parents, increased parental age, sexual experience, and parity of the females.

In a single- or multigeneration reproduction test, rats are used most often. In a typical reproduction test, dosing is initiated at 5 to 8 weeks of age and continued for 8 to 10 weeks prior to mating to allow effects on gametogenesis to be expressed and increase the likelihood of detecting histologic lesions. Three dose levels plus one or more control groups are usually included. Enough males and females are mated to ensure 20 pregnancies per dose group for each generation. Animals producing the first generation of offspring should be considered the parental (P) generation, and all subsequent generations should be designated filial generations (e.g., F_1, F_2). Only the P generation is mated in a single-generation test, while both the P and F_1 generations are mated in a two-generation reproduction test.

In the P generation, both females and males are treated prior to and during mating, with treatment usually beginning around puberty. Cohabitation can be allowed for up to 3 weeks (U.S. EPA, 1982, 1985b), during which the females are monitored for evidence of mating. Females continue to be exposed during gestation and lactation.

In the two-generation reproduction test, randomly selected F_1 male and female offspring continue to be exposed after weaning (day 21) and through the mating period. Treatment of mated F_1 females is continued throughout gestation and lactation. More than one litter may be produced from either P or F_1 animals. Depending on the route of exposure of lactating females, it is important to consider that offspring may be exposed to a chemical by ingestion of maternal feed or water (diet or drinking water studies), by licking of exposed fur (inhalation study), by contact with treated skin (dermal study), or by coprophagia, as well as via the milk.

In single- and multigeneration reproduction tests, reproductive endpoints evaluated in P and F generations usually include visual examination of the reproductive organs. Weights and histopathology of the testes, epididymides, and accessory sex glands may be available from males, and histopathology of the vagina, uterus, cervix, ovaries, and mammary glands from females. Uterine and ovarian weights also are often available. Male and female mating and fertility indices (Section III.B.2.a.) are usually presented. In addition, litters (and often individual pups) are weighed at birth and examined for number of live and dead offspring, gender, gross abnormalities, and growth and survival to weaning. Maturation and behavioral testing may also be performed on the pups.

If effects on fertility or pregnancy outcome are the only adverse effects observed in a study using one of these protocols, the contributions of male- and female-specific effects often cannot be distinguished. If testicular histopathology or sperm evaluations have been included, it may be possible to characterize a male-specific effect. Similarly, ovarian and reproductive tract histology or changes in estrous cycle normality may be indicative of female-specific effects. However, identification of effects in one sex does not exclude the possibility that both sexes may have been affected adversely. Data from matings of treated males with untreated females and vice versa (crossover matings) are necessary to separate sex-specific effects.

An EPA workshop has considered the relative merits of one- versus two-generation reproductive effects studies (Francis and Kimmel, 1988). The participants concluded that a one-generation study is insufficient to identify all potential reproductive toxicants, because it would exclude detection of effects caused by prenatal and postnatal exposures (including the prepubertal period) as well as effects on germ cells that could be transmitted to and expressed in the next generation. For example, adverse transgenerational effects on reproductive system development by agents that disrupt endocrine control of sexual differentiation would be missed. A one-generation test might also miss adverse effects with delayed or latent onset because of the shorter duration of exposure for the P generation. These limitations are shared with the shorter-term ''screening'' protocols described below. Because of these limitations, a comprehensive reproductive risk assessment should include results from a two-generation test or its equivalent. A further recommendation from the workshop was to include sperm analyses and estrous cycle normality as endpoints in reproductive effects studies. These endpoints have been included in the proposed revisions to the EPA test guideline (U.S. EPA, 1996a).

In studies where parental and offspring generations are evaluated, there are additional risk assessment issues regarding the relationships of reproductive outcomes across generations. Increasing vulnerability of subsequent generations is often, but not always, observed. Qualitative predictions of increased risk of the filial generations could be strengthened by

knowledge of the reproductive effects in the adult, the likelihood of bioaccumulation of the agent, and the potential for increased sensitivity resulting from exposure during critical periods of development (Gray, 1991).

Occasionally, the severity of effects may be static or decreased with succeeding generations. When a decrease occurs, one explanation may be that the animals in the F_1 and F_2 generations represent ''survivors'' who are (or become) more resistant to the agent than the average of the P generation. If such selection exists, then subsequent filial generations may show a reduced toxic response. Thus, significant adverse effects in any generation may be cause for concern regardless of results in other generations unless inconsistencies in the data indicate otherwise.

III.A.6. Alternative Reproductive Tests

A number of alternative test designs have appeared in the literature (Lamb, 1985; Lamb and Chapin, 1985; Gray et al., 1988, 1989, 1990; Morrissey et al., 1989). Although not necessarily viewed as replacements for the standard two-generation reproduction tests, data from these protocols may be used on a case-by-case basis depending on what is known about the test agent in question. When mutually agreed on by the testing organization and the Agency, such alternative protocols may offer an expanded array of endpoints and increased flexibility (Francis and Kimmel, 1988).

A continuous breeding protocol, Fertility (or Reproductive) Assessment by Continuous Breeding (FACB or RACB), has been developed by the National Toxicology Program (NTP) (Lamb and Chapin, 1985; Morrissey et al., 1989; Gulati et al., 1991). As originally described, this protocol (FACB) was a one-generation test. However, in the current design (RACB), dosing is extended into the F_1 generation to make it compatible with the EPA workshop recommendations for a two-generation design (Francis and Kimmel, 1988). The RACB protocol is being used with both mice and rats. A distinctive feature of this protocol is the continuous cohabitation of male-female pairs (in the P generation) for 14 weeks. Up to five litters can be produced with the pups removed soon after birth. This protocol provides information on changes in the spacing, number, and size of litters over the 14-week dosing interval. Treatment (three dose levels plus controls) is initiated in postpubertal males and females (11 weeks of age) seven days before cohabitation and continues throughout the test. Offspring that are removed from the dam soon after birth are counted and examined for viability, litter and/or pup weight, sex, and external abnormalities and then discarded. The last litter may remain with the dam until weaning to study the effects of in utero as well as perinatal and postnatal exposures. If effects on fertility are observed in the P or F generations, additional reproductive evaluations may be conducted, including fertility studies and crossover matings to define the affected gender and site of toxicity.

The sequential production of litters from the same adults allows observation of the timing of onset of an adverse effect on fertility. In addition, it improves the ability to detect subfertility due to the potential to produce larger numbers of pregnancies and litters than in a standard single- or multigeneration reproduction study. With continuous treatment, a cumulative effect could increase the incidence or extent of expression with subsequent litters. However, unless offspring were allowed to grow and reproduce (as they are routinely in the more recent version of the RACB protocol) (Gulati et al., 1991), little or no information will be available on postnatal development or reproductive capability of a second generation.

Sperm measures (including sperm number, morphology, and motility) and vaginal smear cytology to detect changes in estrous cyclicity have been added to the RACB protocol at the end of the test period and their utility has been examined using model compounds in the mouse (Morrissey et al., 1989).

Another test method combines the use of multiple endpoints in both sexes of rats with initiation of treatment at weaning (Gray et al., 1988). Thus, morphologic and physiologic changes associated with puberty are included as endpoints. Both P sexes are treated (at least three dose levels plus controls) continuously through breeding, pregnancy, and lactation. The F_1 generation is mated in a continuous breeding protocol. Vaginal smears are recorded daily throughout the test period to evaluate estrous cycle normality and confirm breeding and pregnancy (or pseudopregnancy). Pregnancy outcome is monitored in both the P and F_1 generations at all doses, and terminal studies on both generations include comprehensive assessment of sperm measures (number, morphology, motility) as well as organ weights, histopathology, and the serum and tissue levels of appropriate reproductive hormones. As with the RACB, crossover mating studies may be conducted to identify the affected sex as warranted. This protocol combines the advantages of a continuous breeding design with acquisition of sex-specific multiple endpoint data at all doses. In addition, identification of pubertal effects makes this protocol particularly useful for detecting compounds with hormone-mediated actions such as environmental estrogens or antiandrogens.

III.A.7. Additional Test Protocols That May Provide Reproductive Data

Several shorter-term reproductive toxicity screening tests have been developed. Among those are the Reproductive/Developmental Toxicity Screening Test, which is part of the OECD's Screening Information Data Set protocol (Scala et al., 1992; Tanaka et al., 1992; OECD, 1993a), a tripartite protocol developed by the International Conference on Harmonization (International Conference on Harmonization of Technical Requirements of Pharmaceuticals for Human Use, 1994; Manson, 1994), and the NTP's Short-Term Reproductive and Developmental Toxicity Screen (Harris, M.W. et al., 1992). These protocols have been developed for setting priorities for further testing and should not be considered sufficient by themselves to establish regulatory exposure levels. Their limited exposure periods do not allow assessment of certain aspects of the reproductive process, such as developmentally induced effects on the reproductive systems of offspring, that are covered by the multigeneration reproduction protocols.

The male dominant lethal test was designed to detect mutagenic effects in the male spermatogenic process that are lethal to the offspring. A female dominant lethal protocol has also been used to detect equivalent effects on oogenesis (Generoso and Piegorsch, 1993).

A review of the male dominant lethal test has been published as part of the EPA's Gene-Tox Program (Green et al., 1985). Dominant lethal protocols may use acute dosing (1 to 5 days) followed by serial matings with one or two females per male per week for the duration of the spermatogenic process. An alternative protocol may use subchronic dosing for the duration of the spermatogenic process followed by mating. Dose levels used with the acute protocol are usually higher than those used with the subchronic protocol. Females are monitored for evidence of mating, killed at approximately midgestation, and examined for incidence of pre- and postimplantation loss (see Section III.B.2. for discussions of these endpoints).

Pre- or postimplantation loss in the dominant lethal test is often considered evidence that the agent has induced mutagenic damage to the male germ cell (U.S. EPA, 1986c). A genotoxic basis for a substantial portion of postimplantation loss is accepted widely. However, methods used to assess preimplantation loss do not distinguish between contributions of mutagenic events that cause embryo death and nonmutagenic factors that result in failure of fertilization or early embryo mortality (e.g., inadequate number of normal sperm, failure in sperm transport or ovum penetration). Similar effects (fertilization failure, early embryo death) could also be produced indirectly by effects that delay the timing of fertilization relative to time of ovulation. Such distinctions are important because cytotoxic effects on gametogenic cells do not imply the potential for transmittable genetic damage that is associated with mutagenic events. The interpretation of an increase in preimplantation loss may require additional data on the agent's mutagenic and gametotoxic potential if genotoxicity is to be factored into the risk assessment. Regardless, significant effects may be observed in a dominant lethal test that are considered reproductive in nature.

An acute exposure protocol, combined with serial mating, may allow identification of the spermatogenic cell types that are affected by treatment. However, acute dosing may not produce adverse effects at levels as low as with subchronic dosing because of factors such as bioaccumulation. Conversely, if tolerance to an agent is developed with longer exposure, an effect may be observed after acute dosing that is not detected after longer-term dosing.

Subchronic toxicity tests may have been conducted before a detailed reproduction study is initiated. In the subchronic toxicity test with rats, exposure usually begins at 6–8 weeks of age and is continued for 90 days (U.S. EPA, 1982, 1985b). Initiation of exposure at 8 weeks of age (compared with 6) and exposure for approximately 90 days allows the animals to reach a more mature stage of sexual development and assures an adequate length of dosing for observation of effects on the reproductive organs with most agents. The route of administration is often oral or by gavage but may be dermal or by inhalation. Animals are monitored for clinical signs throughout the test and are necropsied at the end of dosing.

The endpoints that are usually evaluated for the male reproductive system include visual examination of the reproductive organs, plus weights and histopathology for the testes, epididymides, and accessory sex glands. For the females, endpoints may include visual examination of the reproductive organs, uterine and ovarian weights, and histopathology of the vagina, uterus, cervix, ovaries, and mammary glands.

This test may be useful to identify an agent as a potential reproductive hazard, but usually does not provide information about the integrated function of the reproductive systems (sexual behavior, fertility, and pregnancy outcomes), nor does it include effects of the agent on immature animals.

Chronic toxicity tests provide an opportunity to evaluate toxic effects of long-term exposures. Oral, inhalation, or dermal exposure is initiated soon after weaning and is usually continued for 12 to 24 months. Because of the extended treatment period, data from interim sacrifices may be available to provide useful information regarding the onset and sequence of toxicity. In males, the reproductive organs are examined visually, testes are weighed, and histopathologic examination is done on the testes and accessory sex glands. In females, the reproductive organs are examined visually, uterine and ovarian weights may be obtained, and histopathologic evaluation of the reproductive organs is done. The incidence of pathologic conditions is often increased in the reproductive tracts of aged control animals. Therefore, findings should be interpreted carefully.

III.B. Endpoints for Evaluating Male and Female Reproductive Toxicity in Test Species

III.B.1. Introduction

The following discussion emphasizes endpoints that measure characteristics that are necessary for successful sexual performance and procreation. Other areas that are related less directly to reproduction are beyond the scope of these Guidelines. For example, secondary adverse health effects that may result from toxicity to the reproductive organs (e.g., osteoporosis or altered immune function), although important, are not included.

In these Guidelines, the endpoints of reproductive toxicity are separated into three categories: couple-mediated, female-specific, and male-specific. Couple-mediated endpoints are those in which both sexes can have a contributing role if both partners are exposed. Thus, exposure of either sex or both sexes may result in an effect on that endpoint.

The discussions of endpoints and the factors influencing results that are presented in this section are directed to evaluation and interpretation of results with test species. Many of those endpoints require invasive techniques that preclude routine use with humans. However, in some instances, related endpoints that can be used with humans are identified. Information that is specific for evaluation of effects on humans is presented in Section III.C.

Although statistical analyses are important in determining the effects of a particular agent, the biological significance of data is most important. It is important to be aware that when many endpoints are investigated, statistically significant differences may occur by chance. On the other hand, apparent trends with dose may be biologically relevant even though pair-wise comparisons do not indicate a statistically significant effect. In each section, endpoints are identified in which significant changes may be considered adverse. However, concordance of results and known biology should be considered in interpreting all results. Results should be evaluated on a case-by-case basis with all of the evidence considered. Scientific judgment should be used extensively. All effects that may be considered as adverse are appropriate for use in establishing a NOAEL, LOAEL, or benchmark dose.

III.B.2. Couple-Mediated Endpoints

Data on fertility potential and associated reproductive outcomes provide the most comprehensive and direct insight into reproductive capability. As noted previously, most protocols only specify cohabitation of exposed males with exposed females. This complicates the resolution of gender-specific influences. Conclusions may need to be restricted to noting that the ''couple'' is at reproductive risk when one or both parents are potentially exposed.

III.B.2.a. Fertility and Pregnancy Outcomes. Breeding studies with test species are a major source of data on reproductive toxicants. Evaluations of fertility and pregnancy outcomes provide measures of the functional consequences of reproductive injury. Measures of fertility and pregnancy outcome that are often obtained from multigeneration reproduction studies are presented in Table 2. Many endpoints that are pertinent for developmental toxicity are also listed and discussed in the Agency's Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991). Also included in Table 2 are measures that

may be obtained from other types of studies (e.g., single-generation reproduction studies, developmental toxicity studies, dominant lethal studies) in which offspring are not retained to evaluate subsequent reproductive performance.

TABLE 2.—COUPLE-MEDIATED ENDPOINTS OF REPRODUCTIVE TOXICITY

Multigeneration studies:
Mating rate, time to mating (time to pregnancy*)
Pregnancy rate*
Delivery rate*
Gestation length*
Litter size (total and live)
Number of live and dead offspring (Fetal death rate*)
Offspring gender* (sex ratio)
Birth weight*
Postnatal weights*
Offspring survival*
External malformations and variations*
Offspring reproduction*
Other reproductive endpoints:
Ovulation rate
Fertilization rate
Preimplantation loss
Implantation number
Postimplantation loss*
Internal malformations and variations*
Postnatal structural and functional development*

*Endpoints that can be obtained with humans.

Some of the endpoints identified above are used to calculate ratios or indices (NRCl, 1977; Collins, 1978; Schwetz et al., 1980; U.S. EPA, 1982, 1985b; Dixon and Hall, 1984; Lamb et al., 1985; Thomas, 1991). While the presentation of such indices is not discouraged, the measurements used to calculate those indices should also be available for evaluation. Definitions of some of these indices in published literature vary substantially. Also, the calculation of an index may be influenced by the test design. Therefore, it is important that the methods used to calculate indices be specified. Some commonly reported indices are in Table 3.

TABLE 3.—SELECTED INDICES THAT MAY BE CALCULATED FROM ENDPOINTS OF REPRODUCTIVE TOXICITY IN TEST SPECIES

Mating Index

$$\frac{\text{Number of males or females mating}}{\text{Number of males or females cohabited}} \times 100$$

Note: Mating is used to indicate that evidence of copulation (observation or other evidence of ejaculation such as vaginal plug or sperm in vaginal smear) was obtained.

Fertility Index

$$\frac{\text{Number of cohabited females becoming pregnant}}{\text{Number of nonpregnant couples cohabited}} \times 100$$

Note: Because both sexes are often exposed to an agent, distinction between sexes often is not possible. If responsibility for an effect can be clearly assigned to one sex (as when treated animals are mated with controls), then a female or male fertility index could be useful.

Gestation (Pregnancy) Index

$$\frac{\text{Number of females delivering live young}}{\text{Number of females with evidence of pregnancy}} \times 100$$

Live Birth Index

$$\frac{\text{Number of live offspring}}{\text{Number of offspring delivered}} \times 100$$

Sex Ratio

$$\frac{\text{Number of male offspring}}{\text{Number of female offspring}}$$

4-Day Survival Index (Viability Index)

$$\frac{\text{Number of live offspring at lactation day 4}}{\text{Number of live offspring delivered}} \times 100$$

Note: This definition assumes that no standardization of litter size is done until after the day 4 determination is completed.

Lactation Index (Weaning Index)

$$\frac{\text{Number of live offspring at day 21}}{\text{Number of live offspring born}} \times 100$$

Note: If litters were standardized to equalize numbers of offspring per litter, number of offspring after standardization should be used instead of number born alive. When no standardization is done, measure is called weaning index. When standardization is done, measure is called lactation index.

Preweaning Index

$$\frac{\text{Number of live offspring born} - \text{Number of offspring weaned}}{\text{Number of live offspring born}} \times 100$$

Note: If litters were standardized to equalize numbers of offspring per litter, then number of offspring remaining after standardization should be used instead of number born.

Mating rate may be reported for the mated pairs, males only or females only. Evidence of mating may be direct observation of copulation, observation of copulatory plugs, or observation of sperm in the vaginal fluid (vaginal lavage). The mating rate may be influenced by the number of estrous cycles allowed or required for pregnancy to occur. Therefore, mating rate and fertility data from the first estrous cycle after initiation of cohabitation should be more discriminating than measurements involving multiple cycles. Evidence of mating does not necessarily mean successful impregnation.

A useful indicator of impaired reproductive function may be the length of time required for each pair to mate after the start of cohabitation (time to mating). An increased interval between initiation of cohabitation and evidence of mating suggests abnormal estrous cyclicity in the female or impaired sexual behavior in one or both partners.

The time to mating for normal pairs (rat or mouse) could vary by 3 or 4 days depending on the stage of the estrous cycle at the start of cohabitation. If the

stage of the estrous cycle at the time of cohabitation is known, the component of the variance due to variation in stage at cohabitation can be removed in the data analysis.

Data on fertilization rate, the proportion of available ova that were fertilized, are seldom available because the measurement requires necropsy very early in gestation. Pregnancy rate is the proportion of mated pairs that have produced at least one pregnancy within a fixed period where pregnancy is determined by the earliest available evidence that fertilization has occurred. Generally, a more meaningful measure of fertility results when the mating opportunity was limited to one mating couple and to one estrous cycle (see Sections III.A.3. and III.A.4.).

The timing and integrity of gamete and zygote transport are important to fertilization and embryo survival and are quite susceptible to chemical perturbation. Disruption of the processes that contribute to a reduction in fertilization rate and increased early embryo loss are usually identified simply as preimplantation loss. Additional studies using direct assessments of fertilized ova and early embryos would be necessary to identify the cause of increased preimplantation loss (Cummings and Perreault, 1990). Preimplantation loss (described below) occurs in untreated as well as treated rodents and contributes to the normal variation in litter size.

After mating, uterine and oviductal contractions are critical in the transport of spermatozoa from the vagina. In rodents, sufficient stimulation during mating is necessary for initiation of those contractions. Thus, impaired mating behavior may affect sperm transport and fertilization rate. Exposure of the female to estrogenic compounds can alter gamete transport. In women, low doses of exogenous estrogens may accelerate ovum transport to a detrimental extent, whereas high doses of estrogens or progestins delay transport and increase the incidence of ectopic pregnancies.

Mammalian ova are surrounded by investments that the sperm must penetrate before fusing with ova. Chemicals may block fertilization by preventing this passage. Other agents may impair fusion of the sperm with the oolemma, transformations of the sperm or ovum chromatin into the male and female pronuclei, fusion of the pronuclei, or the subsequent cleavage divisions. Carbendazim, an inhibitor of microtubule synthesis, is an example of a chemical that can interfere with oocyte maturation and normal zygote formation after sperm-egg fusion by affecting meiosis (Perreault et al., 1992; Zuelke and Perreault, 1995). The early zygote is also susceptible to detrimental effects of mutagens such as ethylene oxide (Generoso et al., 1987).

Fertility assessments in test animals have limited sensitivity as measures of reproductive injury. Therefore, results demonstrating no treatment-related effect on fertility may be given less weight than other endpoints that are more sensitive. Unlike humans, normal males of most test species produce sperm in numbers that greatly exceed the minimum requirements for fertility, particularly as evaluated in protocols that allow multiple matings (Amann, 1981; Working, 1988). In some strains of rats and mice, production of normal sperm can be reduced by up to 90% or more without compromising fertility (Aafjes et al., 1980; Meistrich, 1982; Robaire et al., 1984; Working, 1988). However, less severe reductions can cause reduced fertility in human males who appear to function closer to the threshold for the number of normal sperm needed to ensure full reproductive competence (see Supplementary Information). This difference between test species and humans means that negative results with test species in a study that was limited to endpoints that examined only fertility and pregnancy outcomes would provide insufficient information to conclude that the test agent poses no reproductive hazard in humans. It is unclear whether a similar consideration is applicable for females for some mechanisms of toxicity.

The limited sensitivity of fertility measures in rodents also suggests that a NOAEL, LOAEL, or benchmark dose (see Section IV) based on fertility may not reflect completely the extent of the toxic effect. In such instances, data from additional reproductive endpoints might indicate that an adverse effect could occur at a lower dose level. In the absence of such data, the margin of exposure or uncertainty factor applied to the NOAEL, LOAEL, or benchmark dose may need to be adjusted to reflect the additional uncertainty (see Section IV).

Both the blastocyst and the uterus must be ready for implantation, and their synchronous development is critical (Cummings and Perreault, 1990). The preparation of the uterine endometrium for implantation is under the control of sequential estrogen and progesterone stimulation. Treatments that alter the internal hormonal environment or inhibit protein synthesis, mitosis, or cell differentiation can block implantation and cause embryo death.

Gestation length can be determined in test animals from data on day of mating (observation of vaginal plug or sperm-positive vaginal lavage) and day of parturition. Significant shortening of gestation can lead to adverse outcomes of pregnancy such as decreased birth weight and offspring survival. Significantly longer gestation may be caused by failure of the normal mechanism for parturition and may result in death or impairment of offspring if dystocia (difficulty in parturition) occurs. Dystocia constitutes a maternal health threat for humans as well as test species. Lengthened gestation may result in higher birth weight; an effect that could mask a slower growth rate in utero because of exposure to a toxic agent. Comparison of offspring weights based on conceptional age may allow insight, although this comparison is complicated by generally faster growth rates postnatally than in utero.

Litter size is the number of offspring delivered and is measured at or soon after birth. Unless this observation is made soon after parturition, the number of offspring observed may be less than the actual number delivered because of cannibalism by the dam. Litter size is affected by the number of ova available for fertilization (ovulation rate), fertilization rate, implantation rate, and the proportion of the implanted embryos that survives to parturition. Litter size may include dead as well as live offspring, therefore data on the numbers of live and dead offspring should be available also.

When pregnant animals are examined by necropsy in mid- to late gestation, pregnancy status, including pre- and postimplantation losses can be determined. Postimplantation loss can be determined also by examining uteri from postparturient females. Preimplantation loss is the (number of corpora lutea minus number of implantation sites)/number of corpora lutea. Postimplantation loss, determined following delivery of a litter, is the (total number of implantation sites minus number of full-term pups)/number of implantation sites.

Offspring gender in mammals is determined by the male through fertilization of an ovum by a Y- or an X-chromosome-bearing sperm. Therefore, selective impairment in the production, transport, or fertilizing ability of either of these sperm types can produce an alteration in the sex ratio. An agent may also induce selective loss of male or female fetuses. Further, alteration of the external sexual characteristics of offspring by agents that disrupt sexual development may produce apparent

effects on sex ratios. Although not examined routinely, these factors provide the most likely explanations for alterations in the sex ratio.

Birth weight should be measured on the day of parturition. Often data from individual pups as well as the entire litter (litter weight) are provided. Birth weights are influenced by intrauterine growth rates, litter size, and gestation length. Growth rate in utero is influenced by the normality of the fetus, the maternal environment, and gender, with females tending to be smaller than males (Tyl, 1987). Individual pups in large litters tend to be smaller than pups in smaller litters. Thus, reduced birth weights that can be attributed to large litter size should not be considered an adverse effect unless the increased litter size is treatment related and the subsequent ability of the offspring to survive or develop is compromised. Multivariate analyses may be used to adjust pup weights for litter size (e.g., analysis of covariance, multiple regression). When litter weights only are reported, the increased numbers of offspring and the lower weights of the individuals tend to offset each other. When prenatal or postnatal growth is impaired by an acute exposure, compensatory growth after cessation of dosing could obscure the earlier effect.

Postnatal weights are dependent on birth weight, sex, and normality of the individual, as well as the litter size, lactational ability of the dam, and suckling ability of the offspring. With large litters, small or weak offspring may not compete successfully for milk and show impaired growth. Because it is not possible usually to determine whether the effect was due solely to the increased litter size, growth retardation or decreased survival rate should be considered adverse in the absence of information to the contrary. Also, offspring weights may appear normal in very small litters and should be considered carefully in relation to controls.

Offspring survival is dependent on the same factors as postnatal weight, although more severe effects are necessary usually to affect survival. All weight and survival endpoints can be affected by toxicity of an agent, either by direct effects on the offspring or indirectly through effects on the ability of the dam to support the offspring.

Measures of malformations and variations, as well as postnatal structural and functional development, are presented in the Guidelines for Developmental Toxicity Risk Assessment and the Proposed Guidelines for Neurotoxicity Risk Assessment (U.S. EPA, 1991, 1995a). These documents should be consulted for additional information on those parameters.

Adverse Effects

Table 2 lists couple-mediated endpoints that may be measured in reproduction studies. Table 3 presents examples of indices that may be calculated from couple-mediated reproductive toxicity data. Significant detrimental effects on any of those endpoints or on indices derived from those data should be considered adverse. Whether effects are on the female reproductive system or directly on the embryo or fetus is often not distinguishable, but the distinction may not be important because all of these effects should be cause for concern.

III.B.2.b. Sexual Behavior. Sexual behavior reflects complex neural, endocrine, and reproductive organ interactions and is therefore susceptible to disruption by a variety of toxic agents and pathologic conditions. Interference with sexual behavior in either sex by environmental agents represents a potentially significant human reproductive problem. Most human information comes from studies on effects of drugs on sexual behavior or from clinical reports in which the detection of exposure-effect associations is unlikely. Data on sexual behavior are usually not available from studies of human populations that were exposed occupationally or environmentally to potentially toxic agents, nor are such data obtained routinely in studies of environmental agents with test species.

In the absence of human data, the perturbation of sexual behavior in test species suggests the potential for similar effects on humans. Consistent with this position are data showing that central nervous system effects can disrupt sexual behavior in both test species and humans (Rubin and Henson, 1979; Waller et al., 1985). Although the functional components of sexual performance can be quantified in most test species, no direct evaluation of this behavior is done in most breeding studies. Rather, copulatory plugs or sperm-positive vaginal lavages are taken as evidence of sexual receptivity and successful mating. However, these markers do not demonstrate whether male performance resulted in adequate sexual stimulation of the female. Failure of the male to provide adequate stimulation to the female may impair sperm transport in the genital tract of female rats, thereby reducing the probability of successful impregnation (Adler and Toner, 1986). Such a ''mating'' failure would be reflected in the calculated fertility index as reduced fertility and could be attributed erroneously to an effect on the spermatogenic process in the male or on fertility of the female.

In the rat, a direct measure of female sexual receptivity is the occurrence of lordosis. Sexual receptivity of the female rat is normally cyclic, with receptivity commencing during the late evening of vaginal proestrus. Agents that interfere with normal estrous cyclicity also could cause absence of or abnormal sexual behavior that can be reflected in reduced numbers of females with vaginal plugs or vaginal sperm, alterations in lordosis behavior, and increased time to mating after start of cohabitation. In the male, measures include latency periods to first mount, mount with intromission, and first ejaculation, number of mounts with intromission to ejaculation, and the postejaculatory interval (Beach, 1979).

Direct evaluation of sexual behavior is not warranted for all agents being tested for reproductive toxicity. Some likely candidates may be agents reported to exert central or peripheral neurotoxicity. Chemicals possessing or suspected to possess androgenic or estrogenic properties (or antagonistic properties) also merit consideration as potentially causing adverse effects on sexual behavior concomitant with effects on the reproductive organs.

Adverse Effects

Effects on sexual behavior (within the limited definition of these Guidelines) should be considered as adverse reproductive effects. Included is evidence of impaired sexual receptivity and copulatory behavior. Impairment that is secondary to more generalized physical debilitation (e.g., impaired rear leg motor activity or general lethargy) should not be considered an adverse reproductive effect, although such conditions represent adverse systemic effects.

III.B.3. Male-Specific Endpoints

III.B.3.a. Introduction. The following sections (III.B.3. and III.B.4.) describe various male-specific and female-specific endpoints of reproductive toxicity that can be obtained. Included are endpoints for which data are obtained routinely by the Agency and other endpoints for which data may be encountered in the review of chemicals. Guidance is presented for interpretation of results involving these endpoints and their use in risk assessment. Effects are identified that should be considered as adverse reproductive effects if significantly different from controls.

The Agency may obtain data on the potential male reproductive toxicity of

an agent from many sources including, but not limited to, studies done according to Agency test guidelines. These may include acute, subchronic, and chronic testing and reproduction and fertility studies. Male-specific endpoints that may be encountered in such studies are identified in Table 4.

TABLE 4.—MALE-SPECIFIC ENDPOINTS OF REPRODUCTIVE TOXICITY

Organ weights	Testes, epididymides, seminal vesicles, prostate, pituitary.
Visual examination and histopathology	Testes, epididymides, seminal vesicles, prostate, pituitary.
Sperm evaluation*	Sperm number (count) and quality (morphology, motility)
Sexual behavior*	Mounts, intromissions, ejaculations.
Hormone levels*	Luteinizing hormone, follicle stimulating hormone, testosterone, estrogen, prolactin.
Developmental effects	Testis descent*, preputial separation, sperm production*, ano-genital distance, structure of external genitalia*.

*Reproductive endpoints that can be obtained or estimated relatively noninvasively with humans.

III.B.3.b. Body Weight and Organ Weights. Monitoring body weight during treatment provides an index of the general health status of the animals, and such information may be important for the interpretation of reproductive effects (see also Section III.B.2.). Depression in body weight or reduction in weight gain may reflect a variety of responses, including rejection of chemical-containing food or water because of reduced palatability, treatment-induced anorexia, or systemic toxicity. Less than severe reductions in adult body weight induced by restricted nutrition have shown little effect on the male reproductive organs or on male reproductive function (Chapin et al., 1993a, b). When a meaningful, biologic relationship between a body weight decline and a significant effect on the male reproductive system is not apparent, it is not appropriate to dismiss significant alteration of the male reproductive system as secondary to the occurrence of nonreproductive toxicity. Unless additional data provide the needed clarification, alteration in a reproductive measure that would otherwise be considered adverse should still be considered as an adverse male reproductive effect in the presence of mild to moderate body weight changes. In the presence of severe body weight depression or other severe systemic debilitation, it should be noted that an adverse effect on a reproductive endpoint occurred, but the effect may have resulted from a more generalized toxic effect. Regardless, adverse effects would have been observed in that situation and a risk assessment should be pursued if sufficient data are available.

The male reproductive organs for which weights may be useful for reproductive risk assessment include the testes, epididymides, pituitary gland, seminal vesicles (with coagulating glands), and prostate. Organ weight data may be presented as both absolute weights and as relative weights (i.e., organ weight to body weight ratios). Organ weight data may also be reported relative to brain weight since, subsequent to development, the weight of the brain usually remains quite stable (Stevens and Gallo, 1989). Evaluation of data on absolute organ weights is important, because a decrease in a reproductive organ weight may occur that was not necessarily related to a reduction in body weight gain. The organ weight-to-body weight ratio may show no significant difference if both body weight and organ weight change in the same direction, masking a potential organ weight effect.

Normal testis weight varies only modestly within a given test species (Schwetz et al., 1980; Blazak et al., 1985). This relatively low interanimal variability suggests that absolute testis weight should be a precise indicator of gonadal injury. However, damage to the testes may be detected as a weight change only at doses higher than those required to produce significant effects in other measures of gonadal status (Berndtson, 1977; Foote et al., 1986; Ku et al., 1993). This contradiction may arise from several factors, including a delay before cell deaths are reflected in a weight decrease (due to preceding edema and inflammation, cellular infiltration) or Leydig cell hyperplasia. Blockage of the efferent ducts by cells sloughed from the germinal epithelium or the efferent ducts themselves can lead to an increase in testis weight due to fluid accumulation (Hess et al., 1991; Nakai et al., 1993), an effect that could offset the effect of depletion of the germinal epithelium on testis weight. Thus, while testis weight measurements may not reflect certain adverse testicular effects and do not indicate the nature of an effect, a significant increase or decrease is indicative of an adverse effect.

Pituitary gland weight can provide valuable insight into the reproductive status of the animal. However, the pituitary contains cell types that are responsible for the regulation of a variety of physiologic functions including some that are separate from reproduction. Thus, changes in pituitary weight may not necessarily reflect reproductive impairment. If weight changes are observed, gonadotroph-specific histopathologic evaluations may be useful in identifying the affected cell types. This information may then be used to judge whether the observed effect on the pituitary is related to reproductive system function and therefore an adverse reproductive effect.

Prostate and seminal vesicle weights are androgen-dependent and may reflect changes in the animal's endocrine status or testicular function. Separation of the seminal vesicles and coagulating gland (dorsal prostate) is difficult in rodents. However, the seminal vesicle and prostate can be separated and results may be reported for these glands separately or together, with or without their secretory fluids. Differential loss of secretory fluids prior to weighing could produce artifactual weights. Because the seminal vesicles and prostate may respond differently to an agent (endocrine dependency and developmental susceptibility differ), more information may be gained if the weights were examined separately.

Adverse Effects

Significant changes in absolute or relative male reproductive organ weights may constitute an adverse reproductive effect. Such changes also may provide a basis for obtaining additional information on the reproductive toxicity of that agent. However, significant changes in other important endpoints that are related to reproductive function may not be reflected in organ weight data. Therefore, lack of an organ weight effect should not be used to negate significant changes in other endpoints that may be more sensitive.

III.B.3.c. Histopathologic Evaluations. Histopathologic evaluations of test animal tissues have a prominent role in male reproductive risk assessment. Organs that are often evaluated include

the testes, epididymides, prostate, seminal vesicles (often including coagulating glands), and pituitary. Tissues from lower dose exposures are often not examined histologically if the high dose produced no difference from controls. Histologic evaluations can be especially useful by (1) providing a relatively sensitive indicator of damage; (2) providing information on toxicity from a variety of protocols; and (3) with short-term dosing, providing information on site (including target cells) and extent of toxicity; and (4) indicating the potential for recovery.

The quality of the information presented from histologic analyses of spermatogenesis is improved by proper fixation and embedding of testicular tissue. With adequately prepared tissue (Chapin, 1988; Russell et al., 1990; Hess and Moore, 1993), a description of the nature and background level of lesions in control tissue, whether preparation-induced or otherwise, can facilitate interpreting the nature and extent of the lesions observed in tissues obtained from exposed animals. Many histopathologic evaluations of the testis only detect lesions if the germinal epithelium is severely depleted or degenerating, if multinucleated giant cells are obvious, or if sloughed cells are present in the tubule lumen. More subtle lesions, such as retained spermatids or missing germ cell types, that can significantly affect the number of sperm being released normally into the tubule lumen may not be detected when less adequate methods of tissue preparation are used. Also, familiarity with the detailed morphology of the testis and the kinetics of spermatogenesis of each test species can assist in the identification of less obvious lesions that may accompany lower dose exposures or lesions that result from short-term exposure (Russell et al., 1990). Several approaches for qualitative or quantitative assessment of testicular tissue are available that can assist in the identification of less obvious lesions that may accompany lower-dose exposures, including use of the technique of ''staging.'' A book is available (Russell et al., 1990) which provides extensive information on tissue preparation, examination, and interpretation of observations for normal and high resolution histology of the germinal epithelium of rats, mice, and dogs. Included is guidance for identification and quantification of the various cell types and associations for each stage of the spermatogenic cycle. Also, a decision-tree scheme for staging with the rat has been published (Hess, 1990).

The basic morphology of other male reproductive organs (e.g., epididymides, accessory sex glands, and pituitary) has been described as well as the histopathologic alterations that may accompany certain disease states (Fawcett, 1986; Jones et al., 1987; Haschek and Rousseaux, 1991). Compared with the testes, less is known about structural changes in these tissues that are associated with exposure to toxic agents. With the epididymides and accessory sex glands, histologic evaluation is usually limited to the height and possibly the integrity of the secretory epithelium. Evaluation should include information on the caput, corpus, and cauda segments of the epididymis. Presence of debris and sloughed cells in the epididymal lumen are valuable indicators of damage to the germinal epithelium or the excurrent ducts. The presence of lesions such as sperm granulomas, leucocyte infiltration (inflammation) or absence of clear cells in the cauda epididymal epithelium should be noted. Information from examinations of the pituitary should include evaluation of the morphology of the cell types that produce the gonadotropins and prolactin.

The degree to which histopathologic effects are quantified is usually limited to classifying animals, within dose groups, as either affected or not affected by qualitative criteria. Little effort has been made to quantify the extent of injury, and procedures for such classifications are not applied uniformly (Linder et al., 1990). Evaluation procedures would be facilitated by adoption of more uniform approaches for quantifying the extent of histopathologic damage per individual. In the absence of standardized tissue preparation techniques and a standardized quantification system, the evaluation of histopathologic data would be facilitated by the presentation of the evaluation criteria and procedure by which the level of lesions in exposed individuals was judged to be in excess of controls.

If properly obtained (i.e., proper preparation and analysis of tissue), data from histopathologic evaluations may provide a relatively sensitive tool that is useful for detection of low-dose effects. This approach may also provide insight into sites and mechanisms of action for the agent on that reproductive organ. When similar targets or mechanisms exist in humans, the basis for interspecies extrapolation is strengthened. Depending on the experimental design, information can also be obtained that may allow prediction of the eventual extent of injury and degree of recovery in that species and humans (Russell, 1983).

Adverse Effects

Significant and biologically meaningful histopathologic damage in excess of the level seen in control tissue of any of the male reproductive organs should be considered an adverse reproductive effect. Significant histopathologic damage in the pituitary should be considered as an adverse effect but should be shown to involve cells that control gonadotropin or prolactin production to be called a reproductive effect. Although thorough histopathologic evaluations that fail to reveal any treatment-related effects may be quite convincing, consideration should be given to the possible presence of other testicular or epididymal effects that are not detected histologically (e.g., genetic damage to the germ cell, decreased sperm motility), but may affect reproductive function.

III.B.3.d. Sperm Evaluations. The parameters that are important for sperm evaluations are sperm number, sperm morphology, and sperm motility. Data on those parameters allow more adequate estimation of the number of ''normal'' sperm; a parameter that is likely to be more informative than sperm number alone. Although effects on sperm production can be reflected in other measures such as testicular spermatid count or cauda epididymal weight, no surrogate measures are adequate to reflect effects on sperm morphology or motility. Similar data can be obtained noninvasively from human ejaculates, enhancing the ability to confirm effects seen in test species or to detect effects in humans. Brief descriptions of these measures are provided below, followed by a discussion of the use of various sperm measures in male reproductive risk assessment.

Sperm Number

Measures of sperm concentration (count) have been the most frequently reported semen variable in the literature on humans (Wyrobek et al., 1983a). Sperm number or sperm concentration from test species may be derived from ejaculated, epididymal, or testicular samples (Seed et al., 1996). Of the common test species, ejaculates can only be obtained readily from rabbits or dogs. Ejaculates can be recovered from the reproductive tracts of mated females of other species (Zenick et al., 1984). Measures of human sperm production are usually derived from ejaculates, but could also be obtained from spermatid counts or quantitative histology using testicular biopsy tissue samples. With

ejaculates, both sperm concentration (number of sperm/mL of ejaculate) and total sperm per ejaculate (sperm concentration x volume) should be evaluated.

Ejaculated sperm number from any species is influenced by several variables, including the length of abstinence and the ability to obtain the entire ejaculate. Intra- and interindividual variation are often high, but are reduced somewhat if ejaculates were collected at regular intervals from the same male (Williams et al., 1990). Such a longitudinal study design has improved detection sensitivity and thus requires a smaller number of subjects (Wyrobek et al., 1984). In addition, if a pre-exposure baseline is obtained for each male (test animal or human studies when allowed by protocol), then changes during exposure or recovery can be better defined.

Epididymal sperm evaluations with test species usually use sperm from only the cauda portion of the epididymis, but the samples for sperm motility and morphology may be derived also from the vas deferens. It has been customary to express the sperm count in relation to the weight of the cauda epididymis. However, because sperm contribute to epididymal weight, expression of the data as a ratio may actually mask declines in sperm number. The inclusion of data on absolute sperm counts can improve resolution. As is true for ejaculated sperm counts, epididymal sperm counts are influenced directly by level of sexual activity (Amann, 1981; Hurtt and Zenick, 1986).

Sperm production data may be derived from counts of the distinctive elongated spermatid nuclei that remain after homogenization of testes in a detergent-containing medium (Amann, 1981; Meistrich, 1982; Cassidy et al., 1983; Blazak et al., 1993). The elongated spermatid counts are a measure of sperm production from the stem cells and their ensuing survival through spermatocytogenesis and spermiogenesis (Meistrich, 1982; Meistrich and van Beek, 1993). If evaluation was conducted when the effect of a lesion would be reflected adequately in the spermatid count, then spermatid count may serve as a substitute for quantitative histologic analysis of sperm production (Russell et al., 1990). However, spermatid counts may be misleading when duration of exposure is shorter than the time required for a lesion to be fully expressed in the spermatid count. Also, spermatid counts reported from some laboratories have large coefficients of variation that may reduce the statistical power and thus the usefulness of that measure.

The ability to detect a decrease in testicular sperm production may be enhanced if spermatid counts are available. However, spermatid enumerations only reflect the integrity of spermatogenic processes within the testes. Posttesticular effects or toxicity expressed as alterations in motility, morphology, viability, fragility, and other properties of sperm can be determined only from epididymal, vas deferens, or ejaculated samples.

Sperm Morphology

Sperm morphology refers to structural aspects of sperm and can be evaluated in cauda epididymal, vas deferens, or ejaculated samples. A thorough morphologic evaluation identifies abnormalities in the sperm head and flagellum. Because of the suggested correlation between an agent's mutagenicity and its ability to induce abnormal sperm, sperm head morphology has been a frequently reported sperm variable in toxicologic studies on test species (Wyrobek et al., 1983b). The tendency has been to conclude that increased incidence of sperm head malformations reflects germ-cell mutagenicity. However, not every mutagen induces sperm head abnormalities, and other nonmutagenic chemicals may alter sperm head morphology. For example, microtubule poisons may cause increases in abnormal sperm head incidence, presumably by interfering with spermiogenesis, a microtubule-dependent process (Russell et al., 1981). Sperm morphology may be altered also due to degeneration subsequent to cell death. Thus, the link between sperm morphology and mutagenicity is not necessarily sensitive or specific.

An increase in abnormal sperm morphology has been considered evidence that the agent has gained access to the germ cells (U.S. EPA, 1986c). Exposure of males to toxic agents may lead to sperm abnormalities in their progeny (Wyrobek and Bruce, 1978; Hugenholtz and Bruce, 1983; Morrissey et al., 1988a, b). However, transmissible germ-cell mutations might exist in the absence of any warning morphologic indicator such as abnormal sperm. The relationships between these morphologic alterations and other karyotypic changes remains uncertain (de Boer et al., 1976).

The traditional approach to characterizing morphology in toxicologic testing has relied on subjective categorization of sperm head, midpiece, and tail defects in either stained preparations by bright field microscopy (Filler, 1993) or fixed, unstained preparations by phase contrast microscopy (Linder et al., 1992; Seed et al., 1996). Such an approach may be adequate for mice and rats with their distinctly angular head shapes. However, the observable heterogeneity of structure in human sperm and in nonrodent species makes it difficult for the morphologist to define clearly the limits of normality. More systematic, quantitative, and automated approaches have been offered that can be used with humans and test species (Katz et al., 1982; Wyrobek et al., 1984). Data that categorize the types of abnormalities observed and quantify the frequencies of their occurrences are preferred to estimation of overall proportion of abnormal sperm. Objective, quantitative approaches that are done properly should result in a higher level of confidence than more subjective measures.

Sperm morphology profiles are relatively stable and characteristic in a normal individual (and a strain within a species) over time. Sperm morphology is one of the least variable sperm measures in normal individuals, which may enhance its use in the detection of spermatotoxic events (Zenick et al., 1994). However, the reproductive implications of the various types of abnormal sperm morphology need to be delineated more fully. The majority of studies in test species and humans have suggested that abnormally shaped sperm may not reach the oviduct or participate in fertilization (Nestor and Handel, 1984; Redi et al., 1984). The implication is that the greater the number of abnormal sperm in the ejaculate, the greater the probability of reduced fertility.

Sperm Motility

The biochemical environments in the testes and epididymides are highly regulated to assure the proper development and maturation of the sperm and the acquisition of critical functional characteristics, i.e., progressive motility and the potential to fertilize. With chemical exposures, perturbation of this balance may occur, producing alterations in sperm properties such as motility. Chemicals (e.g., epichlorohydrin) have been identified that selectively affect sperm motility and also reduce fertility. Studies have examined rat sperm motility as a reproductive endpoint (Morrissey et al., 1988a, b; Toth et al., 1989b, 1991b), and sperm motility assessments are an integral part of some reproductive toxicity tests (Gray et al., 1988; Morrissey et al., 1989; U.S. EPA, 1996a).

Motility estimates may be obtained on ejaculated, vas deferens, or cauda epididymal samples. Standardized methods are needed because motility is influenced by a number of experimental variables, including abstinence interval, method of sample collection and handling, elapsed time between sampling and observation, the temperature at which the sample is stored and analyzed, the extent of sperm dilution, the nature of the dilution medium, and the microscopic chamber employed for the observations (Slott et al., 1991; Toth et al., 1991a; Chapin et al., 1992; Schrader et al., 1992; Weir and Rumberger, 1995; Seed et al., 1996).

Sperm motility can be evaluated in fresh samples under phase contrast microscopy, or sperm images can be recorded and stored in video or digital format and analyzed later, either manually or by computer-aided semen analysis (Linder et al., 1986; Boyers et al., 1989; Toth et al., 1989a; Yeung et al., 1992; Slott and Perreault, 1993). For manual assessments, the percentage of motile and progressively motile sperm can be estimated and a simple scale used to describe the vigor of the sperm motion.

The recent application of video and/or digital technology to sperm analysis allows a more detailed evaluation of sperm motion including information about the individual sperm tracks. It also provides permanent storage of the sperm tracks which can be re-analyzed as necessary (manually or computer-assisted). With computer-assisted technology, information about sperm velocity (straight-line and curvilinear) as well as the amplitude and frequency of the track are obtained rapidly and efficiently on large numbers of sperm. Using this technology, chemically induced alterations in sperm motion have been detected (Toth et al., 1989a, 1992; Slott et al., 1990; Klinefelter et al., 1994a), and such changes have been related to the fertility of the exposed animals (Toth et al., 1991a; Oberlander et al., 1994; Slott et al., 1995). These preliminary studies indicate that significant reductions in sperm velocity are associated with infertility, even when the percentage of motile sperm is not affected. The ability to distinguish between the proportion of sperm showing any type of motion and those with progressive motility is important (Seed et al., 1996).

Changes in endpoints that measure effects on spermatogenesis and sperm maturation have been related to fertility in several test species, but the ability to predict infertility from these data (in the absence of fertility data) is not reliable. This is in part due to the observation, in both test species and humans, that fertility is dependent not only on having adequate numbers of sperm, but also on the degree to which those sperm are normal. If sperm quality is high, then sperm number must be substantially reduced before fertility is affected. For example, in a rat model that employs artificial insemination of differing numbers of good quality sperm, sperm numbers can be reduced substantially before fertility is affected (Klinefelter et al., 1994b). In humans, the distribution of sperm counts for fertile and infertile men overlap, with the mean for fertile men being higher (Meistrich and Brown, 1983), but fertility is likely to be impaired when counts drop below 20 million/mL (WHO, 1992). Similarly, if sperm numbers are normal in rodents, a relatively large effect on sperm motility is required before fertility is affected. For example, rodent sperm velocity must be substantially reduced, in the presence of adequate numbers of sperm, before fertility is affected (Toth et al., 1991a; Slott et al., 1995). These models also show that relatively modest changes in sperm numbers or quality may not cause infertility, but can nevertheless be predictive of infertility. On the other hand, fertility may be impaired by smaller decrements in both number and motility (or other qualitative characteristics).

Thus, the process of reproductive risk assessment is facilitated by having information on a variety of sperm measures and reproductive organ histopathology in addition to fertility. Specific information about reproductive organ and gamete function can then be used to evaluate the occurrence and extent of injury, and the probable site of toxicity in the reproductive system. The more information that is available from supplementary endpoints, the more the risk assessment can be based on science rather than uncertainty.

Adverse Effects

Human male fertility is generally lower than that of test species and may be more susceptible to damage from toxic agents (see Supplementary Information). Therefore, the conservative approach should be taken that, within the limits indicated in the sections on those parameters, statistically significant changes in measures of sperm count, morphology, or motility as well as number of normal sperm should be considered adverse effects.

III.B.3.e. Paternally Mediated Effects on Offspring. The concept is well accepted that exposure of a female to toxic chemicals during gestation or lactation may produce death, structural abnormalities, growth alteration, or postnatal functional deficits in her offspring. Sufficient data now exist with a variety of agents to conclude that male-only exposure also can produce deleterious effects in offspring (Davis et al., 1992; Colie, 1993; Savitz et al., 1994; Qiu et al., 1995). Paternally mediated effects include pre- and postimplantation loss, growth and behavioral deficits, and malformations. A large proportion of the chemicals reported to cause paternally mediated effects have genotoxic activity, and are considered to exert this effect via transmissible genetic alterations. Low doses of cyclophosphamide have resulted in induction of single strand DNA breaks during rat spermatogenesis which, due in part to absence of subsequent DNA repair capability, remain at fertilization (Qiu et al., 1995). The results of such damage have been observed in the F_2 generation offspring (Hales et al., 1992). Other mechanisms of induction of paternally mediated effects are also possible. Xenobiotics present in seminal plasma or bound to the fertilizing sperm could be introduced into the female genital tract, or even the oocyte directly, and might also interfere with fertilization or early development. With humans, the possibility exists that a parent could transport the toxic agent from the work environment to the home (e.g., on work clothes), exposing other adults or children. Further work is needed to clarify the extent to which paternal exposures may be associated with adverse effects on offspring. Regardless, if an agent is identified in test species or in humans as causing a paternally mediated adverse effect on offspring, the effect should be considered an adverse reproductive effect.

III.B.4. Female-Specific Endpoints

III.B.4.a. Introduction. The reproductive life cycle of the female may be divided into phases that include fetal, prepubertal, cycling adult, pregnant, lactating, and reproductively senescent. Detailed descriptions of all phases are available (Knobil et al., 1994). It is important to detect adverse effects occurring in any of these stages. Traditionally, the endpoints that have been used have emphasized ability to become pregnant, pregnancy outcome, and offspring survival and development. Although reproductive organ weights may be obtained and these organs examined histologically in test species, these measures do not necessarily detect abnormalities in dynamic processes such as estrous cyclicity or follicular atresia unless degradation is severe. Similarly, toxic effects on onset of

puberty have not been examined, nor have the long-term consequences of exposure on reproductive senescence. Thus, the amount of information obtained routinely to detect toxic effects on the female reproductive system has been limited.

The consequences of impairment in the nonpregnant female reproductive system are equally important, and endpoints to detect adverse effects on the nonpregnant reproductive system, when available, can be useful in evaluating reproductive toxicity. Such measures may also provide additional interrelated endpoints and information on mechanism of action.

Adverse alterations in the nonpregnant female reproductive system have been observed at dose levels below those that result in reduced fertility or produce other overt effects on pregnancy or pregnancy outcomes (Le Vier and Jankowiak, 1972; Barsotti et al., 1979; Sonawane and Yaffe, 1983; Cummings and Gray, 1987). In contrast to the male reproductive system, the status of the normal female system fluctuates in adults. Thus, in nonpregnant animals (including humans), the ovarian structures and other reproductive organs change throughout the estrous or menstrual cycle. Although not cyclic, normal changes also accompany the progression of pregnancy, lactation, and return to cyclicity during or after lactation. These normal fluctuations may affect the endpoints used for evaluation. Therefore, knowledge of the reproductive status of the female at necropsy, including the stage of the estrous cycle, can facilitate detection and interpretation of effects with endpoints such as uterine weight and histopathology of the ovary and uterus. Necropsy of all test animals at the same stage of the estrous cycle can reduce the variance of test results with such measures.

A variety of measures to evaluate the integrity of the female reproductive system has been used in toxicity studies. With appropriate measures, a comprehensive evaluation of the reproductive process can be achieved, including identification of target organs and possible elucidation of the mechanisms involved in the agent's effect(s). Areas that may be examined in evaluations of the female reproductive system are listed in Table 5.

TABLE 5.—FEMALE-SPECIFIC ENDPOINTS OF REPRODUCTIVE TOXICITY

Organ weights	Ovary, uterus, vagina, pituitary.
Visual examination and histopathology	Ovary, uterus, vagina, pituitary, oviduct, mammary gland.
Estrous (menstrual*) cycle normality	Vaginal smear cytology.
Sexual behavior	Lordosis, time to mating, vaginal plugs, or sperm.
Hormone levels*	LH, FSH, estrogen, progesterone, prolactin.
Lactation*	Offspring growth, milk quantity and quality.
Development	Normality of external genitalia*, vaginal opening, vaginal smear cytology, onset of estrous behavior (menstruation*).
Senescence	Vaginal smear cytology, ovarian histology (menopause*).

*Endpoints that can be obtained relatively noninvasively with humans.

Reproductive function in the female is controlled through complex interactions involving the central nervous system (particularly the hypothalamus), pituitary, ovaries, the reproductive tract, and the secondary sexual organs. Other nongonadotrophic components of the endocrine system may also modulate reproductive system function. Because it is difficult to measure certain important aspects of female reproductive function (e.g., increased rate of follicular atresia, ovulation failure), assessment of the endocrine status may provide needed insight that is not otherwise available.

To understand the significance of effects on the reproductive endpoints, it is critical that the relationships between the various reproductive hormones and the female reproductive organs be understood. Although certain effects may be identified routinely as adverse, all of the results should be considered in the context of the known biology.

The format used below for presentation of the female reproductive endpoints is altered from that used for the male to allow examination of events that are linked and that fluctuate with the changing endocrine status. Particularly, the organ weight, gross morphology, and histology are combined for each organ. Endpoints and endocrine factors for the individual female reproductive organs are discussed, with emphasis on the nonpregnant animal. This is followed by examination of measures of cyclicity and their interpretation. Then, considerations relevant to prepubertal, pregnant, lactating, and aging females are presented.

III.B.4.b. Body Weight, Organ Weight, Organ Morphology, and Histology

III.B.4.b.1. *Body weight*. Toxicologists are often concerned about how a change in body weight may affect reproductive function. In females, an important consideration is that body weight fluctuates normally with the physiologic state of the animal because estrogen and progesterone are known to influence food intake and energy expenditure to an important extent (Wang, 1923; Wade, 1972). Water retention and fat deposition rates are also affected (Galletti and Klopper, 1964; Hervey and Hervey, 1967). Food consumption is elevated during pregnancy, in part because of the elevated serum progesterone level. One of the most sensitive noninvasive indicators of a compound with estrogenic action in the female rat is a reduction in food intake and body weight. Also, growth retardation induced by effects on extragonadal hormones (e.g., thyroid or growth hormone) can cause a delay in pubertal development, and induce acyclicity and infertility. Because of these endocrine-related fluctuations, the weights of the reproductive organs are poorly correlated with body weight, except in extreme cases. Thus, actual organ weight data, rather than organ to body weight ratios, should be reported and evaluated for the female reproductive system.

Chapin et al. (1993a, b) have studied the influence of food restriction on female Sprague-Dawley rats and Swiss CD–1 mice when body weights were 90%, 80%, or 70% of controls. Female rats were resistant to effects on reproductive function at 80% of control weight whereas mice showed adverse effects at 80% and a marginal effect at 90%. These results indicate that differences exist between species (and probably between strains) in the response of the female rodent reproductive system to reduced food intake or body weight reduction.

III.B.4.b.2. *Ovary*. The ovary serves a number of functions that are critical to reproductive activity, including production and ovulation of oocytes.

Estrogen is produced by developing follicles and progesterone is produced by corpora lutea that are formed after ovulation.

Ovarian Weight

Significant increases or decreases in ovarian weight compared with controls should be considered an indication of female reproductive toxicity. Although ovarian function shifts throughout the estrous cycle, ovarian weight in the normal rat does not show significant fluctuations. Still, oocyte and follicle depletion, persistent polycystic ovaries, inhibition of corpus luteum formation, luteal cyst development, reproductive aging, and altered hypothalamic-pituitary function may all be associated with changes in ovarian weight. Therefore, it is important that ovarian gross morphology and histology also be examined to allow correlation of alterations in those parameters with changes in ovarian weight. However, not all adverse histologic alterations in the ovary are concurrent with changes in ovarian weight. Therefore, a lack of effect on organ weights does not preclude the need for histologic evaluation.

Histopathology

Histologic evaluation of the three major compartments of the ovary (i.e., follicular, luteal, and interstitial) plus the epithelial capsule and ovarian stroma may indicate ovarian toxicity. A number of pathologic conditions can be detected by ovarian histology (Kurman and Norris, 1978; Langley and Fox, 1987). Methods are available to quantify the number of follicles and their stages of maturation (Plowchalk et al., 1993). These techniques may be useful when a compound depletes the pool of primordial follicles or alters their subsequent development and recruitment during the events leading to ovulation.

Adverse Effects

Significant changes in the ovaries in any of the following effects should be considered adverse:

- Increase or decrease in ovarian weight.
- Increased incidence of follicular atresia.
- Decreased number of primary follicles.
- Decreased number or lifespan of corpora lutea.
- Evidence of abnormal folliculogenesis or luteinization, including cystic follicles, luteinized follicles, and failure of ovulation.
- Evidence of altered puberty or premature reproductive senescence.

III.B.4.b.3. *Uterus.*

Uterine Weight

An alteration in the weight of the uterus may be considered an indication of female reproductive organ toxicity. Compounds that inhibit steroidogenesis and cyclicity can dramatically reduce the weight of the uterus so that it appears atrophic and small. However, uterine weight fluctuates three- to four-fold throughout the estrous cycle, peaking at proestrus when, in response to increased estrogen secretion, the uterus is fluid filled and distended. This increase in uterine weight has been used as a basis for comparing relative potency of estrogenic compounds in bioassays (Kupfer, 1987). As a result of the wide fluctuations in weight, uterine weights taken from cycling animals have a high variance, and large compound-related effects are required to demonstrate a significant effect unless interpreted relative to that animal's estrous cycle stage. A number of environmental compounds (e.g., pesticides such as methoxychlor and chlordecone, mycotoxins, polychlorinated biphenyls, alkylphenols, and phytoestrogens) possess varying degrees of estrogenic activity and have the potential to stimulate the female reproductive tract (Barlow and Sullivan, 1982; Bulger and Kupfer, 1985; Hughes, 1988).

When pregnant or postpartum animals are examined, the numbers of implantation sites or implantation scars should be counted. This information, along with corpus luteum counts, can be used to calculate pre- and postimplantation losses.

Histopathology

The histologic appearance of the normal uterus fluctuates with stage of the estrous cycle and pregnancy. The uterine endometrium is sensitive to influences of estrogens and progestogens (Warren et al., 1967), and extended treatment with these compounds leads to hypertrophy and hyperplasia. Conversely, inhibition of ovarian activity and reduced steroid secretion results in endometrial hypoplasia and atrophy, as well as altered vaginal smear cytology. Effects induced during development may delay or prevent puberty, resulting in persistence of infantile genitalia.

Adverse Effects

Effects on the uterus that may be considered adverse include significant dose-related alteration of weight, as well as gross anatomic or histologic abnormalities. In particular, any of the following effects should be considered as adverse.

- Infantile or malformed uterus or cervix.
- Decreased or increased uterine weight.
- Endometrial hyperplasia, hypoplasia, or aplasia.
- Decreased number of implantation sites.

III.B.4.b.4. *Oviducts.*

Typically, the oviducts are not weighed or examined histologically in tests for reproductive toxicity. However, information from visual and histologic examinations is of value in detecting morphologic anomalies. Descriptions of pathologic effects within the oviducts of animals other than humans are not common. Hypoplasia of otherwise well-formed oviducts and loss of cilia result most commonly from a lack of estrogen stimulation, and for this reason, this condition may not be recognized until after puberty. Hyperplasia of the oviductal epithelium results from prolonged estrogenic stimulation. Anomalies induced during development have also been described, including agenesis, segmental aplasia, and hypoplasia.

Anatomic anomalies in the oviduct occurring in excess of control incidence should be considered as adverse effects. Hypoplasia or hyperplasia of the oviductal epithelium may be considered as an adverse effect, particularly if that result is consistent with observations in the uterine histology.

III.B.4.b.5. *Vagina and external genitalia.*

Vaginal Weight

Vaginal weight changes should parallel those seen in the uterus during the estrous cycle, although the magnitude of the changes is smaller.

Histopathology

In rodents, cytologic changes in the vaginal epithelium (vaginal smear) may be used to identify the different stages of the estrous cycle (see Section III.B.4.d.). The vaginal smear pattern may be useful to identify conditions that would delay or preclude fertility, or affect sexual behavior. Other histologic alterations that may be observed include aplasia, hypoplasia, and hyperplasia of the vaginal epithelial cell lining.

Developmental Effects

Developmental abnormalities, either genetic or related to prenatal exposure to compounds that disrupt the endocrine balance, include agenesis, hypoplasia, and dysgenesis. Hypoplasia of the vagina may be concomitant with hyperplasia of the external genitalia and can be induced by gonadal or adrenal steroid exposure. In rodents,

malpositioning of the vaginal and urethral ducts is common in steroid-treated females. Such developmentally induced lesions are irreversible.

The sex ratio observed at birth may be affected by exposure of genotypic females in utero to agents that disrupt reproductive tract development. In cases of incomplete sex reversal because of such exposures, female rodents may appear more male-like and have an increased ano-genital distance (Gray and Ostby, 1995).

At puberty, the opening of the vaginal orifice normally provides a simple and useful developmental marker. However, estrogenic or antiestrogenic chemicals can act directly on the vaginal epithelium and alter the age at which vaginal patency occurs without truly affecting puberty.

Adverse Effects

Significant effects on the vagina that may be considered adverse include the following:

- Increases or decreases in weight
- Infantile or malformed vagina or vulva, including masculinized vulva or increased ano-genital distance
- Vaginal hypoplasia or aplasia
- Altered timing of vaginal opening
- Abnormal vaginal smear cytology pattern

III.B.4.b.6. *Pituitary*.

Pituitary Weight

Alterations in weight of the pituitary gland should be considered an adverse effect. The discussion on pituitary weight and histology for males (see Section III.B.3.b.) is pertinent also for females. Pituitary weight increases normally with age, as well as during pregnancy and lactation. Changes in pituitary weight can occur also as a consequence of chemical stimulation. Increased pituitary weight often precedes tumor formation, particularly in response to treatment with estrogenic compounds. Increased pituitary size associated with estrogen treatment may be accompanied by hyperprolactinemia and constant vaginal estrus. Decreased pituitary weight is less common but may result from decreased estrogenic stimulation (Cooper et al., 1989).

Histopathology

In histologic evaluations with rats and mice, the relative size of cell types in the anterior pituitary (acidophils and basophils) has been reported to vary with the stages of the reproductive cycle and in pregnancy (Holmes and Ball, 1974). Therefore, the relationship of morphologic pattern to estrous or menstrual cycle stage or pregnancy status should be considered in interpreting histologic observations on the female pituitary.

Adverse Effects

A significant increase or decrease in pituitary weight should be considered an adverse effect. Significant histopathologic damage in the pituitary should be considered an adverse effect, but should be shown to involve cells that control gonadotropin or prolactin production to be called a reproductive effect.

III.B.4.c. Oocyte Production

III.B.4.c.1. *Folliculogenesis*. In normal females, all of the follicles (and the resident oocytes) are present at or soon after birth. The large majority of these follicles undergo atresia and are not ovulated. If the population of follicles is depleted, it cannot be replaced and the female will be rendered infertile. In humans, depletion of oocytes leads to premature menopause. Ovarian follicle biology and toxicology have been reviewed by Crisp (1992).

In rodents, lead, mercury, cadmium, and polyaromatic hydrocarbons have all been implicated in the arrest of follicular growth at various stages of the life cycle (Mattison and Thomford, 1989). Susceptibility to oocyte toxicity varies considerably between species (Mattison and Thorgeirsson, 1978).

Environmental agents that affect gonadotropin-mediated ovarian steroidogenesis or follicular maturation can prolong the follicular phase of the estrous or menstrual cycle and cause atresia of follicles that would otherwise ovulate. Estrogenic as well as antiestrogenic agents can produce this effect. Also, normal follicular maturation is essential for normal formation and function of the corpus luteum formed after ovulation (McNatty, 1979).

III.B.4.c.2. *Ovulation*. Chemicals can delay or block ovulation by disrupting the ovulatory surge of luteinizing hormone (LH) or by interfering with the ability of the maturing follicle to respond to that gonadotropic signal. Examples for rats include compounds that interfere with normal central nervous system (CNS) norepinephrine receptor stimulation such as the pesticides chlordimeform and amitraz (Goldman et al., 1990, 1991) and compounds that interfere with norepinephrine synthesis such as the fungicide thiram (Stoker et al., 1993). Compounds that increase central opioid receptor stimulation also decrease serum LH and inhibit ovulation in monkeys and rats (Pang et al., 1977; Smith, C.G., 1983). Delayed ovulation can alter oocyte viability and cause trisomy and polyploidy in the conceptus (Fugo and Butcher, 1966; Butcher and Fugo, 1967; Butcher et al., 1969, 1975; Na et al., 1985). Delayed ovulation induced by exposure to the pesticide chlordimeform has also been shown to alter fetal development and pregnancy outcome in rats (Cooper et al., 1994).

III.B.4.c.3. *Corpus luteum*. The corpus luteum arises from the ruptured follicle and secretes progesterone, which has an important role in the estrous or menstrual cycle. Luteal progesterone is also required for the maintenance of early pregnancy in most mammalian species, including humans (Csapo and Pulkkinen, 1978). Therefore, establishment and maintenance of normal corpora lutea are essential to normal reproductive function. However, with the exception of histopathologic evaluations that may establish only their presence or absence, these structures are not evaluated in routine testing. Additional research is needed to determine the importance of incorporating endpoints that examine direct effects on luteal function in routine toxicologic testing.

Adverse Effects

Increased rates of follicular atresia and oocyte toxicity leads to premature menopause in humans. Altered follicular development, ovulation failure, or altered corpus luteum formation and function can result in disruption of cyclicity and reduced fertility, and, in nonprimates, interference with normal sexual behavior. Therefore, significant increases in the rate of follicular atresia, evidence of oocyte toxicity, interference with ovulation, or altered corpus luteum formation or function should be considered adverse effects.

III.B.4.d. Alterations in the Female Reproductive Cycle. The pattern of events in the estrous cycle may provide a useful indicator of the normality of reproductive neuroendocrine and ovarian function in the nonpregnant female. It also provides a means to interpret hormonal, histologic, and morphologic measurements relative to stage of the cycle, and can be useful to monitor the status of mated females. Estrous cycle normality can be monitored in the rat and mouse by observing the changes in the vaginal smear cytology (Long and Evans, 1922; Cooper et al., 1993). To be most useful with cycling females, vaginal smear cytology should be examined daily for at least three normal estrous cycles prior to treatment, after onset of treatment, and before necropsy (Kimmel, G.A. et al., 1995). However, practical

limitations in testing may limit the examination to the period before mating or necropsy.

Daily vaginal smear data from rodents can provide useful information on (1) cycle length, (2) occurrence or persistence of estrus, (3) duration or persistence of diestrus, (4) incidence of spontaneous pseudopregnancy, (5) distinguishing pregnancy from pseudopregnancy (based on the number of days the smear remains leukocytic), and (6) indications of fetal death and resorption by the presence of blood in the smear after day 12 of gestation. The technique also can detect onset of reproductive senescence in rodents (LeFevre and McClintock, 1988). It is useful further to detect the presence of sperm in the vagina as an indication of mating.

In nonpregnant females, repetitive occurrence of the four stages of the estrous cycle at regular, normal intervals suggests that neuroendocrine control of the cycle and ovarian responses to that control are normal. Even normal, control animals can show irregular cycles. However, a significant alteration compared with controls in the interval between occurrence of estrus for a treatment group is cause for concern. Generally, the cycle will be lengthened or the animals will become acyclic. Lengthening of the cycle may be a result of increased duration of either estrus or diestrus. Knowing the affected phase can provide direction for further investigation.

The persistence of regular vaginal cycles after treatment does not necessarily indicate that ovulation occurred, because luteal tissue may form in follicles that have not ruptured. This effect has been observed after treatment with anti-inflammatory agents (Walker et al., 1988). However, that effect should be reflected in reduced fertility. Conversely, subtle alterations of cyclicity can occur at doses below those that alter fertility (Gray et al., 1989).

Irregular cycles may reflect impaired ovulation. Extended vaginal estrus usually indicates that the female cannot spontaneously achieve the ovulatory surge of LH (Huang and Meites, 1975). A number of compounds have been shown to alter the characteristics of the LH surge including anesthetics (Nembutal), neurotransmitter receptor binding agents (Drouva et al., 1982), and the pesticides chlordimeform and lindane (Cooper et al., 1989; Morris et al., 1990). Persistent or constant vaginal cornification (or vaginal estrus) may result from one or several effects. Typically, in the adult, if the vaginal epithelium becomes cornified and remains so in response to toxicant exposure, it is the result of the agent's estrogenic properties (i.e., DES or methoxychlor), or the ability of the agent to block ovulation. In the latter case, the follicle persists and endogenous estrogen levels bring about the persistent vaginal cornification. Histologically, the ovaries in persistent estrus will be atrophied following exposure to estrogenic substances. In contrast, the ovaries of females in which ovulation has been blocked because of altered gonadotropin secretion will contain several large follicles and no corpora lutea. Females in constant estrus may be sexually receptive regardless of the mechanism responsible for this altered ovarian condition. However, if ovulation has been blocked by the treatment, an LH surge may be induced by mating (Brown-Grant et al., 1973; Smith, E.R. and Davidson, 1974) and a pregnancy or pseudopregnancy may ensue. The fertility of such matings is reduced (Cooper et al., 1994). Significant delays in ovulation can result in increased embryonic abnormalities and pregnancy loss (Fugo and Butcher, 1966; Cooper et al., 1994).

Persistent diestrus indicates temporary or permanent cessation of follicular development and ovulation, and thus at least temporary infertility. Prolonged vaginal diestrus, or anestrus, may be indicative of agents (e.g., polyaromatic hydrocarbons) that interfere with follicular development or deplete the pool of primordial follicles (Mattison and Nightingale, 1980) or agents such as atrazine that interrupt gonadotropin support of the ovary (Cooper et al., 1996). Pseudopregnancy is another altered endocrine state reflected by persistent diestrus. A pseudopregnant condition also has been shown to result in rats following single or multiple doses of atrazine (Cooper et al., 1996). The ovaries of anestrous females are atrophic, with few primary follicles and an unstimulated uterus (Huang and Meites, 1975). Serum estradiol and progesterone are abnormally low.

Adverse Effects

Significant evidence that the estrous cycle (or menstrual cycle in primates) has been disrupted should be considered an adverse effect. Included should be evidence of abnormal cycle length or pattern, ovulation failure, or abnormal menstruation.

III.B.4.e. Mammary Gland and Lactation. The mammary glands of normal adults change dramatically during the period around parturition because of the sequential effects of a number of gonadal and extragonadal hormones. Milk letdown is dependent on the suckling stimulus and the release of oxytocin from the posterior pituitary. Thus, mammary tissue is highly endocrine dependent for development and function (Wolff, 1993; Imagawa et al., 1994; Tucker, 1994).

Mammary gland size, milk production and release, and histology can be affected adversely by toxic agents, and many exogenous chemicals and drugs are transferred into milk (American Academy of Pediatrics Committee on Drugs, 1994; Oskarsson et al., 1995; Sonawane, 1995). Reduced growth of young could be caused by reduced milk availability, palatability or quality, by ingestion of a toxic agent secreted into the milk, or by other factors unrelated to lactational ability (e.g., deficient suckling ability or deficient maternal behavior). Perinatal exposure to steroid hormones and other chemicals can alter mammary gland morphology and tumor potential in adulthood. Because of the tendency for mobilization of lipids from adipose tissue and secretion of those lipids into milk by lactating females, milk may contain lipophilic agents at concentrations equal to or higher than those present in the blood or organs of the dam. Thus, suckling offspring may be exposed to elevated levels of such agents.

Techniques for measuring mammary tissue development, nucleic acid content, milk production and milk composition in rodents are discussed by Tucker (1994). During lactation, the mammary glands can be dissected and weighed only with difficulty. RNA content of the mammary glands may be measured as an index of lactational potential. More direct estimates of milk production may be obtained by measuring litter weights of milk-deprived pups taken before and after nursing. Milk from the stomachs of pups treated similarly can also be weighed at necropsy. Cleared and stained whole mounts of the mammary gland can be prepared at necropsy for histologic examination. The DNA, RNA, and lipid content of the mammary gland and the composition of the milk have been measured following toxicant administration as indicators of toxicity to this target organ.

Significant reductions in milk production or negative effects on milk quality, whether measured directly or reflected in impaired development of young, should be considered adverse reproductive effects.

III.B.4.f. Reproductive Senescence. With advancing age, there is a loss of the regular ovarian cycles and associated normal cyclical changes in the uterine and vaginal epithelium that

are typical of the young-adult female rat (Cooper and Walker, 1979). Although the mechanisms responsible for this loss of cycling are not thoroughly understood, age-dependent changes occur within the hypothalamic-pituitary control of ovulation (Cooper et al., 1980; Finch et al., 1984). Cumulative exposure to estrogen secreted by the ovary may play a role, as treatment with estrogens during adulthood can accelerate the age-related loss of ovarian function (Brawer and Finch, 1983). In contrast, the principal cause of the loss of ovarian cycling in humans appears to be the depletion of oocytes (Mattison, 1985).

Prenatal or postnatal treatment of females with estrogens or estrogenic pesticides can also cause impaired ovulation and sterility (Gorski, 1979). These observations imply that alterations in ovarian function may not be noticeable immediately after treatment but may become evident at puberty or influence the age at which reproductive senescence occurs.

Adverse Effects

Significant effects on measures showing a decrease in the age of onset of reproductive senescence in females should be considered adverse. Cessation of normal cycling, which is measured by vaginal smear cytology, ovarian histopathology, or an endocrine profile that is consistent with this interpretation, should be included as an adverse effect.

III.B.5. Developmental and Pubertal Alterations

Developmental Effects

Alterations of reproductive differentiation and development, including those produced by endocrine system disruption, can result in infertility, functional and morphologic alterations of the reproductive system, and cancer (Steinberger and Lloyd, 1985; Gray, 1991). Prenatal and postnatal exposure to toxicants can produce changes that may not be predicted from effects seen in adults, and those effects are often irreversible. Adverse developmental outcomes in either sex can result from exposure to toxic agents in utero, through contact with exposed dams, or in milk. Dosing of dams during lactation also can result in developmental effects through impaired nursing capability of the dams.

Effects observed in rodents following developmental exposure to agents can include alterations in the genitalia (including ano-genital distance), inhibited (female) or retained (male) nipple development, impaired sexual behavior, delay or acceleration of the onset of puberty, and reduced fertility (Gray et al., 1985, 1994, 1995; Gray and Ostby, 1995; Kelce et al., 1995). Effects may include altered sexual behavior or ability to produce gametes normally that are not observed until after puberty. Hepatic enzyme systems for steroid metabolism that are imprinted during development may be altered in males. Testis descent from the abdominal cavity into the scrotum may be delayed or may not occur. Generally, the type of effect seen may differ depending on the stage of development at which the exposure occurred.

Many of these effects have been detected in human females and males exposed prenatally to diethylstilbestrol (DES), other estrogens, progestins, androgens, and anti-androgens (Giusti et al., 1995; Harrison et al., 1995). Accelerated reproductive aging and tumors of the reproductive tract have been observed in laboratory animal and human females after pre- or perinatal exposure to hormonally active agents. However, capability to alter sexual differentiation is not limited to agents with known direct hormonal activity. Other agents, for which the mode of action is not known (e.g., busulfan, nitrofen), or which affect the endocrine system indirectly (e.g., PCBs, dioxin), may act via different mechanisms during critical periods of development to alter sexual differentiation and reproductive system development.

Effects on Puberty

In female rats and mice, the age at vaginal opening is the most commonly measured marker of puberty. This event results from an increase in the blood level of estradiol. The ages and weights of females at the first cornified (estrous) vaginal smear, the first diestrous smear, and the onset of vaginal cycles have also been used as endpoints for onset of puberty. In males, preputial separation or appearance of sperm in expressed urine or ejaculates can serve as markers of puberty. Body weight at puberty may provide a means to separate specific delays in puberty from those that are related to general delays in development. Agents may differentially affect the endpoints related to puberty onset, so it is useful to have information on more than one marker.

Puberty can be accelerated or delayed by exogenous agents, and both types of effects may be adverse (Gray et al., 1989, 1995; Gray and Ostby, 1995; Kelce et al., 1995). For example, an acceleration of vaginal opening may be associated with a delay in the onset of cyclicity, infertility, and with accelerated reproductive aging (Gorski, 1979). Delays in pubertal development in rodents are usually related to delayed maturation or inhibition of function of the hypothalamic-pituitary axis. Adverse reproductive outcomes have been reported in rodents when puberty is altered by a week or more, but the biologic relevance of a change in these measures of a day or two is unknown (Gray, 1991).

Adverse Effects

Effects induced or observed during the pre- or perinatal period should be judged using guidance from the Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991) as well as from these Guidelines. Significant effects on ano-genital distance or age at puberty, either early or delayed, should be considered adverse as should malformations of the internal or external genitalia. Included as adverse effects for females should be effects on nipple development, age at vaginal opening, onset of cyclic vaginal smears, onset of estrus or menstruation, or onset of an endocrine or behavioral pattern consistent with estrous or menstrual cyclicity. Included as adverse effects for males should be delay or failure of testis descent, as well as delays in age at preputial separation or appearance of sperm in expressed urine or ejaculates.

III.B.6. Endocrine Evaluations

Toxic agents can alter endocrine system function by affecting any part of the hypothalamic-pituitary-gonadal-reproductive tract axis. Effects may be induced in either sex by altering hormone synthesis, storage, release, transport, or clearance, as well as by altering hormone receptor recognition or postreceptor responses. The involvement of the endocrine system in female reproductive physiology and toxicology has been presented to a substantial degree as a necessary component in Section III.B.4. (Female-specific Endpoints). The information in that section should be considered together with the following material.

The male reproductive system can be affected adversely by disruption of the normal endocrine balance. In adults, effects that result in interference with normal concentrations or action of LH and/or follicle stimulating hormone (FSH) can decrease or abolish spermatogenesis, affect secondary sex organ (e.g., epididymis) and accessory sex gland (e.g., prostate, seminal vesicle) function, and impair sexual behavior (Sharpe, 1994). In mammals, a female reproductive tract develops unless androgen is produced and utilized normally by the fetus (Byskov and Hoyer, 1994; George and Wilson, 1994).

Therefore, the consequences of disruption of the normal endocrine pattern during development of the male reproductive system pre- and postnatally are of particular concern. Differentiation and development of the male reproductive system are especially sensitive to substances that interfere with the production or action of androgens (testosterone and dihydrotestosterone). Sexual differentiation of the CNS can be affected also. Therefore, interference with normal production or response to androgens can result in a range of abnormal effects in genotypic males ranging from a pseudohermaphrodite condition to reduction in sperm production or altered sexual behavior. Chemicals with estrogenic or anti-androgenic activity have been identified that are capable, with sufficient exposure levels, of causing effects of these types in males (Gray et al., 1994; Harrison et al., 1995; Kelce et al., 1995). While sensitivity may differ, it is likely that mechanisms of action for these endocrine disrupting agents will be consistent across mammalian species. Chemicals with the ability to interact with the Ah receptor (e.g., dioxin or PCBs) may also disrupt reproductive system development or function (Brouwer et al., 1995; Safe, 1995). Several of the effects seen with exposure of male and female rats and hamsters differ from those caused by estrogens, indicating a different mechanism of action.

The developing nervous system can be a target of chemicals. In rats, sexual differentiation of the CNS can be modified by hormonal treatments or exposure to environmental agents that mimic or interfere with the action of certain hormones. Prior to gender differentiation, the brain is inherently female or at least bipotential (Gorski, 1986). Thus, the functional and structural sex differences in the CNS are not due directly to sex differences in neuronal genomic expression, but rather are imprinted by the gonadal steroid environment during development.

Chemicals with endocrine activity have been shown to masculinize the CNS of female rats. Examples include chlordecone (Gellert, 1978), DDT (Bulger and Kupfer, 1985), and methoxychlor (Gray et al., 1989). Exposure of newborn female rats to these agents during the critical period of sexual differentiation can alter the timing of puberty and perturb subsequent reproductive function, presumably by altering the development of the neural mechanisms that regulate gonadotropin secretion.

In females, the situation is more complex than in males due to the female cycle, the fertilization process, gestation and lactation. All of the functions of the female reproductive system are under endocrine control, and therefore can be susceptible to disruption by effects on the reproductive endocrine system.

As with males, disturbance of the normal endocrine patterns during development can result in abnormal development of the female reproductive tract at exposure levels that tend to be lower than those affecting adult females (Gellert, 1978; Brouwer et al., 1995). Consistent with the differentiation mechanism described above, exposure of genotypic females to androgens causes formation of pseudohermaphrodite reproductive tracts with varying degrees of severity as well as alteration of brain imprinting. However, exposure to estrogenic substances during development also results in adverse effects on anatomy and function including, in rats, malformations of the genitalia. Exposure of human females to diethylstilbestrol in utero has been shown to cause an increased incidence of vaginal clear cell adenoma (Giusti et al., 1995). Dioxin, presumably acting through the Ah receptor, also disrupts development of the female reproductive system (Gray and Ostby, 1995).

Endpoints can be included in standardized toxicity testing that are capable of detecting, but are not specific for, effects of reproductive endocrine system disruption. For effects of exposure on adults, endpoints can be incorporated into the subchronic toxicity protocol or into reproductive toxicity protocols. For effects that are induced during development, protocols that include exposure throughout the development process and allow evaluation of the offspring postpubertally are needed. Data from specialized testing, including in vitro screening tests, may be useful to evaluate further the site, timing, and mechanism of action.

Endpoints that can detect endocrine-related effects with adult-only exposure in standardized testing include evaluation of fertility, reproductive organ appearance, weights, and histopathology, oocyte number, cycle normality and mating behavior. Endpoints that can detect effects induced by endocrine system disruption during development include, in addition to those identified for adult-exposed animals, the reproductive developmental endpoints identified in Section III.B.5. Significant effects on any of these measures may be considered to be adverse if the results are consistent and biologically plausible.

Levels of the reproductive hormones are not available routinely from toxicity testing. However, measurements of the reproductive hormones in males offer useful supplemental information in assessing potential reproductive toxicity for test species (Sever and Hessol, 1984; Heywood and James, 1985; NRC, 1989). Such measurements have increased importance with humans where invasiveness of approaches must be limited. The reproductive hormones measured often are circulating levels of LH, FSH, and testosterone. Other useful measures that may be available include prolactin, inhibin, and androgen binding protein levels. In addition, challenge tests with exogenous agents (e.g., gonadotropin releasing hormone, LH, or human chorionic gonadotropin) may provide insight into the functional responsiveness of the pituitary or Leydig cells.

Interpretation of endocrine effects is facilitated if information is available on a battery of hormones. However, in evaluating such data, it is important to consider that serum hormones such as FSH, LH, prolactin, and androgens exhibit cyclic variations within a 24-hour period (Fink, 1988). Thus, the time of sampling should be controlled rigorously to avoid excessive variability (Nett, 1989). Sequential sampling can allow detection of treatment-related changes in circadian and pulsatile rhythms.

The pattern seen in levels of reproductive system hormones can provide useful information about the possible site and type of effect on reproductive system function. For example, if a compound acts at the level of the hypothalamus or pituitary, then serum LH and FSH may be decreased, leading to decreased testosterone levels. On the other hand, severe interference with Sertoli cell function or spermatogenesis would be expected to elevate serum FSH levels. An agent having antiandrogenic activity in adults might elevate serum LH and testosterone. Testis weight might be unaffected, while the weight and size of the accessory sex glands may be reduced. The endocrine profile presented by exposure to specific antiandrogens can differ markedly because of differences in tissue specificity and receptor kinetics, as well as age at which exposure occurred.

Adverse Effects

In the absence of endocrine data, significant effects on reproductive system anatomy, sexual behavior, pituitary, uterine or accessory sex gland

weights or histopathology, female cycle normality, or Leydig cell histopathology may suggest disruption of the endocrine system. In those instances, additional testing for endocrine effects may be indicated. Significant alterations in circulating levels of estrogen, progesterone, testosterone, prolactin, LH, or FSH may be indicative of existing pituitary or gonadal injury. When significant alterations from control levels are observed in those hormones, the changes should be considered cause for concern because they are likely to affect, occur in concert with, or result from alterations in gametogenesis, gamete maturation, mating ability, or fertility. Such effects, if compatible with other available information, may be considered adverse and may be used to establish a NOAEL, LOAEL, or benchmark dose. Furthermore, endocrine data may facilitate identification of sites or mechanisms of toxicant action, especially when obtained after short-term exposures.

III.B.7. In Vitro Tests of Reproductive Function

Numerous in vitro tests are available and under development to measure or detect chemically induced changes in various aspects of both male and female reproductive systems (Kimmel, G.L. et al., 1995). These include in vitro fertilization using isolated gametes, whole organ (e.g., testis, ovary) perfusion, culture of isolated cells from the reproductive organs (e.g., Leydig cells, Sertoli cells, granulosa cells, oviductal or epididymal epithelium), co-culture of several populations of isolated cells, ovaries, quarter testes, seminiferous tubule segments, various receptor binding assays on reproductive cells and transfected cell lines, and others.

Tests of sperm properties and function that have been applied to reproductive toxicology include penetration of sperm through viscous medium (Yeung et al., 1992), in vitro capacitation and fertilization assays (Holloway et al., 1990a, b; Perreault and Jeffay, 1993; Slott et al., 1995), and evaluation of sperm nuclear integrity (Darney, 1991). In addition, evaluation of human sperm function may include sperm penetration of cervical mucus, ability of sperm to undergo an acrosome reaction, and ability to penetrate zona pellucida-free hamster oocytes or bind to human hemi-zona pellucidae (Franken et al., 1990; Liu and Baker, 1992).

The diagnostic information obtained from such tests may help to identify potential effects on the reproductive systems. However, each test bypasses essential components of the intact animal system and therefore, by itself, is not capable of predicting exposure levels that would result in toxicity in intact animals. While it is desirable to replace whole animal testing to the extent possible with in vitro tests, the use of such tests currently is to screen for toxicity potential and to study mechanisms of action and metabolism (Perreault, 1989; Holloway et al., 1990a, b).

III.C. Human Studies

In principle, human data are scientifically preferable for risk assessment since test animal to human extrapolation is not required. At this time, reproductive data for humans are available for only a limited number of toxicants. Many of these are from occupational settings in which exposures tend to be higher than in environmental settings. As more data become available, expanding the number of agents and endpoints studied and improving exposure assessment, more risk assessments will include these data. The following describes the methods of generation and evaluation of human data and the relative weight the various types of human data should be given in risk assessments.

''Human studies'' include both epidemiologic studies and other reports of individual cases or clusters of events. Typical epidemiologic studies include (1) cohort studies in which groups are defined by exposure and health outcomes are examined; (2) case-referent studies in which groups are defined by health status and prior exposures are examined; (3) cross-sectional studies in which exposure and outcome are determined at the same time; and (4) ecologic studies in which exposure is presumed based typically on residence. Greatest weight should be given to carefully designed epidemiologic studies with more precise measures of exposure, because they can best evaluate exposure-response relationships. This assumes that human exposures occur in broad enough ranges for observable differences in response to occur. Epidemiologic studies in which exposure is presumed, based on occupational title or residence (e.g., some case-referent and all ecologic studies), may contribute data for hazard characterization, but are of limited use for quantitative risk determination because of the generally broad categorical groupings of exposure. Reports of individual cases or clusters of events may generate hypotheses of exposure-outcome associations, but require further confirmation with well-designed epidemiologic or laboratory studies. These reports of cases or clusters may support associations suggested by other human or test animal data, but cannot stand by themselves in risk assessments.

III.C.1. Epidemiologic Studies

Good epidemiologic studies provide valuable data for assessment of human risk. As there are many different designs for epidemiologic studies, simple rules for their evaluation do not exist. Risk assessors should seek the assistance of professionals trained in epidemiology when conducting a detailed analysis. The following is an overview of key issues to consider in evaluation for risk assessment of reproductive effects.

III.C.1.a. Selection of Outcomes for Study. As already discussed, a number of endpoints can be considered in the evaluation of adverse reproductive effects. However, some of the outcomes are not easily observed in humans, such as early embryonic loss, reproductive capacity of the offspring, and invasive evaluations of reproductive function (e.g., testicular biopsies). Currently, the most feasible endpoints for epidemiologic studies are (1) indirect measures of fertility/infertility; (2) reproductive history studies of some pregnancy outcomes (e.g., embryonic/fetal loss, birth weight, sex ratio, congenital malformations, postnatal function, and neonatal growth and survival); (3) semen evaluations; (4) menstrual history; and (5) blood or urinary hormone measures. Factors requiring control in the design or analysis (such as effect modifiers and confounders, described below) may vary depending on the specific outcomes selected for study.

The reproductive outcomes available for epidemiologic examination are limited by a number of factors, including the relative magnitude of the exposure, the size and demographic characteristics of the population, and the ability to observe the outcome in humans. Use of improved methods for identifying some outcomes, such as embryonic loss detected by more sensitive urinary hCG (human chorionic gonadotropin) assays, change the spectrum of outcomes available for study (Wilcox et al., 1985; Sweeney et al., 1988; Zinaman et al., 1996). Other, less accessible, endpoints may require invasive techniques to obtain samples (e.g., histopathology) or may have high intra- or interindividual variability (e.g., serum hormone levels, sperm count).

Demographic characteristics of the population, such as marital status, age, education, socioeconomic status (SES), and prior reproductive history are associated with the probability of

whether couples will attempt to have children. Differences in birth control practices would also affect the number of outcomes available for study.

In addition to the above-mentioned factors, reproductive endpoints may be envisioned as effects recognized at various points in a continuum starting before conception and continuing through death of the progeny. Many studies, however, are limited to evaluating endpoints at a particular time in this continuum. For example, in a study of defects observed at live birth, a malformed stillbirth would not be included, even though the etiology could be identical (Bloom, 1981). Also, a different spectrum of outcomes could result from differences in timing or in level of exposure (Selevan and Lemasters, 1987).

Human Reproductive Endpoints

The following section discusses various human male and female reproductive endpoints. These outcomes may be an indicator of sub- or infertility. These are followed by a discussion of reproductive history studies.

Male Endpoints—Semen Evaluations

The use of semen analysis was discussed in Section III.B.3.d. Most epidemiologic studies of potential effects of agents on semen characteristics have been conducted in occupational groups and patients receiving drug therapy. Obtaining a high level of participation in the workforce has been difficult, because social and cultural attitudes concerning sex and reproduction may affect cooperation of the study groups. Increased participation may occur in men who are planning to have children or who are concerned about existing reproductive problems or possible ill effects of their exposures. Unless controlled, such biased participation may yield unrepresentative estimates of risk associated with exposure, resulting in data that are less useful for risk assessment. While some studies have response rates greater than 70% (Ratcliffe et al., 1987; Welch et al., 1988), response rates are often less than 70% in such studies and may be even lower in the comparison group (Egnatz et al., 1980; Lipshultz et al., 1980; Milby and Whorton, 1980; Lantz et al., 1981; Meyer, 1981; Milby et al., 1981; Rosenberg et al., 1985; Ratcliffe et al., 1989). Some of the low response rates may be caused by inclusion of vasectomized men in the total population, although this could vary widely by population (Milby and Whorton, 1980). Participation in the comparison group may be biased toward those with preexisting reproductive problems. The response rate may be improved substantially with proper education and payment of subjects (Ratcliffe et al., 1986, 1987).

Several factors may influence the semen evaluation, including the period of abstinence preceding collection of the sample, health status, and social habits (e.g., alcohol, recreational drugs, smoking). Data on these factors may be collected by interview, subject to the limitations described for pregnancy outcome studies.

Reports of studies with semen analyses have rarely included an evaluation of endocrine status (hormone levels in blood or urine) of exposed males (Lantz et al., 1981; Ratcliffe et al., 1989). Conversely, studies that have examined endocrine status typically do not have data on semen quality (Mason, 1990; McGregor and Mason, 1991; Egeland et al., 1994).

Female Endpoints

Reproductive effects may result from a variety of exposures. For example, environmental exposures may be toxic to the oocyte, producing a loss of primary oocytes that irreversibly affects the woman's fecundity. The exposures of importance may occur during the prenatal period, and beyond. Oocyte depletion is difficult to examine directly in women because of the invasiveness of the tests required; however, it can be studied indirectly through evaluation of the age at reproductive senescence (menopause) (Everson et al., 1986).

Numerous diagnostic methods have been developed to evaluate female reproductive dysfunction. Although these methods have been used rarely for occupational or environmental toxicologic evaluations, they may be helpful in defining biologic parameters and the mechanisms related to female reproductive toxicity. If clinical observations are able to link exposures to the reproductive effect of concern, these data will aid the assessment of adverse female reproductive toxicity. The following clinical observations include endpoints that may be reported in case reports or epidemiologic research studies.

Reproductive dysfunction also can be studied by the evaluation of irregularities of menstrual cycles. However, menstrual cyclicity is affected by many parameters such as age, nutritional status, stress, exercise level, certain drugs, and the use of contraceptive measures that alter endocrine feedback. Vaginal bleeding at menstruation is a reflection of withdrawal of steroidogenic support, particularly progesterone. Vaginal bleeding can occur at midcycle, in early miscarriage, after withdrawal of contraceptive steroids, or after an inadequate luteal phase. The length of the menstrual cycle, particularly the follicular phase (before ovulation), can vary between individuals and may make it difficult to determine significant effects on length in populations of women (Burch et al., 1967; Treloar et al., 1967). Human vaginal cytology may provide information on the functional state of reproductive cycles. Cytologic evaluations, along with the evaluation of changes in cervical mucus viscosity, can be used to estimate the occurrence of ovulation and determine different stages of the reproductive cycle (Kesner et al., 1992). Menstrual dysfunction data have been used to examine adverse reproductive effects in women exposed to potentially toxic agents occupationally (Lemasters, 1992),

Reports of prospective clinical evaluations of menstrual function (Kesner et al., 1992; Wright et al., 1992), have shown urinary endocrine measures to be practical and useful. The endocrine status of a woman can be evaluated by the measurement of hormones in blood and urine. Progesterone can also be measured in saliva. Because the female reproductive endocrine milieu changes in a cyclic pattern, single sample analysis does not provide adequate information for evaluating alterations in reproductive function. Still, a single sample for progesterone determination some 7 to 9 days after the estimated midcycle surge of gonadotropins in a regularly cycling woman may provide suggestive evidence for the presence of a functioning corpus luteum and prior follicular maturation and ovulation. Clinically abnormal levels of gonadotropins, steroids, or other biochemical parameters may be detected from a single sample. However, a much stronger design involves collection of multiple samples and their observation in conjunction with events in the menstrual cycle.

The day of ovulation can be estimated by the biphasic shift in basal body temperature. Ovulation can also be detected by serial measurement of hormones in the blood or urine and analyses of estradiol and gonadotropin status at midcycle. After ovulation, luteal phase function can be assessed by analysis of progesterone secretion and by evaluation of endometrial histology. Tubal patency, which could be affected by abnormal development, endometriosis or infection, is an endpoint that can be observed in clinical evaluations of reproductive

function (Forsberg, 1981). These latter evaluations of endometrial histology and tubal patency are less likely to be present in epidemiologic studies or surveillance programs because of the invasiveness of the procedures.

III.C.1.b. Reproductive History Studies

Measures of Fertility

Subfertility may be thought of as nonevents: a couple is unable to have children within a specific time frame. Therefore, the epidemiologic measurement of reduced fertility or fecundity is typically indirect and is accomplished by comparing birth rates or time intervals between births or pregnancies. These outcomes have been examined using several methods: the Standardized Birth Ratio (SBR; also referred to as the Standardized Fertility Ratio) and the length of time to pregnancy or birth. In these evaluations, the couple's joint ability to procreate is estimated. The SBR compares the number of births observed to those expected based on the person-years of observation preferably stratified by factors such as time period, age, race, marital status, parity, and (if possible) contraceptive use (Wong et al., 1979; Levine et al., 1980, 1981, 1983; Levine, 1983; Starr et al., 1986). The SBR is analogous to the Standardized Mortality Ratio (SMR), a measure frequently used in studies of occupational cohorts and has similar limitations in interpretation (Gaffey, 1976; McMichael, 1976; Tsai and Wen, 1986). The SBR was found to be less sensitive in identifying an effect when compared to semen analyses (Welch et al., 1991). These data can also be analyzed using Poisson regression.

Analysis of the time between recognized pregnancies or live births is a more recent approach to indirect measurement of fertility (Dobbins et al., 1978; Baird and Wilcox, 1985; Baird et al., 1986; Weinberg and Gladen, 1986; Rowland et al., 1992). Because the time between births increases with increasing parity (Leridon, 1977), comparisons within birth order (parity) are more appropriate. A statistical method (Cox regression) can stratify by birth or pregnancy order to help control for nonindependence of these events in the same woman or couple.

Fertility may also be affected by alterations in sexual behavior. However, data linking toxic exposures to these alterations in humans are limited and are not obtained easily in epidemiology studies (see Section III.C.1.d.).

Developmental Outcomes

Developmental outcomes examined in human studies of parental exposures may include embryo or fetal loss, congenital malformations, birth weight effects, sex ratio at birth, and possibly postnatal effects (e.g., physical growth and development, organ or system function, and behavioral effects of exposure). Developmental effects are discussed in more detail in the Guidelines for Developmental Toxicity Risk Assessment (U.S. EPA, 1991). As mentioned above, epidemiologic studies that focus on only one type of developmental outcome or exposures to only one parent may miss a true effect of exposure.

Evidence of a dose-response relationship is usually an important criterion in the assessment of exposure to a potentially toxic agent. However, traditional dose-response relationships may not always be observed for some endpoints (Wilson, 1973; Selevan and Lemasters, 1987). For example, with increasing dose, a pregnancy might end in embryo or fetal loss, rather than a live birth with malformations. A shift in the patterns of outcomes could result from differences either in level of exposure or in timing (Wilson, 1973; Selevan and Lemasters, 1987) (for a more detailed description, see Section III.C.1.d.). Therefore, a risk assessment should, when possible, attempt to look at the relationship of different reproductive endpoints and patterns of exposure.

In addition to the above effects, exposure may produce genetic damage to germ cells. Outcomes resulting from germ-cell mutations could include reduced probability of fertilization and increased probability of embryo or fetal loss and postnatal developmental effects. Based on studies with test species, germ cells or early zygotes are critical targets of potentially toxic agents. Germ-cell mutagenicity could be expressed also as genetic diseases in future generations. Unfortunately, these studies are difficult to conduct in human populations because of the long time between exposure and outcome and the large study groups needed. For more information and guidance on the evaluation of these data, refer to the Guidelines for Mutagenicity Risk Assessment (U.S. EPA, 1986c).

III.C.1.c. Community Studies and Surveillance Programs. Epidemiologic studies may be based on broad populations such as a community, a nationwide probability sample, or surveillance programs (such as birth defects registries). Some studies have examined the effects of environmental exposures such as potential toxic agents in outdoor air, food, water, and soil. These studies may assume certain exposures through these routes due to residence (ecologic studies). The link between environmental measurements and critical periods of exposure for a given reproductive effect may be difficult to make. Other studies may go into more detail, evaluating the above routes and also indoor air, house dust, and occupational exposures on an individual basis (Selevan, 1991). Such environmental studies, relating individual exposures to health outcomes should have less misclassification of exposure.

Exposure definition in community studies has some limitations in the assessment of exposure-effect relationships. For example, in many community-based studies, it may not be possible to distinguish maternally mediated effects from paternally mediated effects since both parents spend time in the same home environment. In addition, the presumably lower exposure levels (compared with industrial settings) may require very large groups for the study. A number of case-referent studies have examined the relationship between broad classes of parental occupation in certain communities or countries and embryo/fetal loss (Silverman et al., 1985; McDonald et al., 1989; Lindbohm et al., 1991), birth defects (Hemminki et al., 1980; Kwa and Fine, 1980; Papier, 1985), and childhood cancer (Fabia and Thuy, 1974; Hemminki et al., 1981; Peters et al., 1981; Gardner et al., 1990a, b). In these reports, jobs are classified typically into broad categories based on the probability of exposure to certain classes or levels of exposure. Such studies are most helpful in the identification of topics for additional study. However, because of the broad groupings of types or levels of exposure, these studies are not typically useful for risk assessment of any one particular agent.

Surveillance programs may also exist in occupational settings. In this case, reproductive histories (including menstrual cycles) or semen evaluations could be followed to monitor reproductive effects of exposures. With adequate exposure information, these could yield very useful data for risk assessment. Reproductive histories tend to be easier and less costly to collect, whereas, a semen evaluation program would be rather costly. Success with such programs in the workplace will be determined by the confidence the worker has that reproductive data are kept confidential and will not affect employment status (Samuels, 1988; Lemasters and Selevan, 1993).

III.C.1.d. Identification of Important Exposures for Reproductive Effects. For all examinations of the relationship between reproductive effects and

potentially toxic exposures, defining the exposure that produces the effect is crucial. Preconceptional exposures of either parent and in utero exposures have been associated with the more commonly examined outcomes (e.g., fetal loss, malformations, low birth weight, and measures of in- or subfertility). These exposures, plus postnatal exposure via breast milk, food, and the environment, may also be associated with postnatal developmental effects (e.g., changes in growth or in behavioral and cognitive function).

A number of factors affect the intensity and duration of exposure. General environmental exposures are typically lower than those found in industrial or agricultural settings. However, this relationship may change as exposures are reduced in workplaces and as more is learned about environmental exposures (e.g., indoor air exposures, home pesticide usage). Larger populations are necessary to achieve sufficient power in settings with lower exposures which are likely to have lower measures of risk (Lemasters and Selevan, 1984). In addition, exposure to individuals may change as they move in and out of areas with differing levels and types of exposures, thus affecting the number of exposed and comparison events for study.

Data on exposure from human studies are frequently qualitative, such as employment or residence histories. More quantitative data may be difficult to obtain because of the nature of certain study designs (e.g., retrospective studies) and limitations in estimates of historic exposures. Many reproductive effects result from exposures during certain critical times. The appropriate exposure classification depends on the outcomes studied, the biologic mechanism affected by exposure, and the biologic half-life of the agent. The half-life, in combination with the patterns of exposure (e.g., continuous or intermittent) affects the individual's body burden and consequently the actual dose during the critical period. The probability of misclassification of exposure status may affect the ability to recognize a true effect in a study (Selevan, 1981; Hogue, 1984; Lemasters and Selevan, 1984; Sever and Hessol, 1984; Kimmel, C.A. et al., 1986). As more prospective studies are done, better estimates of exposure should be developed.

III.C.1.e. General Design Considerations. The factors that enhance a study and thus increase its usefulness for risk assessment have been noted in a number of publications (Selevan, 1980; Bloom, 1981; Hatch and Kline, 1981; Wilcox, 1983; Sever and Hessol, 1984; Axelson, 1985; Tilley et al., 1985; Kimmel, C.A. et al., 1986; Savitz and Harlow, 1991). Some of the more prominent factors are discussed below.

The Power of the Study

The power, or ability of a study to detect a true effect, is dependent on the size of the study group, the frequency of the outcome in the general population, and the level of excess risk to be identified. In a cohort study, common outcomes, such as recognized fetal loss, require hundreds of pregnancies to have a high probability of detecting a modest increase in risk (e.g., 133 pregnancies in both exposed and unexposed groups to detect a twofold increase; α=0.05, power=80%), while less common outcomes, such as the total of all malformations recognized at birth, require thousands of pregnancies to have the same probability (e.g., more than 1,200 pregnancies in both exposed and unexposed groups) (Bloom, 1981; Selevan, 1981, 1985; Sever and Hessol, 1984; Stein, Z. et al., 1985; Kimmel, C.A. et al., 1986). Semen evaluation may require fewer subjects depending on the sperm parameters evaluated, especially when each man is used as his own control (Wyrobek, 1982, 1984). In case-referent studies, study sizes are dependent upon the frequency of exposure within the source population. The confidence one has in the results of a study showing no effect is related directly to the power of the study to detect meaningful differences in the endpoints.

Power may be enhanced by combining populations from several studies using a meta-analysis (Greenland, 1987). The combined analysis could increase confidence in the absence of risk for agents showing no effect. However, caution must be exercised in the combination of potentially dissimilar study groups.

Results of a negative study should be carefully evaluated, examining the power of the study and the degree of concordance or discordance between that study and other studies (including careful examination of comparability in the details such as similarity of adverse endpoints and study design). The consistency among results of different studies could be evaluated by comparing statistical confidence intervals for the effects found in different studies. Studies with lower power will tend to yield wider confidence intervals. If the confidence intervals from a negative study and a positive study overlap, then there may be no conflict between the results of the two studies.

Potential Bias in Data Collection

Bias may result from the way the study group is selected or information is collected (Rothman, 1986). Selection bias may occur when an individual's willingness to participate varies with certain characteristics relating to exposure or health status. In addition, selection bias may operate in the identification of subjects for study. For example, in studies of very early pregnancy loss, use of hospital records to identify the study group will under-ascertain events, because women are not always hospitalized for these outcomes. More weight would be given in a risk assessment to a study in which a more complete list of pregnancies is obtained by, for example, collecting biologic data (e.g., human chorionic gonadotropin [hCG] measurements) of pregnancy status from study members. The representativeness of these data may be affected by selection factors related to the willingness of different groups of women to continue participation over the total length of the study. Interview data result in more complete ascertainment than hospital records; however this strategy carries with it the potential for recall bias, discussed in further detail below. Other examples of different levels of ascertainment of events include: (1) use of hospital records to study congenital malformations since hospital records contain more complete data on malformations than do birth certificates (Mackeprang et al., 1972; Snell et al., 1992) and (2) use of sperm bank or fertility clinic data for semen studies. Semen data from either source are selected data because semen donors are typically of proven fertility, and men in fertility clinics are part of a subfertile couple who are actively trying to conceive. Thus, studies using the different record sources to identify reproductive outcomes need to be evaluated for ascertainment patterns prior to use in risk assessment.

Studies of women who work outside the home present the potential for additional bias because some factors that influence employment status may also affect reproductive endpoints. For example, because of child-care responsibilities, women may terminate employment, as might women with a history of reproductive problems who wish to have children and are concerned about workplace exposures (Joffe, 1985; Lemasters and Pinney, 1989). Thus, retrospective studies of female exposure that do not include terminated women workers may be of

limited use in risk assessment because the level of risk for these outcomes is likely to be overestimated (Lemasters and Pinney, 1989).

Information bias may result from misclassification of characteristics of individuals or events identified for study. Recall bias, one type of information bias, may occur when respondents with specific exposures or outcomes recall information differently than those without the exposures or outcomes. Interview bias may result when the interviewer knows *a priori* the category of exposure (for cohort studies) or outcome (for case-referent studies) in which the respondent belongs. Use of highly structured questionnaires and/or ''blinding'' of the interviewer reduces the likelihood of such bias. Studies with lower likelihood of such bias should carry more weight in a risk assessment.

When data are collected by interview or questionnaire, the appropriate respondent depends on the type of data or study. For example, a comparison of husband-wife interviews on reproduction found the wives' responses to questions on pregnancy-related events to be more complete and valid than those of the husbands, and the individual's self-report of his/her occupational exposures and health characteristics more reliable than his/her mate's report (Selevan, 1980; Selevan et al., 1982). Studies based on interview data from the appropriate respondents would carry more weight than those from proxy respondents.

Data from any source may be prone to errors or bias. All types of bias are difficult to assess; however, validation with an independent data source (e.g., vital or hospital records), or use of biomarkers of exposure or outcome, where possible, may suggest the degree of bias present and increase confidence in the results of the study. Those studies with a low probability of biased data should carry more weight (Axelson, 1985; Stein, A. and Hatch, 1987; Weinberg et al., 1994).

Differential misclassification (i.e., when certain subgroups are more likely to have misclassified data than others) may either raise or lower the risk estimate. Nondifferential misclassification will bias the results toward a finding of ''no effect'' (Rothman, 1986).

Collection of Data on Other Risk Factors, Effect Modifiers, and Confounders

Risk factors for reproductive toxicity include such characteristics as age, smoking, alcohol or caffeine consumption, drug use, and past reproductive history. Groups of individuals may represent susceptible subpopulations based on genetic, acquired (e.g., behavioral), or developmental characteristics (e.g., greater effect of childhood exposures). Known and potential risk factors should be examined to identify those that may be confounders or effect modifiers. An effect modifier is a factor that produces different exposure-response relationships at different levels of that factor. For example, age would be an effect modifier if the risk associated with a given exposure changed with age (e.g., if older men had semen changes with exposure while younger ones did not). A confounder is a variable that is a risk factor for the outcome under study and is associated with the exposure under study, but is not a consequence of the exposure. A confounder may distort both the magnitude and direction of the measure of association between the exposure of interest and the outcome. For example, smoking might be a confounder in a study of the association of socioeconomic status and fertility because smoking may be associated with both.

Both effect modifiers and confounders need to be controlled in the study design and/or analysis to improve the estimate of the effects of exposure (Kleinbaum et al., 1982). A more in-depth discussion may be found elsewhere (Epidemiology Workgroup for the Interagency Regulatory Liaison Group, 1981; Kleinbaum et al., 1982; Rothman, 1986). The statistical techniques used to control for these factors require careful consideration in their application and interpretation (Kleinbaum et al., 1982; Rothman, 1986). Studies that fail to account for these important factors should be given less weight in a risk assessment.

Statistical Factors

As in studies of test animals, pregnancies experienced by the same woman are not fully independent events. For example, women who have had fetal loss are reported to be more likely to have subsequent losses (Leridon, 1977). In test animal studies, the litter can be used as the unit of measure to deal with nonindependence of response within the litter. In studies of humans, pregnancies are sequential, requiring analyses which consider nonindependence of events (Epidemiology Workgroup for the Interagency Regulatory Liaison Group, 1981; Kissling, 1981; Selevan, 1981; Zeger and Liang, 1986). If more than one pregnancy per woman is included, as is often necessary with small study groups, the use of nonindependent observations overestimates the true size of the groups being compared, thus artificially increasing the probability of reaching statistical significance (Stiratelli et al., 1984). Analysis problems may occur when (1) prior adverse outcomes are due to the same exposures or (2) when prior adverse outcomes could result in changes in behaviors that could reduce exposures. Some approaches to deal with these issues have been suggested (Kissling, 1981; Stiratelli et al., 1984; Selevan, 1985; Zeger and Liang, 1986). These approaches include selecting one pregnancy per family (Selevan, 1985) or using generalized estimating equations (Zeger and Liang, 1986).

III.C.2. Examination of Clusters, Case Reports, or Series

The identification of cases or clusters of adverse reproductive effects is generally limited to those identified by the individuals involved or clinically by their physicians. The likelihood of identification varies with the gender of the exposed person. Identification of subfecundity in either gender is difficult. This might be thought of as identification of a nonevent (e.g., lack of pregnancies or children), and thus is much harder to recognize than are some developmental effects, including malformations, resulting from in utero exposure.

The identification of cases or clusters of adverse male reproductive outcomes may be limited because of cultural norms that may inhibit the reporting of impaired fecundity in men. Identification is also limited by the decreased likelihood of recognizing adverse developmental effects in their offspring as resulting from paternal exposure rather than maternal exposure. Thus far, only one agent causing human male reproductive toxicity, dibromochloropropane (DBCP), has been identified after observation of a cluster of infertility that resulted from male subfecundity. This cluster was identified because of an atypically high level of communication among the workers' wives (Whorton et al., 1977, 1979; Biava et al., 1978; Whorton and Milby, 1980).

Adverse effects identified in females through clusters and case reports have, thus far, been limited to adverse pregnancy outcomes such as fetal loss and congenital malformations. Identification of other effects, such as subfertility/subfecundity or menstrual cycle disorders, may be more difficult, as noted above.

Case reports may have importance in the recognition of agents that cause reproductive toxicity. However, they are

probably of greatest use in suggesting topics for further investigation. Reports of clusters and case reports/series are best used in risk assessment in conjunction with strong laboratory data to suggest that effects observed in test animals also occur in humans.

III.D. Pharmacokinetic Considerations

Extrapolation of toxicity data between species can be aided considerably by the availability of data on the pharmacokinetics of a particular agent in the species tested and, when available, in humans. Information on absorption, half-life, steady-state or peak plasma concentrations, placental metabolism and transfer, comparative metabolism, and concentrations of the parent compound and metabolites in target organs may be useful in predicting risk for reproductive toxicity. Information on the variability between humans and test species also may be useful in evaluating factors such as age-related differences in the balance between activation and deactivation of a toxic agent. These types of data may be helpful in defining the sequence of events leading to an adverse effect and the dose-response curve, developing a more accurate comparison of species sensitivity, including that of humans (Wilson et al., 1975, 1977), determining dosimetry at target sites, and comparing pharmacokinetic profiles for various dosing regimens or routes of exposure. EPA's Office of Prevention, Pesticides, and Toxic Substances has published protocols for metabolism studies that may be adapted to provide information useful in reproductive toxicity risk assessment for a suspect agent. Pharmacokinetic studies in reproductive toxicology are most useful if the data are obtained with animals that are at the same reproductive status and stage of life (e.g., pregnant, nonpregnant, embryo or fetus, neonate, prepubertal, adult) at which reproductive insults are expected to occur in humans.

Specific guidance regarding both the development and application of pharmacokinetic data was agreed on by the participants of the Workshop on Dermal Developmental Toxicity Studies (Kimmel, C.A. and Francis, 1990). This guidance is also applicable to nondermal reproductive toxicity studies. Participants of the Workshop concluded that absorption data are needed both when a dermal study does or does not show effects. The results of a dermal study showing no effects and without blood level data are potentially misleading and are inadequate for risk assessment, especially if interpreted as a ''negative'' study. In studies where adverse effects are detected, regardless of the route of exposure, pharmacokinetic data can be used to establish the internal dose in maternal and paternal animals for risk extrapolation purposes.

The existence of a Sertoli cell barrier (formerly called the blood-testis barrier) in the seminiferous tubules may influence the pharmacokinetics of an agent with potential to cause testicular toxicity by restricting access of compounds to the adluminal compartment of seminiferous tubules. The Sertoli cell barrier is formed by tight junctions between Sertoli cells and divides the seminiferous epithelium into basal and adluminal compartments (Russell et al., 1990). The basal compartment contains the spermatogonia and primary spermatocytes to the preleptotene stage, whereas more advanced germ cells are located on the adluminal side. This selectively permeable barrier is most effective in limiting the access of large, hydrophilic molecules in the intertubular lymph to cells on the adluminal side. An analogous barrier in the ovary has not been found, although the zona pellucida and granulosa cells may modulate access of chemicals to oocytes (Crisp, 1992).

The reproductive organs appear to have a wide range of metabolic capabilities directed at both steroid and xenobiotic metabolism. However, there are substantial differences between compartments within the organs in types and levels of enzyme activities (Mukhtar et al., 1978). Recognition of these differences can be important in understanding the potential of agents to have specific toxic effects.

Most pharmacokinetic studies have incompletely characterized the distribution of toxic agents and their subsequent metabolic fate within the reproductive organs. Generalizations based on hepatic metabolism are not necessarily adequate to predict the fate of the agent in the testis, ovary, placenta, or conceptus. For example, the metabolic profile for a given agent may differ in the male between the liver and the testis and in the female between the maternal liver, ovary, and placenta. Detailed interspecies comparisons of the metabolic capabilities of the testis, ovary, placenta, and conceptus also have not been conducted. For some xenobiotics, significant differences in metabolism have been identified between males and females (Harris, R.Z. et al., 1995). This is, in part, attributable to organizational effects of the gonadal steroids in the developing liver (Gustafsson et al., 1980; Skett, 1988). Also, in adults, the sex steroids have been shown to affect the activity of a number of enzymes involved in the metabolism of administered compounds. Thus, the blood levels of a toxic agent, as well as the final concentration in the target tissue, may differ significantly between sexes. If data are to be used effectively in interspecies comparisons and extrapolations for these target systems, more attention should be directed to the pharmacokinetic properties of chemicals in the reproductive organs and in other organs that are affected by reproductive hormones.

III.E. Comparisons of Molecular Structure

Comparisons of the chemical or physical properties of an agent with those of agents known to cause reproductive toxicity may provide some indication of a potential for reproductive toxicity. Such information may be helpful in setting priorities for testing of agents or for evaluation of potential toxicity when only minimal data are available. Structure-activity relationships (SAR) have not been well studied in reproductive toxicology, and have had limited success in predicting reproductive toxicity. The early literature has been reviewed and a set of classifications offered relating structure to reported male reproductive system activity (Bernstein, 1984). Data are available that suggest structure-activity relationships with limited utility in risk assessment for certain classes of chemicals (e.g., glycol ethers, some estrogens, androgens, other steroids, substituted phenols, retinoids, phthalate esters, short-chain halogenated hydrocarbon pesticides, alkyl-substituted polychlorinated dibenzofurans, PCBs, vinylcyclohexene and related olefins, halogenated propanes, metals, and azo dyes). McKinney and Waller (1994) have studied the qualitative SAR properties of PCBs with respect to their recognition by thyroxine, Ah and estrogen receptors. Although generally limited in scope and in need of validation, such relationships provide hypotheses that can be tested.

In spite of the limited information available on SAR in reproductive toxicology, under certain circumstances (e.g., in the case of new chemicals), this procedure can be used to evaluate the potential for toxicity when little or no other data are available.

III.F. Evaluation of Dose-Response Relationships

The description and evaluation of dose-response relationships is a critical component of the hazard characterization. Evidence for a dose-response relationship is an important

criterion in establishing a toxic reproductive effect. It includes the evaluation of data from both human and laboratory animal studies. When possible, pharmacokinetic data should be used to determine the effective dose at the target organ(s). When adequate dose-response data are available in humans and with a sufficient range of exposure, dose-response relationships in humans may be examined. Because quantitative data on human dose-response relationships are available infrequently, the dose-response evaluation is usually based on the assessment of data from tests performed in laboratory animals.

The dose-response relationships for individual endpoints, as well as the combination of endpoints, must be examined in data interpretation. Dose-response evaluations should consider the effects that competing risks between different endpoints may have on outcomes observed at different exposure levels. For example, an agent may interfere with cell function in such a manner that, at a low dose level, an increase in abnormal sperm morphology is observed. At higher doses, cell death may occur, leading to a decrease in sperm counts and a possible decrease in proportion of abnormal sperm.

When data on several species are available, the selection of the data for the dose-response evaluation is based ideally on the response of the species most relevant to humans (e.g., comparable physiologic, pharmacologic, pharmacokinetic, and pharmacodynamic processes), the adequacy of dosing, the appropriateness of the route of administration, and the endpoints selected. However, availability of information on many of those components is usually very limited. For dose-response assessment, no single laboratory animal species can be considered the best in all situations for predicting risk of reproductive toxicity to humans. However, in some cases, such as in the assessment of physiologic parameters related to menstrual disorders, higher nonhuman primates are considered generally similar to the human. In the absence of a clearly most relevant species, data from the most sensitive species (i.e., the species showing a toxic effect at the lowest administered dose) are used, because humans are assumed to be at least as sensitive generally as the most sensitive animal species tested (Nisbet and Karch, 1983; Kimmel, C.A. et al., 1984, 1990; Hemminki and Vineis, 1985; Meistrich, 1986; Working, 1988).

The evaluation of dose-response relationships includes the identification of effective dose levels as well as doses that are associated with low or no increased incidence of adverse effects compared with controls. Much of the focus is on the identification of the critical effect(s) (i.e., the adverse effect occurring at the lowest dose level) and the LOAEL and NOAEL or benchmark dose associated with the effect(s) (see Section IV).

Generally, in studies that do not evaluate reproductive toxicity, only adult male and nonpregnant females are examined. Therefore, the possibility that pregnant females may be more sensitive to the agent is not tested. In studies in which reproductive toxicity has been evaluated, the effective dose range should be identified for both reproductive and other forms of systemic toxicity, and should be compared with the corresponding values from other adult toxicity data to determine if the pregnant or lactating female may be more sensitive to an agent.

In addition to identification of the range of doses that is effective in producing reproductive and other forms of systemic toxicity for a given agent, the route of exposure, timing and duration of exposure, species specificity of effects, and any pharmacokinetic or other considerations that might influence the comparison with human exposure scenarios should be identified and evaluated. This information should always accompany the characterization of the health-related database (discussed in the next section).

Because the developing organism is changing rapidly and is vulnerable at a number of stages, an assumption is made with developmental effects that a single exposure at a critical time in development may produce an adverse effect (U.S. EPA, 1991). Therefore, with inhalation exposures, the daily dose is usually not adjusted to a 24-hour equivalent duration with developmental toxicity unless appropriate pharmacokinetic data are available. However, for other reproductive effects, daily doses by the inhalation route may be adjusted for duration of exposure. The Agency is planning to review these stances to determine the most appropriate approach for the future.

III.G. Characterization of the Health-Related Database

This section describes evaluation of the health-related database on a particular chemical and provides criteria for judging the potential for that chemical to produce reproductive toxicity under the exposure conditions inherent in the database. This determination provides the basis for judging whether the available data are sufficient to characterize a hazard and to conduct quantitative dose-response analyses. It also should provide a summary and evaluation of the existing data and identify data gaps for an agent that is judged to have insufficient information to proceed with a quantitative dose-response analysis. Characterizing the available evidence in this way clarifies the strengths and uncertainties in a particular database. It does not address the level of concern, nor does it completely address determining relevance of available data for estimating human risk. Issues concerning relevance of mechanisms of action and types of effects observed should be included in the hazard characterization. Both level of concern and relevance are discussed further as part of the final characterization of risk, taking into account the information concerning potential human exposure. Data from all potentially relevant studies, whether indicative of potential hazard or not, should be included in the hazard characterization.

A complex interrelationship exists among study design, statistical analysis, and biologic significance of the data. Thus, substantial scientific judgment, based on experience with reproductive toxicity data and with the principles of study design and statistical analysis, may be required to evaluate the database adequately. In some cases, a database may contain conflicting data. In these instances, the risk assessor must consider each study's strengths and weaknesses within the context of the overall database to characterize the evidence for assessing the potential hazard for reproductive toxicity. Scientific judgment is always necessary and, in many cases, interaction with scientists in specific disciplines (e.g., reproductive toxicology, epidemiology, genetic toxicology, statistics) is recommended.

A scheme for judging the available evidence on the reproductive toxicity of a particular agent is presented below (Table 6). The scheme contains two broad categories, ''Sufficient'' and ''Insufficient,'' which are defined in Table 6. Data from all available studies, whether or not indicative of potential concern, are evaluated and used in the hazard characterization for reproductive toxicity. The primary considerations are the human data, if available, and the experimental animal data. The judgment of whether data are sufficient or insufficient should consider a variety of parameters that contribute to the overall quality of the data, such as the power of the studies (e.g., sample size and variation in the data), the number and types of endpoints examined,

replication of effects, relevance of route and timing of exposure for both human and experimental animal studies, and the appropriateness of the test species and dose selection in experimental animal studies. In addition, pharmacokinetic data and structure-activity considerations, data from other toxicity studies, as well as other factors that may affect the overall decision about the evidence, should be taken into account.

TABLE 6.—CATEGORIZATION OF THE HEALTH-RELATED DATABASE

Sufficient Evidence
The Sufficient Evidence category includes data that collectively provide enough information to judge whether or not a reproductive hazard exists within the context of effect as well as dose, duration, timing, and route of exposure. This category may include both human and experimental animal evidence.
Sufficient Human Evidence
This category includes agents for which there is convincing evidence from epidemiologic studies (e.g., case control and cohort) to judge whether exposure is causally related to reproductive toxicity. A case series in conjunction with other supporting evidence also may be judged as Sufficient Evidence. An evaluation of epidemiologic and clinical case studies should discuss whether the observed effects can be considered biologically plausible in relation to chemical exposure.
Sufficient Experimental Animal Evidence/Limited Human Data
This category includes agents for which there is sufficient evidence from experimental animal studies and/or limited human data to judge if a potential reproductive hazard exists. Generally, agents that have been tested according to EPA's two-generation reproductive effects test guidelines (but not limited to such designs) would be included in this category. The minimum evidence necessary to determine if a potential hazard exists would be data demonstrating an adverse reproductive effect in a single appropriate, well-executed study in a single test species. The minimum evidence needed to determine that a potential hazard does not exist would include data on an adequate array of endpoints from more than one study with two species that showed no adverse reproductive effects at doses that were minimally toxic in terms of inducing an adverse effect. Information on pharmacokinetics, mechanisms, or known properties of the chemical class may also strengthen the evidence.
Insufficient Evidence
This category includes agents for which there is less than the minimum sufficient evidence necessary for assessing the potential for reproductive toxicity. Included are situations such as when no data are available on reproductive toxicity; as well as for data bases from studies on test animals or humans that have a limited study design or conduct (e.g., small numbers of test animals or human subjects, inappropriate dose selection or exposure information, other uncontrolled factors); data from studies that examined only a limited number of endpoints and reported no adverse reproductive effects; or data bases that were limited to information on structure-activity relationships, short-term or in vitro tests, pharmacokinetic data, or metabolic precursors.

In general, the characterization is based on criteria defined by these Guidelines as the minimum evidence necessary to characterize a hazard and conduct dose-response analyses. Establishing the minimum human evidence to proceed with quantitative analyses based on the human data is often difficult because there may be considerable variations in study designs and study group selection. The body of human data should contain convincing evidence as described in the ''Sufficient Human Evidence'' category. Because the human data necessary to judge whether or not a causal relationship exists are generally limited, few agents can be classified in this category. Agents that have been tested in laboratory animals according to EPA's two-generation reproductive effects test guidelines (U.S. EPA, 1982, 1985b, 1996a), but not limited to such designs (e.g., a continuous breeding study with two generations), generally would be included in the ''Sufficient Experimental Animal Evidence/Limited Human Data'' category. There are occasions in which more limited data regarding the potential reproductive toxicity of an agent (e.g., a one-generation reproductive effects study, a standard subchronic or chronic toxicity study in which the reproductive organs were well examined) are available. If reproductive toxicity is observed in these limited studies, the data may be used to the extent possible to reach a decision regarding hazard to the reproductive system, including determination of an RfD or RfC. In cases in which such limited data are available, it would be appropriate to adjust the uncertainty factor to reflect the attendant increased uncertainty regarding the use of these data until more definitive data are developed. Identification of the increased uncertainty and justification for the adjustment of the uncertainty factor should be stated clearly.

Because it is more difficult, both biologically and statistically, to support a finding of no apparent hazard, more data are generally required to support this conclusion than a finding for a potential hazard. For example, to judge whether a hazard for reproductive toxicity could exist for a given agent, the minimum evidence could be data from a single appropriate, well-executed study in a single test species that demonstrates an adverse reproductive effect, or suggestive evidence from adequately conducted clinical or epidemiologic studies. As in all situations, it is important that the results be biologically plausible and consistent. On the other hand, to judge whether an agent is unlikely to pose a hazard for reproductive toxicity, the minimum evidence would include data on an array of endpoints and from studies with more than one species that showed no reproductive effects at doses that were otherwise minimally toxic to the adult animal. In addition, there may be human data from appropriate studies that are supportive of no apparent hazard. In the event that a substantial database exists for a given chemical, but no single study meets current test guidelines, the risk assessor should use scientific judgment to determine whether the composite database may be viewed as meeting the ''Sufficient'' criteria.

Some important considerations in determining the confidence in the health database are as follows:

- Data of equivalent quality from human exposures are given more weight than data from exposures of test species.
- Although a single study of high quality could be sufficient to achieve a relatively high level of confidence, replication increases the confidence that may be placed in such results.
- Data are available from one or more in vivo studies of acceptable quality with humans or other mammalian species that are believed to be predictive of human responses.
- Data exhibit a dose-response relationship.
- Results are statistically significant and biologically plausible.
- When multiple studies are available, the results are consistent.
- Sufficient information is available to reconcile discordant data.
- Route, level, duration, and frequency of exposure are appropriate.
- An adequate array of endpoints has been examined.
- The power and statistical treatment of the studies are appropriate.

Any statistically significant deviation from baseline levels for an in vivo effect warrants closer examination. To determine whether such a deviation constitutes an adverse effect requires an understanding of its role within a complex system and the determination of whether a ''true effect'' has beenobserved. Application of the above criteria, combined with guidance presented in Section III.B. can facilitate such determinations.

The greatest confidence for identification of a reproductive hazard should be placed on significant adverse effects on sexual behavior, fertility or development, or other endpoints that are directly related to reproductive function such as menstrual (estrous) cycle normality, sperm evaluations, reproductive histopathology, reproductive organ weights, and reproductive endocrinology. Agents producing adverse effects on these endpoints can be assigned to the ''Sufficient Evidence'' category if study quality is adequate.

Less confidence should be placed in results when only measures such as in vitro tests, data from nonmammals, or structure-activity relationships are available, but positive results may trigger follow-up studies that extend the preliminary data and determine the extent to which function might be affected. Results from these types of studies alone, whether or not they demonstrate an effect, may be suggestive, but should be assigned to the ''Insufficient Evidence'' category.

The absence of effects in test species on the endpoints that are evaluated routinely (i.e., fertility, histopathology, prenatal development, and organ weights) may constitute sufficient evidence to place a low priority on the potential reproductive toxicity of a chemical. However, in such cases, careful consideration should be given to the sensitivity of these endpoints and to the quality of the data on these endpoints. Consideration also should be given to the possibility of adverse effects that may not be reflected in these routine measures (e.g., germ-cell mutation, alterations in estrous cyclicity or sperm measures such as motility or morphology, functional effects from developmental exposures).

Judging that the health database indicates a potential reproductive hazard does not mean that the agent will be a hazard at every exposure level (because of the assumption of a nonlinear dose-response) or in every situation (e.g., the type and degree of hazard may vary significantly depending on route and timing of exposure). In the final risk characterization, the summary of the hazard characterization should always be presented with information on the quantitative dose-response analysis and, if available, with the human exposure estimates.

IV. Quantitative Dose-Response Analysis

In quantitative dose-response assessment, a nonlinear dose-response is assumed for noncancer health effects unless mode of action or pharmacodynamic information indicate otherwise. If sufficient data are available, a biologically based approach should be used on a chemical-specific basis to predict the shape of the dose-response curve below the observable range. It is plausible that certain biologic processes (e.g., Sertoli cell barrier selectivity, metabolic and repair capabilities of the germ cells) may impede the attainment or maintenance of concentrations of the agent at the target site following exposure to low-dose levels that would be associated with adverse effects. The assumption of a nonlinear dose-response suggests that the application of adequate uncertainty factors to a NOAEL, LOAEL, or benchmark dose will result in an exposure level for all humans that is not attended with significant risk above background. With a linear dose-response, it is assumed that some risk exists at any level of exposure, with risk decreasing as exposure decreases.

The NOAEL is the highest dose at which there is no significant increase in the frequency of an adverse effect in any manifestation of reproductive toxicity compared with the appropriate control group in a database having sufficient evidence for use in a risk assessment. The LOAEL is the lowest dose at which there is a significant increase in the frequency of adverse reproductive effects compared with the appropriate control group in a database having sufficient evidence. A significant increase may be based on statistical significance or on a biologically significant trend. Evidence for biological significance may be strengthened by mode of action or other biochemical evidence at lower exposure levels that supports the causation of such an effect. The existence of a NOAEL in an experimental animal study does not show the shape of the dose-response below the observable range; it only defines the highest level of exposure under the conditions of the study that is not associated with a significant increase in an adverse effect. Alternatively, mathematical modeling of the dose-response relationship may be performed in the experimental range. This approach can be used to determine a benchmark dose, which may be used in place of the NOAEL as a point of departure for calculating an RfD, RfC, MOE, or other exposure estimates.

Several limitations in the use of the NOAEL have been described (Kimmel, C.A. and Gaylor, 1988; U.S. EPA, 1995b): (1) Use of the NOAEL focuses only on the dose that is the NOAEL and does not incorporate information on the slope of the dose-response curve or the variability in the data; (2) Because data variability is not taken into account (i.e., confidence limits are not used), the NOAEL will likely be higher with decreasing sample size or poor study conduct, either of which are usually associated with increasing variability in the data; (3) The NOAEL is limited to one of the experimental doses; (4) The number and spacing of doses in a study can influence the dose that is chosen for the NOAEL; and (5) Because the NOAEL is defined as a dose that does not produce an observable change in adverse responses from control levels and is dependent on the power of the study, theoretically the risk associated with it may fall anywhere between zero and an incidence just below that detectable from control levels (usually in the range of 7% to 10% for quantal data). The 95% upper confidence limit on developmental toxicity risk at the NOAEL has been estimated for several data sets to be 2% to 6% (Crump, 1984; Gaylor, 1989); similar evaluations have not been conducted on data for other reproductive effects. Because of the limitations associated with the use of the NOAEL, the Agency is beginning to use the benchmark dose approach for quantitative dose-response evaluation when sufficient data are available.

Calculation and use of the benchmark dose are described in the EPA document The Use of the Benchmark Dose Approach in Health Risk Assessment (U.S. EPA, 1995b). The Agency is currently developing guidance for application of the benchmark dose, including a decision process to use for the various steps in the analysis (U.S. EPA, 1996c). The benchmark dose is based on a model-derived estimate of a particular incidence level, such as a 5% or 10% incidence. The BMD/C for a given endpoint serves as a consistent point of departure for low-dose extrapolation. In some cases, mode of action data may be sufficient to estimate a BMD/C at levels below the observable range for the health effect of concern. A benchmark response (BMR) of 5% is usually the lowest level of risk that can be estimated adequately for binomial endpoints from standard developmental toxicity studies (Allen et al., 1994a, b). For fetal weight, a continuous endpoint, a 5% change from the control mean was near the limit of detection for standard prenatal toxicity studies (Kavlock et al., 1995). The modeling approaches that have been proposed for developmental toxicity (U.S. EPA, 1995b) are, for the most part, curve-fitting models that have biological plausibility, but do not incorporate mode of action. Similar approaches can be applied to other reproductive toxicity data to derive dose-response curves for data in the observed dose range, but may or may not accurately predict risk at low levels of exposure. Further guidance on the use of the BMD/C is being developed by the Agency (U.S. EPA, 1996c).

The RfD or RfC for reproductive toxicity is an estimate of a daily exposure to the human population that is assumed to be without appreciable risk of deleterious reproductive effects over a lifetime of exposure. The RfD or RfC is derived by applying uncertainty factors to the NOAEL, or the LOAEL if a NOAEL is not available, or to the

benchmark dose. Because of the short duration of most studies of developmental toxicity, a unique value (RfD_{DT} or RfC_{DT}) is determined for adverse developmental effects. For adverse reproductive effects on endpoints other than those of developmental toxicity, no special designator is attached. Data on reproductive toxicity (including developmental toxicity) are considered along with other data on a particular chemical in deriving an RfD or RfC.

The effect used for determining the NOAEL, LOAEL, or benchmark dose in deriving the RfD or RfC is the most sensitive adverse reproductive endpoint (i.e., the critical effect) from the most appropriate or, in the absence of such information, the most sensitive mammalian species (see Sections II and III.B.1.). Uncertainty factors for reproductive and other forms of systemic toxicity applied to the NOAEL or benchmark dose generally include factors of 3 or 10 each for interspecies variation and for intraspecies variation. Additional factors may be applied to account for other uncertainties that may exist in the database. In circumstances where only a LOAEL is available, the use of an additional uncertainty factor of up to 10 may be required, depending on the sensitivity of the endpoints evaluated, adequacy of dose levels tested, or general confidence in the LOAEL.

Other areas of uncertainty may be identified and modifying factors used depending on the characterization of the database (e.g., if the only data available are from a one-generation reproductive effects study; see Section III.G.), data on pharmacokinetics, or other considerations that may alter the level of confidence in the data (U.S. EPA, 1987). The total size of the uncertainty factor will vary from agent to agent and requires scientific judgment, taking into account interspecies differences, variability within species, the slope of the dose-response curve, the types of reproductive effects observed, the background incidence of the effects, the route of administration, and pharmacokinetic data.

The NOAEL, LOAEL, or the benchmark dose is divided by the total uncertainty factor selected for the critical effect in the most appropriate or most sensitive mammalian species to determine the RfD or RfC. If the NOAEL, LOAEL, or benchmark dose for other forms of systemic toxicity is lower than that for reproductive toxicity, this should be noted in the risk characterization, and this value should be compared with data from other studies in which adult animals are exposed. Thus, reproductive toxicity data should be discussed in the context of other toxicity data.

It has generally been assumed that there is a nonlinear dose-response for reproductive toxicity. This is based on known homeostatic, compensatory, or adaptive mechanisms that must be overcome before a toxic endpoint is manifested and on the rationale that cells and organs of the reproductive system and the developing organism are known to have some capacity for repair of damage. However, in a population, background levels of toxic agents and preexisting conditions may increase the sensitivity of some individuals in the population. Thus, exposure to a toxic agent may result in an increased risk of adverse effects for some, but not necessarily all, individuals within the population.

Efforts are underway to develop models that are more biologically based. These models should provide a more accurate estimation of low-dose risk to humans. The development of biologically based dose-response models in reproductive toxicology has been impeded by a number of factors, including limited understanding of the biologic mechanisms underlying reproductive toxicity, intra- and interspecies differences in the types of reproductive events, lack of appropriate pharmacokinetic data, and inadequate information on the influence of other types of systemic toxicity on the dose-response curve. Current research on modes of action in reproductive toxicology is promising and may provide data that are useful for appropriate modeling in the near future.

Utilization of Information in Risk Characterization

The hazard characterization and quantitative dose-response evaluations are incorporated into the final characterization of risk along with information on estimates of human exposure. The analysis depends on and should describe scientific judgments as to the accuracy and sufficiency of the health-related data in experimental animals and humans (if available), the biologic relevance of significant effects, and other considerations important in the interpretation and application of data to humans. Scientific judgment is always necessary, and in many cases, interaction with scientists in specific disciplines (e.g., reproductive toxicology, epidemiology, statistics) is recommended.

V. Exposure Assessment

To obtain a quantitative estimate of risk for the human population, an estimate of human exposure is required. The Guidelines for Exposure Assessment (U.S. EPA, 1992) have been published separately and will not be discussed in detail here. Rather, issues important to reproductive toxicity risk assessment are addressed. In general, the exposure assessment describes the magnitude, duration, schedule, and route of human exposure. Ideally, existing body burden as well as internal circulating and target organ exposure information for the agent of concern and other synergistic or antagonistic agents should be described. It should include information on the purpose, scope, level of detail and approach used, including estimates of exposure and dose by pathway and route for populations, subpopulations, and individuals in a manner that is appropriate for the intended risk characterization. It also should provide an evaluation of the overall level of confidence in the estimate(s) of exposure and dose and the conclusions drawn. This information is usually developed from monitoring data, from estimates based on modeling of environmental exposures, and from application of paradigms to exposure data bases. Often quantitative estimates of exposures may not be available (e.g., workplace or environmental measurements). In such instances, employment or residential histories also may be used in characterizing exposure in a qualitative sense. The potential use of biomarkers as indicators of exposure is an area of active interest.

Studies of occupational populations may provide valuable information on the potential environmental health risks for certain agents. Exposures among environmentally exposed human populations tend to be lower (but of longer duration) than those in studies of occupationally exposed populations and therefore may require more observations to assure sufficient statistical power. Also, reconstruction of exposures is more difficult in an environmental study than in those done in workplace settings where industrial hygiene monitoring may provide more detailed exposure data.

The nature of the exposure may be defined at a particular point in time or may reflect cumulative exposure. Each approach makes an assumption about the underlying relationship between exposure and outcome. For example, a cumulative exposure measure assumes that total exposure is important, with a greater probability of effect with greater total exposure or body burden. A dichotomous exposure measure (ever exposed versus never exposed) assumes an irreversible effect of exposure. Models that define exposure only at a

specific time may assume that only the present exposure is important (Selevan and Lemasters, 1987). The appropriate exposure model depends on the biologic processes affected and the nature of the chemical under study. Thus, a cumulative or dichotomous exposure model may be appropriate if injury occurs in cells that cannot be replaced or repaired (e.g., oocytes); on the other hand, a concurrent exposure model may be appropriate for cells that are being generated continually (e.g., spermatids).

There are a number of unique considerations regarding the exposure assessment for reproductive toxicity. Exposure at different stages of male and female development can result in different outcomes. Such age-dependent variation has been well documented in both experimental animal and human studies. Prenatal and neonatal treatment can irreversibly alter reproductive function and other aspects of development in a manner or to an extent that may not be predicted from adult-only exposure. Moreover, chemicals that alter sexual differentiation in rodents during these periods may have similar effects in humans, because the mechanisms underlying these developmental processes appear to be similar in all mammalian species (Gray, 1991).

The susceptibility of elderly males and females to chemical insult has not been well studied. Although procreative competence may not be a major health concern with elderly individuals, other biologic functions maintained by the gonads (e.g., hormone production) are of significance (Walker, 1986). An exposure assessment should characterize the likelihood of exposure of these different subgroups (embryo or fetus, neonate, juvenile, young adult, older adult) and the risk assessment should factor in the susceptibility of different age groups to the extent possible.

The relationship between time or duration of exposure and observation of male reproductive effects has particular significance for short-term exposures. Spermatogenesis is a temporally synchronized process. In humans, germ cells that were spermatozoa, spermatids, spermatocytes, or spermatogonia at the time of an acute exposure require 1 to 2, 3 to 5, 5 to 8, or 8 to 12 weeks, respectively, to appear in an ejaculate. That timing may vary somewhat depending on degree of sexual activity. It is possible that an endpoint may be examined too early or too late to detect an effect if only a particular cell type was affected during a relatively brief exposure to an agent. The absence of an effect when observations were made too late suggests either a reversible effect or no effect. However, an effect that is reversible at lower exposures might become irreversible with higher or longer exposures or exposure of a more susceptible individual. Thus, the failure to detect transient effects because of improper timing of observations may be important. If information is available on the type of effect expected from a class of agents, it may be possible to evaluate whether the timing of endpoint measurement relative to the timing of the short-term exposure is appropriate. Some information on the appropriateness of the protocol can be obtained if test animal data are available to identify the most sensitive cell type or the putative mechanism of action for a given agent.

Compared with acute exposures, the link between exposure and outcome may be more apparent with relatively constant subchronic or longer exposures that are of sufficient duration to cover all phases of spermatogenesis (Russell et al., 1990). Assessments may be made at any time after this point as long as exposure remains constant. Time required for the agent or metabolite to attain steady-state levels should also be considered. Again, application of models of exposure (e.g., dichotomous, concurrent, or cumulative) depends on the suspected target and chemical mechanism of action.

The reversibility of an adverse effect on the reproductive system can be affected by the degree and duration of exposure (Clegg, 1995). The degree of stem cell loss is inversely related to the degree of restoration of sperm production, because repopulation of the germinal epithelium is dependent on the stem cells (Meistrich, 1982; Foote and Berndtson, 1992). For agents that bioaccumulate, increasing duration of exposure may also increase the extent of damage to the stem cell population. Damage to other spermatogenic cell types reduces the number of sperm produced, but recovery should occur when the toxic agent is removed. Less is known about the effects of toxicity on the Sertoli cells. Temporary impairment of Sertoli cell function may produce long-lasting effects on spermatogenesis. Destruction of Sertoli cells or interference with their proliferation before puberty are irreversible effects because replication ceases after puberty. Sertoli cells are essential for support of the spermatogenic process and loss of those cells results in a permanent reduction of spermatogenic capability (Foster, 1992).

When recovery is possible, the duration of the recovery period is determined by the time for regeneration (for stem cells) and repopulation of the affected spermatogenic cell types and appearance of those cells as sperm in the ejaculate. The time required for these events to occur varies with the species, the pharmacokinetic properties of the agent, the extent to which the stem cell population has been destroyed, and the degree of sublethal toxicity inflicted on the stem cells or Sertoli cells. When the stem cell population has been partially destroyed, humans require more time than mice to reach the same degree of recovery (Meistrich and Samuels, 1985).

Unique considerations in the assessment of female reproductive toxicity include the duration and period of exposure as related to the development or stage of reproductive life (e.g., prenatal, prepubescent, reproductive, or postmenopausal) or considerations of different physiologic states (e.g., nonpregnant, pregnant, lactating). For infertility, a cumulative exposure measure assumes destruction of increasing numbers of primary oocytes with greater lifetime exposure or increasing body burden. However, humans may be exposed to varying levels of an agent within the study period. Exposures during certain critical points in the reproductive process may affect the outcomes observed in humans (Lemasters and Selevan, 1984). In test species, perinatal exposure to androgens or estrogens such as zearalenone, methoxychlor, and DDT (Bulger and Kupfer, 1985; Gray et al., 1985) have been shown to advance puberty and masculinize females. Similar effects have been reported in humans (both sexes) exposed neonatally to synthetic estrogens or progestins (Steinberger and Lloyd, 1985; Schardein, 1993). Studies using test species also have shown that exposure to some environmental agents such as ionizing radiation (Dobson and Felton, 1983) and glycol ethers (Heindel et al., 1989) can deplete the pool of primordial follicles and thus significantly shorten the female's reproductive lifespan. Furthermore, exposure to compounds at different stages of the ovarian cycle can disrupt or delay follicular recruitment and development (Armstrong, 1986), ovulation (Everett and Sawyer, 1950; Terranova, 1980), and ovum transport (Cummings and Perreault, 1990). Compounds that delay ovulation can lead to significant alterations in egg viability (Peluso et al., 1979), fertilizability of the egg (Fugo and Butcher, 1966; Butcher and Fugo, 1967; Butcher et al., 1975), and a reduction in litter size (Fugo and Butcher, 1966). After ovulation, single exposures to

microtubule poisons such as carbendazim may impair the completion of meiosis in the fertilized oocyte with adverse developmental consequences (Perreault et al., 1992; Zuelke and Perreault, 1995). Thus, knowledge of when acute exposures occur relative to the female's lifespan and reproductive cycle can provide insight into how an agent disrupts reproductive function.

DES is a classic example of an agent causing different effects on the reproductive system in the developing organism compared with those in adults (McLachlan, 1980). DES, as well as other agents with estrogenic or anti-androgenic activity, interferes with the development of the Mullerian and Wolffian duct systems and thereby causes irreversible structural and functional damage to the developing reproductive system. In adults, the reproductive effects that are caused by the estrogenic activity of DES do not necessarily result in permanent damage.

Unique considerations for developmental effects are duration and period of exposure as related to stage of development (i.e., critical periods) and the possibility that even a single exposure may be sufficient to produce adverse developmental effects. Repeated exposure is not a necessary prerequisite for developmental toxicity to be manifested, although it should be considered in cases where there is evidence of cumulative exposure or where the half-life of the agent is long enough to produce an increasing body burden over time. For these reasons, it is assumed that, in most cases, a single exposure at the critical time in development is sufficient to produce an adverse developmental effect. Therefore, the human exposure estimates used to calculate the MOE for an adverse developmental effect or to compare to the RfD or RfC are usually based on a single daily dose that is not adjusted for duration or pattern (e.g., continuous or intermittent) of exposure. For example, it would be inappropriate to use time-weighted averages or adjustment of exposure over a different time frame than that actually encountered (such as the adjustment of a 6-hour inhalation exposure to account for a 24-hour exposure scenario) unless pharmacokinetic data were available to indicate an accumulation with continuous exposure. In the case of intermittent exposures, examination of the peak exposures as well as the average exposure over the time of exposure would be important.

It should be recognized that, based on the definitions used in these Guidelines, almost any segment of the human population may be at risk for a reproductive effect. Although the reproductive effects of exposures may be manifested while the exposure is occurring (e.g., menstrual disorder, decreased sperm count, spontaneous abortion) some effects may not be detectable until later in life (e.g., endocrine disruption of reproductive tract development, premature reproductive senescence due to oocyte depletion), long after exposure has ceased.

VI. Risk Characterization

VI.A. Overview

A risk characterization is an essential part of any Agency report on risk whether the report is a preliminary one prepared to support allocation of resources toward further study, a site-specific assessment, or a comprehensive one prepared to support regulatory decisions. A risk characterization should be prepared in a manner that is clear, reasonable, and consistent with other risk characterizations of similar scope prepared across programs in the Agency. It should identify and discuss all the major issues associated with determining the nature and extent of the risk and provide commentary on any constraints limiting more complete exposition. The key aspects of risk characterization are: (1) bridging risk assessment and risk management, (2) discussing confidence and uncertainties, and (3) presenting several types of risk information. In this final step of a risk assessment, the risk characterization involves integration of toxicity information from the hazard characterization and quantitative dose-response analysis with the human exposure estimates and provides an evaluation of the overall quality of the assessment, describes risk in terms of the nature and extent of harm, and communicates results of the risk assessment to a risk manager. A risk manager can then use the risk assessment, along with other risk management elements, to make public health decisions. The information should also assist others outside the Agency in understanding the scientific basis for regulatory decisions.

Risk characterization is intended to summarize key aspects of the following components of the risk assessment:

- The nature, reliability, and consistency of the data used.
- The reasons for selection of the key study(ies) and the critical effect(s) and their relevance to human outcomes.
- The qualitative and quantitative descriptors of the results of the risk assessment.
- The limitations of the available data, the assumptions used to bridge knowledge gaps in working with those data, and implications of using alternative assumptions.
- The strengths and weaknesses of the risk assessment and the level of scientific confidence in the assessment.
- The areas of uncertainty, additional data/research needs to improve confidence in the risk assessment, and the potential impacts of the new research.

The risk characterization should be limited to the most significant and relevant data, conclusions, and uncertainties. When special circumstances exist that preclude full assessment, those circumstances should be explained and the related limitations identified.

The following sections describe these aspects of the risk characterization in more detail, but do not attempt to provide a full discussion of risk characterization. Rather, these Guidelines point out issues that are important to risk characterization for reproductive toxicity. Comprehensive general guidance for risk characterization is provided by Habicht (1992) and Browner (1995).

VI.B. Integration of Hazard Characterization, Quantitative Dose-Response, and Exposure Assessments

In developing each component of the risk assessment, risk assessors must make judgments concerning human relevance of the toxicity data, including the appropriateness of the various test animal models for which data are available, and the route, timing, and duration of exposure relative to the expected human exposure. These judgments should be summarized at each stage of the risk assessment process. When data are not available to make such judgments, as is often the case, the background information and assumptions discussed in the Overview (Section I) provide default positions. The default positions used and the rationale behind the use of each default position should be clearly stated. In integrating the parts of the assessment, risk assessors must determine if some of these judgments have implications for other portions of the assessment, and whether the various components of the assessment are compatible.

The description of the relevant data should convey the major strengths and weaknesses of the assessment that arise from availability and quality of data and the current limits of understanding of the mechanisms of toxicity. Confidence in the results of a risk assessment is a function of confidence in the results of

these analyses. Each section (hazard characterization, quantitative dose-response analysis, and exposure assessment) should have its own summary, and these summaries should be integrated into the overall risk characterization. Interpretation of data should be explained, and risk managers should be given a clear picture of consensus or lack of consensus that exists about significant aspects of the assessment. When more than one interpretation is supported by the data, the alternative plausible approaches should be presented along with the strengths, weaknesses, and impacts of those options. If one interpretation or option has been selected over another, the rationale should be given; if not, then both should be presented as plausible alternatives.

The risk characterization should not only examine the judgments, but also should explain the constraints of available data and the state of knowledge about the phenomena studied in making them, including:

- The qualitative conclusions about the likelihood that the chemical may pose a specific hazard to human health, the nature of the observed effects, under what conditions (route, dose levels, time, and duration) of exposure these effects occur, and whether the health-related data are sufficient and relevant to use in a risk assessment.
- A discussion of the dose-response patterns for the critical effect(s) and their relationships to the occurrence of other toxicity data, such as the shapes and slopes of the dose-response curves for the various other endpoints; the rationale behind the determination of the NOAEL, LOAEL, and/or benchmark dose; and the assumptions underlying the estimation of the RfD, RfC, or other exposure estimate.
- Descriptions of the estimates of the range of human exposure (e.g., central tendency, high end), the route, duration, and pattern of the exposure, relevant pharmacokinetics, and the size and characteristics of the various populations that might be exposed.
- The risk characterization of an agent being assessed for reproductive toxicity should be based on data from the most appropriate species or, if such information is not available, on the most sensitive species tested. It also should be based on the most sensitive indicator of an adverse reproductive effect, whether in the male, the female (nonpregnant or pregnant), or the developing organism, and should be considered in relation to other forms of toxicity. The relevance of this indicator to human reproductive outcomes should be described. The rationale for those decisions should be presented.

If data to be used in a risk characterization are from a route of exposure other than the expected human exposure, then pharmacokinetic data should be used, if available, to extrapolate across routes of exposure. If such data are not available, the Agency makes certain assumptions concerning the amount of absorption likely or the applicability of the data from one route to another (U.S. EPA, 1985a, 1986b). Discussion of some of these issues may be found in the Proceedings of the Workshop on Acceptability and Interpretation of Dermal Developmental Toxicity Studies (Kimmel, C.A. and Francis, 1990) and Principles of Route-to-Route Extrapolation for Risk Assessment (Gerrity et al., 1990). The risk characterization should identify the methods used to extrapolate across exposure routes and discuss the strengths and limitations of the approach.

The level of confidence in the hazard characterization and quantitative dose-response evaluation should be stated to the extent possible, including placement of the agent into the appropriate category regarding the sufficiency of the health-related data (see Section III.G.). A comprehensive risk assessment ideally includes information on a variety of endpoints that provide insight into the full spectrum of potential reproductive responses. A profile that integrates both human and test species data and incorporates both sensitive endpoints (e.g., properly performed and fully evaluated histopathology) and functional correlates (e.g., fertility) allows more confidence in a risk assessment for a given agent.

Descriptions of the nature of potential human exposures are important for prediction of specific outcomes and the likelihood of persistence or reversibility of the effect in different exposure situations with different subpopulations (U.S. EPA, 1992; Clegg, 1995).

In the risk assessment process, risk is estimated as a function of exposure, with the risk of adverse effects increasing as exposure increases. Information on the levels of exposure experienced by different members of the population is key to understanding the range of risks that may occur. Where possible, several descriptors of exposure such as the nature and range of populations and their various exposure conditions, central tendencies, and high-end exposure estimates should be presented. Differences among individuals in absorption rates, metabolism, or other factors mean that individuals or subpopulations with the same level and pattern of exposure may have differing susceptibility. For example, the consequences of exposure can differ markedly between developing individuals, young adults and aged adults, including whether the effects are permanent or transient. Other considerations relative to human exposures might include pregnancy or lactation, potential for exposures to other agents, concurrent disease, nutritional status, lifestyle, ethnic background and genetic polymorphism, and the possible consequences. Knowledge of the molecular events leading to induction of adverse effects may be of use in determining the range of susceptibility in sensitive populations.

An outline to serve as a guide and formatting aid for developing reproductive risk characterizations for chemical-specific risk assessments can be found in Table 7. A common format will assist risk managers in evaluating and using reproductive risk characterization. The outline has two parts. The first part tracks the reproductive risk assessment to bring forward its major conclusions. The second part pulls the information together to characterize the reproductive risk.

TABLE 7.—GUIDE FOR DEVELOPING CHEMICAL-SPECIFIC RISK CHARACTERIZATIONS FOR REPRODUCTIVE EFFECTS

Part One

Summarizing Major Conclusions in Risk Characterization

I. Hazard Characterization

A. What is (are) the key toxicological study (or studies) that provides the basis for health concerns for reproductive effects?

- How good is the key study?
- Are the data from laboratory or field studies? In a single or multiple species?
- What adverse reproductive endpoints were observed, and what is the basis for the critical effect?
- Describe other studies that support this finding.

TABLE 7.—GUIDE FOR DEVELOPING CHEMICAL-SPECIFIC RISK CHARACTERIZATIONS FOR REPRODUCTIVE EFFECTS—Continued

- Discuss any valid studies which conflict with this finding.

B. Besides the reproductive effect observed in the key study, are there other health endpoints of concern? What are the significant data gaps?

C. Discuss available epidemiological or clinical data. For epidemiological studies:
- What types of data were used (e.g., human ecologic, case-control or cohort studies, or case reports or series)?
- Describe the degree to which exposures were described.
- Describe the degree to which confounding factors were considered.
- Describe the degree to which other causal factors were excluded.

D. How much is known about how (through what biological mechanism) the chemical produces adverse reproductive effects?
- Discuss relevant studies of mechanisms of action or metabolism.
- Does this information aid in the interpretation of the toxicity data?
- What are the implications for potential adverse reproductive effects?

E. Comment on any nonpositive data in animals or people, and whether these data were considered in the hazard characterization.

F. If adverse health effects have been observed in wildlife species, characterize such effects by discussing the relevant issues as in A through E above.

G. Summarize the hazard characterization and discuss the significance of each of the following:
- Confidence in conclusions
- Alternative conclusions that are also supported by the data
- Significant data gaps
- Highlights of major assumptions

II. Characterization of Dose-Response

A. What data were used to develop the dose-response curve? Would the result have been significantly different if based on a different data set?
- If laboratory animal data were used:
  Which species were used?
  Most sensitive, average of all species, or other?
  Were any studies excluded? Why?
- If epidemiological data were used:
  Which studies were used?
  Only positive studies, all studies, or some other combination?
  Were any studies excluded? Why?
  Was a meta-analysis performed to combine the epidemiological studies?
  What approach was used?
  Were studies excluded? Why?

B. Was a model used to develop the dose-response curve and, if so, which one? What rationale supports this choice? Is chemical-specific information available to support this approach?
- How was the RfD/RfC (or the acceptable range) calculated?
- What assumptions and uncertainty factors were used?
- What is the confidence in the estimates?

C. Discuss the route, level, and duration of exposure observed, as compared to expected human exposures.
- Are the available data from the same route of exposure as the expected human exposures? If not, are pharmacokinetic data available to extrapolate across route of exposure?
- How far does one need to extrapolate from the observed data to environmental exposures? One to two orders of magnitude? Multiple orders of magnitude? What is the impact of such an extrapolation?

D. If adverse health effects have been observed in wildlife species, characterize dose-response information using the process outlined in A through C above.

III. Characterization of Exposure

A. What are the most significant sources of environmental exposure?
  Are there data on sources of exposure from different media?
  What is the relative contribution of different sources of exposure?
  What are the most significant environmental pathways for exposure?

B. Describe the populations that were assessed, including the general population, highly exposed groups, and highly susceptible groups.

C. Describe the basis for the exposure assessment, including any monitoring, modeling, or other analyses of exposure distributions such as Monte Carlo or krieging.

D. What are the key descriptors of exposure?
  Describe the (range of) exposures to: ''average'' individuals, ''high-end'' individuals, general population, high exposure group(s), children, susceptible populations, males, females (nonpregnant, pregnant, lactating).
  How was the central tendency estimate developed?
  What factors and/or methods were used in developing this estimate?
  How was the high-end estimate developed?
  Is there information on highly exposed subgroups?
  Who are they?
  What are their levels of exposure?
  How are they accounted for in the assessment?

E. Is there reason to be concerned about cumulative or multiple exposures because of biological, ethnic, racial, or socioeconomic reasons?

F. If adverse reproductive effects have been observed in wildlife species, characterize wildlife exposure by discussing the relevant issues as in A through E above.

G. Summarize exposure conclusions and discuss the following:
- Results of different approaches, i.e., modeling, monitoring, probability distributions;
- Limitations of each, and the range of most reasonable values;
- Confidence in the results obtained, and the limitations to the results

TABLE 7.—GUIDE FOR DEVELOPING CHEMICAL-SPECIFIC RISK CHARACTERIZATIONS FOR REPRODUCTIVE EFFECTS—Continued

Part Two

Risk Conclusions and Comparisons

IV. Risk Conclusions

A. What is the overall picture of risk, based on the hazard, quantitative dose-response, and exposure characterizations?
B. What are the major conclusions and strengths of the assessment in each of the three main analyses (i.e., hazard characterization, quantitative dose-response, and exposure assessment)?
C. What are the major limitations and uncertainties in the three main analyses?
D. What are the science policy options in each of the three major analyses?
What are the alternative approaches evaluated?
What are the reasons for the choices made?

V. Risk Context

A. What are the qualitative characteristics of the reproductive hazard (e.g., voluntary vs. involuntary, technological vs. natural, etc.)? Comment on findings, if any, from studies of risk perception that relate to this hazard or similar hazards.
B. What are the alternatives to this reproductive hazard? How do the risks compare?
C. How does this reproductive risk compare to other risks?
How does this risk compare to other risks in this regulatory program, or other similar risks that the EPA has made decisions about?
Where appropriate, can this risk be compared with past Agency decisions, decisions by other federal or state agencies, or common risks with which people may be familiar?
Describe the limitations of making these comparisons.
D. Comment on significant community concerns which influence public perception of risk.

VI. Existing Risk Information

Comment on other reproductive risk assessments that have been done on this chemical by EPA, other federal agencies, or other organizations. Are there significantly different conclusions that merit discussion?

VII. Other Information

Is there other information that would be useful to the risk manager or the public in this situation that has not been described above?

VI.C. Descriptors of Reproductive Risk

Descriptors of reproductive risk convey information and answer questions about risk, with each descriptor providing different information and insights. There are a number of ways to describe risk. Details on how to use these descriptors can be obtained from the guidance on risk characterization (Browner, 1995) from which some of the information below has been extracted.

In most cases, the state of the science is not yet adequate to define distributions of factors such as population susceptibility. The guidance principles below discuss a variety of risk descriptors that primarily reflect differences in estimated exposure. If a full description of the range of susceptibility in the population cannot be presented, an effort should be made to identify subgroups that, for various reasons, may be particularly susceptible.

VI.C.1. Distribution of Individual Exposures

Risk managers are interested generally in answers to questions such as: (1) Who are the people at the highest risk and why? (2) What is the average risk or distribution of risks for individuals in the population of interest? and (3) What are they doing, where do they live, etc., that might be putting them at this higher risk?

Exposure and reproductive risk descriptors for individuals are intended to provide answers to these questions. To describe the range of risks, both high-end and central tendency descriptors are used to convey the distribution in risk levels experienced by different individuals in the population. For the Agency's purposes, high-end risk descriptors are plausible estimates of the individual risk for those persons at the upper end of the risk distribution. Given limitations in current understanding of variability in individuals' sensitivity to agents that cause reproductive toxicity, high-end descriptors will usually address high-end exposure or dose. Conceptually, high-end exposure means exposure above approximately the 90th percentile of the population distribution, but not higher than the individual in the population who has the highest exposure. Central tendency descriptors generally reflect central estimates of exposure or dose. The descriptor addressing central tendency may be based on either the arithmetic mean exposure (average estimate) or the median exposure (median estimate), either of which should be clearly labeled. The selection of which descriptor(s) to present in the risk characterization will depend on the available data and the goals of the assessment.

VI.C.2. Population Exposure

Population risk refers to assessment of the extent of harm for the population as a whole. In theory, it can be calculated by summing the individual risks for all individuals within the subject population. That task requires more information than is usually available. Questions addressed by descriptors of population risk for reproductive effects would include: What portion of the population is within a specified range of some reference level, e.g., exceeds the RfD (a dose), the RfC (a concentration), or other health concern level?

For reproductive effects, risk assessment techniques have not been developed generally to the point of knowing how to add risk probabilities, although Hattis and Silver (1994) have proposed approaches for certain case-specific situations. Therefore, the following descriptor is usually appropriate: An estimate of the percentage of the population, or the number of persons, above a specified level of risk or within a specified range of some reference level (e.g., exceeds the RfD, RfC, LOAEL, or other specific level of interest). The RfD or RfC is assumed to be a level below which no significant risk occurs. Therefore, information from the exposure assessment on the populations below the RfD or RfC (''not likely to be at risk'') and above the RfD or RfC (''may be at risk'') may be useful information for risk managers. Estimating the number of persons potentially removed from the ''may be at risk'' category after a contemplated action is taken may be particularly

useful to a risk manager considering possible actions to ameliorate risk for a population. This descriptor must be obtained through measuring or simulating the population distribution.

VI.C.3. Margin of Exposure

In the risk characterization, dose-response information and the human exposure estimates may be combined either by comparing the RfD or RfC and the human exposure estimate or by calculating the margin of exposure (MOE). The MOE is the ratio of the NOAEL or benchmark dose from the most appropriate or sensitive species to the estimated human exposure level from all potential sources (U.S. EPA, 1985a). If a NOAEL is not available, a LOAEL may be used in the calculation of the MOE, but consideration for the acceptability would be different than when a NOAEL is used. Considerations for the acceptability of the MOE are similar to those for the selection of uncertainty factors applied to the NOAEL, LOAEL, or the benchmark dose for the derivation of an RfD. The MOE is presented along with the characterization of the database, including the strengths and weaknesses of the toxicity and exposure data, the number of species affected, and the information on dose-response, route, timing, and duration. The RfD or RfC comparison with the human exposure estimate and the calculation of the MOE are conceptually similar, but may be used in different regulatory situations.

The choice of approach is dependent on several factors, including the statute involved, the situation being addressed, the database used, and the needs of the decisionmaker. The RfD, RfC, or MOE are considered along with other risk assessment and risk management issues in making risk management decisions, but the scientific issues that should be taken into account in establishing them have been addressed here.

VI.C.4. Distribution of Exposure and Risk for Different Subgroups

A risk manager might also ask questions about the distribution of the risk burden among various segments of the subject population such as the following: How do exposure and reproductive risk impact various subgroups? and What is the population risk of a particular subgroup? Questions about the distribution of exposure and reproductive risk among such population segments require additional risk descriptors.

Highly Exposed

The purpose of this measure is to describe the upper end of the exposure distribution, allowing risk managers to evaluate whether certain individuals are at disproportionately high or unacceptably high risk. The objective is to look at the upper end of the exposure distribution to derive a realistic estimate of relatively highly exposed individual(s). The ''high end'' of the risk distribution has been defined (Habicht, 1992; Browner, 1995) as above the 90th percentile of the actual (either measured or estimated) distribution. Whenever possible, it is important to express the number or proportion of individuals who comprise the selected highly exposed group and, if data are available, discuss the potential for exposure at still higher levels.

Highly exposed subgroups can be identified and, where possible, characterized, and the magnitude of risk quantified. This descriptor is useful when there is (or is expected to be) a subgroup experiencing significantly different exposures or doses from those of the larger population. These subpopulations may be identified by age, sex, lifestyle, economic factors, or other demographic variables. For example, toddlers who play in contaminated soil and consumers of large amounts of fish represent subpopulations that may have greater exposures to certain agents.

If population data are absent, it will often be possible to describe a scenario representing high-end exposures using upper percentile or judgment-based values for exposure variables. In these instances, caution should be taken not to overestimate the high-end values if a ''reasonable'' exposure estimate is to be achieved.

Highly Susceptible

Highly susceptible subgroups also can be identified and, if possible, characterized, and the magnitude of risk quantified. This descriptor is useful when the sensitivity or susceptibility to the effect for specific subgroups is (or is expected to be) significantly different from that of the larger population. Therefore, the purpose of this measure is to quantify exposure of identified sensitive or susceptible populations to the agent of concern. Sensitive or susceptible individuals are those within the exposed population at increased risk of expressing the adverse effect. Examples might be pregnant or lactating women, women with reduced oocyte numbers, men with ''borderline'' sperm counts, or infants. To calculate risk for these subgroups, it will be necessary sometimes to use a different dose-response relationship; e.g., upon exposure to a chemical, pregnant or lactating women, elderly people, children of varying ages, and people with certain illnesses may each be more sensitive than the population as a whole.

In general, not enough is understood about the mechanisms of toxicity to identify sensitive subgroups for most agents, although factors such as age, nutrition, personal habits (e.g., smoking, consumption of alcohol, and abuse of drugs), existing disease (e.g., diabetes or sexually transmitted diseases), or genetic polymorphisms may predispose some individuals to be more sensitive to the reproductive effects of various agents.

It is important to consider, however, that the Agency's current methods for developing reference doses and reference concentrations (RfDs and RfCs) are designed to protect sensitive populations. If data on sensitive human populations are available (and there is confidence in the quality of the data), then the RfD is based on the dose level at which no adverse effects are observed in the sensitive population. If no such data are available (for example, if the RfD is developed using data from humans of average or unknown sensitivity), then an additional 3- to 10-fold factor may be used to account for variability between the average human response and the response of more sensitive individuals (see Section IV).

Generally, selection of the population segments to consider for high susceptibility is a matter of either a prior interest in the subgroup (e.g., environmental justice considerations), in which case the risk assessor and risk manager can jointly agree on which subgroups to highlight, or a matter of discovery of a sensitive or highly exposed subgroup during the assessment process. In either case, once identified, the subgroup can be treated as a population in itself and characterized in the same way as the larger population using the descriptors for population and individual risk.

VI.C.5. Situation-Specific Information

Presenting situation-specific scenarios for important exposure situations and subpopulations in the form of ''what if?'' questions may be particularly useful to give perspective to risk managers on possible future events. The question being asked in these cases is, for any given exposure level, what would be the resulting number or proportion of individuals who may be exposed to levels above that value?

''What if * * *?'' questions, such as those that follow, can be used to examine candidate risk management options:

• What are the reproductive risks if a pesticide applicator applies this pesticide without using protective equipment?

• What are the reproductive risks if this site becomes residential in the future?

• What are the reproductive risks if we set the standard at 100 ppb?

Answering such ''what if?'' questions involves a calculation of risk based on specific combinations of factors postulated within the assessment. The answers to these ''what if?'' questions do not, by themselves, give information about how likely the combination of values might be in the actual population or about how many (if any) persons might be subjected to the potential future reproductive risk. However, information on the likelihood of the postulated scenario would be desirable to include in the assessment.

When addressing projected changes for a population (either expected future developments or consideration of different regulatory options), it usually is appropriate to calculate and consider all the reproductive risk descriptors discussed above. When central tendency or high-end estimates are developed for a scenario, these descriptors should reflect reasonable expectations about future activities. For example, in site-specific risk assessments, future scenarios should be evaluated when they are supported by realistic forecasts of future land use, and the reproductive risk descriptors should be developed within that context.

VI.C.6. Evaluation of the Uncertainty in the Risk Descriptors

Reproductive risk descriptors are intended to address variability of risk within the population and the overall adverse impact on the population. In particular, differences between high-end and central tendency estimates reflect variability in the population but not the scientific uncertainty inherent in the risk estimates. As discussed above there will be uncertainty in all estimates of reproductive risk. These uncertainties can include measurement uncertainties, modeling uncertainties, and assumptions to fill data gaps. Risk assessors should address the impact of each of these factors on the confidence in the estimated reproductive risk values.

Both qualitative and quantitative evaluations of uncertainty provide useful information to users of the assessment. The techniques of quantitative uncertainty analysis are evolving rapidly and both the SAB (Loehr and Matanoski, 1993) and the NRC (1994) have urged the Agency to incorporate these techniques into its risk analyses. However, it should be noted that a probabilistic assessment that uses only the assessor's best estimates for distributions of population variables addresses variability, but not uncertainty. Uncertainties in the estimated risk distribution need to be evaluated separately. An approach has been proposed for estimating distribution of uncertainty in noncancer risk assessments (Baird et al., 1996).

VI.D. Summary and Research Needs

These Guidelines summarize the procedures that the EPA will follow in evaluating the potential for agents to cause reproductive toxicity. They discuss the assumptions that must be made in risk assessment for reproductive toxicity because of gaps in our knowledge about underlying biologic processes and how these compare across species. Research to improve the interpretation of data and interspecies extrapolation is needed. This research includes studies that: (1) more completely characterize and define female and male reproductive endpoints, (2) more completely characterize the types of developmental toxicity possible, (3) evaluate the interrelationships among endpoints, (4) examine quantitative extrapolation between endpoints (e.g., sperm count) and function (e.g., fertility), (5) provide a better understanding of the relationships between reproductive toxicity and other forms of toxicity, (6) explore pharmacokinetic disposition of the target, and (7) examine mechanistic phenomena related to pharmacokinetic disposition. These types of studies, along with further evaluation of a nonlinear dose-response for susceptible populations, should provide methods to more precisely assess risk.

VII. References

Aafjes, J.H., Vels, J.M., Schenck, E. (1980) Fertility of rats with artificial oligozoospermia. J. Reprod. Fertil. 58:345–351.

Adler, N.T., Toner, J.P. (1986) The effect of copulatory behavior on sperm transport and fertility in rats. In: Komisaruk, B.R., Siegel, H.I., Chang, M.F., Feder, H.H. Reproduction: Behavioral and Neuroendocrine Perspective. New York Academy of Science, New York. pp. 21–32.

Allen, B.C., Kavlock, R.J., Kimmel, C.A., Faustman, E.M. (1994a) Dose-response assessment for developmental toxicity: II. Comparison of generic benchmark dose estimates with NOAELs. Fundam. Appl. Toxicol. 23:487–495.

Allen, B.C., Kavlock, R.J., Kimmel, C.A., Faustman, E.M. (1994b) Dose-response assessment for developmental toxicity: III. Statistical models. Fundam. Appl. Toxicol. 23:496–509.

Amann, R.P. (1981) A critical review of methods for evaluation of spermatogenesis from seminal characteristics. J. Androl. 2:37–58.

American Academy of Pediatrics Committee on Drugs. (1994) The transfer of drugs and other chemicals into human milk. Pediatrics 93:137–150.

Armstrong, D.L. (1986) Environmental stress and ovarian function. Biol. Reprod. 34:29–39.

Atterwill, C.K., Flack, J.D. (1992) Endocrine Toxicology. Cambridge University Press, Cambridge.

Auger, J., Kunstman, J.M., Czyglik, F., Jouannet, P. (1995) Decline in semen quality among fertile men in Paris during the past 20 years. N. Engl. J. Med. 332:281–285.

Axelson, O. (1985) Epidemiologic methods in the study of spontaneous abortions: sources of data, methods, and sources of error. In: Hemminki, K., Sorsa, M., Vaino, H. Occupational Hazards and Reproduction. Hemisphere, Washington. pp. 231–236.

Baird, D.D., Wilcox, A.J. (1985) Cigarette smoking associated with delayed conception. JAMA 253:2979–2983.

Baird, D.D., Wilcox, A.J., Weinberg, C.R. (1986) Using time to pregnancy to study environmental exposures. Am. J. Epidemiol. 124:470–480.

Baird, S.J.S., Cohen, J.T., Graham, J.D., Shlyakhter, A.I., Evans, J.S. (1996) Noncancer risk assessment: a probabilistic alternative to current practice. Human Ecol. Risk Assess. 2:79–102.

Barlow, S.M., Sullivan, F.M. (1982) Reproductive Hazards of Industrial Chemicals. Academic Press, London.

Barsotti, D.A., Abrahamson, L.J., Allen, J.R. (1979) Hormonal alterations in female rhesus monkeys fed a diet containing 2,3,7,8–TCDD. Bull. Environ. Contam. Toxicol. 21:463–469.

Beach, F.A. (1979) Animal models for human sexuality. In: Ciba Foundation Symposium No. 62, Sex, Hormones and Behavior. Elsevier-North Holland, London. pp. 113–143.

Berndtson, W.E. (1977) Methods for quantifying mammalian spermatogenesis: a review. J. Anim. Sci. 44:818–833.

Bernstein, M.E. (1984) Agents affecting the male reproductive system: effects of structure on activity. Drug Metab. Rev. 15:941–996.

Biava, C.G., Smuckler, E.A., Whorton, D. (1978) The testicular morphology of individuals exposed to dibromochloropropane. Exp. Mol. Pathol. 29:448–458.

Blazak, W.F., Ernst, T.L., Stewart, B.E. (1985) Potential indicators of reproductive toxicity, testicular sperm production and epididymal sperm number, transit time and motility in Fischer 344 rats. Fundam. Appl. Toxicol. 5:1097–1103.

Blazak, W.F., Treinen, K.A., Juniewicz, P.E. (1993) Application of testicular sperm head counts in the assessment of male reproductive toxicity. In: Chapin, R.E. and Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 86–94.

Bloom, A.D. (1981) Guidelines for reproductive studies in exposed human populations. Guideline for studies of human populations exposed to mutagenic and

reproductive hazards. Report of Panel II. March of Dimes Birth Defects Foundation, White Plains, NY, pp. 37–110.

Boyd, J.A., Clark, G.C., Walmer, D.K., Patterson, D.G., Needham, L.L., Lucier, G.W. (1995) Endometriosis and the environment: biomarkers of toxin exposure. Abstract from Endometriosis 2000 Workshop, May 15–17.

Boyers, S.P., Davis, R.O., Katz, D.F. (1989) Automated semen analysis. Curr. Probl. Obstet. Gynecol. Fertil. 12:173–200.

Brawer, J.R., Finch, C.E. (1983) Normal and experimentally altered aging processes in the rodent hypothalamus and pituitary. In: Walker, R.F., Cooper, R.L. Experimental and Clinical Interventions in Aging. Marcel Dekker, New York. pp. 45–65.

Brouwer, A., Ahlborg, U.G., Vandenberg, M., Birnbaum, L.S., Boersma, E.R., Bosveld, B., Denison, M.S., Gray, L.E., Hagmar, L., Holene, E., Huisman, M., Jacobson, S.W., Jacobson, J.L., Koopmanesseboom, C., Koppe, J.G., Kulig, B.M., Morse, D.C., Muckle, G., Peterson, R.E., Sauer, P.J.J., Seegal, R.F., Smitsvanprooije, A.E., Touwen, B.C.L., Weisglaskuperus, N., Winneke, G. (1995) Functional aspects of developmental toxicity of polyhalogenated aromatic hydrocarbons in experimental animals and human infants. Eur. J. Pharmacol. 293:1–40.

Browner, C.M. (1995) EPA risk characterization program. U.S. EPA Memorandum, March 21, 1995. Available from the EPA Air docket.

Brown-Grant, K., Davidson, J.M., Grieg, F. (1973) Induced ovulation in albino rats exposed to constant light. J. Endocrinol. 57:7–22.

Bujan, L., Mansat, A., Pontonnier, F., Mieusset, R. (1996) Time series analysis of sperm concentration in fertile men in Toulouse, France between 1977 and 1992. Br. Med. J. 312: 471–472.

Bulger, W.H., Kupfer, D. (1985) Estrogenic activity of pesticides and other xenobiotics on the uterus and male reproductive tract. In: Thomas, J.A., Korach, K.S., McLachlan, J.A. Endocrine Toxicology. Raven Press, New York. pp. 1–33.

Burch, T.K., Macisco, J.J., Parker, M.P. (1967) Some methodologic problems in the analysis of menstrual data. Int. J. Fertil. 12:67–76.

Burger, E.J., Tardiff, R.G., Scialli, A.R., Zenick, H. (1989) Sperm Measures and Reproductive Success. Alan R. Liss, New York.

Butcher, R.L., Fugo, N.W. (1967) Overripeness and the mammalian ova. II. Delayed ovulation and chromosome anomalies. Fertil. Steril. 18:297–302.

Butcher, R.L., Blue, J.D., Fugo, N.W. (1969) Overripeness and the mammalian ova. III. Fetal development at midgestation and at term. Fertil. Steril. 20:223–231.

Butcher, R.L., Collins, W.E., Fugo, N.W. (1975) Altered secretion of gonadotropins and steroids resulting from delayed ovulation in the rat. Endocrinology 96:576–586.

Byskov, A.G., Hoyer, P.E. (1994) Embryology of mammalian gonads and ducts. In: Knobil, E., Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 487–540.

Carlsen, E., Giwercman, A., Keiding, N., Skakkebaek, N.E. (1992) Evidence for decreasing quality of semen during past 50 years. Br. Med. J. 305:609–613.

Cassidy, S.L., Dix, K.M., Jenkins, T. (1983) Evaluation of a testicular sperm head counting technique using rats exposed to dimethoxyethyl phthalate (DMEP), glycerol alpha-monochlorohydrin (GMCH), epichlorohydrin (ECH), formaldehyde (FA), or methyl methanesulphonate (MMS). Arch. Toxicol. 53:71–78.

Chapin, R.E. (1988) Morphologic evaluation of seminiferous epithelium of the testis. In: Lamb, J.C., Foster, P.M.D. Physiology and Toxicology of Male Reproduction. Academic Press, New York. pp. 155–177.

Chapin, R.E., Heindel, J.J. (1993) Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego.

Chapin, R.E., Filler, R.S., Gulati, D., Heindel, J.J., Katz, D.F., Mebus, C.A., Obasaju, F., Perreault, S.D., Russell, S.R., Schrader, S., Slott, V., Sokol, R.Z., Toth, G. (1992) Methods for assessing rat sperm motility. Reprod. Toxicol. 6:267–273.

Chapin, R.E., Gulati, D.K., Barnes, L.H., Teague, J.L. (1993a) The effects of feed restriction on reproductive function in Sprague-Dawley rats. Fundam. Appl. Toxicol. 20:23–29.

Chapin, R.E., Gulati, D.K., Fail, P.A., Hope, E., Russell, S.R., Heindel, J.J., George, J.D., Grizzle, T.B., Teague, J.L. (1993b) The effects of feed restriction on reproductive function in Swiss CD–1 mice. Fundam. Appl. Toxicol. 20:15–22.

Chapman, R.M. (1983) Gonadal injury resulting from chemotherapy. In: Mattison, D.R. Reproductive Toxicology. Alan R. Liss, New York. pp. 149–161.

Clegg, E.D. (1995) Reversibility of effects: overview and reproductive systems. Inhal. Toxicol. 7:881–889.

Colborn, T., vom Saal, F.S., Soto, A.M. (1993) Developmental effects of endocrine-disrupting chemicals in wildlife and humans. Environ. Health Perspect. 101:378–384.

Colie, C.F. (1993) Male mediated teratogenesis. Reprod. Toxicol. 7:3–9.

Collins, T.F.X. (1978) Multigeneration reproduction studies. In: Wilson, J.G., Fraser, F.C. Handbook of Teratology. Plenum Press, New York, pp. 191–214.

Cooper, R.L., Walker, R.F. (1979) Potential therapeutic consequences of age-dependent changes in brain physiology. Interdis. Topics Gerontol. 15:54–76.

Cooper, R.L., Conn, P.M., Walker, R.F. (1980) Characterization of the LH surge in middle-aged female rats. Biol. Reprod. 23:611–615.

Cooper, R.L., Chadwick, R.W., Rehnberg, G.L., Goldman, J.M., Booth, K.C., Hein, J.F., McElroy, W.K. (1989) Effect of lindane on hormonal control of reproductive function in the female rat. Toxicol. Appl. Pharmacol. 99:384–394.

Cooper, R.L., Goldman, J.M., Vandenbergh, J.G. (1993) Monitoring of the estrous cycle in the laboratory rodent by vaginal lavage. In: Heindel, J.J., Chapin, R.E. Methods in Toxicology: Female Reproductive Toxicology. Academic Press, San Diego. pp. 45–56.

Cooper, R.L., Barrett, M.A., Goldman, J.M., Rehnberg, G.R., McElroy, W.K., Stoker, T.E. (1994) Pregnancy alterations following xenobiotic-induced delays in ovulation in the female rat. Fundam. Appl. Toxicol. 22:474–480.

Cooper, R.L., Stoker, T.E., Goldman, J.M., Parrish, M.B., Tyrey, L. (1996) Effect of atrazine on ovarian function in the rat. Reprod. Toxicol. 10: in press.

Crisp, T.M. (1992) Organization of the ovarian follicle and events in its biology: oogenesis, ovulation or atresia. Mutat. Res. 296:89–106.

Crump, K.S. (1984) A new method for determining allowable daily intakes. Fundam. Appl. Toxicol. 4:854–871.

Csapo, A.I., Pulkkinen, M. (1978) Indispensability of the human corpus luteum in the maintenance of early pregnancy: lutectomy evidence. Obstet. Gynecol. Surv. 33:69.

Cummings, A.M., Gray, L.E. (1987) Methoxychlor affects the decidual cell response of the uterus but not other progestational parameters in female rats. Toxicol. Appl. Pharmacol. 90:330–336.

Cummings, A.M., Perreault, S.D. (1990) Methoxychlor accelerates embryo transport through the rat reproductive tract. Toxicol. Appl. Pharmacol. 102:110–116.

Darney, S.P. (1991) In vitro assessment of gamete integrity. In: Goldberg, A.M. In Vitro Toxicology: Mechanisms and New Technology. Mary Ann Liebert, Inc., New York. pp. 63–75.

Davis, D.L., Friedler, G., Mattison, D., Morris, R. (1992) Male-mediated teratogenesis and other reproductive effects: biologic and epidemiologic findings and a plea for clinical research. Reprod. Toxicol. 6:289–292.

de Boer, P., van der Hoeven, F.A., Chardon, J.A.P. (1976) The production, morphology, karyotypes and transport of spermatozoa from tertiary trisomic mice and the consequences for egg fertilization. J. Reprod. Fertil. 48:249–256.

Dixon, R.L., Hall, J.L. (1984) Reproductive toxicology. In: Hayes, A.W. Principles and Methods of Toxicology. Raven Press, New York. pp. 107–140.

Dobbins, J.G., Eifler, C.W., Buffler, P.A. (1978) The use of parity survivorship analysis in the study of reproductive outcomes. Presented at the Society for Epidemiologic Research Conference, Seattle, WA: June, 1978.

Dobson, R.L., Felton, J.S. (1983) Female germ cell loss from radiation and chemical exposure. Am. J. Ind. Med. 4:175–190.

Drouva, S.V., Laplante, E., Kordon, C. (1982) Alpha 1-adrenergic receptor involvement in the LH surge in ovariectomized estrogen-primed rats. Eur. J. Pharmacol. 81:341–344.

Egeland, G.M., Sweeney, M.H., Fingerhut, M.A., Wille, K.K., Schnorr, T.M., Halperin, W.E. (1994) Total serum testosterone and gonadotropins in workers exposed to dioxin. Am. J. Epidemiol. 139:272–281.

Egnatz, D.G., Ott, M.G., Townsend, J.C., Olson, R.D., Johns, D.B. (1980) DBCP and testicular effects in chemical workers; an epidemiological survey in Midland. J. Occup. Med. 22:727–732.

Epidemiology Workgroup for the Interagency Regulatory Liaison Group (1981)

Guidelines for documentation of epidemiologic studies. Am. J. Epidemiol. 114:609–613.

Everett, J.W., Sawyer, C.H. (1950) A 24-hour periodicity in the ''LH-release apparatus'' of female rats disclosed by barbiturate sedation. Endocrinology 47:198–218.

Everson, R.B., Sandler, D.P., Wilcox, A.J., Schreinemachers, D., Shore, D.L., Weinberg, C. (1986) Effect of passive exposure to smoking on age at natural menopause. Br. Med. J. 293:792.

Fabia, J., Thuy, T.D. (1974) Occupation of father at time of children dying of malignant disease. Br. J. Prev. Soc. Med. 28:98–100.

Fawcett, D.W. (1986) Bloom and Fawcett: A Textbook of Histology. W.B. Saunders, Philadelphia, PA.

Filler, R. (1993) Methods for evaluation of rat epididymal sperm morphology. In: Chapin, R.E., Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 334–343.

Finch, C.E., Felicio, L.S., Mobbs, C.V. (1984) Ovarian and steroidal influences on neuroendocrine aging processes in female rodents. Endocrinol. Rev. 5:467–497.

Fink, G. (1988) Gonadotropin secretion and its control. In: Knobil, E., Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 1349–1377.

Fisch, H., Goluboff, E.T., Olson, J.H., Feldshuh, J., Broder, S.J., Barad, D.H. (1996) Semen analyses in 1,283 men from the United States over a 25-year period: no decline in fertility. Fertil. Steril. 65:1009–1014.

Foote, R.H., Berndtson, W.E. (1992) The Germinal Cells. In: Scialli, A.R., Clegg, E.D. Reversibility in Testicular Toxicity Assessment. CRC Press, Boca Raton. pp. 1–55.

Foote, R.H., Schermerhorn, E.C., Simkin, M.E. (1986) Measurement of semen quality, fertility, and reproductive hormones to assess dibromochloropropane (DBCP) effects in live rabbits. Fundam. Appl. Toxicol. 6:628–637.

Forsberg, J.G. (1981) Permanent changes induced by DES at critical stages in human and model systems. Biol. Res. Pregnancy 2:168–175.

Foster, P.M.D. (1992) The Sertoli cell. In: Scialli, A.R., Clegg, E.D. Reversibility in Testicular Toxicity Assessment. CRC Press, Boca Raton. pp. 57–86.

Francis, E.Z., Kimmel, G.L. (1988) Proceedings of the workshop on one-vs two-generation reproductive effects studies. J. Am. Coll. Toxicol. 7:911–925.

Franken, D.R., Burkman, L.J., Coddington, C.C., Oehninger, S., Hodgen, G.D. (1990) Human hemizona attachment assay. In: Acosta, A.A., Swanson, R.J., Ackerman, S.B., Kruger, T.F., VanZyl, J.A., Menkveld, R. Human Spermatozoa in Assisted Reproduction. Williams and Wilkins, Baltimore. pp. 355–371.

Fugo, N.W., Butcher, R.L. (1966) Overripeness and the mammalian ova. I. Overripeness and early embryonic development. Fertil. Steril. 17:804–814.

Gaffey, W.R. (1976) A critique of the standard mortality ratio. J. Occup. Med. 18:157–160.

Galbraith, W.M., Voytek, P., Ryon, M.S. (1983) Assessment of risks to human reproduction and development of the human conceptus from exposure to environmental substances. In: Christian, M.S., Galbraith, W.M., Voytek, P., Mehlman, M.A. Advances in Modern Environmental Toxicology. Princeton Scientific Publ., Princeton. pp. 41–153.

Galletti, F., Klopper, A. (1964) The effect of progesterone on the quantity and distribution of body fat in the female rat. Acta Endocrinol. 46:379–386.

Gardner, M.J., Hall, A.J., Snee, M.P., Downes, S., Powell, C.A., Terrell, J.D. (1990a) Methods and basic data of case-control study of leukaemia and lymphoma among young people near Sellafield nuclear plant in West Cumbria. Br. Med. J. 300:429–434.

Gardner, M.J., Snee, M.P., Hall, A.J., Powell, C.A., Downes, S., Terrell, J.D. (1990b) Results of case-control study of leukaemia and lymphoma among young people near Sellafield nuclear plant in West Cumbria. Br. Med. J. 300:423–429.

Gaylor, D.W. (1989) Quantitative risk analysis for quantal reproductive and developmental effects. Environ. Health 79:243–246.

Gellert, R.J. (1978) Kepone, mirex, dieldrin, and aldrin: estrogenic activity and the induction of persistent vaginal estrus and anovulation in rats following neonatal treatment. Environ. Res. 16:131–138.

Generoso, W.M., Piegorsch, W.W. (1993) Dominant lethal tests in male and female mice. In: Chapin, R.E., Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 124–139.

Generoso, W.M., Rutledge, J.C., Cain, K.T., Hughes, L.A., Braden, P.W. (1987) Exposure of female mice to ethylene oxide within hours after mating leads to fetal malformation and death. Mutat. Res. 176:269–274.

George, F.W., Wilson, J.D. (1994) Sex determination and differentiation. In: Knobil, E., Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 3–28.

Gerhard, I., Runnebaum, B. (1992) Grenzen der hormonsubstitution bei Schadstoffbelastung und fertilitatsstorungen. Zentralbl. Gynakol. 114:593–602.

Gerrity, T.R., Henry, C.J., Bronaugh, R., et al. (1990) Summary report of the workshops on principles of route-to-route extrapolation for risk assessment. In: Gerrity, T.R., Henry, C.J. Principles of Route-To-Route Extrapolation for Risk Assessment. Elsevier Science Publ. Co., New York. pp. 1–12.

Gill, W.B., Schumacher, F.B., Bibbo, M., Straus, F.H., Schoenberg, H.W. (1979) Association of diethylstilbestrol exposure in utero with cryptorchidism, testicular hypoplasia and semen abnormalities. J. Urol. 122:36–39.

Ginsburg, J., Okolo, S., Prelevic, G., Hardiman, P. (1994) Residence in London area and sperm density. Lancet 343:230.

Giusti, R.M., Iwamoto, K., Hatch, E.E. (1995) Diethylstilbestrol revisited: a review of the long-term health effects. Ann. Intern. Med. 122:778–788.

Giwercman, A., Carlsen, E., Keiding, N., Skakkebaek, N.E. (1993) Evidence for increasing incidence of abnormalities of the human testis: A review. Environ. Health Perspect. 101:65–71.

Goldman, J.M., Cooper, R.L., Laws, S.C., Rehnberg, G.L., Edwards, T.L., McElroy, W.K., Hein, J.F. (1990) Chlordimeform-induced alterations in endocrine regulation within the male rat reproductive system. Toxicol. Appl. Pharmacol. 104:25–35.

Goldman, J.M., Cooper, R.L., Edwards, T.L., Rehnberg, G.L., McElroy, W.K., Hein, J.F. (1991) Suppression of the luteinizing hormone surge by chlordimeform in ovariectomized, steroid-primed female rats. Pharmacol. Toxicol. 68:131–136.

Gorski, R.A. (1979) The neuroendocrinology of reproduction: an overview. Biol. Reprod. 20:111–127.

Gorski, R.A. (1986) Sexual differentiation of the brain: a model for drug-induced alterations of the reproductive system. Environ. Health Perspect. 70:163–175.

Gray, L.E. (1991) Delayed effects on reproduction following exposure to toxic chemicals during critical periods of development. In: Cooper, R.L., Goldman, J.M., Harbin, T.J. Aging and Environmental Toxicology: Biological and Behavioral Perspectives. Johns Hopkins University Press, Baltimore. pp. 183–210.

Gray, L.E., Ostby, J.S. (1995) In utero 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) alters reproductive morphology and function in female rat offspring. Toxicol. Appl. Pharmacol. 133:285–294.

Gray, L.E., Ferrell, J.M., Ostby, J.S. (1985) Alteration of behavioral sex differentiation by exposure to estrogenic compounds during a critical neonatal period: effects of zearalenone, methoxychlor, and estradiol in hamster. Toxicol. Appl. Pharmacol. 80:127–136.

Gray, L.E., Ostby, J., Sigmon, R., Ferrell, J., Linder, R., Cooper, R., Goldman, J., Laskey, J. (1988) The development of a protocol to assess reproductive effects of toxicants in the rat. Reprod. Toxicol. 2:281–287.

Gray, L.E., Ostby, J., Ferrell, J., Rehnberg, G., Linder, R., Cooper, R., Goldman, J., Slott, V., Laskey, J. (1989) A dose-response analysis of methoxychlor-induced alterations of reproductive development and function in the rat. Fundam. Appl. Toxicol. 12:92–108.

Gray, L.E., Ostby, J., Linder, R., Goldman, J., Rehnberg, G., Cooper, R. (1990) Carbendazim-induced alterations of reproductive development and function in the rat and hamster. Fundam. Appl. Toxicol. 15:281–297.

Gray, L.E., Ostby, J.S., Kelce, W.R. (1994) Developmental effects of an environmental antiandrogen: the fungicide vinclozolin alters sex differentiation of the male rat. Toxicol. Appl. Pharmacol. 129:46–52.

Gray, L.E., Kelce, W.R., Monosson, E., Ostby, J.S., Birnbaum, L.S. (1995) Exposure to TCDD during development permanently alters reproductive function in male Long Evans rats and hamsters: reduced ejaculated and epididymal sperm numbers and sex accessory gland weights in offspring with normal androgenic status. Toxicol. Appl. Pharmacol. 131:108–118.

Green, S., Auletta, A., Fabricant, R., Kapp, M., Sheu, C., Springer, J., Whitfield, B. (1985) Current status of bioassays in genetic toxicology: the dominant lethal test. Mutat. Res. 154:49–67.

Greenland, S. (1987) Quantitative methods in the review of epidemiologic literature. Epidemiol. Rev. 9:1–30.

Gulati, D.K., Hope, E., Teague, J., Chapin, R.E. (1991) Reproductive toxicity assessment by continuous breeding in Sprague-Dawley rats: a comparison of two study designs. Fundam. Appl. Toxicol. 17:270–279.

Gustafsson, J.-A., Mode, A., Norstedt, G., Hokfelt, T., Sonnenschein, C., Eneroth, P., Skett, P. (1980) The hypothalamo-pituitary-liver axis: a new hormonal system in control of hepatic steroid and drug metabolism. Biochem. Act. Hormones 14:47–89.

Habicht, F.H. (1992) Guidance on risk characterization for risk managers and risk assessors. U.S. EPA, Memorandum to Assistant Administrators and Regional Administrators, February 26, 1992. Available from the EPA Air docket.

Hales, B., Crosman, K., Robaire, B. (1992) Increased post-implantation loss and malformations among the F2 progeny of male rats chronically treated with cyclophosphamide. Teratology 45:671–678.

Harris, M.W., Chapin, R.E., Lockhart, A.C., Jokinen, M.P., Allen, J.D., Haskins, E.A. (1992) Assessment of a short-term reproductive and developmental toxicity screen. Fundam. Appl. Toxicol. 19:186–196.

Harris, R.Z., Benet, L.Z., Schwartz, J.B. (1995) Gender effects in pharmacokinetics and pharmacodynamics. Drugs 50:222–239.

Harrison, P.T.C., Humfrey, C.D.N., Litchfield, M., Peakall, D., Shuker, L.K. (1995) IEH Assessment on Environmental Oestrogens: Consequences to Human Health and Wildlife. MRC Institute for Environment and Health. Leicester, UK.

Haschek, W.M., Rousseaux, C.G. (1991) Handbook of Toxicologic Pathology. Academic Press, New York.

Hatch, M., Kline, J. (1981) Spontaneous abortion and exposure to the herbicide 2,4,5–T: a pilot study. U.S. Environmental Protection Agency, Washington, D.C. EPA–560/6–81–006.

Hattis, D., Silver, K. (1994) Human interindividual variability: a major source of uncertainty in assessing risks for noncancer health effects. Risk Analysis 14:421–431.

Heindel, J.J., Chapin, R.E. (1993) Methods in Toxicology: Female Reproductive Toxicology. Academic Press, San Diego.

Heindel, J.J., Thomford, P.J., Mattison, D.R. (1989) Histological assessment of ovarian follicle number in mice as a screen of ovarian toxicity. In: Hirshfield, A.N. Growth Factors and the Ovary. Plenum Press, New York. pp. 421–426.

Hemminki, K., Vineis, P. (1985) Extrapolation of the evidence on teratogenicity of chemicals between humans and experimental animals: chemicals other than drugs. Teratogenesis Carcinog. Mutagen. 5:251–318.

Hemminki, K., Mutanen, P., Luoma, K., Saloniemi, I. (1980) Congenital malformations by the parental occupation in Finland. Int. Arch. Occup. Environ. Health 46:93–98.

Hemminki, K., Saloniemi, I., Salonen, T. (1981) Childhood cancer and paternal occupation in Finland. J. Epidemiol. Community Health 35:11–15.

Hertig, A.T. (1967) The overall problem in man. In: Benirschke, K. Comparative Aspects of Reproductive Failure. Springer-Verlag, New York. pp. 11–41.

Hervey, E., Hervey, G.R. (1967) The effects of progesterone on body weight and composition in the rat. J. Endocrinol. 37:361–384.

Hess, R.A. (1990) Quantitative and qualitative characteristics of the stages and transitions in the cycle of the rat seminiferous epithelium: light microscopic observations of perfusion-fixed and plastic-embedded testes. Biol. Reprod. 43:525–542.

Hess, R.A., Moore, B.J. (1993) Histological methods for evaluation of the testis. In: Chapin, R.E., Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 52–85.

Hess, R.A., Moore, B.J., Forrer, J., Linder, R.E., Abuel-Atta, A.A. (1991) The fungicide Benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) causes testicular dysfunction by inducing the sloughing of germ cells and occlusion of efferent ductules. Fundam. Appl. Toxicol. 17:733–745.

Heywood, R., James, R.W. (1985) Current laboratory approaches for assessing male reproductive toxicity. In: Dixon, R.L. Reproductive Toxicology. Raven Press, New York. pp. 147–160.

Hogue, C.J.R. (1984) Reducing misclassification errors through questionnaire design. In: Lockey, J.E., Lemasters, G.K., Keye, W.R. Reproduction: the new frontier in occupational and environmental health research. Alan R. Liss, Inc., New York. pp. 81–97.

Holloway, A.J., Moore, H.D.M., Foster, P.M.D. (1990a) The use of in vitro fertilization to detect reductions in the fertility of male rats exposed to 1,3-dinitrobenzene. Fundam. Appl. Toxicol. 14:113–122.

Holloway, A.J., Moore, H.D.M., Foster, P.M.D. (1990b) The use of rat in vitro fertilization to detect reductions in the fertility of spermatozoa from males exposed to ethylene glycol monomethyl ether. Reprod. Toxicol. 4:21–27.

Holmes, R.L., Ball, J.N. (1974) The Pituitary Gland: A Comparative Account. Cambridge University Press, Cambridge.

Huang, H.H., Meites, J. (1975) Reproductive capacity of aging female rats. Neuroendocrinology 17:289–295.

Hugenholtz, A.P., Bruce, W.R. (1983) Radiation induction of mutations affecting sperm morphology in mice. Mutat. Res. 107:177–185.

Hughes, C.L. (1988) Phytochemical mimicry of reproductive hormones and modulation of herbivore fertility by phytoestrogens. Environ Health Perspect. 78:171–175.

Hurtt, M.E., Zenick, H. (1986) Decreasing epididymal sperm reserves enhances the detection of ethoxyethanol-induced spermatotoxicity. Fundam. Appl. Toxicol. 7:348–353.

Imagawa, W., Yang, J., Guzman, R., Nandi, S. (1994) Control of mammary gland development. In: Knobil, E., O'Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 1033–1063.

International Conference on Harmonization of Technical Requirements of Pharmaceuticals for Human Use (1994) ICH harmonized tripartite guideline, Detection of Toxicity to Reproduction for Medicinal Products. FR 59(1831):48746–48752.

Irvine, S., Cawood, E., Richardson, D., MacDonald, E., Aitken, J. (1996) Evidence of deteriorating semen quality in the United Kingdom: birth cohort study in 577 men in Scotland over 11 years. Br. Med. J. 312:467–471.

Joffe, M. (1985) Biases in research on reproduction and women's work. Int. J. Epidemiol. 14:118–123.

Jones, T.C., Mohr, U., Hunt, R.D. (1987) Genital System. Springer-Verlag, New York.

Katz, D.F., Overstreet, J.W. (1981) Sperm motility assessment by videomicrography. Fertil. Steril. 35:188–193.

Katz, D.F., Diel, L., Overstreet, J.W. (1982) Differences in the movement of morphologically normal and abnormal human seminal spermatozoa. Biol. Reprod. 26:566–570.

Kavlock, R.J., Allen, B.C., Kimmel, C.A., Faustman, E.M. (1995) Dose-response assessment for developmental toxicology: benchmark doses for fetal weight changes. Fundam. Appl. Toxicol. 26:211–222.

Kelce, W.R., Stone, C.R., Laws, S.C., Gray, L.E., Kemppainen, J.A., Wilson, E.M. (1995) Persistent DDT metabolite p,p'-DDE is a potent androgen receptor antagonist. Nature 375:581–585.

Kesner, J.S., Wright, D.M., Schrader, S.M., Chin, N.W., Krieg, E.F. (1992) Methods of monitoring menstrual function in field studies: Efficacy of methods. Reprod. Toxicol. 6:385–400.

Kimmel, C.A., Francis, E.Z. (1990) Proceedings of the workshop on the acceptability and interpretation of dermal developmental toxicity studies. Fundam. Appl. Toxicol. 14:386–398.

Kimmel, C.A., Gaylor, D.W. (1988) Issues in qualitative and quantitative risk analysis for developmental toxicology. Risk Analysis 8:15–20.

Kimmel, C.A., Holson, J.F., Hogue, C.J., Carlo, G.L. (1984) Reliability of experimental studies for predicting hazards to human development. National Center for Toxicological Research, Jefferson, AR. NCTR Technical Report for Experiment No. 6015.

Kimmel, C.A., Kimmel, G.L., Frankos, V. (1986) Interagency Regulatory Liaison Group workshop on reproductive toxicity risk assessment. Environ. Health 66:193–221.

Kimmel, C.A., Rees, D.C., Francis, E.Z. (1990) Proceedings of the workshop on the qualitative and quantitative comparability of human and animal developmental neurotoxicity. Neurotoxicol. Teratol. 12:173–292.

Kimmel, G.L., Clegg, E.D., Crisp, T.M. (1995) Reproductive toxicity testing: a risk assessment perspective. In: Witorsch, R.J. Reproductive Toxicology. Raven Press, New York. pp. 75–98.

Kissling, G. (1981) A generalized model for analysis of nonindependent observations. Dissertation. University of North Carolina.

Kleinbaum, D.G., Kupper, L.L., Morgenstern, H. (1982) Epidemiologic Research: Principle and Quantitative Methods. Lifetime Learning Publications, London.

Kline, J., Stein, Z., Susser, M. (1989) Conception to Birth: Epidemiology of

Prenatal Development. Oxford University Press, New York.

Klinefelter, G.R., Laskey, J.W., Kelce, W.R., Ferrell, J., Roberts, N.L., Suarez, J.D., Slott, V. (1994a) Chloroethylmethanesulfonate-induced effects on the epididymis seem unrelated to altered Leydig cell function. Biol. Reprod. 51:82–91.

Klinefelter, G.R., Laskey, J.W., Perreault, S.D., Ferrell, J., Jeffay, S., Suarez, J., Roberts, N. (1994b) The ethane dimethanesulfonate-induced decrease in the fertilizing ability of cauda epididymal sperm is independent of the testis. J. Androl. 15:318–327.

Knobil, E., Neill, J.D., Greenwald, G.S., Markert, C.L., Pfaff, D.W. (1994) The Physiology of Reproduction. Raven Press, New York.

Ku, W.W., Chapin, R.E., Wine, R.N., Gladen, B.C. (1993) Testicular toxicity of boric acid (BA): relationship of dose to lesion development and recovery in the F344 rat. Reprod. Toxicol. 7:305–319.

Kupfer, D. (1987) Critical evaluation of methods for detection and assessment of estrogenic compounds in mammals: strengths and limitations for application to risk assessment. Reprod. Toxicol. 2:147–153.

Kurman, R., Norris, H.J. (1978) Germ cell tumors of the ovary. Pathol. Annu. 13:291.

Kwa, S.L., Fine, L.J. (1980) The association between parental occupation and childhood malignancy. J. Occup. Med. 22:792–794.

La Bella, F.S., Dular, R., Lemons, P., Vivian, S., Queen, M. (1973a) Prolactin secretion is specifically inhibited by nickel. Nature 245:330–332.

La Bella, F.S., Dular, R., Vivian, S., Queen, G. (1973b) Pituitary hormone releasing activity of metal ions present in hypothalamic extracts. Biochem. Biophys. Res. Commun. 52:786–791.

Lamb, J.C. (1985) Reproductive toxicity testing: evaluating and developing new testing systems. J. Am. Coll. Toxicol. 4:163–171.

Lamb, J.C., Chapin, R.E. (1985) Experimental models of male reproductive toxicology. In: Thomas, J.A., Korach, K.S., McLachlan, J.A. Endocrine Toxicology. Raven Press, New York. pp. 85–115.

Lamb, J.C., Foster, P.M.D. (1988) Physiology and Toxicology of Male Reproduction. Academic Press, New York.

Lamb, J.C., Jameson, C.W., Choudhury, H., Gulati, D.K. (1985) Fertility assessment by continuous breeding: evaluation of diethylstilbestrol and a comparision of results from two laboratories. J. Am. Coll. Toxicol. 4:173–183.

Langley, F.A., Fox, H. (1987) Ovarian tumors. Classification, histogenesis, etiology. In: Fox, H. Haines and Taylor's Obstetrical and Gynaecologic Pathology. Churchill Livingstone, Edinburgh. pp. 542–555.

Lantz, G.D., Cunningham, G.R., Huckins, C., Lipshultz, L.I. (1981) Recovery from severe oligospermia after exposure to dibromochloropropane. Fertil. Steril. 35:46–53.

LeFevre, J., McClintock, M.K. (1988) Reproductive senescence in female rats: a longitudinal study of individual differences in estrous cycles and behavior. Biol. Reprod. 38:780–789.

Lemasters, G.K. (1992) Occupational exposures and effects on male and female reproduction. In: Rom, W.N. Environmental and Occupational Medicine. Little, Brown, Boston, MA. pp. 147–170.

Lemasters, G.K., Pinney, S.M. (1989) Employment status as a confounder when assessing occupational exposures and spontaneous abortion. J. Clin. Epidemiol. 42:975–981.

Lemasters, G.K., Selevan, S.G. (1984) Use of exposure data in occupational reproductive studies. Scan. J. Work. Environ. Health 10:1–6.

Lemasters, G.K., Selevan, S.G. (1993) Toxic exposures and reproduction: a view of epidemiology and surveillance. In: Scialli, A.R., Zinaman, M.J. Reproductive Toxicology and Infertility. McGraw-Hill, New York. pp. 307–321.

Leridon, H. (1977) Human Fertility: The Basic Components. The University of Chicago Press, Chicago.

Le Vier, R.R., Jankowiak, M.E. (1972) The hormonal and antifertility activity of 2,6-cis-diphenylhexamethylcyclotetra-siloxane in the female rat. Biol. Reprod. 7:260–266.

Levine, R.J. (1983) Methods for detecting occupational causes of male infertility: reproductive history versus semen analysis. Scand. J. Work Environ. Health 9:371–376.

Levine, R.J., Symons, M.J., Balogh, S.A., Arndt, D.M., Kaswandik, N.R., Gentile, J.W. (1980) A method for monitoring the fertility of workers: I. Method and pilot studies. J. Occup. Med. 22:781–791.

Levine, R.J., Symons, M.J., Balogh, S.A., Milby, T.H., Whorton, M.D. (1981) A method for monitoring the fertility of workers: II. Validation of the method among workers exposed to dibromochloropropane. J. Occup. Med. 23:183–188.

Levine, R.J., Blunden, P.B., DalCorso, R.D., Starr, T.B., Ross, C.E. (1983) Superiority of reproductive histories to sperm counts in detecting infertility at a dibromochloropropane manufacturing plant. J. Occup. Med. 25:591–597.

Lewis, J.R. (1991) Reproductively Active Chemicals: A Reference Guide. Van Nostrand Reinhold, New York.

Lindbohm, M.L., Hemminki, K., Bonhomme, M.G., Anttila, A., Rantala, K., Keikkila, P., Rosenberg, M.J. (1991) Effects of paternal occupational exposure on spontaneous abortions. Am. J. Public Health 81:1029–1033.

Linder, R.E., Hess, R.A., Strader, L.F. (1986) Testicular toxicity and infertility in male rats treated with 1,3-dinitrobenzene. J. Toxicol. Environ. Health 19:477–489.

Linder, R.E., Strader, L.F., Barbee, R.R., Rehnberg, G.L., Perreault, S.D. (1990) Reproductive toxicity of a single dose of 1,3-dinitrobenzene in two ages of young adult male rats. Fundam. Appl. Toxicol. 14:284–298.

Linder, R.E., Strader, L.F., Slott, V.L., Suarez, J.D. (1992) Endpoints of spermatotoxicity in the rat after short duration exposures to fourteen reproductive toxicants. Reprod. Toxicol. 6:491–505.

Lipshultz, L.I., Ross, C.E., Whorton, D., Thomas, M., Smith, R., Joyner, R.E. (1980) Dibromochloropropane and its effect on testicular function in man. J. Urol. 124:464–468.

Liu, D.Y., Baker, H.W.G. (1992) Tests of human sperm function and fertilization in vitro. Fertil. Steril. 58:465–483.

Loehr, R.A., Matanoski, G.M. (1993) Letter to Carol M. Browner, EPA Administrator, re: quantitative uncertainty analysis for radiological assessments. U.S. EPA Science Advisory Board, July 23, 1993 (EPA-SAB-RAC-COM–93–006).

Long, J.A., Evans, H.M. (1922) The oestrous cycle in the rat and its associated phenomena. Mem. Univ. Calif. 6:1–111.

Mackeprang, M., Hay, S., Lunde, A.S. (1972) Completeness and accuracy of reporting of malformations on birth certificates. HSMHA Health Reports 84:43–49.

Manson, J.M. (1994) Testing of pharmaceutical agents for reproductive toxicity. In: Kimmel, C.A., Buelke-Sam, J. Developmental Toxicology. Raven Press, New York. p. 379.

Manson, J.M., Kang, Y.J. (1994) Test methods for assessing female reproductive and developmental toxicology. In: Hayes, A.W. Principles and Methods of Toxicology. Raven Press, New York. pp. 989–1037.

Mason, H.J. (1990) Occupational cadmium exposure and testicular endocrine function. Hum. Exp. Toxicol. 9:91–94.

Mattison, D.R. (1985) Clinical manifestations of ovarian toxicity. In: Dixon, R.L. Reproductive Toxicology. Raven Press, New York. pp. 109–130.

Mattison, D.R., Nightingale, M.R. (1980) The biochemical and genetic characteristics of murine ovarian aryl hydrocarbon (benzo(a)pyrene) hydroxylase activity and its relationship to primary oocyte destruction by polycyclic aromatic hydrocarbons. Toxicol. Appl. Pharmacol. 56:399–408.

Mattison, D.R., Thomford, P.J. (1989) The mechanisms of action of reproductive toxicants. Toxicol. Pathol. 17:364–376.

Mattison, D.R., Thorgeirsson, S.S. (1978) Gonadal aryl hydrocarbon hydroxylase in rats and mice. Cancer Res. 38:1368–1373.

McDonald, A.D., McDonald, J.C., Armstrong, B., Cherry, N.M., Nolin, A.D., Robert, D. (1989) Father's occupation and pregnancy outcome. Br. J. Ind. Med. 46:329–333.

McGregor, A.J., Mason, H.J. (1991) Occupational mercury vapour exposure and testicular, pituitary and thyroid endocrine function. Hum. Exp. Toxicol. 10:199–203.

McKinney, J.D., Waller, C.L. (1994) Polychlorinated biphenyls as hormonally active structural analogues. Environ. Health Perspect. 102:290–297.

McLachlan, J.A. (1980) Estrogens in the Environment. Elsevier North Holland, New York.

McMichael, A.J. (1976) Standardized mortality ratios and the healthy worker effect: scratching beneath the surface. J. Occup. Med. 18:165–168.

McNatty, K.P. (1979) Follicular determinants of corpus luteum function in the human ovary. Adv. Exp. Med. Biol. 112:465–481.

Meistrich, M.L. (1982) Quantitative correlation between testicular stem cell survival, sperm production, and fertility in the mouse after treatment with different cytotoxic agents. J. Androl. 3:58–68.

Meistrich, M.L. (1986) Critical components of testicular function and sensitivity to disruption. Biol. Reprod. 34:17–28.

Meistrich, M.L., Brown, C.C. (1983) Estimation of the increased risk of human infertility from alterations in semen characteristics. Fertil. Steril. 40:220–230.

Meistrich, M.L., Samuels, R.C. (1985) Reduction in sperm levels after testicular irradiation of the mouse: a comparison with man. Radiat. Res. 102:138–147.

Meistrich, M.L., van Beek, M.E.A.B. (1993) Spermatogonial stem cells: assessing their survival and ability to produce differentiated cells. In: Chapin, R.E., Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 106–123.

Meyer, C.R. (1981) Semen quality in workers exposed to carbon disulfide compared to a control group from the same plant. J. Occup. Med. 23:435–439.

Milby, T.H., Whorton, D. (1980) Epidemiological assessment of occupationally related chemically induced sperm count suppression. J. Occup. Med. 22:77–82.

Milby, T.H., Whorton, M.D., Stubbs, H.A., Ross, C.E., Joyner, R.E., Lipshultz, L.I. (1981) Testicular function among epichlorohydrin workers. Br. J. Ind. Med. 38:372–377.

Morris, I.D., Bardin, C.W., Gunsalus, G., Ward, J.A. (1990) Prolonged suppression of spermatogenesis by oestrogen does not preserve the seminiferous epithelium in procarbazine-treated rats. Int. J. Androl. 13:180–189.

Morrissey, R.E., Lamb, J.C., Schwetz, B.A., Teague, J.L., Morris, R.W. (1988a) Association of sperm, vaginal cytology, and reproductive organ weight data with results of continuous breeding reproduction studies in Swiss (CD–1) mice. Fundam. Appl. Toxicol. 11:359–371.

Morrissey, R.E., Schwetz, B.A., Lamb, J.C., Ross, M.D., Teague, J.L., Morris, R.W. (1988b) Evaluation of rodent sperm, vaginal cytology, and reproductive organ weight data from National Toxicology Program 13-week studies. Fundam. Appl. Toxicol. 11:343–358.

Morrissey, R.E., Lamb, J.C., Morris, R.W., Chapin, R.E., Gulati, D.K., Heindel, J.J. (1989) Results and evaluations of 48 continuous breeding reproduction studies conducted in mice. Fundam. Appl. Toxicol. 13:747–777.

Mosher, W.D., Pratt, W.F. (1990) Fecundity and infertility in the United States, 1965–88. Report 192, National Center for Health Statistics, Hyattsville, MD.

Mukhtar, H., Philpot, R.M., Lee, I.P., Bend, J.R. (1978) Developmental aspects of epoxide-metabolizing enzyme activities in adrenals, ovaries, and testes of the rat. In: Mahlum, D.D., Sikov, M.R., Hackett, P.L., Andrew, F.D. Developmental Toxicology of Energy Related Pollutants. Technical Information Center, U.S. Department of Energy, Springfield, VA. pp. 89–104.

Na, J.Y., Garza, F., Terranova, P.F. (1985) Alterations in follicular fluid steroids and follicular hCG and FSH binding during atresia in hamsters. Proc. Soc. Exp. Biol. Med. 179:123–127.

Nakai, M., Moore, B.J., Hess, R.A. (1993) Epithelial reorganization and irregular growth following carbendazim-induced injury of the efferent ductules of the rat testis. Anat. Rec. 235:51–60.

National Research Council (1977) Reproduction and teratogenicity tests. In: Principles and Procedures for Evaluating the Toxicity of Household Substances. National Academy Press, Washington, DC.

National Research Council. (1983) Risk Assessment in the Federal Government: Managing the Process. National Academy Press, Washington, DC.

National Research Council. (1989) Biologic Markers in Reproductive Toxicity. National Academy Press, Washington, DC.

National Research Council. (1994) Science and Judgment in Risk Assessment. National Academy Press, Washington, DC.

Nestor, A., Handel, M.A. (1984) The transport of morphologically abnormal sperm in the female reproductive tract of mice. Gamete Res. 10:119–125.

Nett, T.M. (1989) Hormonal evaluation of testicular function: species variation. J. Am. Coll. Toxicol. 8:539–549.

Nisbet, I.C.T., Karch, N.J. (1983) Chemical hazards to human reproduction, Park Ridge, N.J., Noyes Data Corp.

Oberlander, G., Yeung, C.H., Cooper, T.G. (1994) Induction of reversible infertility in male rats by oral ornidazole and its effects on sperm motility and epididymal secretions. J. Reprod. Fertil. 100:551–559.

Organization for Economic Cooperation and Development (1983) First addendum to OECD guideline 415 for testing of chemicals, ''One-Generation Rreproduction Toxicity''. OECD, Paris, pp. 1–8.

Organization for Economic Cooperation and Development (1993a) Draft guidelines for testing chemicals: combined repeated dose toxicity study with the reproduction/developmental toxicity screening test. #422. OECD, Paris.

Organization for Economic Cooperation and Development (1993b) First amendment to OECD guidelines 416, ''Two Generation Reproduction Toxicity''. OECD, Paris, pp. 1–8.

Oskarsson, A., Hallen, I.P., Sundberg, J. (1995) Exposure to toxic elements via breast milk. Analyst 120:765–770.

Pang, C.N., Zimmerman, E., Sawyer, C.H. (1977) Morphine inhibition of preovulatory surges of plasma luteinizing hormone and follicle stimulating hormone in the rat. Endocrinology 101:1726–1732.

Papier, C.M. (1985) Parental occupation and congenital malformations in a series of 35,000 births in Israel. Prog. Clin. Biol. Res. 163:291–294.

Paul, M. (1993) Occupational and Environmental Reproductive Hazards. Williams and Wilkins, Baltimore.

Paulsen, C.A., Berman, N.G., Wang, C. (1996) Data from men in greater Seattle area reveals no downward trend in semen quality: further evidence that deterioration of semen quality is not geographically uniform. Fertil. Steril. 65:1015–1020.

Peluso, J.J., Bolender, D.L., Perri, A. (1979) Temporal changes associated with the degeneration of the rat oocyte. Biol. Reprod. 20:423–430.

Perreault, S.D. (1989) Impaired gamete function: implications for reproductive toxicology. In: Working, P.K. Toxicology of the Male and Female Reproductive Systems. Hemisphere, New York. pp. 217–229.

Perreault, S.D., Jeffay, S.C. (1993) Strategies and methods for the functional evaluation of oocytes and zygotes. In: Heindel, J.J., Chapin, R.E. Methods in Toxicology: Female Reproductive Toxicology. Academic Press, San Diego. pp. 92–109.

Perreault, S.D., Jeffay, S., Poss, P., Laskey, J.W. (1992) Use of the fungicide carbendazim as a model compound to determine the impact of acute chemical exposure during oocyte maturation and fertilization on pregnancy outcome in the hamster. Toxicol. Appl. Pharmacol. 114:225–231.

Peters, J.M., Preston-Martin, S., Yu, M.C. (1981) Brain tumors in children and occupational exposure of the parents. Science 213:235–237.

Plowchalk, D.R., Smith, B.J., Mattison, D.R. (1993) Assessment of toxicity to the ovary using follicle quantitation and morphometrics. In: Heindel, J.J., Chapin, R.E. Methods in Toxicology: Female Reproductive Toxicology. Academic Press, San Diego. pp. 57–68.

Qiu, J., Hales, B.F., Robaire, B. (1995) Damage to rat spermatozoal DNA after chronic cyclophosphamide exposure. Biol. Reprod. 53:1465–1473.

Ratcliffe, J.M., Clapp, D.E., Schrader, S.M., Turner, T.W., Oser, J., Tanaka, S., Hornung, R.W., Halperin, W.E. (1986) Semen quality in 2-ethoxyethanol-exposed workers. Health Hazard evaluation report, HETA 84–415–1688. Department of Health and Human Services, National Institute for Occupational Safety and Health, Cincinnati, Ohio.

Ratcliffe, J.M., Schrader, S.M., Steenland, K., Clapp, D.E., Turner, T., Hornung, R.W. (1987) Semen quality in papaya workers with long term exposure to ethylene dibromide. Br. J. Ind. Med. 44:317–326.

Ratcliffe, J.M., Schrader, S.M., Clapp, D.E., Halperin, W.E., Turner, T.W., Horning, R.W. (1989) Semen quality in workers exposed to 2-ethoxyethanol. Br. J. Ind. Med. 46:399–406.

Redi, C.A., Garagna, S., Pellicciari, C., Manfredi-Romanini, M.G., Capanna, E., Winking, H., Gropp, A. (1984) Spermatozoa of chromosomally heterozygous mice and their fate in male and female genital tracts. Gamete Res. 9:273–286.

Rier, S.E., Martin, D.C., Bowman, R.E., Dmowski, W.P., Becker, J.L. (1993) Endometriosis in rhesus monkeys (Macaca mulatta) following chronic exposure to 2,3,7,8-tetrachlorodibenzo-p-dioxin. Fundam. Appl. Toxicol. 21: 433–441.

Robaire, B., Smith, S., Hales, B.F. (1984) Suppression of spermatogenesis by testosterone in adult male rats: effect on fertility, pregnancy outcome and progeny. Biol. Reprod. 31:221–230.

Rosenberg, M.J., Wyrobeck, A.J., Ratcliffe, J., Gordon, L.A., Watchmaker, G., Fox, S.H., Moore, D.H. (1985) Sperm as an indicator of reproductive risk among petroleum refinery workers. Br. J. Ind. Med. 42:123–127.

Rothman, K.J. (1986) Modern epidemiology. Little, Brown, Boston.

Rowland, A.S., Baird, D.D., Weinberg, C.R., Shore, D.L., Shy, C.M., Wilcox, A.J. (1992) Reduced fertility among women employed as dental assistants exposed to high levels of nitrous oxide. N. Engl. J. Med. 327:993–997.

Rubin, H.B., Henson, D.E. (1979) Effects of drugs on male sexual function. In: Advances in Behavioral Pharmacology. Academic Press, New York. pp. 65–86.

Russell, L.D. (1983) Normal testicular structure and methods of evaluation under experimental and disruptive conditions. In: Clarkson, T.W., Nordberg, G.F., Sager, P.R. Reproductive and Developmental Toxicity of Metals. Plenum Publishing Co., New York. pp. 227–252.

Russell, L.D., Malone, J.P., McCurdy, D.S. (1981) Effect of microtubule disrupting agents, colchicine and vinblastine, on seminiferous tubule structure in the rat. Tissue Cell 13:349–367.

Russell, L.D., Ettlin, R., Sinha Hikim, A.P., Clegg, E.D. (1990) Histological and Histopathological Evaluation of the Testis. Cache River Press, Clearwater, FL.

Safe, S.H. (1995) Modulation of gene expression and endocrine response pathways by 2,3,7,8-tetrachlorodibenzo-p-dioxin and related compounds. Pharmacol. Ther. 67:247–281.

Sakai, C.N., Hodgen, G.D. (1987) Use of primate folliculogenesis models in understanding human reproductive biology and applicablity to toxicology. Reprod. Toxicol. 1:207–222.

Samuels, S.J. (1988) Lessons from a surveillance program of semen quality. Reprod. Toxicol. 2:229–231.

Savitz, D.A., Harlow, S.D. (1991) Selection of reproductive health end points for environmental risk assessment. Environ. Health 90:159–164.

Savitz, D.A., Sonnenfeld, N.L., Olshan, A.F. (1994) Review of epidemiologic studies of paternal occupational exposure and spontaneous abortion. Am. J. Ind. Med. 25:361–383.

Scala, R.A., Bevan, C., Beyer, B.K. (1992) An abbreviated repeat dose and reproductive/developmental toxicity test for high production volume chemicals. Regul. Toxicol. Pharmacol. 16:73–80.

Schardein, J.L. (1993) Chemically Induced Birth Defects. Marcel Dekker, New York.

Schrader, S.M., Chapin, R.E., Clegg, E.D., Davis, R.O., Fourcroy, J.L., Katz, D.F., Rothmann, S.A., Toth, G., Turner, T.W., Zinaman, M. (1992) Laboratory methods for assessing human semen in epidemiologic studies: a consensus report. Reprod. Toxicol. 6:275–279.

Schrag, S.D., Dixon, R.L. (1985a) Occupational exposures associated with male reproductive dysfunction. Ann. Rev. Pharmacol. Toxicol. 25:567–592.

Schrag, S.D., Dixon, R.L. (1985b) Reproductive effects of chemical agents. In: Dixon, R.L. Reproductive Toxicology. Raven Press, New York. pp. 301–319.

Schwetz, B.A., Rao, K.S., Park, C.N. (1980) Insensitivity of tests for reproductive problems. J. Environ. Pathol. Toxicol. 3:81–98.

Scialli, A.R., Clegg, E.D. (1992) Reversibility in Testicular Toxicity Assessment. CRC Press, Boca Raton.

Scommegna, A., Vorys, N., Givens, J.R. (1980) Menstrual dysfunction. In: Gold, J.J., Josimovich, J.B. Gynecologic Endocrinology. Harper and Row, Hagerstown, MD.

Seed, J., Chapin, R.E., Clegg, E.D., Darney, S.P., Dostal, L., Foote, R.H., Hurtt, M.E., Klinefelter, G.R., Makris, S.L., Schrader, S., Seyler, D., Sprando, R., Treinen, K.A., Veeranachaneni, R., Wise, L.D. (1996) Methods for assessing sperm motility, morphology, and counts in the rat, rabbit and dog: a consensus report. Reprod. Toxicol. 10:237–244.

Selevan, S.G. (1980) Evaluation of data sources for occupational pregnancy outcome studies. Thesis. University of Cincinnati.

Selevan, S.G. (1981) Design considerations in pregnancy outcome studies of occupational populations. Scand. J. Work Environ. Health 7:76–82.

Selevan, S.G. (1985) Design of pregnancy outcome studies of industrial exposure. In: Hemminki, K., Sorsa, M., Vainio, H. Occupational Hazards and Reproduction. Hemisphere, Washington, DC. pp. 219–229.

Selevan, S.G. (1991) Environmental exposures and reproduction. In: Keily, M. Reproductive and Perinatal Epidemiology. CRC Press, Boca Raton. pp. 115–130.

Selevan, S.G., Lemasters, G.K. (1987) The dose response fallacy in human reproductive studies of toxic exposure. J. Occup. Med. 29:451–454.

Selevan, S.G., Edwards, B., Samuels, S. (1982) Interview data from both parents on pregnancies and occupational exposures. How do they compare? Am. J. Epidemiol. 116:583.

Sever, L.E., Hessol, N.A. (1984) Overall design considerations in male and female occupational reproductive studies. In: Lockey, J.E., Lemasters, G.K., Keye, W.R. Reproduction: The New Frontier in Occupational and Environmental Research. Alan R. Liss, Inc., New York. pp. 15–48.

Sharpe, R.M. (1994) Regulation of spermatogenesis. In: Knobil, E., Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 1363–1434.

Sheehan, D.M., Young, J.F., Slikker, W., Gaylor, D.W., Mattison, D.R. (1989) Workshop on risk assessment in reproductive and developmental toxicology: addressing the assumptions and identifying the research needs. Regul. Toxicol. Pharmacol. 10:110–122.

Shepard, T.H. (1986) Human teratogenicity. Adv. Pediatrics 33:225–268.

Silverman, J., Kline, J., Hutzler, M. (1985) Maternal employment and the chromosomal characteristics of spontaneously aborted conceptions. J. Occup. Med. 27:427–438.

Skett, P. (1988) Biochemical basis of sex differences in drug metabolism. Pharmacol. Ther. 38:269–304.

Slott, V.L., Perreault, S.D. (1993) Computer-assisted sperm analysis of rodent epididymal sperm motility using the Hamilton-Thorne motility analyzer. In: Chapin, R.E., Heindel, J.J. Methods in Toxicology: Male Reproductive Toxicology. Academic Press, San Diego. pp. 319–333.

Slott, V.L., Suarez, J.D., Simmons, J.E., Perreault, S.D. (1990) Acute inhalation exposure to epichlorohydrin transiently decreases rat sperm velocity. Fundam. Appl. Toxicol. 15:597–606.

Slott, V.L., Suarez, J.D., Perreault, S.D. (1991) Rat sperm motility analysis: methodologic considerations. Reprod. Toxicol. 5:449–458.

Slott, V.L., Jeffay, S.C., Suarez, J.D., Barbee, R.R., Perreault, S.D. (1995) Synchronous assessment of sperm motility and fertilizing ability in the hamster following treatment with alpha-chlorohydrin. J. Androl. 16:523–535.

Smith, C.G. (1983) Reproductive toxicity: hypothalamic-pituitary mechanisms. Am. J. Ind. Med. 4:107–112.

Smith, C.G., Gilbeau, P.M. (1985) Drug abuse effects on reproductive hormones. In: Thomas, J.A., Korach, K.S., McLachlan, J.A. Endocrine Toxicology. Raven Press, New York. pp. 249–267.

Smith, E.R., Davidson, J.M. (1974) Luteinizing hormone releasing factor in rats exposed to constant light: effects of mating. Neuroendocrinology 14:129–138.

Smith, S.K., Lenton, E.A., Landgren, B.M., Cooke, I.D. (1984) The short luteal phase and infertility. Br. J. Obstet. Gynaecol. 91:1120–1122.

Snell, L.M., Little, B.B., Knoll, K.A., Johnston, W.L., et al. (1992) Reliability of birth certificate reporting of congenital anomalies. Am. J. Perinatol. 9:219–222.

Sonawane, B.R. (1995) Chemical contaminants in human milk: an overview. Environ. Health. Perspect. 103:197–205.

Sonawane, B.R., Yaffe, S.J. (1983) Delayed effects of drug exposure during pregnancy: reproductive function. Biol. Res. Pregnancy 4:48–55.

Starr, T.B., Dalcorso, R.D., Levine, R.J. (1986) Fertility of workers: a comparision of logistic regression and indirect standardization. Am. J. Epidemiol. 123:490–498.

Stein, A. and Hatch, M. (1987) Biological markers in reproductive epidemiology: prospects and precautions. Environ. Health 74:67–75.

Stein, Z., Kline, J., Shrout, P. (1985) Power in surveillance. In: Hemminki, K., Sorsa, M., Vainio, H. Occupational hazards and reproduction. Hemisphere, Washington, DC. pp. 203–208.

Steinberger, E., Lloyd, J.A. (1985) Chemicals affecting the development of reproductive capacity. In: Dixon, R.L. Reproductive Toxicology. Raven Press, New York.

Stevens, K.R., Gallo, M.A. (1989) Practical considerations in the conduct of chronic toxicity studies. In: Hayes, A.W. Principles and Methods of Toxicology. Raven Press, New York. pp. 237–250.

Stiratelli, R., Laird, N., Ware, J.H. (1984) Random-effects models for serial observations with binary responses. Biometrics 40:961–971.

Stoker, T.E., Goldman, J.M., Cooper, R.L. (1993) The dithiocarbamate fungicide thiram disrupts the hormonal control of ovulation in the female rat. Reprod. Toxicol. 7:211–218.

Sweeney, A.M., Meyer, M.R., Aarons, J.H., Mills, J.L., LaPorte, R.E. (1988) Evaluation of methods for the prospective identification of early fetal losses in environmental epidemiology studies. Am. J. Epidemiol. 127:843–850.

Tanaka, S., Kawashima, K., Naito, K., Usami, M., Nakadate, M., Imaida, K., Takahashi, M., Hayashi, Y., Kurokawa, Y., Tobe, M. (1992) Combined repeat dose and reproductive/developmental toxicity screening test (OECD): familiarization using cyclophosphamide. Fundam. Appl. Toxicol. 18:89–95.

Terranova, P.F. (1980) Effects of phenobarbital-induced ovulatory delay on the follicular population and serum levels of steroids and gonadotropins in the hamster: a model for atresia. Biol. Reprod. 23:92–99.

Thomas, J.A. (1981) Reproductive hazards and environmental chemicals: a review. Toxic Subst. J. 2:318–348.

Thomas, J.A. (1991) Toxic responses of the reproductive system. In: Amdur, M.O., Doull, J., Klaassen, C.D. Casarett and Doull's Toxicology. Pergamon Press, New York. pp. 484–520.

Tilley, B.C., Barnes, A.B., Bergstrahl, E., Labarthe, D., Noller, K.L., Colton, T., Adam, E. (1985) A comparision of pregnancy history recall and medical records: implications for retrospective studies. Am. J. Epidemiol. 121:269–281.

Toppari, J., Larsen, J.C., Christiansen, P., Giwercman, A., Grandjean, P., Guillette, L.J., Jegou, B., Jensen, T.K., Jouannet, P., Keiding, N., Leffers, H., McLachlan, J.A., Meyer, O., Muller, J., Rajpert-De Meyts, E., Scheike, T., Sharpe, R., Sumpter, J., Skakkebaek, N. (1995) Male Reproductive Health and Environmental Chemicals with Estrogenic Effects. Miljoprojekt nr. 290. Danish Environmental Protection Agency.

Toth, G.P., Stober, J.A., Read, E.J., Zenick, H., Smith, M.K. (1989a) The automated analysis of rat sperm motility following subchronic epichlorohydrin administration: methodologic and statistical considerations. J. Androl. 10:401–415.

Toth, G.P., Zenick, H., Smith, M.K. (1989b) Effects of epichlorohydrin on male and female reproduction in Long-Evans rats. Fundam. Appl. Toxicol. 13:16–25.

Toth, G.P., Stober, J.A., George, E.L., Read, E.J., Smith, M.K. (1991a) Sources of variation in the computer-assisted motion analysis of rat epididymal sperm. Reprod. Toxicol. 5:487–495.

Toth, G.P., Stober, J.A., Zenick, H., Read, E.J., Christ, S.A., Smith, M.K. (1991b) Correlation of sperm motion parameters with fertility in rats treated subchronically with epichlorohydrin. J. Androl. 12:54–61.

Toth, G.P., Wang, S.R., McCarthy, H., Tocco, D.R., Smith, M.K. (1992) Effects of three male reproductive toxicants on rat cauda epididymal sperm motion. Reprod. Toxicol. 6:507–515.

Treloar, A.E., Boynton, R.E., Borghild, G.B., Brown, B.W. (1967) Variation in the human menstrual cycle through reproductive life. Int. J. Fertil. 12:77–126.

Tsai, S.P., Wen, C.P. (1986) A review of methodological issues of the standardized mortality ratio (SMR) in occupational cohort studies. Int. J. Epidemiol. 15:8–21.

Tucker, H.A. (1994) Lactation and its hormonal control. In: Knobil, E., O'Neill, J.D. The Physiology of Reproduction. Raven Press, New York. pp. 1065–1098.

Tyl, R.W. (1987) Developmental toxicity in toxicologic research and testing. In: Ballantyne, B. Perspectives in Basic and Applied Toxicology. John Wright, Bristol. pp. 203–208.

U.S. Congress (1985) Reproductive Health Hazards in the Workplace. Office of Technology Assessment, OTA–BA–266, U.S. Government Printing Office, Washington, DC.

U.S. Congress (1988) Infertility: Medical and Social Choices. Office of Technology Assessment, OTA–BA–358, U.S. Government Printing Office, Washington, DC.

U.S. Environmental Protection Agency (1982) Reproductive and Fertility Effects. Pesticide Assessment Guidelines, Subdivision F. Hazard Evaluation: Human and Domestic Animals. Office of Pesticides and Toxic Substances, Washington, D.C. EPA–540/9–82–025.

U.S. Environmental Protection Agency (1985a) Hazard Evaluation Division Standard Evaluation Procedure. Teratology Studies. Office of Pesticide Programs, Washington, DC. pp. 22–23.

U.S. Environmental Protection Agency (1985b) Toxic Substances Control Act Test Guidelines: Final Rules. Federal Register 50 (188):39426–39436.

U.S. Environmental Protection Agency (1986a) Guidelines for Carcinogen Risk Assessment. Federal Register. 51(185):33992–34003.

U.S. Environmental Protection Agency (1986b) Guidelines for Estimating Exposures. Federal Register 51(185):34042–34054.

U.S. Environmental Protection Agency (1986c) Guidelines for Mutagenicity Risk Assessment. Federal Register 51(185):34006–34012.

U.S. Environmental Protection Agency (1987) Reference Dose (RfD): Description and Use in Health Risk Assessments. Integrated Risk Information System (IRIS): Appendix A. Integrated Risk Information System Documentation, Vol. 1. EPA/600/8–66/032a.

U.S. Environmental Protection Agency. (1991) Guidelines for Developmental Toxicity Risk Assessment. Federal Register 56(234):63798–63826.

U.S. Environmental Protection Agency (1992) Guidelines for Exposure Assessment. Federal Register 57(104):22888–22938.

U.S. Environmental Protection Agency (1995a) Proposed Guidelines for Neurotoxicity Risk Assessment. Federal Register 60(192):52032–52056.

U.S. Environmental Protection Agency (1995b) The Use of the Benchmark Dose Approach in Health Risk Assessment. EPA/630/R–94/007.

U.S. Environmental Protection Agency (1996a) Health Effects Test Guidelines OPPTS 870.3800: Reproduction and Fertility Effects (Draft). Federal Register 61(43):8282–8283.

U.S. Environmental Protection Agency (1996b) Proposed Guidelines for Carcinogen Risk Assessment. Federal Register 61(79):17960–18011.

U.S. Environmental Protection Agency (1996c) Benchmark Dose Technical Guidance Document. EPA/600/P–96/002A.

Van Waeleghem, K., De Clerq, N., Vermeulen, L., Schoonjans, F., Comhaire, F. (1996) Deterioration of sperm quality in young healthy Belgian men. Hum. Reprod. 11:325–329.

Vierula, M., Niemi, M., Keiski, A., Saarikoski, M., Suominen, J. (1996) High and unchanged sperm counts of Finnish men. Int. J. Androl. 19:11–17.

Wade, G.N. (1972) Gonadal hormones and behavioral regulation of body weight. Physiol. Behav. 8:523–534.

Walker, R.F. (1986) Age factors potentiating drug toxicity in the reproductive axis. Environ. Health 70:185–191.

Walker, R.F., Schwartz, L.W., Manson, J.M. (1988) Ovarian effects of an anti-inflammatory-immunomodulatory drug in the rat. Toxicol. Appl. Pharmacol. 94:266–275.

Waller, D.P., Killinger, J.M., Zaneveld, L.J.D. (1985) Physiology and toxicology of the male reproductive tract. In: Thomas, J.A., Korach, K.S., McLachlan, J.A. Endocrine Toxicology. Raven Press, New York. pp. 269–333.

Wang, G.H. (1923) The relation between the ''spontaneous'' activity and the oestrous cycle in the white rat. Comp. Psychol. Monographs 2:1–27.

Warren, J.C., Cheatum, S.G., Greenwald, G.S., Barker, K.L. (1967) Cyclic variation of uterine metabolic activity in the golden hamster. Endocrinology. 80:714–718.

Weinberg, C.R., Gladen, B.C. (1986) The beta-geometric distribution applied to comparative fecundability studies. Biometrics 42:547–560.

Weinberg, C.R., Baird, D.D., Wilcox, A.J. (1994) Sources of bias in studies of time to pregnancy. Stat. Med. 13:671–681.

Weir, P.J., Rumberger, D. (1995) Isolation of rat sperm from the vas deferens for sperm motion analysis. Reprod. Toxicol. 9:327–330.

Welch, L.S., Schrader, S.M., Turner, T.W., Cullen, M.R. (1988) Effects of exposure to ethylene glycol ethers on shipyard painters: II. Male reproduction. Am. J. Ind. Med. 14:509–526.

Welch, L.S., Plotkin, E., Schrader, S. (1991) Indirect fertility analysis in painters exposed to ethylene glycol ethers: sensitivity and specificity. Am. J. Ind. Med. 20:229–240.

Whorton, D., Milby, T.H. (1980) Recovery of testicular function among DBCP workers. J. Occup. Med. 22:177–179.

Whorton, D., Krauss, R.M., Marshall, S., Milby, T.H. (1977) Infertility in male pesticide workers. Preliminary communication. Lancet 2(8051):1259–1261.

Whorton, D., Milby, T.H., Krauss, R.M., Stubbs, H.A. (1979) Testicular function in DBCP exposed pesticide workers. J. Occup. Med. 21:161–166.

Wilcox, A.J. (1983) Surveillance of pregnancy loss in human populations. Am. J. Ind. Med. 4:285–291.

Wilcox, A.J., Weinburg, C.R., Wehmann, R.E., Armstrong, E.G., Canfield, R.E., Nisula, B.C. (1985) Measuring early pregnancy loss: laboratory and field methods. Fertil. Steril. 44:366–374.

Wilcox, A.J., Weinberg, C.R., O'Connor, J.F., Baird, D.D., Schlatterer, J.P., Canfield, R.E., Armstrong, E.G., Nisula, B.C. (1988) Incidence of early pregnancy loss. N. Engl. J. Med. 319:189–194.

Williams, J., Gladen, B.C., Schrader, S.M., Turner, T.W., Phelps, J.L., Chapin, R.E. (1990) Semen analysis and fertility assessment in rabbits: statistical power and design considerations for toxicology studies. Fundam. Appl. Toxicol. 15:651–665.

Wilson, J.G. (1973) Environment and Birth Defects. Academic Press, New York.

Wilson, J.G. (1977) Embryotoxicity of drugs in man. In: Wilson, J.G., Fraser, F.C. Handbook of Teratology. Plenum Press, New York. pp. 309–355.

Wilson, J.G., Scott, W.J., Ritter, E.J., Fradkin, R. (1975) Comparative distribution

and embryotoxicity of hydroxyurea in pregnant rats and rhesus monkeys. Teratology 11:169–178.

Wilson, J.G., Ritter, E.J., Scott, W.J., Fradkin, R. (1977) Comparative distribution and embryotoxicity of acetylsalicylic acid in pregnant rats and rhesus monkeys. Toxicol. Appl. Pharmacol. 41:67–78.

Witorsch, R.J. (1995) Reproductive Toxicology. Raven Press, New York.

Wolff, M.S. (1993) Lactation. In: Paul, M. Occupational and Environmental Reproductive Hazards. Williams and Wilkins, Baltimore. pp. 60–75.

Wong, O., Utidjian, H.M.D., Karten, V.S. (1979) Retrospective evaluation of reproductive performance of workers exposed to ethylene dibromide. J. Occup. Med. 21:98–102.

Working, P.K. (1988) Male reproductive toxicity: comparison of the human to animal models. Environ. Health 77:37–44.

Working, P.K. (1989) Toxicology of the Male and Female Reproductive Systems. Hemisphere, New York.

World Health Organization (1992) WHO Laboratory Manual for the Examination of Human Semen and Sperm-Cervical Mucus Interaction. Third edition. Cambridge University Press, Cambridge.

Wright, D.M., Kesner, J.M., Schrader, S.M., Chin, N.W., Wells, V.E., Krieg, E.F. (1992) Methods of monitoring menstrual function in field studies: attitudes of working women. Reprod. Toxicol. 6:401–409.

Wyrobek, A.J. (1982) Sperm assays as indicators of chemically-induced germ cell damage in man. In: Mutagenicity: New Horizons in Genetic Toxicology. Academic Press, New York. pp. 337–349.

Wyrobek, A.J. (1984) Identifying agents that damage human spermatogenesis: abnormalities in sperm concentration and morphology. In: Monitoring human exposure to carcinogenic and mutagenic agents. Proceedings of a joint symposium held in Espoo, Finland. Dec. 12–15, 1983. International Agency for Research on Cancer, Lyon, France.

Wyrobek, A.J., Bruce, W.R. (1978) The induction of sperm-shape abnormalities in mice and humans. In: Hollander, A., de Serres, F.J. Chemical Mutagens: Principles and Methods for Their Detection. Plenum Press, New York.

Wyrobek, A.J., Gordon, L.A., Burkhart, J.G., Francis, M.W., Kapp, R.W., Letz, G., Malling, H.V., Topham, J.C., Whorton, D.M. (1983a) An evaluation of the mouse sperm morphology test and other sperm tests in nonhuman mammals. Mutat. Res. 115:1–72.

Wyrobek, A.J., Gordon, L.A., Burkhart, J.G., Francis, M.W., Kapp, R.W., Jr., Letz, G., Malling, H., V, Topham, J.C., Whorton, D.M. (1983b) An evaluation of human sperm as indicators of chemically induced alterations of spermatogenic function. Mutat. Res. 115:73–148.

Wyrobek, A.J., Watchmaker, G., Gordon, L. (1984) An evaluation of sperm tests as indicators of germ-cell damage in men exposed to chemical or physical agents. In: Lockey, J.E., Lemasters, G.K., Keye, W.R. Reproduction: The New Frontier in Occupational and Environmental Health Research. Alan R. Liss, New York. pp. 385–407.

Yeung, C.H., Oberlander, G., Cooper, T.G. (1992) Characterization of the motility of maturing rat spermatozoa by computer-aided objective measurement. J. Reprod. Fertil. 96:427–441.

Zeger, S.L., Liang, K.Y. (1986) Longitudinal data analysis for discrete and continuous outcomes. Biometrics 42:121–130.

Zenick, H., Blackburn, K., Hope, E., Baldwin, D.J. (1984) Evaluating male reproductive toxicity in rodents: a new animal model. Teratogenesis Carcinog. Mutagen. 4:109–128.

Zenick, H., Clegg, E.D., Perreault, S.D., Klinefelter, G.R., Gray, L.E. (1994) Assessment of male reproductive toxicity: a risk assessment approach. In: Hayes, A.W. Principles and Methods of Toxicology. Raven Press, New York. pp. 937–988.

Zinaman, M.J., Clegg, E.D., Brown, C.C., O'Connor, J., Selevan, S.G. (1996) Estimates of human fertility and pregnancy loss. Fertil. Steril. 65:503–509.

Zuelke, K.A., Perreault, S.D. (1995) Carbendazim (MBC) disrupts oocyte spindle function and induces aneuploidy in hamsters exposed during fertilization (meiosis II). Mol. Reprod. Dev. 42:200–209.

Part B. Response to Science Advisory Board and Public Comments

I. Introduction

A notice of availability for public comment of these Guidelines was published in the Federal Register (FR) in February 1994. Seven responses were received. These Guidelines were presented to the Environmental Health Committee of the Science Advisory Board (SAB) on July 19, 1994. The report of the SAB was provided to the Agency in May 1995, with further communication from the SAB Executive Committee provided in December 1995.

The SAB and public comments were diverse and represented varying perspectives. Many of the comments were favorable and expressed agreement with positions taken in the proposed guidelines. A number of the comments addressed items that were more pertinent to testing guidance than risk assessment guidance or were otherwise beyond the scope of these Guidelines. Some of those were generic issues that are not system specific. Others were topics that have not been developed sufficiently and should be viewed as research issues. There were conflicting views about the need to provide additional detailed guidance about decision-making in the evaluation process as opposed to promoting extensive use of scientific judgment. Also, comments provided specific suggestions for clarification of details.

II. Response to Science Advisory Board Comments

In general, the SAB found ''the overall scientific foundations of the draft guidelines' positions to be generally sound.'' However, recommendations were made to improve specific areas.

The SAB recommended that EPA retain separate sections for identification and dose-response assessment in the draft guidelines. In subsequent meetings involving the SAB Executive Committee, members of the Clean Air Scientific Advisory Committee, and the Environmental Health Committee, this issue was explored further. After discussion, the SAB agreed with expanding the hazard identification to include certain components of the dose-response assessment. The resulting hazard characterization provides an evaluation of hazard within the context of the dose, route, timing, and duration of exposure. The next step, the dose-response analysis, quantitatively evaluates the relationship between dose or exposure and severity or probability of effect in humans. EPA has revised these Guidelines to reflect that position which is consistent also with the 1994 NRC report, *Science and Judgment in Risk Assessment.* The SAB suggested an alternative scheme for characterizing health effects data in Table 5. The Agency's intent for Table 5 is not to characterize the available data, but rather to judge whether the database is sufficient to proceed further in the risk assessment process. The text has been modified to clarify the intended use of this table and to ensure that it is consistent with the reorganization of the Guidelines into separate hazard characterization and quantitative dose-response analysis sections.

The SAB supported the concept of using a gender neutral default assumption, but indicated that more discussion to support this assumption was needed. In particular, the Committee indicated that a fuller discussion is needed on ''information to the contrary'' (to obviate the need for making this default assumption), as well as additional guidance for using this and other default assumptions in risk characterization. The Agency agrees with this recommendation and provides further guidance on the use of the gender neutral default assumption. In keeping with recent Agency guidance on risk characterization, discussion on the use of default assumptions has been expanded in the risk characterization section of these Guidelines.

The SAB in its reviews of the reproductive toxicity and neurotoxicity risk assessment guidelines discussed assumptions about the behavior of the dose-response curve. The SAB's advice has been that the Agency examine available data first, and only use

nonlinear behavior as a default if available data do not define the dose-response curve. The SAB also recommended that the benchmark dose method be considered as a possible alternative to the NOAEL/LOAEL approach. The Agency agrees.

The SAB recommended that more discussion be devoted to the issue of disruption of endocrine systems by environmental agents. The section on Endocrine Evaluations has been expanded to include endocrine disruption of the reproductive system during development in addition to effects on adults.

The SAB supported the principle in the Guidelines that more than one negative study is necessary to judge that a chemical is unlikely to pose a reproductive hazard. That principle has been retained and, as recommended by the SAB, an explicit statement included that data from a second species are necessary to determine that sufficient information is available to indicate that an agent is unlikely to pose a hazard.

The SAB recommended that the topic of susceptible populations be expanded and that the Guidelines should indicate that relevant information be incorporated into risk assessments when possible. To address this issue, the Agency has emphasized potential differences in risks in children at different stages of development, females (including pregnant and lactating females), and males, and indicated that relevant information on differential risks for susceptible populations should be included in the risk characterization section when available. When specific information on differential risks is not available, the Agency will continue to apply a default uncertainty factor to account for potential differences in susceptibility.

The SAB recommended that the Agency provide more specific guidance for exposure assessment issues that arise when characterizing exposure for reproductive toxicants. The Agency agrees and has indicated that an exposure assessment: include a statement of purpose, scope, level of detail, and approach used; present the estimate of exposure and dose by pathway and route for individuals, population segments, and populations in a manner appropriate for the intended risk characterization; and provide an evaluation of the overall level of confidence (including consideration of uncertainty factors) in the estimate of exposure and dose and the conclusions drawn. The SAB recommended that the MOE discussion be modified to address specific circumstances where the administered dose and the ''effective dose'' are known to be different. The discussion has been modified to emphasize that pharmacokinetic data, when available, be utilized to address such instances.

The SAB recommended that the Agency expand substantially the discussion of overall strategy to evaluate exposure from mixtures, exposures to multiple single agents, and exposures to the same agent via different routes. It is anticipated that this type of information will be addressed in the Agency's upcoming revisions to the chemical mixture guidelines.

III. Response to Public Comments

In addition to numerous supportive statements, several issues were indicated although each issue was raised by a very limited number of submissions. Use of the benchmark dose was supported along with the suggestion that the amount of text could be reduced on that subject. The text has been reduced and reference made to the report, The Use of the Benchmark Dose Approach in Health Risk Assessment (U.S. EPA, 1995b). A request was made for increased emphasis on paternally mediated effects on offspring. The text in that section has been expanded to provide additional discussion and references. Concern was expressed about the existence of constraints on the use of professional judgment in the risk assessment process, particularly in determining the relevance and sufficiency of the database, in evaluating biological plausibility of statistically different effects, and in the determination of uncertainty factors. Requests also have been made to provide additional criteria for when and under what conditions the risk assessment process will be used. These Guidelines emphasize the importance of using scientific judgment throughout the risk assessment process. They provide flexibility to permit EPA's offices and regions to develop specific guidance suited to their particular needs. The comment was made that the exposure assessment and risk characterization sections were not developed as well as the rest of the document. In 1992, EPA published Guidelines for Exposure Assessment (U.S. EPA, 1992) that were intended to apply generically to noncancer risk assessments. These Guidelines only address aspects of exposure that are specific to reproduction and have been developed sufficiently. The risk characterization section has been expanded substantially to reflect the recent guidance provided within EPA for application in all risk assessments.

[FR Doc. 96–27473 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

federal register

Thursday
October 31, 1996

Part III

Department of Transportation

Coast Guard

Privacy Act of 1974: Annual Publication of Systems of Records; Notice

DEPARTMENT OF TRANSPORTATION

Coast Guard

Privacy Act of 1974: Annual Publication of Systems of Records

AGENCY: Coast Guard (USCG), Department of Transportation (DOT).

ACTION: Notice of minor changes to systems of records notices.

SUMMARY: In accordance with Office of Management and Budget Circular A–130, Appendix I ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' DOT is publishing minor changes to its notices of systems of records.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Crystal M. Bush, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, 202–366–9713.

SUPPLEMENTARY INFORMATION: DOT has completed the annual review of its systems of records and is publishing minor changes.

Dated: October 21, 1996.

Crystal M. Bush,

Privacy Act Coordinator.

The following lists all currently active USCG Privacy Act Systems.

DOT/CG 501

SYSTEM NAME:

Auxiliary Management Information System (AUXMIS).

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–OPB), United States Coast Guard (CG), Office of Boating Safety, 2100 2nd Street, SW, Room 3112, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present Coast Guard Auxiliarists. All Auxiliarists disenrolled since 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information (name, address, birth date, Social Security Number (SSN), phone number).

Auxiliary qualifications information (Instructor, Examiner, Specialty).

Auxiliary activities information (patrols conducted, classes taught).

Information on boats, radio stations or aircraft owned by Auxiliarists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cumulative unit and individual activity summaries for use as a management tool by all Auxiliary units.

Identification cards for all Auxiliary members. Alphabetical nationwide cross-reference listing for use by headquarters and district office staffs.

Mailing labels for district mailings to auxiliarists. An annual member summary of all information on each member which is mailed directly to the member concerned.

Used by:

District Directors of Auxiliary.

Chief Director of Auxiliary.

All elected and appointed officers of the Auxiliary. See Department of Transportation Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

AUXMIS master records contain personal and activity information concerning USCG Auxiliarists and Director of Auxiliary (DIRAUX). Each person's record consists of 500 characters. The approximately 50,000 records which are stored in the system presently are stored on both magnetic tape and magnetic disk.

RETRIEVABILITY:

The current AUXMIS master file residing on magnetic disk is retrieved by number and name of the individual and can be accessed by those Directors of Auxiliary with access to the AMDAHL mainframe system at any time. Those DIRAUX without access to the AMDAHL mainframe can request inquiries to be done at the central site by the Auxiliary, Boating, and Consumer Affairs Division (G–NAB) of Office of Navigation Safety and Waterway Services (G–NAB).

SAFEGUARDS:

The master files cannot be accessed without the proper control cards. All DIRAUX and Chief, Director of Auxiliary have the means available to access the master files.

RETENTION AND DISPOSAL:

Retention of weekly tape files is 180 days at which time they are erased. Retention of disk files is 1 week, and then updated. Retention of the year-end tape file is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–OPB), United States Coast Guard, Chief, Office of Boating Safety (G–OPB), 2100 2nd Street, SW., Washington, DC 20593–0001.

Written request must be signed by the individual.

NOTIFICATION PROCEDURE:

Commandant (G–SII–2), United States Coast Guard Headquarters, Program Support Division, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Individuals in the Auxiliary have their record available on a quarterly basis in the Flotilla Roster produced for their flotilla. All information except the Social Security Number and date of birth is on the Flotilla Roster. On an annual basis, the member receives a personal report concerning himself only which contains all elements of his record. At any time during the year, members of the Auxiliary can request through the DIRAUX where attached for access to their member's jacket retained by DIRAUX or can request a report in the annual report format.

CONTESTING RECORD PROCEDURES:

Record content can be contested at any time, and if error is found all DIRAUX have the means to correct individual records. Members are provided the means to correct their own address, SSN's, name and phone numbers and occupations.

RECORD SOURCE CATEGORIES:

All records pertaining to Auxiliarists are derived from forms which are filled out by the individuals involved on a voluntary basis.

DOT/CG 503

SYSTEM NAME:

Motorboat Registration.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–OPB), United States Coast Guard (CG), 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Boat owner registering for the issuance of boat identification numbers for boats recorded in the States of Washington, Alaska, and New Hampshire and in America Samoa.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tapes; (Computer listings on disk with information on boat owner: name, address, and boat information). Printouts—Same. Office files—Same.

ROUTINE USES OF RECORDS MAINTAINED THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by:

Authorized Coast Guard Personnel involved in the Coast Guard boating safety program, to renew old registrations to issue new number to all motorboats. The purpose of the numbering system is for identification of recreational boats in case of accident, loss, theft, or abandonment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained in file cabinets.

RETRIEVABILITY:

By name/number.

SAFEGUARDS:

Only authorized office personnel have access to subject files. All personnel screened prior to allowing access. Building secured and guarded after duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating Safety (G–OPB), Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Contact:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by the individual whose records are being requested.

RECORDS ACCESS PROCEDURES:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII–2), 2100 2nd Street, SW, Washington, DC 20593–0001.

CONTESTING PROCEDURES:

Same as ''Records Access Procedures''

RECORD SOURCE CATEGORIES:

Individual applicant.

DOT/CG 505

SYSTEM NAME:

Recreational Boating Law Enforcement Case Files.

SYSTEM LOCATION:

Department of Transportation, United States Coast Guard (CG), Coast Guard District Offices and Headquarters unit offices for records of incidents in their localities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners/operators of vessels found in violation of Federal recreational boating laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing names of violators, their addresses and social security numbers, together with descriptions of boats and notations of the alleged violations of Federal boating laws, and copies of correspondence relating to the disposition of any penalty involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is used by authorized Coast Guard employees in performance of their duties to determine the appropriate enforcement action to be taken by the Coast Guard in individual cases as well as providing a record of repeated offenders.

See DOT Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552(b)(12). Disclosures may be made from this system to consumer reporting agencies (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on index cards, in logbooks, and file folders.

RETRIEVABILITY:

Information is retrieved by name of individual in alphabetical file, or by civil penalty case number.

SAFEGUARDS:

Information available only to authorized personnel. Files maintained in office in building which is secured during non-working hours and which has a roving guard patrol.

RETENTION AND DISPOSAL:

Records in system maintained for three years before disposal by mutilation or burning. Records on reported warnings are destroyed after 1 year (paper files).

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–OPB), Chief, Office of Boating Safety, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting the local Coast Guard District or Unit where incident occurred. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information obtained from reports of Coast Guard boarding officers and marine safety investigations as well as from reports by citizens concerning possible violations of law or regulation.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(2) which provide in part, that investigatory material complied for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 507

SYSTEM NAME:

Coast Guard Supplement to the Manual of Courts Martial Investigations.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–L) United States Coast (CG), Office of the Chief Counsel, 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles.

Incidents involving explosions, for loss or destruction of classified material.

Circumstances involving equipment failures and property damage, loss or destruction.

Circumstances involving violation of standards of conduct personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel in connection with the performance of their official duties which include, but are not limited to: Accident prevention, payment of disability benefits.

Reports are used in connection with the resolution of claims against the Coast Guard as well as claims asserted by the government. Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in storage cabinets in division files for three years and then forwarded to the Federal Records Depository.

RETRIEVABILITY:

Card index maintained permitting access to individual investigations by listing identifiable data such as name of person, vessel or other facility involved in investigation.

SAFEGUARDS:

Authorized personnel are granted access to these records in connection with the performance of their official duties. Records are disclosed to members of the public under the provisions of the FOIA. These requests are considered on a case-by-case basis.

RETENTION AND DISPOSAL:

Records are maintained in division files for three years and then forwarded to Federal Records Depository.

SYSTEMS MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–L), U.S. Coast Guard Office of the Chief Counsel, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write to or visit:

Department of Transportation, Commandant (G–SII–2) United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

All individuals whose conduct is the subject of these investigations are designated at the outset as parties to these investigations and accorded their rights as such. Following completion of the investigative reports, parties will be provided with copies upon request.

At all subsequent times parties may have access to the investigative records by writing to or visiting Commandant (G–SII–2), at the address in 'Notification Procedure' above or the local unit to which assigned.

Proof of identity may be required prior to release of records. Military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

A party has the right to make argument and/or submit statements on his own behalf during the course of an investigation or subsequent to its conclusion. Write or visit locations as indicated in ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard investigating officers, military and civilian personnel.

DOT/CG 508

SYSTEM NAME:

Claims and litigation.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–L), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, corporations, insurance companies, estate administrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suits and claims for and against the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by cognizant Coast Guard personnel, and attorneys handling cases, for review purposes and determination as to the validity of claims.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Two card index files, one alphabetic and one numeric, maintained for cross reference.

SAFEGUARDS:

Access is limited to Coast Guard and civilian employees of the Claims and Litigation Division granted in connection with official duties.

RETENTION AND DISPOSAL:

Records maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–L), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write or visit:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at address in ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information obtained from Coast Guard military and Civilian personnel, members of the public, and Coast Guard investigating officers.

DOT/CG 509

SYSTEM NAME:

Non-Judicial Punishment Report.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–L), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard military personnel who have been subject to non-judicial punishment proceedings under Article 15, Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of Proceedings under Article 15, Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard, in connection with military justice administration. Records provide statistical data concerning the number of proceedings held, units holding proceedings, offenses committed, punishments imposed, and background data of individuals concerned. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are made available to authorized personnel. Records are maintained in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

New system. Disposal procedures not as yet established. Back-up material disposed of after introduction into system.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–L), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write or visit:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at address in ''Notification Procedure'' above or local Coast Guard District Office in the area in which the individual assigned to duty.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information obtained from individual service records and from proceedings conducted.

DOT/CG 510

SYSTEM NAME:

Records of trial: Special, General and Summary Courts-Martial.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–L), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is tried by court martial in the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These are public records available to anyone. Review.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file cabinets.

RETRIEVABILITY:

Filed alphabetically by name of individual.

SAFEGUARDS:

Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retained permanently. Maintained for two years, reviewed by System Manager and then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–L), Office of the Chief Counsel, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at address in ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Trial proceedings and subsequent statutory reviews—Court of Military Review, Court of Military Appeals and Chief Counsel of the Coast Guard.

DOT/CG 511

SYSTEM NAME:

Legal Assistance Case File System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–L), United States Coast Guard (CG), 2100 2nd street, SW, Washington, DC 20593–0001.

System is also located at:

United States Coast Guard District Legal Offices and Legal Offices of Coast Guard Units. See Appendix I for addresses of the District and other legal offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clients of officers assigned to render legal assistance regarding the personal affairs of Coast Guard military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information concerning the matters handled by these officers for clients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used on behalf of clients in providing legal assistance. These records are also used to prepare statistical reports concerning a legal officer's time utilization.

The DOT Prefatory Statement of Routine Uses applies to records in this system only to the extent that their disclosure would not constitute a violation of the judicially recognized privilege attaching to attorney-client communications and of the ethical and professional responsibilities of lawyers under the American Bar Association's Code of Professional Responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Normally, written records kept in file folders.

RETRIEVABILITY:

Alphabetical indexes by name of member.

SAFEGUARDING:

Kept in office space or filing cabinets which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

RETENTION AND DISPOSAL:

Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on contents of the record involved.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–L), Office of the Chief Counsel, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

District or unit legal offices:

Senior Counsel, for records maintained at the particular location (see Appendix I for addresses).

NOTIFICATION PROCEDURE:

Requests for determination whether this system contains records concerning an individual should be made in writing or in person to:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

These records are available in the Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units, dependent on where legal assistance was rendered. A military identification card or other comparable identification will be required to be shown by persons seeking access to their legal assistance records.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting the content of these records or for appealing initial determinations by the custodian thereof not to disclose any part of these records shall be controlling. These rules may be obtained by writing: Commandant (G–SII) at the address listed in ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information in this record system is obtained from the client involved and as a result of any subsequent investigation by the legal officer on behalf of the client.

DOT/CG 516

SYSTEM NAME:

Coast Guard Military Discrimination Complaints.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–H), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

Records are also maintained at:

Each District and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain discrimination complaints filed by Coast Guard military personnel or their representatives and correspondence resulting therefrom.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Transportation, Office of Civil Rights: Used for investigations of complaints and arriving at decisions for resolution of complaints.

Coast Guard Headquarters Military Personnel Office:

Used for information in making personnel administration decisions.

Coast Guard Headquarters, Commandant, Vice Commandant,

Congressional Liaison: Used to answer correspondence being sent to Congressional representatives, federal and state officials, and nationally recognized organizations who are representing the individual.

Coast Guard Headquarters, Office of Civil Rights and the Military Equal Opportunity division:

Used to take care of discrimination complaints and the correspondence precipitated therefrom and maintained a file on it.

All Coast Guard Commands:

Used to bring a complaint to a satisfactory conclusion, where possible.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders kept in file cabinets.

RETRIEVABILITY:

System is kept by alphabetical file, service number and/or social security number, rank/rate, Coast Guard unit.

SAFEGUARDS:

During normal working hours access to records is controlled by office personnel; during non-working hours the building is guarded by a roving security patrol.

RETENTION AND DISPOSAL:

Files are kept permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Civil Rights, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local officer where the record is filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to affording access to records. A military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

From individuals or their representatives submitting complaints, congressional correspondence, personnel service, records, Coast Guard Headquarters, and Coast Guard units correspondence, individuals and organizations volunteering information pertinent to complaints.

DOT/CG 517

SYSTEM NAME:

Complaints of Discrimination.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–H), United States Coast Guard (CG), Office of Civil Rights, 2100 2nd Street, SW, Washington, DC 20593–0001. Each District and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees (including non-appropriated funds employees) and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various memoranda, letters, statement statistics and other information related to the situation which prompted the person to allege discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigating and processing complaints of discrimination by personnel in Office of Civil Rights, Investigatory, Hearing Examiners, Employee Representatives, Coast Guard Officials. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Typed, hand-written, printed material stored in folders in metal filing cabinets.

RETRIEVABILITY:

Index by name and Coast Guard installation.

SAFEGUARDS:

Screening of personnel, need to know basis. After duty hours, building is secured and roving security guards are on duty.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–H), Chief, Office of Civil Rights, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Contact the following office in person or in writing:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing or visiting the Commandant (G–SII) at the address in ''Notification Procedure'' or the local activity where the complaint was filed. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, drivers license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Interviews with complainants, employees, management officials; personnel records, internal Coast Guard memoranda.

DOT/CG 526

SYSTEM NAME:

Adjudication and Settlement of Claims System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593–0001.

Partial systems are located at Coast Guard Districts and Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, Reserve military members, Retired military members, Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims arising out of disputes concerning amounts of pay received.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To reach a final decision as to entitlement of claimants. To use as precedent setting data in the resolution of similar questions in the future. Used by authorized Coast Guard officials and officials of the IRS, GAO, and the Civil Service Commission, as required.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders.

RETRIEVABILITY:

Claims in the file are filed and retrieved by claimant name.

SAFEGUARDS:

Access is limited to authorized officials by screening of personnel. Maintained in Government building having roving security guards after duty hours.

RETENTION AND DISPOSAL:

After adjudication and settlement, most submissions are retained for precedent setting value, as required.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WP), Chief, Office of Personnel Management, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. See Appendix I for locations.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Sources include: The individual, CG payroll offices, legal staff, investigators, Office of Personnel, Comptroller General (GAO) and congressional correspondence.

DOT/CG 528

SYSTEM NAME:

Centralized Reserve Pay and Retirement System.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Pay and Personnel Center (PPC), 444 S.E. Quincy St., Topeka, KS 66683–3591. System is also located at District Offices and other Field Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Coast Guard Reserve Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master Pay and Retirement Point Credits Record. Master Personnel Data Accounting Record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare monthly payroll and all associated listings.

Used also:

For preparation of budgets.

For accounting purposes.

To compute pay and points.

The compilation of data.

Permanent pay and points records (retirement data). W–2 wage and federal tax reporting to report earnings to state and city taxing authorities. Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required.

See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C 552a(b)(12). Disclosures may be made from this systems to ''Consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 U.S.C 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C 3701(a)(3)).

P0LICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm of payroll retained in Reserve Pay Branches and Districts. Records are filed manually in filing cabinets.

RETRIEVABILITY:

Records are indexed alphabetically by name of Reservist and CG Unit Number. Records are retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members. Records are stored in secured building after duty hours.

RETENTION AND DISPOSAL:

Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or Unit administrative office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Sources include:

The District Commander and Office of Reserve. The Individual.

Unit Commanding Officers.

District Commanders.

Office of the Reserve.

DOT/CG 533

SYSTEM NAME:

Retired Pay and Personnel System.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Pay and Personnel Center (PPC), 444 S.E. Quincy St., Topeka, KS 66683–3591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Annuitants.

Lighthouse Keeper Retirees.

Honorary Retirees.

USCG Retirees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and personnel data of military retirees, annuitants, lighthouse keepers and retirees. Personnel data of honorary retirees. Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Produce various listings and reports provided to USCG offices. Produce checks. W–2 wage and federal tax reporting to the Internal Revenue Service. Reports of earnings to state and city taxing authorities. Listing of currently retiring officers, home addresses and mailing labels used by authorized USCG and USCG affiliated organizations. Reports and information exchanged with the Veterans Administration, Civil Service Commission, Social Security Administration, the Department of Defense and the Red Cross.

See DOT Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 U.S.C 1681a(f) or the Federal Claims Collection Act of 1982 (31 U.S.C 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders. Microfilm is stored in the retired pay branch. Check tapes are filed in tape library.

RETRIEVABILITY:

Records and microfilm are indexed alphabetically, check tapes are indexed by tape number. Retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members under supervisory control.

Stored in government building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitant's death, then forwarded to a Federal Records Center.

Magnetic tapes are retained 18 months, microfilm for 6 years (required by GAO) then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure.''

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The individual.

Coast Guard personnel offices.

Coast Guard payroll offices.

DOT/CG 534

SYSTEM NAME:

Travel and Transportation of Household Effects.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G–WP), U.S. Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

System is also located at each District Office and Headquarters units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel claims, transportation claims, government bills of lading, application for shipment of household effects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Vouchers submitted for payment of claims, for audit of claims for payment, to account for cost of moving household goods, advice of shipment of household goods for reporting of funds expended, and for payment of household and transportation claims. Used by

authorized Coast Guard personnel and personnel of the General Accounting Office (GAO) in connection with the performance official duties.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed manually in file folders.

RETRIEVABILITY:

Records are retrieved by schedule numbers and/or individual name:

SAFEGUARDS:

Access is limited to user staff members.

Stored in a building which is secured after duty hours.

RETENTION AND DISPOSAL:

Records are kept for 3 years, then transferred to a Federal Records Center. Exception: Schedule 98–Ts (Freight and Transportation) are forwarded to the General Accounting Office (GAO) after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The individual who is the subject of the record. Ground freight and transportation carriers and agents. Airline companies.

Personnel offices.

Other responsible agencies.

DOT/CG 535

SYSTEM NAME:

Coast Guard Exchange System (CGES) and Morale, Welfare and Recreation (MWR) Program.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

System is also located at:

CG Districts, Maintenance and Logistics Commands and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, Active duty military members, Retired military members, Military dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records.

Accounting records for CGES/MWR loans.

Listing of bad checks.

Job applications.

Correspondence.

Membership applications.

Accounts receivable.

Investigatory reports involving abuse of facilities.

Accounting records for CGES/MWR.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll for CGES/MWR employees.

Personnel actions.

Accounting purposes

Budget and inventory controls.

Used by members and employees of USCG in the performance of their official duties related to the management, supervision and administration of CGES/MWR.

Billing and fund control.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on tape, disc, drums and punched cards. Manual records may be stored in file folders and/or credit ledgers, card files, and notebooks.

RETRIEVABILITY:

Records are indexed alphabetically.

SAFEGUARDS:

Access is limited to authorized personnel. Building is secured after duty hours.

RETENTION AND DISPOSAL:

Records are retained until usefulness has expired and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District/MLC or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The individual, Previous employees, Employment agencies, Civilian and military investigative reports, General correspondence.

DOT/CG 536

SYSTEM NAME:

Contract and Real Property File System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–CFM), United States Coast Guard Headquarters, Chief of Staff, 2100 2nd Street, SW, Washington, DC 20593–0001.

Systems are also located at Various District and Headquarters Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or companies doing business with the Coast Guard.

Employees of prime and sub-contractors. Individuals requiring use of CG property.

Military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracts and related files.

Real property and leased family housing files. Bidders list.

Minority compliance records.

Payment schedule files relating to Admiralty and Tort claims. Personnel claims.

Collection register.

Open purchase order file.

Correspondence files and vendor lists.

Information on employees of contractors, job level and pay of these employees.

Permits, licenses and easement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine compliance of contractors with minimum wages for certain skills and trades on government contracts.

Used to aid in record keeping of payments and collection. Used to determine potential for contracting with the government. Used to record issuance of personal property and maintain inventories.

Used to determine contractor responsibilities and liability. Used by Coast Guard officials of the General Accounting Office (GAO) in performance of duties.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders, Maintained on tape/card three ring binders, and in hard cover books.

RETRIEVABILITY:

Retrieved by individual/company name, number, construction job, and/or location.

SAFEGUARDS:

Access restricted to authorized personnel only, some records in locked safe and/or filing cabinet.

Maintained in building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–CFM), United States Coast Guard Headquarters, Chief of Staff, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or Unit office for the area in which the contract was submitted or property is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as above ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Individuals.

Contractors.

Contract employees.

Bidders.

Financial institutions.

Insurance companies.

Community associations.

Other agencies.

Bills.

Letters.

Collection receipts.

Electronic accounting machine listings.

DOT/CG 537

SYSTEM NAME:

FHA Mortgage Insurance for Servicemen.

SYSTEM LOCATION:

Department of Transportation, (DOT), Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Coast Guard Military Personnel who have applied for Federal Housing Administration Mortgage Insurance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected aspects of FHA Mortgage Insurance Records for military personnel, including copies of Form DD–802, ''Request for and Certificate of Eligibility'' and Form DD–803, ''Certificate of Termination.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to enable management to verify that billings from FHA are correct, and payable from Coast Guard funds. Users are authorized Coast Guard personnel.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in closed file cases.

RETRIEVABILITY:

Folders are filed by named individual, alphabetically. Copies of documents are filed chronologically in the folders together with a record of payment.

SAFEGUARDS:

Access is limited to user staff members. After duty hours the building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Files are maintained as long as a member is covered by an insured mortgage loan; 3 years after, files are forwarded to Federal Records Center. Destroyed 4 years after case files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Contact Commandant (G–SII), U.S. Coast Guard Headquarters, 2100 2nd Street SW, Washington, DC 20593–0001.

The written request should include the requesters name in full and signature.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G–SII), at the address above, or by visiting the Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001. Proof of identity will be required prior to affording an individual access to his records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

From individual concerned and the Federal Housing Administration.

DOT/CG 561

SYSTEM NAME:

Port Safety Reporting System Individual Violation Histories.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–M), United States Coast Guard Headquarters, Chief, Office of Marine Safety, Security, and Environmental Protection, 2100 2nd Street, SW, Washington, DC 20593–0001.

System is also located at:

Offices of the District Commanders in Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Masters, operators, owners, agents, shippers, charterers, and/or pilots of commercial vessels and barges, reported for violations of United States port safety regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized listings, by name, giving specific violations, date, place and penalty assessed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determining penalties to be assessed by Coast Guard hearing officers; execution of judgements by U.S. attorneys as necessary.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape or disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Restricted access data processing area. Program access by password.

Source documents and printouts are stored in locked rooms or file cabinets.

RETENTION AND DISPOSAL:

Disposed of 3 years after final disposition of case.

Paper files destroyed by mutilation, shredding or burning. Magnetic tapes are obliterated by writing over magnetic surface till content is rendered useless and unreadable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Marine Safety, Security, and Environmental Protection, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURES:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORDS ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII–2) at the address in ''Notification Procedure'' above or the local Coast Guard District where the violation occurred.

CONTESTING RECORDS PROCEDURES:

Same as ''Record Access Procedures''.

RECORD SOURCE CATEGORIES:

Report of Violation, Form CG 2636, prepared by Coast Guard officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of the system may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(2), which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his or her identity would be held in confidence or, prior to the effective date of this section, if the source received an implied promise that his or her identity would be held in confidence.

DOT/CG 571

SYSTEM NAME:

Physical Disability Separation System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Central Physical Evaluation Board files. Formal Physical Evaluation Board files. Physical Review Council files. Physical Disability Appeal Board files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Coast Guard officials in connection with physical disability separation and retirement proceedings.

Department of Veterans Affairs for assistance in determining the eligibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant physical disability(ies) data. Types of indices used include, but are not limited to: Name, social security number, and the diagnosis or International Classification of Diseases (ICD) code.

SAFEGUARDS:

Records are maintained in locked filing equipment in controlled access rooms. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURES:

Notarized written requests should contain the full name and social security number of the member and be addressed to:

Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as Notification procedures.

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedures.''

Information in records developed through proceedings of administrative bodies listed in ''Categories of Records'' above.

DOT/CG 572

SYSTEM NAME:

USCG Military Personnel Health Record System.

SYSTEM LOCATION:

At member's unit or the Coast Guard health care facilities at which the member or dependents receive treatment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of medical and dental treatment, including x-rays.

Physical Examinations.

ADP Records containing due date for physical/dental and eye examinations, inoculations, screening tests and results of actions required by Coast Guard or other federal state or local government or agency.

Records concerning line of duty determination and eligibility for disability benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Provided to the Department of Defense to determine suitability of members for overseas assignments and to develop automated information relating to medical readiness in wartime and contingency operations.

b. Provided to federal, state, or local governments and agencies to compile statistical data for research and auditing; to provide quality assurance; to report medical conditions and other data required by law; to aid in preventive health and communicable disease control programs.

c. Provided to the Joint Commission on Accreditation of Healthcare Organizations to evaluate health care provided, personnel and facilities for professional certification and hospital accreditation; to provide quality services.

d. Records of communicable disease are provided to the Department of Defense to analyze the results, to ensure uniformity of record keeping, and to centralize production of reports for all uniformed services.

e. Provided to the Department of Defense or other federal, state, or local governments and agencies for casualty identification purposes.

f. Provided to the Social Security Administration and Veterans Administration for use in determining an individual's entitlement to benefits administered by those agencies.

g. Proved to the Public Health Service, Department of Defense, or Veterans Administration medical personnel or to personnel or facilities providing care to eligible beneficiaries under contract in connection with medical treatment of individuals.

Records are provided to the Department of Health, Education and Welfare for purposes of the Federal Medical Care recovery set. Records are available to the Public Health Service or DOD medical personnel in connection with medical treatment of individuals at USPHS or DOD facilities.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual files are in folders. Portions of records are automated at some units.

RETRIEVABILITY:

Name or social security number of member or dependents.

SAFEGUARDS:

Room or cabinets in which records are located are locked when unattended. Access limited to these records at all times by personnel screening.

RETENTION AND DISPOSAL:

a. Active Duty Personnel: Individual medical files are retained at the members' unit or medical administration office for so long as individual is assigned to the particular area. When the member is reassigned, the individual medical file is transferred to the new duty station upon reassignment of member. Upon separation or retirement, the individual medical file is incorporated into the Official Officer Service Records System (DOT/CG 626) or Enlisted Personnel Records System (DOT/CG 629), as appropriate.

b. Retired Personnel: Individual medical files are retained at the medical facility for a period of 4 years from date of last activity. Transferred to National Personnel Records Center (Military Personnel Records). 9700 Page Blvd., St. Louis, MO 63132, 4 years after last report.

c. Dependents: Individual medical files are retained at the medical treatment facility for period of 4 years from date of last activity. Transferred to new duty station of sponsor upon written request of dependent. Records not transferred are forwarded to National Personnel Records Center (CPR) 111 Winnebago, St. Louis, MO 63118, 4 years after last activity.

d. Reserve Personnel: Individual medical files are retained in custody of the reserve group or unit, or district commander(s) for so long as the reservist is assigned to the particular area. When the member is reassigned, the individual medical file is transferred to the new reserve group or unit or district commander as appropriate. Upon separation or retirement, the individual medical file is incorporated into Official Coast Guard Reserve Service Record System (DOT/CG 676)

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G-WK), United States Coast Guard Headquarters, Chief, Office of Health and Safety, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

a. Active Duty personnel: Write or visit the health care facility where the record is located, or write Commandant (G–SII–2) at the address in the ''Notification Procedure''

b. Retired Personnel and all Dependents: Write or visit the health care facility where the record is/was located. If unable to locate records, write:

(Retired) National Personnel Records Center, (Military Personnel Records) 9700 Page Blvd., St. Louis, MO 63132.

(Dependents) National Personnel Records Center (CPR), 111 Winnebago Street, St. Louis, MO 63118.

Reserve Personnel: Write or visit reserve group or unit or district commander of the district where command is located, or write: U.S. Coast Guard (G–SII–2), 2100 2nd Street, SW., Washington, DC 20593–0001–0001.

The decision to release medical records directly to the individual shall be made by medical practitioner per 49 CFR 10.35(c).

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

a. Medical facilities where beneficiaries treated or examined.

b. Investigations resulting from illness or injury.

c. From the individual.

DOT/CG 573

SYSTEM NAME:

U.S. Public Health Services (PHS) Commissioned Officer Corps Staffing and Recruitment Files.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WK), United States Coast Guard Headquarters, Chief, Office of Health and Safety, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel records of PHS commissioned officers assigned to duty with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, assignment preference, reference questionnaires, background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to assist administrators in assigning personnel to area requiring their specific skills.

Used to monitor career development of personnel assigned to program.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individuals.

SAFEGUARDS:

During working hours access is controlled by office personnel; during non-working hours building is patrolled by roving security patrol.

RETENTION AND DISPOSAL:

Records are retained during period of an individual's assignment to the Coast Guard. Thereafter, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WK), Chief, Office of Health and Safety, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII–2) at the address in ''Notification Procedure.''

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

DOT/CG 576

SYSTEM NAME:

USCG Non-Federal Invoice Processing System (NIPS).

SYSTEM LOCATION:

Department of Transportation, Commandant (G–WK), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

Commander, Maintenance and Logistics Command Atlantic, Health Services Division, Governor's Island, Building 400, New York, NY 10004–5100.

Commander, Maintenance and Logistics Command Pacific, Health Services Division, Coast Guard Island, Alameda, CA 94501–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their eligible dependents, and non-Federal health care providers that have rendered services to eligible beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Records containing correspondence, memoranda, and related documents concerning potential and actual health care invoices for processing by NIPS.

b. Copies of medical and dental treatment records provided to the individual that are the subject of an invoice for non-federal health care provided to an eligible beneficiary.

c. Automated data processing (ADP) records containing identifying data on individuals including: Units of assignment and address, home address, and information necessary to process and monitor bills for payment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Records may be disclosed to health care professionals, auditing, utilization, and peer review organizations for review of cost data and appropriateness of care.

b. Medical information, including records of health care and medical invoices may be disclosed to health care professionals, auditing, utilization and peer review organizations to support a government claim.

c. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of individual files are in folders. Portions of records are extracted in an ADP data base. ADP data will be maintained in hard disk and magnetic tape storage.

RETRIEVABILITY:

a. Name or Social Security Number of member or dependents sponsor.

b. Name of Member's Unit.

c. Name or tax identification number of non-Federal health care providers.

SAFEGUARDS:

Room and cabinets in which records are located are locked when unattended. There are roving guard patrols during non-duty hours. Access to records is limited to those directly involved in managing claims. Records in the ADP data base are retrievable only by those with authorized access to ADP equipment and the data base is protected by standard ADP security measures including the use of passwords.

RETENTION AND DISPOSAL:

Records are retained at Maintenance and Logistics Commands (MLCs) for 1 year; transferred to a Federal Record Storage Facility and retained for an additional 5 years 3 months for a total of 6 years 3 months and destroyed thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WK), Chief, Office of Health and Safety, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Send a written request with patient's name, sponsor's name and social security number, to the System Location for the MLC where care was rendered. The request must be signed by the

individual, or if a minor dependent, by the parent or guardian.

Commander, Maintenance and Logistics Command Atlantic, Health Services Division, Governor's Island, New York, NY 10004–5100.

Commander, Maintenance and Logistics Command Pacific, Health Services Division, Coast Guard Island, Alameda, CA 94501–5100.

RECORD ACCESS PROCEDURES:

Write or visit the appropriate Commander, MLC at the address given in ''Notification Procedure'' responsible for where the care was received.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

a. From the individual, individual's spouse, parent or guardian.

b. Medical facilities (U.S. Coast Guard, Department of Defense, Uniformed Services Treatment Facility, or non-Federal, provider) where beneficiaries are treated.

c. For Active Duty personnel—the Official Officer Service Records System (DOT/CG 626), and the Enlisted Personnel Record System; (DOT/CG 629).

d. For Reserve personnel—the Official Coast Guard Reserve Service Record System (DOT/CG 676).

e. Investigations resulting from illness or injury.

DOT/CG 577

SYSTEM NAME:

USCG Federal Medical Care Recovery Act (FMCRA) Record System.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of Health and Safety, U. S. Coast Guard, 2100 2nd Street, SW, Washington, DC, 20593–0001–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Records containing all correspondence, memoranda, and related documents concerning potential and actual FMCRA claims, and copies of medical and dental treatment provided to the individual that is the subject of the claim, and copies of medical bills associated with civilian care provided at government expense.

b. Automated data processing (ADP) records containing identifying data on individuals, unit of assignment and address, home address, the amount of the claim, the amount paid to the government on the claim, dates of correspondence sent, due dates of reply, claim number, date claim opened, and date claim closed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. All information will be used in managing, processing, and collecting claims for the government. Information may be disclosed to attorneys and insurance companies involved in settling and litigating claims.

b. Information may be disclosed to the Department of Justice when necessary to take final action on claims.

c. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of individual files are in folders. Portions of records are extracted in ADP data base. ADP data base will be maintained in hard disk and magnetic tape storage.

RETRIEVABILITY:

Name or social security number of member, retiree or dependent.

SAFEGUARDS:

Room and cabinets in which records are located are locked when unattended. Roving guard patrol during non-duty hours. Access to records limited to those directly involved in managing claims with a need to know. Records in ADP data base retrievable only to those with authorized access to ADP equipment and data base is protected by standard ADP.

RETENTION AND DISPOSAL:

Records are retained at USCG Headquarters for 1 year; transferred to a Federal Records Storage Facility and retained for an additional 5 years, 3 months for a total of 6 years, 3 months and destroyed thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Health and Safety, United States Coast Guard, Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001–0001.

NOTIFICATION PROCEDURE:

Send a written request with the client's name, sponsor's name and social security number to the system manager. The request must be signed by the individual, or if a minor dependent, by the parent or guardian.

RECORD ACCESS PROCEDURES:

Write or visit: Commandant (G–WK), U. S. Coast Guard, Attn: FMCRA Section 2100 Second Street, SW, Washington, DC 20593–0001.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

a. From the individual, or if a minor, the parent or guardian.

b. Medical facilities (U. S. Coast Guard, Department of Defense, Uniformed Services Treatment Facility, or Civilian Facility) where beneficiaries are treated.

c. Injury investigations.

d. Attorneys and insurance companies involved in the claim.

e. For Active Duty personnel—the Official Officer Service Records System; (DOT/CG 626), and the Enlisted Personnel Records System; (DOT/CG 629).

f. For reserve personnel—the Official Coast Guard Reserve Service Record System (DOT/CG 676).

DOT/CG 586

SYSTEM NAME:

Chemical Transportation Industry Advisory Committee.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–M), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, phone number.
Biographical sketch.
Committee information.
Minutes of meetings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Arranging meetings, keeping records of committee business, determine committee membership.

Used by Coast Guard personnel in the performance of official duties.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By committee name/individual name.

SAFEGUARDS:

Personnel screening prior to granting access.

Building has roving security after hours.

RETENTION AND DISPOSAL:

Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–M), United States Coast Guard Headquarters, Chief, Office of Marine Safety, Security and Environmental Protection, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII–2) at the address in ''Notification Procedure.'' Proof of identity will be required prior to granting access. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

From the individual of record.

DOT/CG 587

SYSTEM NAME:

Investigation of Violations of Marine Safety Laws or Regulations.

SYSTEM LOCATION:

District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have violated or who are suspected of violating marine safety or related laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of violation and supporting documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation by Coast Guard personnel for law enforcement purposes.

Evaluation by other agencies, state, local and foreign governments for purposes of law enforcement, and other purposes which the agency may deem necessary for their mission.

For use in civil litigation.

For insurance purposes.

Use by the general public.

See DOT Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records pertaining to violations of law or regulation are retrieved by individual name or vessel name.

SAFEGUARDS:

Destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–M), Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G–SII–2) at the address in ''Notification Procedure'' or the local Coast Guard District for the area in which the alleged violation occurred.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard investigating records compiled as a result of vessel casualty.

Investigations by other law enforcement agencies.

Vessel operator complaints.

Deficiencies noted during Coast Guard inspections.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 U.S.C. 552a(K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 589

SYSTEM NAME:

U.S. Merchant Seamen's Records.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–M), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

Portions of these records may be located at the Marine Inspection Office or the Marine Safety Office where the seaman was documented.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Merchant Seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel File.
Shipping Articles.
Locator List.
Log Books.
Seamen's License Records.
Fingerprint Records.
Disciplinary Records.
Security Records.

ROUTINE USES OF THE RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard officials in administering the Commercial Vessel Safety Program to determine qualifications for the issuance of licenses, documents, and certifications determine disciplinary action; to provide duplicate records of service or documents to the seaman, his next of kin or his agent; to provide information to other Federal Agencies, such as the Veterans' Administration, the Social Security Administration, etc. in connection with benefits and services administered by those agencies; to provide information to private organizations when considered beneficial to the seaman; to provide information to Federal, State, and local investigative and low enforcement officials as provided for by law.

See DOT Prefatory Statement of General Routine Use.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The personnel file will be stored on updatable microfiche and limited personal data will reside on computer disks and magnetic tapes. The above media will be continuously updated as new or additional data is received. The remainder of the records will be stored in filed folders in paper form.

RETRIEVABILITY:

The personnel file on microfiche will be accessed from its storage cabinet by a coded identifier of the location of the record within the cabinet. The data on the computer record will be retrieved by direct terminal access with the selection of data elements determined by the authorized user. Retrieval will be by name and cross indexed under ID (i.e. ''Z'', ''BK'', or Social Security Number).

SAFEGUARDS:

Personnel files on microfiche are stored in the locked retrieval cabinet. The data on the computer file can be retrieved only via ''password'' identifier with users being permitted access only to that portion of the overall file that has previously been determined as meeting their needs. The file folders are maintained in locked rooms.

RETENTION AND DISPOSAL:

Personnel files are held 3 years for unlicensed personnel and 10 years for licensed personnel after last activity, then transferred to a holding area where they are considered historical data and are not destroyed. Disciplinary Records are maintained in paper form. Administrative Law Judge's Decisions and Orders and Appeal File are transferred to a Federal Records Center after 5 years. Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders are retained. Disciplinary Record Cards are destroyed upon notice of death.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G-M), United States Coast Guard Headquarters, Chief, Office of Marine Safety, Security and Environmental Protection, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-SII), 2100 2nd Street, SW Washington, DC 20593–0001. In order to determine if a record for an individual exists, it is necessary that the applicant furnish the complete name in which the document was issued, the serial number of the document (i.e., ''Z'', ''BK,'' and/or Social Security Number), and his date and place of birth. A written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G-SII) or visiting at the address in ''Notification Procedure'' or the Marine Inspection Office or Marine Safety Office where the document was issued locally maintained portions.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Personnel File—Date furnished by the seamen, U.S. Coast Guard officials, other Federal Agencies and employer. Shipping Articles Vessels' operators, seamen, masters of vessels, State Department, and Coast Guard officials. Disciplinary Records—Furnished by the Investigating Officers at the various Marine Inspection and Marine Safety Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide, in part that investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 591

SYSTEM NAME:

Merchant Vessel Documentation System (Manual and Automated).

SYSTEM LOCATION:

Automated system is located at:

Department of Transportation, Commandant (G-M), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Manual systems are located at:

Coast Merchant Vessel Documentation Offices, (See section E.W., Standard Distribution List—COMDTNOTE 5605 for office locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vessel owners.
Mortgagees.
Vessel buyers and sellers.
Lien claimants.
Vessel builders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vessel owner information.
Vessel information.
Instruments of record (bills of sale, mortgages, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establishing eligibility for documentation of vessels. Issuance of marine documents.

Recordation of bills of sale, mortgages, etc.

Publication of the annual MERCHANT VESSELS OF THE UNITED STATES.

Publication of the monthly supplement to MERCHANT VESSELS OF THE UNITED STATES.

Used by:
Coast Guard.
Other Governmental agencies.
Financial institutions and other money lenders. Anyone having business with or an interest in a documented vessel.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index of owners maintained by Commandant (G–M). All other records maintained at home port of vessel by vessel name.

RETRIEVABILITY:

Upon furnishing name of vessel owner to Commandant (G–M), vessel name is established and request for information referred to appropriate home port. Records retrieved at home port by use of vessel name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Listings of vessel owners constantly updated by additions and deletions (automated).

Field office vessel folders transferred to Federal Records Center 2 years after change of vessel's home port or 2 years after removal of vessel from documentation (manual).

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–M), Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by the individual whose records are the subject.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing or by visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Vessel owners, Mortgagee, Lien claimants, Vessel sellers and buyers, Coast Guard admeasures and vessel builders.

DOT/CG 592

SYSTEM NAME:

Registered/Applicant Pilot Eligibility Folder.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, Ninth Coast Guard District, Great Lakes Pilotage Staff, 1240 East Ninth St., Cleveland, OH 44199–2060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States registered pilots and applicant pilots suitable registered to perform pilotage duties aboard foreign vessels on the Great Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, and examination for registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of Transportation, U.S. Coast Guard, FBI, pilot associations and corporations. Used for pilot registration, training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable participation by U.S. registered pilots with Canadian registered pilots. See DOT Prefatory Statement of General Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and pilot registration number.

SAFEGUARDS:

Screened by office personnel prior to use. Locked in cabinets during non-working hours.

RETENTION AND DISPOSAL:

Records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Ninth Coast Guard District, Great Lakes Pilotage Staff, 1240 East Ninth Street, Cleveland, OH 44199–2060.

NOTIFICATION PROCEDURE:

Same as ''System Manager'' above.

RECORD ACCESS PROCEDURES:

Same as ''System Manager'' above.

CONTESTING RECORD PROCEDURES:

Same as ''System Manager'' above.

RECORD SOURCE CATEGORIES:

Individual's original application for U.S. Pilot's registration and individual's yearly report of medical examination.

DOT/CG 611

SYSTEM NAME:

Investigative Case System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–OIS), United States Coast Guard (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

Systems are also located in Coast Guard District Offices at the addresses listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Coast Guard military personnel, merchant marine personnel, port and dock workers, and persons under investigation for violations of laws and regulations administered by the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security investigations, national agency check results, criminal investigation, counterintelligence investigations, computerized case control system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel for:

Security clearances.

Actions by commanders under the Uniform Code of Military Justice. Career advancement of U.S. Coast Guard military personnel. Approval of merchant seamen documents.

Access of individuals to port facilities.

Used by: Appropriate federal, state or local agencies for criminal law enforcement and prosecution by the United States government. National Agency Checks and background investigations.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative dossiers and 3x5 card retrieval system.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Alarm controlled spaces, locked and/or limited access file cabinets and office spaces. Using receipt control, automatic data processing (ADP) system cannot be penetrated for data through terminals, or otherwise, located outside the U.S. Coast Guard computer center without use of proper administrative controls. Release of dossiers to accredited personnel on ''need-to-know'' basis only.

Release of dossiers to accredited personnel on 'need-to-know' basis only.

RETENTION AND DISPOSAL:

Dossiers retained 50 years from date of birth.

Deceased, retirees and others separated are held one year from separation.

Dossiers are retired to the Washington National Federal Records Center for further retention of 30 years.

3x5 Cards are annotated to recall retired dossiers if necessary. Computer printouts are retained for 10 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–O), Chief, Office of Operations, Department of

Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District Office, location in Appendix I, for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

National Agency Checks, background investigations, criminal investigations, interviews, records checks, observations, statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provides in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express promise that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5) which provides, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 612

SYSTEM NAME:

Port Security Card System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–OIS), United States Coast Guard Headquarters (CG), 2100 2nd Street, SW, Washington, DC 20593–0001.

Records also located at each District Office. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons regularly employed on vessels and water front facilities, or persons having regular public or private business with the operation, maintenance, or administration of vessels and cargoes or waterfront facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for port security cards awaiting processing. Processed applications indicating those granted or denied port security cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Authorized Coast Guard officials to determine eligibility for issuance of Port Security Cards. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3×5 cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in file cabinets in secure areas. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retained for 8 years, then destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–OIS), Chief, Office of Operations, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which the application was filed.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Individual applications.

National Agency checks.

Other records already at Coast Guard Headquarters, if any.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 622

SYSTEM NAME:

Military Training and Education Records.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

Records are also located at District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel).

CATEGORIES OF RECORDS IN THE SYSTEM:

General Service Correspondence Course. Off-Duty Education Records. Professional Training Records. Non-traditional Educational Support Records. Achievement and Aptitude Test Results. Academic Performance Records. Correspondence Course Rate Advancement Records. Military Performance Records. Admissions Processing Records. Grade Reporting Records. Cadet Academic Status Records. Transcript Maintenance Records. Cadet Discipline Status Records. Military Personnel Records. Military Training Schedules Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation and measurement of training performance. Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service Schools. Criteria for promotion. The above information is used by authorized Coast Guard personnel in the performance of Official duties. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets. Portions are stored on ADP equipment.

RETRIEVABILITY:

Retrieved by name, rate, class number, cadet code number, and Social Security Number.

SAFEGUARDS:

Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

RETENTION AND DISPOSAL:

Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard, Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G–SII) at the address in ''Notification Procedure,'' or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the applicable a record will be available. Proof of identity is required prior to release of records. A military identification card, driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Official military personnel records, test results, instructors and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of a source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 623

SYSTEM NAME:

Military Pay and Personnel System.

SYSTEM LOCATION:

Department of Transportation (DOT),

a. U.S. Coast Guard (CG), Department of Transportation Computer Center, 400 7th Street, SW, Washington, DC 20590–0001.

b. U.S. Coast Guard Pay and Personnel Center, 444 S.E. Quincy Street, Topeka, KS 66683–3591.

c. U.S. Coast Guard, 2100 2nd Street, SW, Washington, DC 20593–0001.

d. Decentralized data segments are located at the unit maintaining the individual's pay and personnel record and permanent duty unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. All Coast Guard military personnel, active duty and reserve.

b. Retired reserve Coast Guard military personnel waiting for pay at age 60.

c. Active duty National Oceanic and Atmospheric Administration (NOAA) officers.

d. Personnel separated from service in all the preceding categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records are electronic and/or paper, and may include identifying information, such as

name(s), date of birth, home residence, mailing address, social security number, payroll information, and home telephone number. Records reflect:

a. Work experience, educational level achieved, and specialized education or training obtained in and outside of military service.

b. Military duty assignments, ranks held, pay and allowances, personnel actions such as promotions, demotions, or separations.

c. Enrollment or declination of enrollment in insurance programs.

d. Performance evaluation.

e. The individual's desires for future assignments, training requested, and notations by assignment officers.

f. Information for determinations of waivers and remissions of indebtedness to the U.S. Government.

g. Information for the purpose of validating legal requirements for garnishment of wages.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Title 37 U.S.C. as implemented in GAO Manual for Guidance of Federal Agencies, Title 2 GAO, Title 6 GAO and Title 14 U.S.C. 92(i).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To the Department of Treasury for the purpose of disbursement of salary, U.S. Savings Bonds, allotments, or travel claim payments.

b. To government agencies to disclose earnings and tax information.

c. To the Department of Defense and Veterans Administration for determinations of benefit eligibility for military members and their dependents.

d. To contractors to manage payment and collection of benefit claims.

e. To the Department of Defense for manpower and readiness planning.

f. To the Comptroller General for the purpose of processing waivers and remissions.

g. To contractors for the purpose of system enhancement, maintenance, and operations.

h. To federal, state, and local agencies for determination of eligibility for benefits connected with the Federal Housing Administration programs.

i. To provide an official of another federal agency information needed in the performance of official duties to reconcile or reconstruct data files in support of functions for which the records were collected and maintained.

j. To an individual's spouse, or person responsible for the care of the individual concerned when the individual to whom the record pertains is mentally incompetent, critically ill or under other legal disability for the purpose of assuring the individual is receiving benefits or compensation they are entitled to receive.

k. To a requesting government agency, organization, or individual the home address and other relevant information on those individuals who, it is reasonably believed, might have contracted an illness, been exposed to, or suffered from a health hazard while a member of government service.

l. To businesses for the purpose of electronic fund transfers or allotted pay transactions authorized by the individual concerned.

m. To credit agencies and financial institutions for the purpose of processing credit arrangements authorized by the individual concerned.

n. To other government agencies for the purpose of earnings garnishment.

o. To prepare the Officer Register and Reserve Officer Register which is provided to all Coast Guard officers and the Department of Defense.

p. To other federal agencies and collection agencies for the collection of indebtedness and outstanding travel advances to the federal government.

q. The home mailing addresses and telephone numbers of members and their dependent/s to duly appointed Family Ombudsman and personnel within the Coast Guard for the purpose of providing entitlement information to members or their dependents.

See Prefatory Statement of General Routine Uses, 3 and 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks, magnetic tape microfilm, and paper forms in file folders.

RETRIEVABILITY:

Retrieval from the system is by name or social security number and can be accessed by employees in pay and personnel offices and other pay and personnel employees located elsewhere who have a need for the record in the performance of their duties.

SAFEGUARDS :

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments are similarly controlled. Only those personnel with a need to have access to the system are given user names and passwords. The magnetic tape backups have limited access in that users must justify the need and obtain tape numbers and volume identifiers from a central source before they are provided data tapes. Paper record and microfilm records are in limited access areas in locking storage cabinets.

RETENTION AND DISPOSAL:

Leave and Earnings Statements, and pay records are microfilmed and retained on site four years, then archived at the Federal Record Center, and destroyed when 50 years old. The official copy of the personnel record is maintained in the Official Officer Service Records, DOT/CG 626 for active duty officers, the Enlisted Personnel Record System, DOT/CG 629 for active duty enlisted personnel or the Official Coast Guard Reserve Service Record, OST/CG 576 for inactive duty reservists. Duplicate magnetic copies of the pay and personnel record are retained at an off site facility for a useful life of seven years. Paper records for waivers and remissions are retained on site six years, three months after the determination and then destroyed. Paper records to determine legal sufficiency for garnishment are retained on site six years, three months after the member separates from the service or the garnishment is terminated and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

a. All information on Coast Guard members other than b., c., and d. below: AFLAC Incorporated, WITN–TV, Inc. and AFLAC Broadcast Partners107

(1) For active duty members of the Coast Guard: Chief, Office of Personnel, Department of Transportation, U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

(2) For Coast Guard inactive duty reserve members and retired Coast Guard reservists awaiting pay at age 60: Chief, Office of Readiness and Reserve, Department of Transportation, U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

b. For Coast Guard Waivers and Remissions: Chief, Personnel Services Division (G–PMP), Office of Personnel, U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20590–0001.

c. For records used to determine legal sufficiency for garnishment of wages and pay records: Commanding Officer (LGL), U.S. Coast Guard Pay and Personnel Center, 444 S.E. Quincy Street, Topeka, KS 66683–3591.

d. For data added to the decentralized data segment the commanding officer, officer-in-charge of the unit handling the individual's pay and personnel record, or Chief, Administrative

Services Division for individuals whose records are handled by Coast Guard Headquarters.

e. For NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

NOTIFICATION PROCEDURE:

Inquiries should be directed to: a. For all information on Coast Guard members other than b., c., and d. Below: Department of Transportation, U.S. Coast Guard Headquarters (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

b. For records used to determine legal sufficiency for garnishment of wages and pay records: Commanding Officer, U.S. Coast Guard Pay and Personnel Center, 444 S.E. Quincy Street, Topeka, KS 66683–3591.

c. For data added to the decentralized data segment the commanding officer, officer-in-charge of the unit handling the individual's pay and personnel record, or Chief, Administrative Services Division for individuals whose records are handled by Coast Guard Headquarters. Addresses for the units handling the individual's pay and personnel record are available from the individual's commanding officer.

d. For all information on NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

RECORD ACCESS PROCEDURES:

Contact the addressee under notification procedures and specify the exact information you desire. Requests must include the full name and social security number of the individual concerned. Prior written notification of personal visits is required to ensure that the records will be available at the time of visit. Photographic proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Contact the addressee under notification procedures and specify the exact information or items you are contesting and provide any documentation that justifies your claim. Correspondence contesting records must include the full name and social security number of the individual concerned.

RECORD SOURCE CATEGORIES:

a. The individual's record from the following systems of records:

(1) Official Officer Service Records, DOT/CG 626.

(2) Enlisted Personnel Record System, DOT/CG 629.

(3) Official Coast Guard Reserve Service Record, DOT/CG 676.

b. Information is obtained from the individual, Coast Guard personnel officials, National Oceanic and Atmospheric Administration personnel officials, and the Department of Defense.

DOT/CG 624

SYSTEM NAME:

Personnel Management Information System (PMIS).

SYSTEM LOCATION:

Commanding Officer Pay and Personal Center (PPC), 444 S.E. Quincy St., Topeka, KS 66683–3591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular Coast Guard personnel on active duty. All reserve Coast Guard personnel on extended active duty and Reserve personnel on initial active duty for training.

CATEGORIES OF RECORDS IN THE SYSTEM:

A single computer record which currently contains about 450 data elements on each member. Some data elements are used only for enlisted, others only for officers. The file contains personal information such as name, place of birth, rank, location, etc. The file also contains pay date elements which will form the basis for deriving pay entitlements for Coast Guard military personnel under the Joint Uniform Military Pay System (JUMPS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used to produce a number of reports used throughout the Coast Guard. Types of reports are:

Locator Listing for Headquarters and Districts,

Personnel Roster for the unit to assist in verifying information, Number of personnel pay grades for advancement levels and budget expenditures,

Current reports for this system of records are listed in the Reports Distribution Manual generated by the Coast Guard for this system.

Queries and batch processing are used to recruitment levels,

Various Coast Guard offices receive the locator listing and management reports,

Government agencies other than Coast Guard categories see DOT Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 USC 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with tape backups. The file is updated once a week. Once a month the file is dumped to a tape file for historical purposes.

Decentralized segments are maintained at each District Office and at Personnel Support Centers. See Appendix #1 for locations.

RETRIEVABILITY:

Retrieval from the system is by use of name or Social Security Number or a combination of personal and non-personal characteristics.

Users retrieve information direct from the file through card input or direct terminal access. Data elements to be retrieved and method of use are selected by the user.

An extract file containing summary records is produced monthly for use on a ''time sharing'' system. Retrieval of information from this extract is by direct terminal access only. Data elements to be retrieved and method of use are selected by the user.

SAFEGUARDS:

The computer provides privacy and access limitations by requiring a user name and password match. In addition each element of the file has its own level of accessibility which must be held by the user. Only those staff components at Headquarters with a need to have access to the file are given user names and passwords. Access to the ''Time Share'' extract is similarly controlled. The backup tapes and monthly dumps also have limited access in that users must justify the need before they are provided the tape numbers.

RETENTION AND DISPOSAL:

End-of-Year system backup tapes and day to day transaction tapes are retained indefinitely. Statistical and other report extract tapes are recycled into the system and consequently destroyed. Paper working files are disposed of in accordance with current record disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure''. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. Military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The data to update the file comes from copies of official service record entries prepared by field units. The data is entered on tape for update of the computer files.

DOT/CG 625

SYSTEM NAME:

Officer Selection and Appointment System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

Records are also located at each District and Headquarters Unit.

Use Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Coast Guard Officer Candidate School or direct commission programs of the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is supplied by applicants and also by persons, other than the applicants, who submit information pertinent to the suitability of the applicants for commissioned service in the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Coast Guard in the performance of their duties in managing and contributing to the recruitment and appointment of men and women for officer programs in the regular and reserve components of the Coast Guard.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Official employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

See DOT Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

Retrievability The system is indexed alphabetically by name of applicant and is retrieved by name.

SAFEGUARDS:

Records kept in file cabinets locked after working hours.

Buildings have 24-hour security guards and limited access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Application files for non-selected officer candidate applicants are destroyed after six months and non-selected applicants for direct commission are destroyed after one year. Files for all selected applicants are placed in the selectee's officer personnel folder.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or to the applicable Coast Guard District Office.

A letter request should contain full name, address, social security number, approximate date of application, and signature. Proof of identification will consist of military identification card, driver's license or other official identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and employee processing application. Medical personnel conducting physical examination and private physicians providing consultations or patient history. Character and employer references named by applicants. Educational institutions, staff and faculty members. Selective Service Commission.

Local state and Federal law enforcement agencies. Prior or current military service record. Commanding officer of Coast Guard unit, if active duty. Coast Guard offices charged with personnel security clearance functions.

Other Coast Guard officials and employees in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed

services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 626

SYSTEM NAME:

Official Officer Service Records.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

Certain records in the system are maintained at:

National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63112.

Portions of the official service record, e.g., health record, security status jacket and leave record are maintained at the officer's unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commissioned officers of the Coast Guard on active duty, permanent or disability retired lists. Regular officers who resign and do not accept a Reserve commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

General file and service record card.

Fitness File and Officer Summary Records.

Medical File.

Medical history for officers on the Temporary Disability Retired List.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including assignment, promotion, training, etc.

Physical Evaluation Boards.

Board for Correction of Military Records.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements compilations, and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard. (Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original of this material will be included in the official service record maintained at Coast Guard Headquarters).

Furnishing of information (authorized and specified by the individual concerned) normally concerned with employment, educational or veteran benefits, claims or applications. Furnishing specified material in an officer's service record pursuant to the order of a court of competent jurisdiction. Used by:

Authorized Coast Guard Personnel.

Personnel from other Federal Agencies in the conduct of official business, as authorized by the Chief, Officer Personnel Division or his designated representative.

See DOT Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 USC 1681a(f) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and are assembled and filed in one official service record per member and stored on open shelf files in a room with controlled access.

RETRIEVABILITY:

Individual records are indexed and retrievable by name and/or last four digits of member's service number.

SAFEGUARDS:

During working hours physical access to records is controlled by the Officer Records Branch. Records are maintained in a central storage area locked behind two separate doors during non-working hours in the building, which has roving and static security patrols.

RETENTION AND DISPOSAL:

Each individual record is maintained at Coast Guard Headquarters until three months after retirement/resignation, after which is shipped to the:

National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

After the separation documents are received, records of Reserve Officers released from active duty and Regular Officers who resign and accept Reserve Commissions are sent to the Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Inquiry requests for a determination as to whether this system contains records on an individual should be made by that individual, in person or in writing to Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Requesters in person will be required to show a valid ID card. Written request must include the member's name, rank, Social Security Number, and period of service.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local activity to which assigned for locally maintained portions of subject records.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Personal interview and voluntary submissions by individuals.

Training/Educational Reports.

Fitness Reports.

USCG District Offices and other operating units of the Coast Guard.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be

held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 627

SYSTEM NAME:

Enlisted Recruiting Selection Record System.

SYSTEM LOCATION:

Primary System:

Department of Transportation (DOT), Commander, U. S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

Decentralized segments are maintained at:

Coast Guard District offices and Coast Guard recruiting offices. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated forms concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U.S. Coast Guard in the performance of their duties in managing and contributing to the recruitment program of the Coast Guard Reserve.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of duties of the General Accounting Office relating to the management or quality of military recruitment. The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management or quality of military recruitment.

Officials and employees of the Veterans Administration and Selective Service System in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

See DOT Prefatory Statement of General Routine Uses; 3 through do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape. Paper records are stored in file folders.

RETRIEVABILITY:

Alphabetically by name of subject and social security number.

SAFEGUARDS:

Records are accessible only to authorized personnel within the Coast Guard recruiting organization and are handled with security procedures appropriate for documents marked ''For Official Use Only.''

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then disposed of by mutilating, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U. S. Coast Guard, Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII–2), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G–SII) at the address in ''Notification Procedure'' or the appropriate local office where the record, or portion there of, is filed. Prior written notification is required to insure that records will be available at time of visit.

Proof of identity will be required prior to affording access to records. A military identification card, driver's license, or similar document, will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and administrative staff.

Medical personnel or private physicians providing consultations or patient history.

Character and employer references. Educational institutions, staff and faculty members. Selective Service System.

Local, state, and Federal law enforcement agencies. Prior or current military service records. Members of Congress.

Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification of Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine for promotion in the

armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 628

SYSTEM NAME:

Officer, Enlisted, and Recruiter Selection System File.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or military personnel who have taken the following tests:

U.S. Navy Officer Qualification (OQT), U.S. Navy and U.S. Marine Corps Aviation Selection (AST), U.S. Navy Basic Test Battery (BTB) (retests), The Cooperative Tests for Advanced Electronic Training (AET TESTS).

The 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty.

Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card files, answer sheets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are kept to provide the test results if an applicant (civilian or military) applies for an officer program or is already in military and interested in certain training programs.

Internal users:

Officer Recruiting, Enlisted Recruiting, Enlisted Personnel, Training Programs, Merchant Marine, Commanding Officer, Enlisted Personnel District, Personnel offices, Training Centers and Academy.

Other Government Agencies:

U.S. Navy Recruiting, U.S. Marine Corps, U.S. Navy Bureau of Medicine and Surgery.

See Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, case files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Combination—type safe, locked files. Test results are given only on a need to know basis to authorized personnel.

Only custodian of safes and alternate custodian have access.

RETENTION AND DISPOSAL:

Test answer sheets are destroyed after 2 years.

Card file—destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address ''Notification Procedure.'' Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Individuals concerned and United States Coast Guard recruiting officials. U.S. Marine Corps officials. U.S. Navy Recruiting officials, U.S. Navy Bureau of Medicine Surgery officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Systems exempted from disclosure under the provisions of 5 U.S.C. 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a (k)(7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 629

SYSTEM NAME:

Enlisted Personnel Record System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commander, U. S. Coast Guard Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

Decentralized segments of the system are located at each District office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted contract package, record of emergency; data, leave records, performance ratings, administrative remarks, medical records.

All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, reenlistment, retirement, discharge, determination of entitlement to pay allowances, correction of records, and disciplinary actions.

Data is provided to the Veterans Administration for determination of an individual's eligibility for benefits administered by that agency and to medical facilities maintained by the Department of Health, Education and Welfare in conjunction with medical treatment afforded an individual.

See DOT Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 USC 552a(b)(12). Disclosures may be made from this system to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 USC 1681a(f) or the Federal Claims Collection Act of 1982 (31 USC 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in enlisted files record jackets and stored in file cabinets.

RETRIEVABILITY:

Records are retrievable by name of individual or the last three digits of the individual's social security number.

SAFEGUARDS:

Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in a building with a roving security patrol.

Records at field units are maintained in Government office buildings with off-duty hours security.

During working hours, access to records is controlled by office personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member is discharged, permanently retired for physical disability, or retired for years of service, after which records are transmitted for permanent storage to the:

National Personnel Records Center (Military Personnel Records), GSA, 9700 Page Boulevard, St. Louis, MO 63132.

In the case of members transferred to the Reserve, their records are sent to Commandant (G–WT) after separation documents are received.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW, Rm. 1412, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001. Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, and Coast Guard officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 630

SYSTEM NAME:

Coast Guard Family Housing.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments are maintained at: Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of all pay grades who made application for government and/or government leased housing. Military personnel who make applications in locating community housing, married officers and married E–3 or above (over 2 years service).

Certain government employees occupying government housing. Military or civilian personnel who have corresponded with the President, a Congressman, or the Commandant concerning family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicant's name, pay grade, marital status, current address and dependent information maintained for the Coast Guard Housing Administration Information and Liaison (HAIL) System. Includes family housing survey; computer data summaries are maintained for the family housing survey.

Copies of correspondence from an individual to the President, a Congressman or the Commandant, inquiry sheets, and replies maintained for congressional correspondence files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by authorized Coast Guard employees in performance of their duties in placing the applicant in government owned or leased housing or community housing. Assessing housing needs of District and Headquarters Units. Answering inquiries from individuals, Congressmen or the Commandant concerning family housing. Preparing Budgets. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

By name of individual, Coast Guard District and date received.

SAFEGUARDS:

Records are maintained in locked file cabinets and desk file drawers.

RETENTION AND DISPOSAL:

Records are maintained until the applicant is placed in housing and then destroyed.

Records concerning congressional correspondence are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001. Written request must be signed by individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District Office. See address in Appendix I.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from applicant, individuals who complete family housing survey forms, initiate correspondence concerning family housing and Coast Guard officials.

DOT/CG 631

SYSTEM NAME:

Family Advocacy Case Record System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), U. S. Coast Guard Headquarters, 2100 2nd St. SW, Washington, DC 20593–0001.

Decentralized segments may be maintained at the District, Maintenance and Logistics Command (MLC), or Headquarters Unit Social Worker's office, at the duty station of the sponsor, and at selected medical facilities. Decentralized segments may also be maintained at the duty station of the District, MLC, or Headquarters Unit Family Advocacy Representative (FAR) under whose jurisdiction an incident occurred.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve and retired personnel and dependents entitled to care at Coast Guard or any other military medical and dental facility whose abuse or neglect is brought to the attention of appropriate authorities, and persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and confirmed cases of family member abuse or neglect, investigative reports, correspondence, family advocacy committee reports, follow up and evaluation reports, and any other supportive data assembled relevant to individual family advocacy program files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To Federal, State and Local government or private agencies for coordination of family advocacy programs, medical care, mental health treatment, civil or criminal law enforcement, and research into the causes and prevention of family domestic violence.

b. To individuals or organizations providing family support program care under contract to the Federal Government.

c. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used, but not limited to include: Name, social security number, and types of incidents.

SAFEGUARDS:

Records are maintained in various kinds of locked filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

a. Records will be maintained at a decentralized location until the case is closed or the sponsor is separated.

b. Upon case closure or separation of the sponsor, the record will be transferred to Commandant (G–PMP). The record will be retained for 5 years from case closure or date of last action. At the end of 5 years the record will be destroyed, except for information concerning certain minor Coast Guard dependents who were victims or suspected victims of child abuse, neglect or sexual abuse will be retained until the dependent attains majority.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WP), Chief, Office of Personnel Management, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

a. Central location: Notarized written requests should contain the full name and social security number of the member and be addressed to: Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

b. Decentralized locations: Notarized written requests should contain the full name and social security number of the member and be addressed to the MLC, district, or unit where the individual is assigned.

RECORD ACCESS PROCEDURES:

Access may be obtained by writing to Commandant (G–SII) at the address in ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Reports from medical personnel, educational institutions, law enforcement agencies, public and private health and welfare agencies, Coast Guard personnel and private individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5) which provide in part the exemption of investigatory material compiled for law enforcement purposes or solely for the purposes of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure would reveal the identity

of a source who furnished information to the Government under an express promise of confidentiality.

DOT/CG 632

SYSTEM NAME:

Uniformed Services Identification and Privilege Card Record System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of U.S. Coast Guard personnel (active, retired, reserve and deceased).

Former Coast Guard personnel who have been rated by the Veterans Administration as one-hundred percent disabled and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Uniformed Service Identification and Privilege Card (DD–1172).

Verification for eligibility to possess the Identification and Privilege Card (DD–1173). Pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard employees to verify that applicant is entitled to be issued an Identification and Privilege Card. Verification provided to other Armed Forces authorized personnel as required. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Maintained in file cabinets. During working hours access to records is controlled by office personnel. During non-working hours building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retained for 10 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), Chief, Office of Personnel Management, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must contain, full name, social security number (SSN) and be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G–SII) at the address in ''Notification Procedure.''

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is supplied by the sponsor and/or his dependents.

DOT/CG 633

SYSTEM NAME:

Coast Guard Civilian Personnel Security Program.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments are located at:

Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Civilian Personnel.

Applicants for civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of civilian security clearance granted. Correspondence and requests concerning civilian personnel security actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For uses in determining eligibility for access to classified information under Executive Order 11652 and suitability for sensitive positions.

Categories of users include use by Coast Guard employees in performance of official duties and use by investigative agents of other federal agencies.

See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder—3×5 Index cards.

RETRIEVABILITY:

Records are retrieved by name of individual.

SAFEGUARDS:

Records are kept in locked cabinets and safes. Individual identification is required for users of records.

RETENTION AND DISPOSAL:

Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Civil Service Commission.

A name record of type of investigation is kept for 5 years and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard, Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local office or unit. See addresses in Appendix I.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Civilian Personnel: Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF–85, SF–86 and SF–171.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the

provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 634

SYSTEM NAME:

Child Care Program Record System.

SYSTEM LOCATION:

At the facility where the care was provided or is being provided.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

a. Children enrolled in a U.S. Coast Guard child care program.

b. Children being cared for in U.S. Coast Guard family quarters. Eligible children of active duty members of the Uniformed Services and children of Federal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Information about the family;

b. Medical history of child;

c. Authorization for emergency medical care;

d. Permission for field trips;

e. Authorization to release child to someone other than parent;

f. Establishment of eligibility for participation in State or Federally sponsored programs;

g. Communication between the care provider and parents about child; and,

h. Other necessary records to protect health and safety of children.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Provided to Federal, State, or local governments and agencies to report medical conditions and other data required by law; to aid in preventive health and communicable disease control problems.

b. Provided to Department of Agriculture for use in determining eligibility to participate in the Child Care Food Program.

c. Records for children provided care in U.S. Coast Guard programs will be in the custody of and disclosed to the care provider.

d. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on forms in file folders or in computer file.

RETRIEVABILITY:

Name of child.

SAFEGUARDS:

a. Files are maintained in a secured filing cabinet. Access is limited to authorized center staff.

b. Files for child care in U.S. Coast Guard family quarters are maintained in a cabinet or drawer in the quarters.

RETENTION AND DISPOSAL:

Child's record file is destroyed 3 years after date of last action. Registration/medical forms may be sent to another facility if child transfers. CCFP eligibility records are transferred to an audit file at the end of each year where they are not retrieved by child's name. Audit records are destroyed after 3 years or after audited, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WP), Chief, Office of Personnel Management, Department of Transportation, United States Coast Guard Headquarters, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

a. Written request or personal visit to the child care facility which provided care.

b. Written request to: Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Proof of identity may be required prior to permitting access to records. Written request should include full name of the individual requester and the full name of the child whose records are requested.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Parents or medical personnel familiar with the child's medical history.

DOT/CG 636

SYSTEM NAME:

Personal Affairs Record System Coast Guard Military Personnel.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments at: Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel who have been subject to damage arising out of domestic relations disputes, alleged personal indebtedness, and claims of alleged paternity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing complaint concerning alleged personal indebtedness, complaints arising out of domestic relations disputes, claims of alleged paternity.

Files contain correspondence including investigative steps, response to complaints and follow up correspondence on recurring complaints. Index card files contain summary of material contained in case file for each reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in attempting to resolve complaints in an expeditious manner.

For reference in development of future policy. Information is used by:

Authorized Coast Guard employees in performance of the duties. Complainant and/or authorized representatives.

See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file and card index file.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Maintained for 5 years after action completed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW., Washington, DC 20593–0001.

Written requests must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See Appendix I for addresses. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from complainants, their legal representatives and Coast Guard officials.

DOT/CG 637

SYSTEM NAME:

Appointment of Trustee or Guardian for Mentally Incompetent Personnel.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

Decentralized segments are located at: Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing information relating to the mental incompetency of certain Coast Guard personnel. Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Authorized Coast Guard employees in performance of their duties, prospective appointees, including but not limited to relatives, lawyers, physicians or other designated representatives. Veterans Administration upon request for the determination of eligibility for benefits administered by that agency. See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked file cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Stored in locked file cabinets. Access restricted to representatives of incompetent. Identification required, such as, a military identification card, valid state driver's license, or other picture identification card.

RETENTION AND DISPOSAL:

Maintained for 5 years after action is complete then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001.

Written request must be signed by trustee or guardian.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District office or unit having custody of the records. See Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned and complainants.

DOT/CG 638

SYSTEM NAME:

USCG Alcohol Abuse Prevention Program Record System.

SYSTEM LOCATION:

a. Commander, Atlantic Area, U.S Coast Guard, Governors Island, Building 125, 2nd Floor, New York, NY 10004–5000
b. Commander, Pacific Area, U.S. Coast Guard (PCS), Coast Guard Island, Alameda, CA 94501–5100

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Coast Guard personnel receiving alcohol rehabilitation treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alcohol rehabilitation particulars which include: Name, Social Security Number, Prior Service, Rate/Rank, Date of Birth, History of Alcohol Abuse, Treatment Center, Dates of Treatment, Notes on Aftercare, and Final Disposition and Type.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on file cards (3″ × 5″) and/or a computer data base.

RETRIEVABILITY:

Records are retrieved by the name of the individual.

SAFEGUARDS:

File cards are maintained in locked filing cabinets. The computer data base is protected by password access limited to Alcohol Program Managers.

RETENTION AND DISPOSAL:

Records will be destroyed three years after last activity.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WK), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001–0001.

NOTIFICATION PROCEDURE:

Written inquiries shall be submitted to the Alcohol Program Manager in the

area in which the member most recently received treatment, at the following addresses:

a. Commander, Atlantic Area, U.S. Coast Guard, Governors Island, Building 125, 2nd Floor, New York, NY 10004–5000

b. Commander, Pacific Area, U.S. Coast Guard (PCS), Coast Guard Island, Alameda, CA 94501–5100

RECORD ACCESS PROCEDURES:

Access may be obtained by writing to, or visiting Commander, U.S. Coast Guard Maintenance and Logistics Command, Atlantic, or U.S. Coast Guard Maintenance and Logistics Command, Pacific, at the addresses in ''System location''. Written requests must be signed by the member. An individual visiting the Maintenance and Logistics Command must provide identification to obtain access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

a. For individuals undergoing treatment, the record is maintained at the Coast Guard Maintenance and Logistics Command responsible for the geographic region where the member is permanently assigned.

b. For individuals who have completed treatment, the record is maintained at the Coast Guard Maintenance and Logistics Command responsible for the geographic region where treatment was completed.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

a. Personnel records.
b. Medical records.
c. Security records.
d. Treatment facility reports.
e. Post treatment aftercare reports.

DOT/CG 639

SYSTEM NAME:

Request for Remission of Indebtedness.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments are located at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Enlisted Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing correspondence, requests with endorsements, research material, paneling action, Commandant's decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in making determinations based on the best interests of the individual and the Government.

Categories of users are Coast Guard Officials in performance of their official duties.

See DOT Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Retained for 5 years after decision is made, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the local Coast Guard District or unit for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from individual and Coast Guard Officials.

DOT/CG 640

SYSTEM NAME:

Outside Employment of Active Duty Coast Guard Personnel.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments are located at: Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty and Reserve Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to individual's request for part time employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by Coast Guard officials in determining in questionable cases whether an individual should hold a particular job or position. Both the legality and the propriety of the request are considered.

See DOT Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet. Access restricted to individuals who request outside employment, and authorized Coast Guard officials. Proper identification is required.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WP), United States Coast Guard Headquarters, Chief, Office of Personnel Management, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by the individual whose record(s) is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–

SII) at the address in ''Notification Procedure'' above or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See addresses in Appendix I.

Proof of identity will be required, prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Coast Guard officials.

DOT/CG 641

SYSTEM NAME:

Coast Guard Special Needs Program.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Decentralized segments of this stem of records may be maintained at the district, Maintenance and Logistics Command (MLC), or Headquarters Unit Social Worker's Office, at the duty station of the sponsor, and at selected medical facilities. Decentralized segments may also be maintained in the office of the district, MLC, or Headquarters Unit Family Advocacy Representative (FAR) which serves the unit of the sponsor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard personnel and their dependents who have diagnosed medical, physical, psychological, or educational need which constitutes a developmental disability or handicapped condition. Active duty Coast Guard personnel and their dependents considered for overseas assignment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts or copies of medical, educational and psychological records of member and/or dependents with special needs, follow-up and evaluation reports, and any other data relevant to individual special needs program files or overseas screening.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Provide to Federal Government agencies for coordination of special needs programs, medical care, mental health treatment, and monitoring and tracking special needs families.

b. Provide to individuals or organizations providing family support program care under contract to the Federal Government.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folder, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but not limited to: Name, social security number and the diagnosis or International Classification of Diseases (ICD) code of the special needs condition.

SAFEGUARDS:

Records are maintained in various kinds of locked filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

a. Records will be maintained at a decentralized location until the sponsor is separated or the dependent is no longer diagnosed as having special needs.

b. Upon separation of the sponsor or when the dependent is no longer diagnosed as having special needs, the record will be transferred to Commandant (G–PS). After a 3 year retention, the record will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel Management (G–WP), Department of Transportation, United States Coast Guard, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:

a. Central location: Notarized written requests should contain the full name and social security number of the member and be addressed to Commandant (G–SII), U.S. Coast Guard, Washington, DC 20593–0001.

b. Decentralized location: Notarized written request should contain the full name and social security number of the member and be addressed to the MLC, district, or unit where the individual is assigned.

RECORD ACCESS PROCUDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Reports from medical personnel, mental health and educational institutions, public and private health and welfare agencies and Coast Guard personnel and private individuals.

DOT/CG 671

SYSTEM NAME:

Biographical Statement.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–CP), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key DOT officials, USCG flag officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Affairs Staff—uses records for publicity. Personnel Office—uses records for promotion. See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and correspondences are stored in filing cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Personnel are screened prior to granting access.

Stored in building having roving security guards during nonworking hours.

RETENTION AND DISPOSAL:

Transferred to historical file upon termination of active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–CP), U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd

Street, SW, Washington, DC 20593–0001.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure.''

Proof of identity will be required prior to granting access. A military identification card, driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Individual named in file.

DOT/CG 676

SYSTEM NAME:

Official Coast Guard Reserve Service Record

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G–WT), 2100 2nd Street, SW, Washington, DC 20593–0001.

For official records on discharged, retired, and separated former members:

General Services Administration (GSA), National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Decentralized segments are located at:

Each Coast Guard District Reserve office (for District records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service. Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official career history of each Reservist including (as applicable):

Enlistment contract or Oath of Office. Record of Emergency Data.

Training Course/Educational achievements. Rate/Grade/Rating qualifications.

Leave record.

Performance of duty marks/fitness reports. Medals and commendations.

Record of sea duty/duty outside continental United States. Statements of creditable and former service (including pay base date).

Statements and computations of retirement points. Official orders.

Correspondence pertaining to any/all of the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative personnel procedures, including examining and screening for completeness and accuracy of records and correspondence pertaining thereto. Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve Boards.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, re-entering or leaving the Coast Guard Reserve. Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original copy of this material will be included in the official service record maintained at Coast Guard Headquarters.

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veteran's benefits, claims, or applications. Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction. Used by:

Individual upon whom records are kept (personal review). File clerks and personnel from the Office of Reserve and Training (G-WT), in the normal performance of their duties.

Other personnel within the Coast Guard in the normal performance of their duties, as authorized by the Chief, Reserve Affairs or his designated Representative. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 (U.S.C. 1681a(f)) or the Federal Claims Collecting Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper assembled and filed in one official service record per member.

RETRIEVABILITY:

Individual Service Records are indexed and retrievable by name and/or triple terminal digit of member's service number.

SAFEGUARDS:

Service records are maintained in a central storage area locked behind two separate doors. During non-working hours the building security consists of roving and static security patrols.

During working hours physical access to records is controlled by Records Control Branch personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member's separation from the service (three months for officers), after which it is transmitted for permanent storage to the:

Military Personnel Record Center (MPRC), National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, MO 63132.

In the case of retired members, the service record is shipped to NPRC upon retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant (G–WT), Chief, Reserve Affairs, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Inquiry requests for determination whether this system contains records on an individual should be made by the individual, in person or in writing to:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Written requests must be signed by the individual and must include the member's name, social security number and/or reserve number.

RECORD ACCESS PROCEDURES:

Procedures for access may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure'' or the District Office in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access (may consist of a military

identification, driver's license, or other suitable identification.)

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information contained in a member's service record is obtained from the individual concerned, CG Headquarters, District offices and other CG units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

DOT/CG 677

SYSTEM NAME:

Coast Guard Reserve Personnel Mobilization System.

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WT), United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

Commander Reserve in each Coast Guard District Office (except 17th).

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mobilization and qualification cards and orders. Initial, Annual, and Retired Screening and Qualification Questionnaires.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including the examining and screening for completeness and accuracy of records, correspondence pertaining thereto as a basis for assignment to active duty for training; special active duty for training or extended active duty and mobilization billets.

Users of these Records are Coast Guard employees in performance of official duties.

See DOT Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, punched cards and magnetic tape.

RETRIEVABILITY:

Individual Reservists are indexed by name and/or social security account number.

SAFEGUARDS:

Safeguards and controls afforded this system of records are similar to those normally employed ''For Official Use Only'' material, both at Headquarters and District Offices. Records are maintained in locked secure areas when not in use and personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Districts and at Headquarters throughout the members active Reserve status and during any period in a Retired Status thereafter (as applicable, and for as long as that member is considered a mobilizing resource). A ''dead file'' is often maintained for those Reservists transferred, discharged, or otherwise separated (this procedure varies from District to District).

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned ''dead files'' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionnaires, which are filed in the Reservists District Service Record.

Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WT), United States Coast Guard Headquarters, Chief, Office of Reserve and Training, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURES:

Department of Transportation, Commandant (G–SII), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Written request must by signed by the individual.

RECORDS ACCESS PROCEDURES:

Individual should contact Commandant (G–SII) in person or in writing at the address in ''Notification Procedure.'' For records maintained at the District, individual should contact the Commander(s) at the District to which the individual is assigned. Refer to Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the following sources: The individual himself, CG Headquarters. and CG District Offices.

DOT/CG 678

SYSTEM NAME:

Reserve Personnel Management Information System (Automated).

SYSTEM LOCATION:

Department of Transportation (DOT), Commandant (G–WT), Office of Reserve Training, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officers and enlisted personnel in an active or inactive status,

including retired reservist, and those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Included in RPMIS are the following data concerning each Coast Guard Reservist in this system which are necessary to administer the Coast Guard program: name, social security number, present and last five grades or rates, educational background, civilian and military, foreign language and proficiency, history of unit assignments and dates assigned, duty status, date of birth, date of enlistment, appointment or extension, AFQT scores, source of entry, date of commission, prior service, date of expiration of obligation, anniversary data on pay base date, aviation pay and administrative pay, training rate, reserve category and class, training/pay category, data on ADT for last five years, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of last National Agency Check, Background Investigation and security clearance, domestic emergency volunteer, date of last physical and immunization, data on special active duty for training and extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training participation, correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemen's Group Life Insurance (SGLI) information, mailing address, and work and home phone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The RPMIS is used for the personnel administration of individual reservists and the overall management of the reserve program. Se prefatory Statement of General Routine Uses. The Master Personnel File provides status and qualification listing, expiration of enlistment and physical reports, strength management reports, unit and district roster, and advancement and promotion reports. The Pay and Point axle provides point count statements, budgeting reports, inactive duty and active duty pay, and retirement eligibility listings. The addresses of individual reservists are used for mailing paychecks, earning statements, 'The Reservist', and Annual Screening questionnaires. Records in this system are routinely disclosed to the Treasury Department to complete payroll checks. Used by: Authorized personnel from the Office of Readiness and Reserve and the Office of the Comptroller, authorized personnel on the staff of the various district commanders in the normal performance of their official duties, the Deputy Assistant Secretary of Defense for Manpower, Logistics and Reserve Affairs and others as authorized by Chief, Office of Readiness and Reserve or his representative.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this systems to ''consumer reporting agencies'' collecting on behalf of the U.S. Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with magnetic tape backups. The file is updated weekly.

RETRIEVABILITY:

Individual records in the system are retrieved by Social Security Number.

SAFEGUARDS:

Magnetic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed. A reservist's address is maintained on file for approximately one year after discharge, to allow for processing of annual point statements and W–2 forms. Audit trails are maintained indefinitely and the Master Personnel file and Pay and Points file are continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–WT), Chief, Office of Reserve Training, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Requests to determine if this system contains information on any individual should be made in person or in writing to: Department of Transportation, United States Coast Guard Headquarters, Commandant (G–SII), 2100 2nd Street, SW, Washington, DC 20593–0001. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures for access to record may be obtained by writing to or visiting Commandant (G–SII) at the address in ''Notification Procedure.'' Prior written notification of personal visit will insure that the record will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

[FR Doc. 96–27733 Filed 10–30–96; 8:45 am]

BILLING CODE 4210–62–P

federal register

Thursday
October 31, 1996

Part IV

Office of Management and Budget

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of P.L. 87–693 (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 Federal Register 10737), the three sets of rates outlined below are hereby established. These rates are for use in connection with the recovery, from tortiously liable third persons, of the cost of hospital and medical care and treatment furnished by the United States (Part 43, Chapter I, Title 28, Code of Federal Regulations) through three separate Federal agencies. The rates have been established in accordance with the requirements of OMB Circular A–25, requiring reimbursement of the full cost of all services provided. The rates are established as follows:

1. *Department of Defense.* The FY 1997 inpatient rates are based on the cost per Diagnostic Related Group (DRG), which is the inpatient full reimbursement rate per hospital discharge, weighted to reflect the intensity of the principal diagnosis, secondary diagnoses, procedures, patient age, etc. involved. The average costs per Relative Weighted Product (RWP) for large urban, other urban/rural and overseas facilities will be published annually as an inpatient adjusted standardized amount (ASA).

The ASA will be applied to the RWP for each inpatient case, determined from the DRG weights, outlier thresholds and payment rules published annually for hospital reimbursement rates under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) pursuant to 32 CFR 199.14(a)(1) including adjustments for length of stay outliers. The published ASAs will be adjusted for area wage differences and indirect medical education (IME) for the discharging hospital.

2. *Department of Health and Human Services.* The sum of obligations for each cost center providing medical service is broken down into amounts attributable to inpatient care on the basis of the proportion of staff devoted to each cost center. Total inpatient costs and outpatient costs thus determined are divided by the relevant workload statistic (inpatient day, outpatient visit) to produce the inpatient and outpatient rates. In calculation of the rates, the Department's unfunded retirement liability cost and capital and equipment depreciation cost were incorporated to conform to requirements set forth in OMB Circular A–25. In addition, each cost center's obligations include costs for certain other accounts, such as Medicare and Medicaid collections and Contract Health funds used to support direct program operation. Certain cost centers that primarily support workload outside of the directly operated hospitals or clinics (public health nursing, public health nutrition, health education) were excluded this year as not being a part of the traditional cost of hospital operations and not contributing directly to the inpatient and outpatient visit workload. Overall, these rates reflect a more accurate indication of the cost of care in HHS facilities.

In addition, this year separate rates per inpatient day and outpatient visit were computed for Alaska and the rest of the United States. This gives proper weight to the higher cost of operating medical facilities in Alaska.

3. *Department of Veterans Affairs.* The actual direct and indirect costs are compiled by type of care for the previous year, and facility overhead costs are added. Adjustments are made using the budgeted percentage changes for the current year and the budget year to compute the base rate for the budget year. The budget year base rate is then adjusted by estimated costs for depreciation of buildings and equipment, central office overhead, Government employee retirement benefits, and return on fixed assets (interest on capital for land, buildings, and equipment (net book value)), to compute the budget year tortiously liable reimbursement rates. Also shown for inpatient per diem rates are breakdowns into three cost components: Physician; Ancillary; and Nursing, Room, and Board. As with the total per diem rates, these breakdowns are calculated from actual data by type of care.

These rates represent the reasonable cost of hospital, nursing home, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics administered by the Department of Defense, Department of Veterans Affairs, and the Department of Health and Human Services.

For such care and treatment furnished at the expense of the United States in a facility not operated by the United States, the rates shall be the amounts expended for such care and treatment.

1. Department of Defense

For the Department of Defense (DoD), effective October 1, 1996 and thereafter:

Medical and Dental Services, Fiscal Year 1997

The FY 1997 DoD reimbursement rates for inpatient, outpatient, and other services are provided in accordance with Title 10, United States Code, section 1095. Due to the voluminous nature of the High Cost Drug Reimbursement Rates (Section III.D) and the rates for High Cost Services Requested by External Providers (Section III.E), these sections are not included in this package. Complete listings of these rates, however, are available on request from the OASD (Health Affairs). The medical and dental service rates in this package (to include the rates for high cost drug reimbursement and for high cost services requested by external providers) are effective October 1, 1996.

Inpatient, Outpatient and Other Rates and Charges

I. Inpatient Rates [1 2]

Per inpatient day	International military education and training (IMET)	Interagency and other federal agency sponsored patients	Other
A. Burn Center	$2,107.00	$3,824.00	$4,086.00
B. Surgical Care Services (Cosmetic Surgery)	897.00	1,629.00	1,741.00
C. All Other Inpatient Services (Based on Diagnosis Related Groups (DRG) Charges [3]):			

1. FY 1997 Direct Care Inpatient Reimbursement Rates

Adjusted standard amount	IMET	Interagency	Other (full/ 3rd party)
Large Urban	$2,154	$4,141	$4,392
Other Urban/Rural	2,275	4,344	4,635
Overseas	2,405	5,207	5,533

2. Overview

The FY 1997 inpatient rates are based on the cost per DRG which is the inpatient full reimbursement rate per hospital discharge, weighted to reflect the intensity of the principal diagnosis, secondary diagnoses, procedures, patient age, etc. involved. The average costs per Relative Weighted Product (RWP) for large urban, other urban/rural and overseas facilities will be published annually as an inpatient adjusted standardized amount (ASA). (See item 1 above). The ASA will be applied to the RWP for each inpatient case, determined from the DRG weights, outlier thresholds and payment rules published annually for hospital reimbursement rates under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) pursuant to 32 CFR 199.14(a)(1) including adjustments for length of stay outliers. The published ASAs will be adjusted for area wage differences and indirect medical education (IME) for the discharging hospital. An example of how to apply DoD costs to a DRG standardized weight to arrive at DoD costs is contained in part 3 of Section I.C., below.

3. Example of Adjusted Standardized Amounts for Inpatient Stays

Figure 1 shows examples for a non-teaching hospital in a Large Urban Area.

a. The cost to be recovered is DoD's cost for medical services provided in the non-teaching hospital located in a large urban area. Billings will be at the third party rate.

b. DRG 020: Nervous System infection except viral meningitis. Relative Weighted Product (RWP) for an inlier case is the CHAMPUS weight of 2.9769. (DRG statistics shown are from FY96.)

c. The DoD adjusted standardized amount to be charged is $4,392 (i.e., the third party rate as shown in the table).

d. DoD cost to be recovered at a non-teaching hospital with area wage index of 1.0 is the RWP factor (2.9769) in item 3.b., above, times the amount ($4,392) in 3.c., above.

Cost to be recovered is $13,075.

FIGURE 1.—THIRD PARTY BILLING EXAMPLES

DRG No.	DRG description	DRG weight	Arithmetic mean LOS	Geometric mean LOS	Short stay threshold	Long stay threshold
"020"	Nervous System Infection Except Viral Meningitis	2.9769	11.2	7.8	1	30

Hospital	Location	Area wage rate index	IME adjustment	Group ASA	Applied ASA
Non-Teaching Hospital	Large Urban	1.0	1.0	$4.392	$4,392

Patient	Length of stay	Days above threshold	Relative weighted product			TPC amount [3]
			Inlier [1]	Outlier [2]	Total	
#1	7 days	0	2.9769	0.0000	2.9769	$13,075
#2	21 days	0	2.9769	0.0000	2.9769	13,075
#3	35 days	5	2.9769	0.8397	3.8166	16,763

[1] DRG Weight.
[2] Outlier calculation=44% of per diem weight x number of outlier days=.44 (DRG Weight/Geometric Mean LOS) x (Patient LOS—Long Stay Threshold).
=.44(2.9769/7.8)×(35–30).
=.44(.38165)×5 (take out to 5 decimal places).
=.16793×5 (take out to 5 decimal places).
=.8397 (take out to 4 decimal places).
[3] Applied ASA x Total RWP.

II. Outpatient Rates [1 2]

MEPRS code [4]	Per visit clinical services	International military education and training (IMET)	Interagency and other federal agency-sponsored patients	Other
	A. Medical Care			
BAA	Internal Medicine	$92	$167	$178
BAB	Allergy	34	61	66
BAC	Cardiology	61	111	119
BAE	Diabetes	57	103	110
BAF	Endocrinology	71	130	139
BAG	Gastroenterology	89	162	173

MEPRS code [4]	Per visit clinical services	International military education and training (IMET)	Interagency and other federal agency-sponsored patients	Other
BAH	Hematology	89	162	173
BAI	Hypertension	60	108	116
BAJ	Nephrology	114	207	221
BAK	Neurology	86	156	167
BAL	Nutrition	24	43	46
BAM	Oncology	81	148	158
BAN	Pulmonary Disease	97	175	187
BAO	Rheumatology	73	133	142
BAP	Dermatology	54	98	105
BAQ	Infectious Disease	76	139	148
BAR	Physical Medicine	73	132	141
	B. Surgical Care			
BBA	General Surgery	107	193	207
BBB	Cardiovascular/Thoracic Surgery	92	167	178
BBC	Neurosurgery	108	197	210
BBD	Ophthalmology	72	131	140
BBE	Organ Transplant	109	199	212
BBF	Otolaryngology	83	150	160
BBG	Plastic Surgery	87	158	169
BBH	Proctology	63	114	122
BBI	Urology	93	169	180
BBJ	Pediatric Surgery	53	97	103
	C. Obstetrical and Gynecological (OB–GYN)			
BCA	Family Planning	59	108	115
BCB	Gynecology	67	121	129
BCC	Obstetrics	63	114	121
	D. Pediatric Care			
BDA	Pediatric	51	93	100
BDB	Adolescent	49	89	95
BDC	Well Baby	30	54	58
	E. Orthopaedic Care			
BEA	Orthopaedic	74	135	144
BEB	Cast Clinic	34	63	67
BEC	Hand Surgery	37	67	72
BEE	Orthopaedic Appliance	53	95	102
BEF	Podiatry	44	80	86
BEZ	Chiropractic Clinic	24	44	47
	F. Psychiatric and/or Mental Health Care			
BFA	Psychiatry	79	144	154
BFB	Psychology	75	137	146
BFC	Child Guidance	46	83	89
BFD	Mental Health	71	129	138
BFE	Social Work	60	109	117
BFF	Substance Abuse Rehabilitation	60	110	117
	G. Primary Medical Care			
BGA	Family Practice	58	106	113
BHA	Primary Care	56	102	109
BHB	Medical Examination	50	91	97
BHC	Optometry	37	68	73
BHD	Audiology Clinic	27	48	52
BHE	Speech Pathology	60	108	116
BHF	Community Health	39	70	75
BHG	Occupational Health	51	92	98

MEPRS code [4]	Per visit clinical services	International military education and training (IMET)	Interagency and other federal agency-sponsored patients	Other
BHI	Immediate Care Clinic	75	137	146
	H. Emergency Medical Care			
BIA	Emergency Care Clinic	91	164	176
	I. Flight Medicine Clinic			
BJA	Flight Medicine	85	154	164
	J. Underseas Medicine Care			
BKA	Underseas Medicine Clinic	26	46	50
	K. Rehabilitative Services			
BLA	Physical Therapy	24	44	47
BLB	Occupational Therapy	32	58	62
BLC	Neuromuscularskeletal screening	20	37	39
	L. Ambulatory Procedure Visit			
		413	746	797

III. Other Rates and Charges

MEPRS code [4]	Per visit clinical service	International military education and training (IMET)	Interagency and other federal agency sponsored patients	Other
FBI	A. Immunizations	$8.00	$15.00	$16.00
DGC	B. Hyperbaric Services [5] per hour	110.00	201.00	214.00
	C. Family Member Rate (formerly Military Dependents Rate)	9.90		
	D. Reimbursement Rates For High Cost Drugs Requested By External Providers [6]			
	The FY 1997 high cost drug reimbursement rates are for prescriptions requested by external providers and obtained at the Military Treatment Facility. The high cost drug reimbursement rates are too voluminous to include in this package. A complete listing of these rates is available on request from the OASD (Health Affairs).			
	E. Reimbursement Rates for High Cost Services Requested By External Providers [7]			
	The FY 1997 high cost services requested by external providers and obtained at the Military Treatment Facility are too voluminous to include in this package. A complete listing of these rates is available on request from the OASD (Health Affairs).			

Cosmetic surgery procedure	International classification diseases (ICD–9)	Current procedural terminology (CPT) [8]	FY 97 charge 9	Amount of charge
		F. Elective Cosmetic Surgery Procedures and Rates		
Mammaplasty	85.50	19325	Surgical Care Services or	([a])
	85.32	19324	Ambulatory Procedure Visit	([b])
	85.31	19318		
Mastopexy	85.60	19316	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Facial Rhytidectomy	86.82	15824	Surgical Care Services or	([a])
	86.22		Ambulatory Procedure Visit	([b])
Blepharoplasty	08.70	15820	Surgical Care Services or	([a])
	08.44	15821	Ambulatory Procedure Visit	([b])
		15822		
		15823		
Mentoplasty (Augmentation Reduction)	76.68	21208	Surgical Care Services or	([a])
	76.67	21209	Ambulatory Procedure Visit	([b])

Cosmetic surgery procedure	International classification diseases (ICD–9)	Current procedural terminology (CPT) [8]	FY 97 charge 9	Amount of charge
Abdominoplasty	86.83	15831	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Lipectomy, suction per region [10]	86.83	15876	Surgical Care Services or	([a])
		15877	Ambulatory Procedure Visit	([b])
		15878		
		15879		
Rhinoplasty	21.87	30400	Surgical Care Services or	([a])
	21.86	30410	Ambulatory Procedure Visit	([b])
Scar revisions beyond CHAMPUS	86.84	1578__	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Mandibular or Maxillary Repositioning	76.41	21194	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Minor Skin Lesions [11]	86.30	1578__	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Dermabrasion	86.25	15780	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Hair Restoration	86.64	15775	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Removing Tattoos	86.25	15780	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Chemical Peel	86.24	15790	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Arm/Thigh Dermolipectomy	86.83	1583__	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])
Brow Lift	86.3	15839	Surgical Care Services or	([a])
			Ambulatory Procedure Visit	([b])

MEPRS code [4]	Per visit clinical service [12]	International military education and training (IMET)	Interagency and other federal agency sponsored patients	Other
	G. Dental Rate			
CA	Dental Services (CTV 1)	$9.00	$25.00	$26.00
CA	Dental Services (CTV 2)	7.00	20.00	21.00
CB	Dental Prosthetics Laboratory (CLV)	2.00	6.00	6.00
	H. Ambulance Rate [13]			
FEA	Ambulance Service	57.00	103.00	110.00
	I. High Cost Laboratory and Radiology Services [7]			
	High Cost Laboratory	6.00	10.00	11.00
CPT–4 Multiplier	High Cost Radiology	20.00	36.00	38.00
CPT–4 Multiplier				
	J. AirEvac Rate [14]			
	AirEvac Services (Ambulatory)	89.00	162.00	173.00
	AirEvac Services (Litter)	265.00	481.00	513.00

Notes on Cosmetic Surgery Charges

[a] Charges for inpatient Surgical Care Services are contained in Section I.B. (See Notes 9 through 11 on reimbursable rates for further details.)

[b] Charges for Ambulatory Procedure Visits (formerly Same Day Surgery) are contained in Section II.L. (See Notes 9 through 11 on reimbursable rates for further details.)

Notes on Reimbursable Rates

[1] Percentages can be applied when preparing bills for both inpatient and outpatient services. Pursuant to the provisions of 10 U.S.C. 1095, the inpatient Diagnosis Related Groups and inpatient per diem percentages are 96 percent hospital and 4 percent professional fee. The outpatient per visit percentages are 58 percent hospital, 30 percent ancillary, and 12 percent professional.

[2] DoD civilian employees located in overseas areas shall be rendered a bill when services are performed. Payment is due 60 days from the date of the bill.

[3] The cost per DRG (Diagnosis Related Groups) is based on the inpatient full reimbursement rate per hospital discharge, weighted to reflect the intensity of the principal and secondary diagnoses, surgical procedures, and patient demographics involved. The adjusted standardized amounts (ASA) per Relative Weighted Product (RWP) for use in the Direct Care System will be comparable to procedures utilized by the Health Care Financing Administration (HCFA) and the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS). These expenses include all direct care expenses associated with direct patient care. The average cost per RWP for large urban, other urban/rural, and overseas will be published annually as an adjusted standardized amount (ASA) and will include the cost of inpatient professional services. The DRG rates will apply to reimbursement from all sources, not just third party payers.

[4] The Medical Expense and Performance Reporting System (MEPRS) code is a three digit code which defines the summary account and the subaccount within a functional category in the DoD medical system. An example of this hierarchical arrangement is as follows:

OUTPATIENT CARE (FUNCTIONAL CATEGORY)

Code	MEPRS
Medical Care (Summary Account) ...	BA
Internal Medicine (Subaccount)	BAA

MEPRS codes are used to ensure that consistent expense and operating performance data is reported in the DoD military medical system.

[5] Hyperbaric services are to be charged based on full hours and 15 minute increments of service. Providers should calculate the charges based on the number of hours (or fraction thereof) of service. Fractions of hours should be rounded to the next 15 minute increment (e.g. 31 minutes becomes 45 minutes).

[6] High cost prescription services requested by external providers (Physicians, Dentists, etc.) are relevant to the Third Party Collection Program. Third party payers (such as insurance companies) shall be billed for high cost prescriptions in those instances in which beneficiaries who have medical insurance, seen by providers external to a Military Medical Treatment Facility (MTF), obtain the prescribed medication from an MTF. Eligible beneficiaries (family members or retirees with medical insurance) are not personally liable for this cost and shall not be billed by the MTF. Medical Services Account (MSA) patients, who are not beneficiaries as defined in 10 U.S.C. 1074 and 1076, are charged at the ''Other'' rate if they are seen by an outside provider and come to the MTF for prescription services. A bill will be produced if the total prescription costs in a day (defined as 0001 hours to 2400 hours) exceeds $25.00 when bundled together. Bundling refers to the accumulation of a patient's bills during the previously defined 24 hour period. The standard cost of high cost medications includes the cost of the drugs plus a dispensing fee, per prescription. The prescription cost is calculated by multiplying the number of units (tablets, capsules, etc.) times the unit cost and adding a $5.00 dispensing fee per prescription.

[7] Charges for high cost ancillary services requested by external providers (Physicians, Dentists, etc.) are relevant to the Third Party Collection Program. Third party payers (such as insurance companies) shall be billed for high cost services in those instances in which beneficiaries who have medical insurance, are seen by providers external to a Military Medical Treatment Facility (MTF), and obtain the prescribed service from an MTF. Laboratory and Radiology procedure costs are calculated using the CPT–4 weight multiplied by either the high cost laboratory or radiology multiplier (Section III.I). Eligible beneficiaries (family members or retirees with medical insurance) are not personally liable for this cost and shall not be billed by the MTF. MSA patients, who are not beneficiaries as defined by 10 U.S.C 1074 and 1076, are charged at the ''Other'' rate if they are seen by an outside provider and come to the MTF for high cost services. A bill will be produced if the total ancillary services costs in a day (defined as 0001 hours to 2400 hours) exceed $25.00 when bundled together. Bundling refers to the accumulation of a patient's bills during the previously defined 24 hour period.

[8] The attending physician is to complete the Physicians' Current Procedural Terminology code to indicate the appropriate procedure followed during cosmetic surgery. The appropriate rate will be applied depending on the admission type of the patient, e.g., ambulatory procedure visit or inpatient surgical care services.

[9] Family members of active duty personnel, retirees and their family members, and survivors will be charged cosmetic surgery rates. The patient shall be charged the rate as specified in the FY 1997 reimbursable rates for an episode of care. The charges for elective cosmetic surgery are at the full reimbursement rate (designated as the ''Other'' rate) for Surgical Care Services in Section I.B., or Ambulatory Procedure Visits as contained in Section II.L of this attachment. The patient will be responsible for both the cost of the implant(s) in addition to the prescribed cosmetic surgery rates.

Note: The implants and procedures used for the augmentation mammaplasty are in compliance with Food and Drug Administration guidelines.

[10] Each regional lipectomy will carry a separate charge. Regions include head and neck, abdomen, flanks, and hips.

[11] These procedures are inclusive in the minor skin lesions. However, CHAMPUS separates them as noted here. All charges are for the entire treatment regardless of the number of visits required.

[12] Dental services are based on a Composite Time Value (CTV). Charges should be calculated based on the time value of the procedure times the CTV rate. The first CTV (1.0 value) shall be calculated using the CTV 1 rate. Any subsequent CTVs and portions thereof shall be calculated using the CTV 2 rate. The Composite Lab Value (CLV) should be used to calculate charges for dental appliances and prostheses.

[13] Ambulance charges are based on full hours and 15 minute increments of service. Providers should calculate the charges based on the number of hours (or fraction thereof) that the ambulance is logged out on a patient run. Fractions of hours should be rounded to the next 15 minute increment (e.g. 31 minutes becomes 45 minutes).

[14] Air in-flight medical care reimbursement charges are determined by the status of the patient (Litter or Ambulatory) and are per patient.

2. Department of Health and Human Services

For the Department of Health and Human Services, Indian Health Service, effective October 1, 1996 and thereafter:

		HHS
Hospital Care Inpatient Day:		
General Medical Care	Alaska	$1,696
	Rest of the United States	1,037
Outpatient Medical Treatment:		
Outpatient Visit	Alaska	339
	Rest of the United States	207

3. Department of Veterans Affairs

Actual direct and indirect costs are compiled by type of care for the previous year, and facility overhead costs are added. Adjustments are made using the budgeted percentage changes for the current year and the budget year to compute the base rate for the budget year. The budget year base rate is then adjusted by estimated costs for the depreciation of buildings and equipment, central office overhead, Government employee retirement benefits, and return on fixed assets (interest on capital for land, buildings, and equipment (net book value)), to compute the budget year tortiously liable reimbursement rates. Also shown for inpatient per diem rates are breakdowns into three cost components: Physician; Ancillary; and Nursing, Room, and Board. As with the total per diem rates, these breakdowns are calculated from actual data by type of care.

Effective October 1, 1996, and thereafter:

HOSPITAL CARE, RATES PER INPATIENT DAY

General Medicine	$1046
Physician	125
Ancillary	273
Nursing, Room, and Board	648
Neurology	1014
Physician	148
Ancillary	268
Nursing, Room, and Board	598
Rehabilitation Medicine	822
Physician	93
Ancillary	251
Nursing, Room, and Board	478
Blind Rehabilitation	973
Physician	78
Ancillary	483
Nursing, Room, and Board	412
Spinal Cord Injury	977
Physician	121
Ancillary	246
Nursing, Room, and Board	610
Surgery	1923
Physician	212
Ancillary	583
Nursing, Room, and Board	1128
General Psychiatry	501
Physician	47
Ancillary	79
Nursing, Room, and Board	375
Substance Abuse (Alcohol and Drug Treatment)	330
Physician	31
Ancillary	76
Nursing, Room, and Board	223
Intermediate Medicine	428
Physician	21
Ancillary	63
Nursing, Room, and Board	344

NURSING HOME CARE, RATES PER DAY

Nursing Home Care	288
Physician	9
Ancillary	39
Nursing, Room, and Board	240

OUTPATIENT MEDICAL AND DENTAL TREATMENT

Outpatient Visit	194
Emergency Dental Outpatient Visit	121
Prescription Filled	20

For the period beginning October 1, 1996, the rates prescribed herein superseded those established by the Director of the Office of Management and Budget November 29, 1995 (60 FR 61450).

Franklin D. Raines,

Director, Office of Management and Budget.

[FR Doc. 96–27883 Filed 10–30–96; 8:45 am]

BILLING CODE 3110–01–P

federal register

Thursday
October 31, 1996

Part V

Environmental Protection Agency

40 CFR Part 70

Operating Permits Program Interim Approval Extensions; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL–5612–3]

RIN 2060–AF70

Operating Permits Program Interim Approval Extensions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is today promulgating a revision to the operating permits regulations. This regulatory revision allows the Administrator to set interim approval expiration dates for State operating permits programs beyond the maximum 2 years. Today's action also extends all operating permits program interim approvals by 10 months if those interim approvals were granted prior to June 13, 1996.

EFFECTIVE DATE: The amendments take effect on December 2, 1996.

For those programs whose interim approval dates are amended by this action, interim approval will expire on the new dates which are 10 months after the original interim approval expiration dates. For any program granted interim approval, program revisions correcting interim approval deficiencies are due to be submitted to EPA 6 months prior to expiration of the interim approval.

ADDRESSES: Supporting material used in developing the proposal and final regulatory revisions is contained in Docket Number A–93–50. This docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the address listed below. A reasonable fee may be charged for copying. The address of the EPA air docket is: EPA Air Docket (LE–131), Attention: Docket Number A–93–50, Room M–1500, Waterside Mall, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Roger Powell (telephone 919–541–5331), Mail Drop 12, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Background

On August 31, 1995, EPA proposed revisions to the part 70 operating permits regulations (60 FR 45530). Primarily, the notice proposed changes to the system for revising permits. A number of other less detailed proposed changes were included in the notice. In addition, the Agency proposed a number of revisions on August 29, 1994 (59 FR 44460). Altogether, State and local permitting authorities will have a complicated package of program revisions to prepare in response to these changes once promulgated. The part 70 revisions are anticipated to take place early calendar 1997.

Contemporaneous with the task of revising the program to meet the revised part 70, many programs have been granted interim approval which will require permitting authorities to prepare program revisions to correct those deficiencies identified in the interim approval. The preamble to the August 31, 1995 proposal noted the concern of many permitting authorities over having to revise their programs twice—once to correct interim approval deficiencies, and again to address the revisions to part 70. In the August 1995 preamble, the Agency proposed that States with interim approval ''* * * should be allowed to delay the submittal of any program revisions to address program deficiencies previously listed in their notice of interim approval until the deadline to submit other changes required by the proposed revisions to part 70'' (60 FR 45552). Comment was solicited on this action and on a legal rationale. The Agency also proposed ''* * * to exercise its discretion under proposed section 70.4(i)(1)(iv) to provide States 2 years to submit program revisions in response to the proposed part 70 revisions * * *'' (60 FR 45551).

In combination, these actions could extend all interim approvals such that permitting authorities would not have to submit program revisions addressing interim approval deficiencies until up to 2 years after part 70 is revised. Six comments were received on this subject during the public comment period on the August 1995 proposal. Five of these commenters supported either the extension or efforts to minimize the burden on permitting authorities, but none provided a reasonable legal rationale. One of the commenters indicated the action is not consistent with title V.

II. Discussion

The regulatory revisions being made today amend § 70.4(d)(2) to allow the Administrator to grant the proposed additional extension to interim approvals. The Agency does not believe, however, that the August 31, 1995 blanket proposal to extend all interim approval program revision submittal dates until up to 2 years after part 70 is revised is appropriate. Program deficiencies that caused granting of interim approval of permitting programs vary from a few problems that can be easily corrected to complex problems that will require regulatory changes and, in some cases, legislative action. Where an undue burden will be encountered by developing two program revisions, combining program revisions and thus granting a longer time period for submission of the program revision to correct interim approval deficiencies is warranted. Where no such burden will occur, the Agency encourages permitting authorities to proceed with correcting their interim approval program deficiencies and not wait for the revised part 70.

To encourage permitting authorities to proceed with program revisions within their interim approval timeframes, rather than wait for the revised part 70, all interim approvals granted prior to the date of issuance of a memorandum announcing EPA's position on this issue (memorandum from Lydia N. Wegman to Regional Division Directors, ''Extension of Interim Approvals of Operating Permits Programs,'' June 13, 1996) are being extended in today's action by 10 months. The June 1996 memorandum is in the docket for today's action.

The reason for this automatic extension is that permitting authorities, upon reading the August 1995 proposed action, may have delayed their efforts to develop program revisions to address interim approval deficiencies because they believed the proposed policy to extend interim approvals until revised part 70 program revisions are due would be adopted for all programs. The EPA has been informed that this was the case in many States. Approximately 10 months passed since the August 1995 proposal until issuance of the memorandum previously noted. The additional 10-month extension to all interim approvals being granted in today's action will offset any time lost in permitting authority efforts to develop program revisions addressing interim approval deficiencies. The Agency does not, however, feel this 10-month extension should be applied to application submittal dates for the second group of sources covered by a source-category limited interim approval.[1]

[1] Several States have been granted source-category limited interim approvals. Under that type approval, a subset of the part 70 source population is to submit permit applications during the first year of the program. The application submittal period for the remaining sources begins upon full approval of the program. The Agency concludes this second group of sources should still submit

As noted in the June 1996 memorandum, EPA may, where the permitting authority applies for it after part 70 is revised, grant a longer extension to an interim approval so that the program revision to correct interim approval program deficiencies can be combined with the program revision to meet the revised part 70. Such extensions will only be granted once per State and will not be of a duration which exceeds 2 years after promulgation of revisions to part 70. Such a request must be made within 30 days of promulgation of the part 70 revisions. This will make it possible for EPA to take a single rulemaking action (if such action is warranted) to adopt new interim approval deadlines. All programs with interim approval are eligible for this longer extension, even if interim approval was granted after the June 1996 memorandum.

As required by § 70.4(f)(2), program revisions addressing interim approval deficiencies must be submitted to EPA no later than 6 months prior to the expiration of the interim approval. The dates for permitting authorities to submit their combined program revisions to address the revised part 70 and the interim approval deficiencies will be 6 months prior to the interim approval expiration dates which will be set through a future rulemaking.

Any longer extension allowing combining of program revisions to meet both the revised part 70 and interim approval deficiencies will occur only once for a permitting authority and will be based on the promulgation date of the revisions to part 70. If only regulatory changes to a program are needed to meet the revised part 70, the extension may be for up to 18 months after the part 70 revisions. If legislative changes are needed to a program to meet the revised part 70, the extension may be for up to 2 years. As previously noted, the program revision submittal date will be 6 months prior to expiration of the extended interim approval.

III. Administrative Requirements

A. Docket

The docket for this regulatory action is A–93–50. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review (except for interagency review materials). The docket is available for public inspection at EPA's Air Docket, which is listed under the **ADDRESSES** section of this document.

B. Executive Order (E.O.) 12866

Under E.O. 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether each regulatory action is ''significant,'' and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Order. The Order defines ''significant'' regulatory action as one that is likely to lead to a rule that may:

1. Have an annual effect on the economy of $100 million or more, adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.
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 program or the rights and obligation of recipients thereof.
4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Pursuant to the terms of E.O. 12866, it has been determined that this rule is not a ''significant'' regulatory action because it does not substantially change the existing part 70 requirements for States or sources, requirements which have already undergone OMB review. Rather than impose any new requirements, this rule only extends an existing mechanism. As such, this action is exempted from OMB review.

C. Regulatory Flexibility Act Compliance

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. In developing the original part 70 rule, the Agency determined that it would not have a significant economic impact on a substantial number of small entities. Similarly, the same conclusion was reached in an initial regulatory flexibility analysis performed in support of the proposed part 70 revisions (a subset of which constitutes today's action). This action does not substantially alter the part 70 regulations as they pertain to small entities and accordingly, will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2060–0243. The Information Collection Request (ICR) prepared for the part 70 rule is not affected by today's action because the part 70 ICR determined burden on a nationwide basis, assuming all part 70 sources were included without regard to the approval status of individual programs. Today's rule, which simply provides for an extension of the interim approval of certain programs, does not alter the assumptions of the approved part 70 ICR used in determining the burden estimate. Furthermore, today's action does not impose any additional requirements which would add to the information collection requirements for sources or permitting authorities.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to:

Director, Regulatory Information Division, Office of Policy, Planning, and Evaluation (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

and:

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Include the ICR number in any correspondence.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures to State, local, and tribal governments, in the aggregate, or

---

permit applications during a period beginning on the original expiration date of a State's interim approval as opposed to that date extended by 10 months. The other interim approval program deficiencies, however, will be eligible for the 10-month extension.

to the private sector, of $100 million or more in any 1 year.

The EPA has determined that today's rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector, in any 1 year. Although the part 70 regulations governing State operating permit programs impose significant Federal mandates, today's action does not amend the part 70 regulations in a way that significantly alters the expenditures resulting from these mandates. Therefore, the Agency concludes that it is not required by section 202 of the UMRA of 1995 to provide a written statement to accompany this regulatory action.

F. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(l)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 70

Environmental protection, Air pollution control, Prevention of significant deterioration, New source review, fugitive emissions, Particulate matter, Volatile organic compounds, nitrogen dioxide, carbon monoxide, Hydrocarbons, Lead, Operating permits.

Dated: September 13, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as set forth below.

PART 70—[AMENDED]

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

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

2. Paragraph (d)(2) of § 70.4 is revised to read as follows:

§ 70.4 State program submittals and transition.

* * * * *

(d) *Interim approval.* * * *

(2) Interim approval shall expire on a date set by the Administrator (but not later than 2 years after such approval unless a longer period of time up to 10 months is provided on an individual basis by the Administrator through rulemaking), and may not be renewed. Notwithstanding the previous sentence, the Administrator may, through rulemaking, provide for a longer period of time on an individual basis, but only once per State, as necessary to allow for a State to submit one set of program changes addressing both interim approval deficiencies and program changes necessary to comport with the next revision to § 70.7 that is made after [date of publication]. Any longer period of time provided by the Administrator shall not exceed 2 years after publication in the Federal Register of that revision. Sources shall become subject to the program according to the schedule approved in the State program. Permits granted under an interim approval shall be fully effective and expire at the end of their fixed term, unless renewed under a part 70 program.

Appendix A—Part 70 [Amended]

3. Appendix A of part 70 is amended by the following:

a. Adding a sentence to the end of paragraphs (n), (x), and (y) under California and paragraph (a) under Missouri;

b. Revising paragraph (a) under Oklahoma; and

c. Revising the end date of each paragraph as follows: Paragraphs (a) through (c) of Alabama; Paragraph (a) of Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Montana, New Jersey, North Carolina, North Dakota, Rhode Island, West Virginia, Wisconsin, and Wyoming; Paragraphs (a) through (m), (o) through (w), (z) through (cc), and (ee) through (hh) of California; paragraphs (a) through (c) of Nevada; paragraphs (a) and (b) of New Mexico; and paragraphs (a) through (i) of *Washington*.

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

Alabama

(a) * * * October 15, 1998.
(b) * * * October 15, 1998.
(c) * * * October 15, 1998.

Arkansas

(a) * * * August 8, 1998.

California * * *

(a) * * * April 3, 1998.
(b) * * * May 23, 1998.
(c) * * * April 3, 1998.
(d) * * * April 3, 1998.
(e) * * * April 3, 1998.
(f) * * * April 3, 1998.
(g) * * * April 3, 1998.
(h) * * * June 13, 1998.
(i) * * * April 3, 1998.
(j) * * * April 3, 1998.
(k) * * * April 3, 1998.
(l) * * * June 13, 1998.
(m) * * * April 3, 1998.
(n) * * * Interim approval expires on December 9, 1998.
(o) * * * April 3, 1998.
(p) * * * April 3, 1998.
(q) * * * January 5, 1999.
(r) * * * September 6, 1998.
(s) * * * April 3, 1998.
(t) * * * April 3, 1998.
(u) * * * April 3, 1998.
(v) * * * April 3, 1998.
(w) * * * July 4, 1998.
(x) * * * Interim approval expires on December 9, 1998.
(y) * * * Interim approval expires on March 25, 1999.
(z) * * * October 1, 1998.
(aa) * * * October 1, 1998.
(bb) * * * June 13, 1998.
(cc) * * * April 3, 1998.

* * * * *

(ee) * * * June 13, 1998.
(ff) * * * April 3, 1998.
(gg) * * * October 1, 1998.
(hh) * * * April 3, 1998.

Colorado

(a) * * * December 24, 1997.

* * * * *

Delaware

(a) * * * November 5, 1998.

* * * * *

District of Columbia

(a) * * * July 8, 1998.

* * * * *

Florida

(a) * * * August 25, 1998.

* * * * *

Georgia

(a) * * * October 22, 1998.

* * * * *

Hawaii

(a) * * * October 1, 1997.

* * * * *

Illinois

(a) * * * January 7, 1998.

* * * * *

Indiana

(a) * * * October 14, 1998.

* * * * *

Iowa

(a) * * * August 1, 1998.

* * * * *

Kentucky

(a) * * * October 14, 1998.

* * * * *

Massachusetts

(a) * * * March 15, 1999.

* * * * *

Minnesota

(a) * * * May 16, 1998.

* * * * *

Missouri

(a) * * * Interim approval expires on September 13, 1998.

* * * * *

Montana

(a) * * * April 11, 1998.

* * * * *

Nevada

(a) * * * November 12, 1998.
(b) * * * December 5, 1997.
(c) * * * June 13, 1998.

* * * * *

New Jersey

(a) * * * April 16, 1999.

New Mexico

(a) * * * October 19, 1997.
(b) * * * June 10, 1997.

* * * * *

North Carolina

(a) * * * October 15, 1998.

* * * * *

North Dakota

(a) * * * June 7, 1998.

* * * * *

Oklahoma

(a) The Oklahoma Department of Environmental Quality submitted its operating permits program on January 12, 1994, for approval. Source category-limited interim approval is effective on March 6, 1996. Interim approval will expire January 5, 1999.

* * * * *

Rhode Island

(a) * * * May 6, 1999.

* * * * *

Washington

(a) * * * October 9, 1997.
(b) * * * October 9, 1997.
(c) * * * October 9, 1997.
(d) * * * October 9, 1997.
(e) * * * October 9, 1997.
(f) * * * October 9, 1997.
(g) * * * October 9, 1997.
(h) * * * October 9, 1997.
(i) * * * October 9, 1997.

* * * * *

West Virginia

(a) * * * October 15, 1998.

* * * * *

Wisconsin

(a) * * * February 7, 1998.

* * * * *

Wyoming

(a) * * * December 19, 1997.

[FR Doc. 96–26446 Filed 10–30–96; 8:45 am]

BILLING CODE 6560–50–P

federal register

Thursday
October 31, 1996

Part VI

Department of Education

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research; Notice of Proposed Priorities for Fiscal Years 1997–1998 for a Research and Demonstration Project and Rehabilitation Research and Training Centers

AGENCY: Department of Education.

SUMMARY: The Secretary proposes priorities for the Research and Demonstration Project (R&D) Program and the Rehabilitation Research and Training Center (RRTC) Program under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1997–1998. The Secretary takes this action to focus research attention on areas of national need consistent with NIDRR's long-range planning process, to improve rehabilitation services and outcomes for individuals with disabilities, and to assist in the solutions to problems encountered by individuals with disabilities in their daily activities.

DATES: Comments must be received on or before December 2, 1996.

ADDRESSES: All comments concerning this proposed priority should be addressed to David Esquith, U.S. Department of Education, 600 Independence Avenue, S.W., Switzer Building, Room 3424, Washington, D.C. 20202–2601. Internet: NPP__ADA@ed.gov.

FOR FURTHER INFORMATION CONTACT: David Esquith. Telephone: (202) 205–8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8133. Internet: David__Esquith@ed.gov.

SUPPLEMENTARY INFORMATION: This notice contains proposed priorities to establish one R&D project for research on improving employment practices covered by Title I of the Americans with Disabilities Act (ADA), and two RRTCs for research related to personal assistance services (PAS) and employment for persons with long-term mental illness (LTMI).

NIDRR is in the process of developing a revised long-range plan. The proposed priorities in this notice are consistent with the long-range planning process.

These proposed priorities support the National Education Goal that calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The Secretary will announce the final funding priorities in a notice in the Federal Register. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the final priorities, the availability of funds, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under these competitions will be published in the Federal Register concurrent with or following publication of the notice of the final priorities.

Research and Demonstration Projects

Authority for the R&D program of NIDRR is contained in section 204(a) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760–762). Under this program the Secretary makes awards to public agencies and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations. This program is designed to assist in the development of solutions to the problems encountered by individuals with disabilities in their daily activities, especially problems related to employment (see 34 CFR 351.1). Under the regulations for this program (see 34 CFR 351.32), the Secretary may establish research priorities by reserving funds to support the research activities listed in 34 CFR 351.10.

Priority

Under 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this program only applications that meet this absolute priority:

Proposed Priority: Improving Employment Practices Covered by Title I of the Americans with Disabilities Act

Background

The intent of Title I of the Americans with Disabilities Act (ADA) is to include and empower people with disabilities in the workforce (P. Blanck, The Americans with Disabilities Act: Putting the Employment Provisions to Work, Annenberg Washington Program, page 9, 1993). Title I provides that employers, employment agencies, labor organizations, or joint labor-management committees may not discriminate against a qualified individual with a disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment. Discrimination under Title I includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business.

The employment status of persons with disabilities is a matter of critical importance, both in terms of public expenditures and in the right of persons with disabilities to participate fully in the labor market (J. McNeil, Americans with Disabilities: 1991–1992, Household Economic Studies, p. 70–33, December, 1993). One of the assumptions underlying the ADA is that discriminatory employment practices are contributing significantly to the depressed employment status of persons with disabilities. For 1994, of the 29.41 million persons 21 to 64 years old who had a disability, 14.03 million or 47.7 percent were unemployed. For the same year, the mean monthly earnings of workers with disabilities was $1,713 compared to $2,160 for workers without disabilities (J. McNeil, U.S. Bureau of the Census, Survey of Income and Program Participation, 1994).

The Equal Employment Opportunity Commission (EEOC), which has enforcement responsibility for Title I of the ADA, estimates that Title I covers approximately 666,000 businesses employing approximately 86 million workers (EEOC Press Release, July 19, 1994). Title I became effective for employers with 25 or more employees on July 26, 1992, and on July 26, 1994 for employers with 15 or more employees. Partially as a result of the recency of these effective dates, little is known about the actual impact of Title I on the employment practices of covered entities. The research that has been conducted on the impact of Title I on employment practices relies primarily on attitudinal surveys of employers toward the ADA, and the anticipated impact that Title I might have on their employment practices (see Baseline Study to Determine Business' Attitudes, Awareness, and Reaction to the Americans with Disabilities Act, Gallup Survey Report, 1992).

While little is known about the actual impact of Title I on employment practices, data collected by the EEOC provide information about alleged Title I ADA violations involving employment

practices. Since July 26, 1992 the EEOC has maintained a database regarding the number of ADA violations that have been cited in charges and the impairments cited in those charges. For the cumulative reporting period between July 26, 1992 and June 30, 1996, the EEOC reports that a total of 68,203 ADA charges were filed. Of the 68,203 charges, 52,448 or 76.9 percent have been resolved. The majority of resolutions are either ''Administrative Closures'' (40.2 percent) or ''No Reasonable Cause'' (45.2 percent). While it is impossible to determine what percentage of the ''Administrative Closures'' involve charges that are meritorious, the remaining 14.6 percent of the charges resulted in ''Merit Resolutions'' (settlements—4.9 percent, withdrawals with benefits—7.2 percent, reasonable cause 2.5 percent) (EEOC Office of Program Operations from EEOC's Charge Data National Data Base).

The complaints filed with the EEOC that result in ''Merit Resolutions'' may be indications of not only discriminatory employment practices, but also the difficulties that employers are having understanding or implementing Title I's requirements. In a 1992 survey of 618 employers in Georgia, 84 percent of the companies indicated that they would like to receive more information concerning ADA requirements, 65 percent wanted more information about financial incentives, and 62 percent wanted disability awareness training for employees and having access to trained, motivated employees with disabilities (J. Newman and R. Dinwoodie, Impact of the Americans with Disabilities Act on Private Sector Employers, Journal of Rehabilitation Administration, Vol. 20, No. 1, February, 1996).

Persons with disabilities may be exposed to substantial emotional and financial hardship as a result of discrimination or an employer's lack of understanding of the employment practice requirements of the ADA. Attempting to resolve Title I disputes through the complaint process or litigation, can be costly and time-consuming for persons with disabilities, employers, and the EEOC. Preventing employment discrimination and disputes through the provision of information and technical assistance enables employers and persons with disabilities to share in the benefits of productive and financially rewarding employment.

Proposed Priority

The Secretary proposes to establish a research and demonstration project on improving employment practices covered by Title I of the ADA that will:

(1) Investigate the impact of the ADA on the employment practices of private sector small, medium, and large businesses;

(2) Identify the ADA employment practice requirements (with a special emphasis on hiring) that have been most challenging for employers to implement successfully;

(3) Identify interventions that can be used by private sector employers and persons with disabilities to address the challenging employment practice requirements identified in (2) above;

(4) Demonstrate the effectiveness of the interventions involving small, medium-sized, and large businesses; and

(5) Widely disseminate information on effective interventions to employers and persons with disabilities.

In carrying out the purposes of the priority, the proposed R&D project shall:

- Consult with the EEOC in order to determine how EEOC public-use data demonstrate the findings of compliance problems in covered areas, especially in hiring, and how those and future data may be available for the purposes of the project;
- Complement the General Accounting Office qualitative evaluation of the employment provisions of the ADA; and
- Use a variety of information dissemination strategies to reach as wide an audience as possible, including using the ten regional Disability and Business Technical Assistance Centers.

Rehabilitation Research and Training Centers (RRTCs)

Authority for the RRTC program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760–762). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations for coordinated research and training activities. These entities must be of sufficient size, scope, and quality to effectively carry out the activities of the Center in an efficient manner consistent with appropriate State and Federal laws. They must demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

The Secretary may make awards for up to 60 months through grants or cooperative agreements. The purpose of the awards is for planning and conducting research, training, demonstrations, and related activities leading to the development of methods, procedures, and devices that will benefit individuals with disabilities, especially those with the most severe disabilities.

Under the regulations for this program (see 34 CFR 352.32) the Secretary may establish research priorities by reserving funds to support particular research activities.

Description of the Rehabilitation Research and Training Center Program

RRTCs are operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services. RRTCs serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates or authorized representatives of the individuals.

RRTCs conduct coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge to improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities.

RRTCs provide training, including graduate, pre-service, and in-service training, to assist individuals to more effectively provide rehabilitation services. They also provide training including graduate, pre-service, and in-service training, for rehabilitation research personnel and other rehabilitation personnel.

RRTCs serve as informational and technical assistance resources to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of these individuals through conferences, workshops, public education programs, in-service training programs and similar activities.

NIDRR encourages all Centers to involve individuals with disabilities and minorities as recipients in research training, as well as clinical training.

Applicants have considerable latitude in proposing the specific research and related projects they will undertake to achieve the designated outcomes; however, the regulatory selection criteria for the program (34 CFR 352.31) state that the Secretary reviews the extent to which applicants justify their choice of research projects in terms of the relevance to the priority and to the needs of individuals with disabilities. The Secretary also reviews the extent to which applicants present a scientific

methodology that includes reasonable hypotheses, methods of data collection and analysis, and a means to evaluate the extent to which project objectives have been achieved.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RRTC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

General

The Secretary proposes that the following requirements will apply to these RRTCs pursuant to the priorities unless noted otherwise:

Each RRTC must conduct an integrated program of research to develop solutions to problems confronted by individuals with disabilities.

Each RRTC must conduct a coordinated and advanced program of training in rehabilitation research, including training in research methodology and applied research experience, that will contribute to the number of qualified researchers working in the area of rehabilitation research.

Each Center must disseminate and encourage the use of new rehabilitation knowledge. They must publish all materials for dissemination or training in alternate formats to make them accessible to individuals with a range of disabling conditions.

Each RRTC must involve individuals with disabilities and, if appropriate, their family members, as well as rehabilitation service providers in planning and implementing the research and training programs, in interpreting and disseminating the research findings, and in evaluating the Center.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications that meet one of the following priorities. The Secretary proposes to fund under these competitions only applications that meet one of these absolute priorities:

Proposed Priority 1: Personal Assistance Services

Background

Over the past 20 years, various forms of home-based assistance have emerged as alternatives to institutional or congregate care for individuals who are unable to perform activities of daily living (ADLs, such as eating, speaking, toileting), or instrumental activities of daily living (IADLs, such as housekeeping, shopping, or food preparation). This assistance often comes in the form of chore services or home health aides provided for older persons through community agencies or corporations and financed through public or private health insurance. However, individuals with disabilities, particularly through the independent living movement, have developed and promoted an alternative model of personal assistance featuring consumer direction. In this priority, personal assistance services (PAS) is used to refer to the full range of service delivery models for providing home-based support services, including chore services, home health care, and consumer-directed personal assistants (PAs).

Programs to fund and provide personal assistance services for individuals with severe disabilities have developed in response to the increased numbers of persons with disabilities living independently in their homes (Kennedy, J., Policy and Program Issues in Providing Personal Assistance Services, Journal of Rehabilitation, July/August/September, 1993). The term ''personal assistance services'' was added to the Rehabilitation Act of 1973, with the 1992 amendments, and defined as ''a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability'' (section 7(11)). The provision of on-the-job or related PAS is specifically authorized under the Vocational Rehabilitation Services Program while an individual is receiving services under the program (section 103(a)(15)). In addition, PAS is considered to be an element in the definition of ''independent living services'' in section 7(30)(B)(vi) of the Act.

PAS is also supported by health care agencies, public welfare agencies, educational institutions, private insurance providers, nonprofit organizations, client self-funding, and a host of less common sources. Indeed, researchers have identified more than 300 State level PAS programs, and suggest that they may be categorized by: (1) Target population, such as persons who are aged, persons with developmental disabilities, persons with mental illness; (2) type of service, such as chore services and medical services; and (3) method of funding, such as public Medicaid assistance or private individual or insurer purchase of care from home health care providers (Medlantic Research Foundation, The Feasibility of Establishing a Regional Personal Assistance Program in the Metropolitan Washington D.C. Area, 1991).

Information from the 1990 Survey of Income and Program Participation (SIPP) and the 1990 Decennial Census indicates that about 4.1 million nonelderly adults, and 5.8 million elderly persons living in community settings have acute or chronic health conditions that may make them candidates for individual personal assistance in their homes (Adler, Population Estimates of Disability and Long-Term Care, ASPE Research Notes, l995). The population potentially in need of PAS is very diverse in terms of geographic location, disability or medical condition, personal health care needs, and psychosocial characteristics.

Two major contrasting models of personal assistance may be identified as the independent living (IL) model, and the medical model. The range of personal services programs may be arrayed on a continuum between the two pure archetypes, with many variations falling at various points on the continuum. The original, or medical model, is characterized by professionalism; agency control and supervision of service providers; and strictly specified tasks that generally must be provided in the home. An agency hires, trains (usually under a medical, nursing, or health services approach), pays, assigns, supervises, and fires the workers, commonly referred to as health aides, and the user has a limited role in planning, directing, and assessing this delimited range of services. In the IL model, individuals with disabilities have a substantial role in determining the terms and conditions of PAS, and they hire, train, and supervise their PAs (A Comparison of Some of the Characteristics of Two Models of Personal Assistance Services, World Institute on Disability, 1995). Although research has shown that PAS are effective, cost efficient, and popular with those assisted under the IL model, the medical model predominates throughout the United States (Kennedy, 1991; Kennedy and Litvak, S. Case Studies of Six State Personal Assistance Service Programs funded by the Medicaid Personal Care Option, 1991). The reasons for the prevalence of the medical model are not entirely clear, but there are several possible explanations. The medical model emerged earlier, in

response to the needs of elderly persons, who were then being cared for in a medical or quasi-medical environment. It was a logical extension to duplicate the medical model in home-based services, including elements of medical prescriptiveness, health services training and qualifications, and focus on such things as security and accountability. It is also possible that older clients are less comfortable with learning new roles in determining their own needs and supervising their care, and that some may lack the physical or cognitive capacities to assume these roles. On the other hand, it may be that younger disabled individuals place much higher value on autonomy, social integration, self-determination and independence than do many of the frail elderly.

Although researchers have described these two models of PAS, there is insufficient information on the characteristics of the PAS that is available to various subgroups of individuals with disabilities, including not only information on the service delivery models, but also factors such as eligibility criteria, quantity and nature of services provided, sources of financing, and costs (per client, per unit of services, and total). Researchers, service providers, policymakers, and advocates would benefit from greater knowledge about the kinds of PAS services available to disabled individuals with various characteristics, including age, type of disability, geographic location, work history, and residential and family status. A comprehensive database of available PAS, on a State-by-State basis, is fundamental to conducting the analyses that will accomplish the purposes of this priority.

Beyond improving understanding of what exists, it is important to both assess the contributions of these services to individuals with disabilities and to society, and to anticipate new developments in service provision and planning. The objectives of the IL model of PAS are somewhat different from those of the medical model. To some extent, these are the individual goals and objectives of the disabled persons who use PAS. However, there are some overall objectives or expectations that society has in their establishment and funding of these programs. It is important to define both sets of objectives and develop standards and measures that will permit an assessment of the effectiveness of PAS in achieving societal objectives as well as in satisfying the expectations of the users of PAS. The objectives of these two groups are expected to be similar, although not necessarily identical and not prioritized in the same order. Societal objectives may include the avoidance of costly future interventions through health maintenance, prevention of further disablement, safety, and return to work, and these may be reasonably objective and quantifiable outcomes. Consumer objectives may focus on more subjective measures such as autonomy, social integration, and quality of life. Consumers and policymakers will be best served by a comprehensive assessment of PAS outcomes. This priority focuses on the access to, use and outcomes of, and satisfaction with, various configurations of PAS by individuals of working age.

Increasingly, individuals using PAS, and often the PAS as well, are entering the worksite as a result of innovations in telecommuting, flexiplace, home businesses, and individual accommodations for workers in traditional work sites. There is need for studies that will examine alternative approaches to providing PAS to individuals with disabilities in employment settings, including on-site versus off-site assistance, configurations of services necessary to support employment, and that examine relations between PAS and job coaches, rehabilitation counselors, interpreters, and other service personnel. The relationship between the types of services available through PAS and the likelihood of maintaining employment is an area for investigation.

The introduction of managed care approaches to health care delivery and financing and the influence of Federal court decisions are likely to result in extensive changes to State-administered Medicaid programs providing PAS. In addition, the Robert Wood Johnson Foundation is providing $3 million in grants to stimulate States, nonprofit organizations, and communities to demonstrate the effectiveness of the choice concept in PAS. There is also an anticipated decentralization of responsibility for service delivery and devolution of regulatory control over funds and services to the States or local government levels. It is unclear what effect these new patterns will have on availability, eligibility, and service configurations. There is a need to analyze the impact of these anticipated new public program and policy directions on the administration of PAS, and to improve public information, increase interagency collaboration on effective program features, and develop strategies to address shortages of trained personnel for providing PAS.

Proposed Priority 1

The Secretary proposes to establish an RRTC that will contribute to the understanding of personal assistance services that informs policymaking and practice throughout the nation by:

(1) Analyzing the patterns of access to PAS in terms of the characteristics of the consumers with disabilities, the components of the PAS programs, and the administrative requirements;

(2) Assessing the impact of devolution/decentralization on PAS through the analysis of trends in the availability of PAS and the correlation of these trends with new developments in State policies;

(3) Evaluating the impact of various types and amounts of PAS on desired consumer outcomes, including health maintenance and secondary prevention, appropriate versus inappropriate health care utilization, productivity and employment, community participation, emotional well-being, and life satisfaction; and

(4) Developing strategies to increase the availability of effective PAS and qualified PAS.

In addition to activities proposed by the applicant to carry out these objectives, the RRTC must conduct the following activities:

- Develop and maintain a comprehensive database on types of PAS available on a State-by-State basis, including relevant descriptors of the PAS and the clients served;
- Investigate existing practices of integrating PAS into the workplace, and disseminate models of effective practices;
- Assess the availability of qualified PAS and develop strategies to increase the pool, skill levels, work performance, job satisfaction, and sustained involvement of qualified PAS in the field;
- Identify new models at the State level, including service configurations, financing methods, or delivery practices that have the potential to make more effective PAS available to individuals with disabilities who need PAS;
- Conduct at least one conference for consumers and one conference for policy makers in the final year of operations to share findings with these target audiences and to obtain feedback on outstanding issues; and
- Coordinate with ongoing research activities in the Robert Wood Johnson Independence initiative and the Department of Health and Human Services Cash and Counseling demonstration, as well as with other relevant NIDRR research centers and projects.

Proposed Priority 2: Vocational Rehabilitation Services for Persons With Long-Term Mental Illness

Background

The National Institute of Mental Health estimates that there are over 3 million adults ages 18–69 who have a serious mental illness (Manderscheid, R.W. & Sonnenschein, M.A. (Eds.), Mental Health, United States 1992 U.S. Department of Health and Human Services, Rockville, MD; DHHS Publication No. (SMA) 92–1942). Estimates of unemployment among this group remains in the 80–90 percent range (Baron, R., NIDRR Public Hearing on Disability Research, November 28, 1995).

The Social Security Administration (SSA) operates the nation's two largest Federal programs providing cash benefits to people with disabilities—the Supplemental Security Income (SSI) and the Social Security Disability Insurance (SSDI) programs. The number of SSI/SSDI beneficiaries with severe mental illness, and the nation's expenditures for them, has continued to grow over the last ten years and SSA expects the number will increase still further (SSA, Developing a World-Class Employment Strategy for People with Disabilities, September, 1994). A recent study by the U.S. General Accounting Office (GAO) found that by 1994, mental impairments, which are associated with the longest entitlement periods, accounted for 57 percent of the SSI beneficiary population aged 18 to 64 and 31 percent of the SSDI beneficiary population (GAO Report, SSA DISABILITY, Program Redesign Necessary to Encourage Return to Work, April, 1996).

There are significant complexities in designing effective return-to-work strategies to assist individuals in the SSA caseload. Assisting those individuals who can return to work will require varying approaches and levels of support. Individuals who have completed the process of establishing themselves as disabled for SSA purposes may find it difficult to later view themselves as having remaining work potential. The transfer payments and other benefits contingent on SSI/SSDI eligibility (especially medical insurance benefits) may increase the opportunity costs involved in return to work beyond the level acceptable to the individual. The benefit structure may provide a particular barrier for low-wage workers, those who are unskilled, or had marginal attachments to the labor market in the past. Beneficiaries face the loss of Medicare or Medicaid benefits if they return to work and marginal jobs may not offer adequate, or any, medical coverage, especially for pre-existing conditions. Relinquishing these benefits is particularly risky for individuals with LTMI, since recurring episodes of their illnesses may result in repeated job loss and the need for quick access to benefits.

SSA has implemented several work incentive programs to help people with disabilities enter or re-enter the workforce by protecting their cash and medical benefits until they can support themselves (Red Book on Work Incentives—A Summary Guide to Social Security and Supplemental Security Income Work Incentives for People with Disabilities, SSA Pub. No. 64–030, U.S. Government Printing Office, June, 1992). For individuals with an LTMI, the Social Security Work Incentives (SSWI) have the potential to be a valuable component of the overall rehabilitation process. However, there has been neither a comprehensive assessment of the effectiveness of the SSWI programs nor an identification of possible improvements to the program. There is some evidence, especially anecdotal evidence, that rather than using SSA work incentives, individuals may decide to work for earnings at a level that does not threaten continued eligibility for benefits (Rehabilitation Services Administration (RSA), Program Administrative Review—The Provision of Vocational Rehabilitation Services to Individuals Who Have Severe Mental Illness, 1995).

The State Vocational Rehabilitation (VR) Program provides services to nearly 1,000,000 individuals with disabilities each year. In fiscal year 1992, individuals with the primary disabling condition of a mental illness made up about 19 percent of those who received services from the State VR Program, the second largest disability group. However, RSA has reported that the success rate for this population generally falls below the average success rate for the VR program. In 1993, RSA conducted a Program Administrative Review (PAR) in order to improve the provision of vocational rehabilitation services to individuals who have severe mental illness. Specifically, the study examined the use of identified best practices and their relationship to successful outcomes and made recommendations for actions to be taken by VR State agencies to improve employment outcomes. In their review of a sample of case records of individuals with severe mental illness, documentation of the use of SSWIs was found in a relatively small percentage of the records of those individuals eligible for such incentives. RSA also found that individuals who obtained employment were more likely to have used work incentives.

There are numerous other barriers facing individuals with severe mental illness seeking vocational rehabilitation including the often chronic and episodic nature of the illness, the iatrogenic effects of pharmacological and psychological treatment interventions, difficulties in assessing clients' work readiness, and stigma toward persons with mental illness. There is still much to be learned about the interaction of diagnosis, symptoms, skills and job environment. Because the severity of symptoms does not necessarily correspond with an individual's functional limitations, it is important to develop a better understanding of how psychiatric symptoms and diagnosis affect vocational outcomes (Cook, J.A. & Picket, S.A., Recent Trends in Vocational Rehabilitation for Persons with Psychiatric Disabilities, American Rehabilitation, 20(4), pages 2–12, 1995).

There has been a variety of types or models of vocational rehabilitation programs and techniques that have been developed to increase the employment of individuals with mental illness, including models which have demonstrated effectiveness in returning persons with LTMI to competitive employment. What we do not know is which types of vocational rehabilitation models are most beneficial for which types of consumers and at which stages of their recovery process (McGurrin, M.C., An Overview of the Effectiveness of Traditional Vocational Rehabilitation Services in the Treatment of Long Term Mental Illness, Psychosocial Rehabilitation Journal, 17(3), pages 37–54, 1994).

In addition, there is a need for more information on duration and quality of employment, including issues of disclosure and consumer choice. Individuals with mental illness bring to the work place a range of unique needs. Because the episodic nature of the disability may cause intermittent instability, ongoing support is often needed for both the employee with mental illness and the employer in order to maintain employment. One study of outcomes among this population found that the occurrence of uninterrupted vocational support was a major predictor of employment status, even controlling for prior work history, client demographics, and level of functioning (Cook, J.A. *et al.*, Cultivation and Maintenance of Relationships with Employers of People with Psychiatric Disabilities,

Psychosocial Rehabilitation Journal, 17(3), pages 103–115, 1994).

RSA in its examination of the use of best practices in VR State agencies found that the use of ongoing vocational support services and community-based support services were not frequently planned for at the time individuals' service plans were being developed nor routinely planned for at the time individuals were leaving the VR program. However, individuals who achieved employment outcomes were more likely to have had post-employment needs assessed during the development of their individualized rehabilitation program.

There is a need for studies that examine long-term employment issues including the experiences of employers and employees with LTMI in long term employment relationships and that assess the vocational and community supports needed to maintain employment.

Proposed Priority 2

The Secretary proposes to establish an RRTC for the purpose of conducting a comprehensive program of research on the achievement of high quality employment outcomes for persons with LTMI. The RRTC shall:

(1) Examine how public policies and benefit programs affect the employment of individuals with LTMI;

(2) Identify the characteristics of consumers (including their stage in the recovery process) that benefit from various types of vocational rehabilitation models;

(3) Examine factors that promote long-term job retention such as workplace strategies that assist in the maintenance of employee-employer relationships and the availability of long-term supports; and

(4) Develop and deliver training and technical assistance to rehabilitation service providers and consumers of mental health services on new and effective rehabilitation techniques and accommodations and evaluate the efficacy of the training.

In addition to the activities proposed by the applicant to fulfill these objectives, the RRTC shall:

- Identify effective strategies to broaden the understanding and use of the SSA's Work Incentives Program for individuals with LTMI;
- Conduct studies on long-term relationships between employers and persons with LTMI including in-depth assessment of disclosure issues, career patterns, accommodations and conflict resolution in the workplace;
- Analyze the relationships between employment experiences and the characteristics of impairment (e.g., diagnosis, periodicity, medication, symptoms), and between employment experiences and the characteristics of the work environment; and
- Identify successful models of long-term vocational and community support for persons who have achieved an employment outcome after the receipt of VR services.

In carrying out the purposes of the priority, the RRTC shall:

- Involve individuals with psychiatric disabilities in all phases of the planning, implementation, evaluation and dissemination of project activities; and
- Coordinate with the Social Security Administration and with other relevant research and demonstration activities sponsored by the Center for Mental Health Services, Rehabilitation Services Administration, and NIDRR.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3423, Mary Switzer Building, 330 C Street S.W., Washington, D.C., between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations: 34 CFR Parts 350, 351, and 352.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Numbers: 84.133A, Research and Demonstration Projects, 84.133B, Rehabilitation Research and Training Center Program)

Dated: October 28, 1996.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–27968 Filed 10–30–96; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
October 31, 1996

Part VII

The President

Proclamation 6947—National Adoption Month, 1996

Proclamation 6948—To Modify Provisions on Upland Cotton and for Other Purposes

Federal Register
Vol. 61, No. 212
Thursday, October 31, 1996

Presidential Documents

Title 3—

The President

Proclamation 6947 of October 29, 1996

National Adoption Month, 1996

By the President of the United States of America

A Proclamation

Thousands of American children have never known what it is like to belong to a family—to grow up with the comfort and security that most of us take for granted. They are children whose parents, for a variety of reasons, are unable or unwilling to care for them. Instead, these children often find themselves drifting from home to home in foster care. They live every day without mothers or fathers to guide them, nurture them, and tell them that they are special.

Adoption is a commonsense solution that places children in permanent homes with parents who will offer them love and security. National Adoption Month is a time for all Americans to reflect on the rewards of joining children who need families with adults who seek the responsibilities and joys of parenthood. This month is an opportunity to celebrate family, especially families formed by adoptions.

Our Nation has no greater responsibility than to ensure that every child has the chance to live up to his or her God-given potential. We can help meet that challenge by identifying a permanent, loving family for every child waiting in the foster care system.

Among the approximately 86,000 children who will await adoption within the next few years are tens of thousands with special needs. Many of these, through no fault of their own, wait years for adoption. Yet when these children are accepted into loving family environments, they can bring the same joy, affection, and love to their adoptive families as other children bring.

In recent years, we have made important strides in encouraging parents to adopt. I have signed legislation to help facilitate adoptions by prohibiting discrimination based on race or ethnicity in placement decisions, increasing the recruitment of adoptive parents, and providing a tax credit to families who adopt children.

Much remains to be done, however. As a Nation, we must continue to work to remove obstacles to adoption, to recruit new adoptive families, to offer financial incentives for placements, and to provide support to parents adopting children with special needs. Nothing should stand in the way of providing every boy and girl in America the permanent, loving home each of them deserves. Children are, after all, our country's most precious resource and our most important responsibility.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 1996 as National Adoption Month. I urge the people of the United States to observe this month with appropriate activities and programs and to participate in efforts to find permanent homes for waiting children.

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

William J. Clinton

[FR Doc. 96–28234
Filed 10–30–96; 11:52 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 6948 of October 29, 1996

To Modify Provisions on Upland Cotton and for Other Purposes

By the President of the United States of America

A Proclamation

1. (a) Presidential Proclamation 6301 of June 7, 1991, implemented import quotas for upland cotton by adding U.S. note 6 and subheadings 9903.52.01 through 9903.52.20 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (''the HTS'').

(b) U.S. note 6(a) to subchapter III of chapter 99 of the HTS provides that whenever the Secretary of Agriculture (''the Secretary'') determines and announces that specified conditions relating to the price of upland cotton exist, there shall be in effect, as of the effective date of such announcement, a special import quota applicable to upland cotton purchased not later than 90 days after the effective date of the Secretary's announcement and entered into the United States not later than 180 days after such date. U.S. note 6(a) further provides that a new 180-day quota period may be established that overlaps any existing quota period announced under paragraph (a) of the note, unless a quota period has been established under paragraph (b) of the note.

(c) Subheadings 9903.52.01 through 9903.52.20 cover entries of upland cotton under 20 consecutively numbered announcements by the Secretary pursuant to U.S. note 6(a). Thus, the 180-day effective period of a special upland cotton import quota established under a particular announcement may still be in effect when the same announcement number may be assigned with respect to a different but overlapping quota period.

(d) To avoid such overlap, and to permit the effective administration of these quotas by the U.S. Customs Service, I have decided that it is necessary and appropriate to provide six additional HTS subheadings corresponding to six additional announcements by the Secretary.

2. (a) Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (''the NAFTA'') with respect to the United States and incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out the NAFTA.

(b) Article 303 of the NAFTA provides for the amount of customs duties that may be claimed as drawback on goods originating outside the NAFTA region that are traded between the NAFTA Parties. Article 307.2 of the NAFTA provides that each Party shall grant temporary duty-free admission to specified goods when imported from the territory of another Party, regardless of the origin of such goods, for repair or alteration. Among the modifications to the HTS set forth in Annex II to Proclamation 6641 was a new paragraph (c) of U.S. note 1 to subchapter XIII of chapter 98 of the HTS, which was intended to give effect to the provisions of Articles 303 and 307.2 of the NAFTA insofar as they are applicable to articles to be repaired, altered, or processed that are admitted temporarily free of duty under bond. Such new paragraph (c) does not reflect clearly that the provisions of Article 307.2 of the NAFTA apply to goods imported from a NAFTA Party, regardless of their origin, for repair or alteration.

(c) Accordingly, I have decided that it is appropriate to modify paragraph (c) of U.S. note 1 to subchapter XIII of chapter 98 of the HTS to clarify implementation of the provisions of Article 307.2 of the NAFTA.

(d) Certain provisions set forth in Annexes to Proclamation 6641 contain technical errors in the instructions for implementing particular modifications. To clarify the intent of the modifications previously proclaimed, I have decided to correct such technical errors.

3. (a) Sections 1102(a) and (e) of the Omnibus Trade and Competitiveness Act of 1988 (''the 1988 Act'') (19 U.S.C. 2902(a) and (e)) authorize the President to enter into trade agreements and to proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment or such additional duties, as he determines to be required or appropriate to carry out any such trade agreement. In addition, section 111(a) of the Uruguay Round Agreements Act (''the URAA'') (19 U.S.C. 3521(a)) authorizes the President to proclaim such other modifications of any duty, such other staged rate reduction, or such additional duties as the President determines to be necessary or appropriate to carry out Schedule XX-United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (''Schedule XX''). Presidential Proclamation 6763 of December 23, 1994, implemented with respect to the United States the trade agreements resulting from the Uruguay Round of multilateral trade negotiations, including Schedule XX.

(b) Certain provisions set forth in Annexes to Proclamation 6763 contain technical errors in the instructions for implementing particular modifications. To clarify the intent of the modifications previously proclaimed, I have decided to correct such technical errors.

4.(a) Presidential Proclamation 6821 of September 12, 1995, established a tariff-rate quota on certain tobacco and eliminated tariffs on certain other tobacco by adding additional U.S. note 5 and various subheadings to chapter 24 of the HTS. Additional U.S. note 5 to chapter 24 of the HTS provides that the tariff-rate quota applies to the aggregate quantity of tobacco entered, or withdrawn from warehouse for consumption, under enumerated HTS subheadings from specified countries or areas, except that products of Canada, Israel, or Mexico are not permitted or included under such quantitative limitation. I intended that tobacco entered with claims of eligibility for the tariff treatment under any provision of chapter 98 of the HTS and tobacco entered for marketing to the ultimate consumer as hand-rolled cigarettes would not be counted toward the in-quota quantity provided for in additional U.S. note 5 of the HTS.

(b) I have decided, in order to clarify the status of such importations with respect to the tariff-rate quota, that it is appropriate to modify the provisions of additional U.S. note 5 to chapter 24 of the HTS to ensure that such goods are properly classified.

(c) Certain provisions of the HTS were modified in Proclamation 6821 to correct certain technical errors that were made in Proclamation 6763. However, an error was made in the spelling of a chemical in Annex II to Proclamation 6821, and I have decided to correct this error.

5. (a) Presidential Proclamation 6857 of December 11, 1995, implemented with respect to the United States modifications in the HTS that I determined were in conformity with the obligations of the United States under the International Convention on the Harmonized Commodity Description and Coding System and did not run counter to the national economic interest of the United States.

(b) Such proclamation also modified the rules of origin set out in the NAFTA in order to ensure that the tariff and certain other treatment accorded under the NAFTA would continue to be given to NAFTA originating goods.

(c) Certain provisions set forth in Annexes to Proclamation 6857 contain technical errors in the instructions for implementing particular modifications.

To clarify the intent of the modifications previously proclaimed, I have decided to correct such technical errors.

6. Section 604 of the Trade Act of 1974, as amended (''the 1974 Act'') (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to section 604 of the 1974 Act, sections 1102(a) and (e) and 1206(a) of the 1988 Act, sections 201 and 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3331 and 3332), sections 111(a) and 423 of the URAA (19 U.S.C. 3521 and 3621), and section 136(b) of the Federal Agriculture Improvement Act of 1996 (7 U.S.C. 7236) do proclaim that:

(1) Subheadings 9903.52.21 through 9903.52.26, as set forth in Annex I to this proclamation, are hereby inserted in numerical sequence in subchapter III of chapter 99 of the HTS, and shall become effective with respect to articles entered, or withdrawn from warehouse for consumption, as of the dates and under the terms that may be set forth in the Secretary's special quota announcements pertaining to such subheadings.

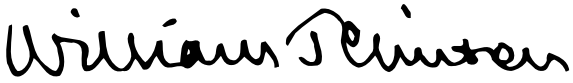
(2) In order to clarify the intent of modifications previously proclaimed in certain Annexes to Proclamations 6641, 6763, 6821, and 6857, the HTS and the Annexes to such proclamations are modified as provided in Annex II to this proclamation.

(3) The modifications made by the Annexes to this proclamation shall be effective on the dates set forth in such Annexes.

(4) Any provisions of previous proclamations and Executive orders that are inconsistent with the actions and provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5) This proclamation shall be effective upon publication in the Federal Register.

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



Annex I

Modifications to the HTS with respect to the
Special Import Quota for Upland Cotton

Effective as of the date of publication of this proclamation in the *Federal Register*, the following new provisions are hereby inserted in numerical sequence in subchapter III of chapter 99 of the HTS, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", and "Quota Quantity", respectively.

The HTS is modified as provided in this annex, with bracketed matter included to assist in the understanding of proclaimed modifications.

	[Notwithstanding any other...:]	
"9903.52.21	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 21.....	The quantity specified in such announcement
9903.52.22	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 22.....	The quantity specified in such announcement
9903.52.23	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 23.....	The quantity specified in such announcement
9903.52.24	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 24.....	The quantity specified in such announcement
9903.52.25	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 25.....	The quantity specified in such announcement
9903.52.26	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 26.....	The quantity specified in such announcement"

Annex II

Section A. Modifications to the HTS.

(1). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1994:

(a). In the additional U.S. notes to Section XI listed below, the expression "imports from Canada" is deleted wherever it appears in such note and the expression "articles the product of Canada" is inserted in lieu thereof.

additional U.S. note 3(a)	additional U.S. note 4(c)
additional U.S. note 3(f)	additional U.S. note 5(a)
additional U.S. note 4(a)	additional U.S. note 5(c)

(b). In the additional U.S. notes to Section XI listed below, the expression "imports from Mexico" is deleted wherever it appears in such note and the expression "articles the product of Mexico" is inserted in lieu thereof.

additional U.S. note 3(b)	additional U.S. note 4(b)
additional U.S. note 3(c)	additional U.S. note 4(d)
additional U.S. note 3(d)	additional U.S. note 5(b)
additional U.S. note 3(e)	additional U.S. note 5(d)
additional U.S. note 3(g)	

(c). Subdivision (c) of U.S. note 1 to subchapter XIII of chapter 98 of the HTS is modified by inserting the expression ", for processing," after "imported into the United States".

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(2). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1995:

(a). General note 7(d)(ii) is deleted.

(b). The additional U.S. notes to the chapters listed below are modified by deleting the expression "imports from Mexico" wherever it appears and inserting the expression "articles the product of Mexico" in lieu thereof.

To chapter 4:
- additional U.S. note 5
- additional U.S. note 6
- additional U.S. note 7
- additional U.S. note 8
- additional U.S. note 9
- additional U.S. note 10
- additional U.S. note 11
- additional U.S. note 12
- additional U.S. note 14
- additional U.S. note 16
- additional U.S. note 17
- additional U.S. note 18(a)
- additional U.S. note 19
- additional U.S. note 20
- additional U.S. note 21
- additional U.S. note 22
- additional U.S. note 23
- additional U.S. note 25

Additional U.S. note 2(b) to chapter 12

Additional U.S. note 8 to chapter 17

To chapter 18:
- additional U.S. note 1
- additional U.S. note 2
- additional U.S. note 3

To chapter 19:
- additional U.S. note 2
- additional U.S. note 3

Additional U.S. note 5 to chapter 20

To chapter 21:
- additional U.S. note 4
- additional U.S. note 5

Additional U.S. note 2 to chapter 23

To chapter 52:
- additional U.S. note 5
- additional U.S. note 6
- additional U.S. note 7
- additional U.S. note 8
- additional U.S. note 9
- additional U.S. note 10

(c). Subparagraph (b)(iv) of additional U.S. note 5 to chapter 17 is modified by deleting the expression "imports from those countries or areas" wherever it appears and inserting the expression "articles the product of those countries or areas" in lieu thereof.

(d). The additional U.S. notes to chapter 52 listed below are modified by deleting the expression "imports from countries or areas" wherever it appears and inserting the expression "articles the product of countries or areas" in lieu thereof.

additional U.S. note 5
additional U.S. note 9

(e). The additional U.S. notes to chapter 52 listed below are modified by deleting the expression "Imports from countries or areas" wherever it appears and inserting the expression "Articles the product of countries or areas" in lieu thereof.

additional U.S. note 6
additional U.S. note 7
additional U.S. note 8
additional U.S. note 10

(f). The Rates of Duty 2 column for subheading 1806.20.83 is modified by deleting the rate of duty set forth in such column and inserting "62.1¢/kg + 10%" in lieu thereof.

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(2). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1995: (con.)

(g). The Rates of Duty 1 Special subcolumn for subheadings 2106.90.52 and 2106.90.54 is modified by deleting the symbol "IL" from the parentheses following the expression "The rate applicable to the natural juice in heading 2009" and inserting the symbol "IL", alphabetically, in the parentheses following the Free rate in such subcolumn.

(h). The article description for subheading 2933.90.58 is modified by deleting "Clozapine;" from such description.

(i). The article description for subheading 2934.90.07 is modified by deleting "(Fenoxaprop ethyl)" and inserting "(Fenoxaprop-ethyl)" in lieu thereof.

(j). The article description for subheading 3808.30.05 is modified by deleting "(Fenoxapropethyl)" and inserting "(Fenoxaprop-ethyl)" in lieu thereof.

(k). The article description for subheading 9906.29.21 is modified by deleting "2933.39.42" and inserting "2933.39.41" in lieu thereof.

(l). The Intermediate Chemicals for Dyes Appendix to the HTS is modified by deleting the chemical name listed in Column A below and inserting in lieu thereof the chemical name listed in Column B below.

Column A	Column B
Acetamide, N-(4-aminophnyl)-N-methyl-	Acetamide, N-(4-aminophenyl)-N-methyl-
9,10-Anthracendione	9,10-Anthracenedione
1H-azepine, hexahydro-	1H-Azepine, hexahydro-
Banzamine, 2,6-dichloro-4-nitro-	Benzamine, 2,6-dichloro-4-nitro-
Benzenamine, 2-chloro-4-nitro-	Benzeneamine, 2-chloro-4-nitro-
Benzenamine, 4-chloro-2-(trifluoromethyl)-	Benzeneamine, 4-chloro-2-(trifluoromethyl)-
Benzenamine, 2-methoxy-	Benzeneamine, 2-methoxy-
Benzenamine, 4-methoxy-	Benzeneamine, 4-methoxy-
Benzenamine, 2-methoxy-4-nitro-	Benzeneamine, 2-methoxy-4-nitro-
Benzenamine, N-methyl-	Benzeneamine, N-methyl-
Benzenamine, 4-(6-methyl-2-benzothiazolyl)-	Benzeneamine, 4-(6-methyl-2-benzothiazolyl)-
Benzenamine, 3-nitro-	Benzeneamine, 3-nitro-
Benzenamine, 2-(triflouromethyl)-	Benzeneamine, 2-(triflouromethyl)-
1,4-Benzene disulfonic acid, 2-amino-	1,4-Benzenedisulfonic acid, 2-amino-
Benzene sulfonic acid, 4-chloro-3-(4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)-	Benzenesulfonic acid, 4-chloro-3-(4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)-
[1,1'-Biphenyl]-4,4'diamine, 3,3'dimethoxy-, dihydrochloride	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-, dihydrochloride
Butanedioic, acetyl-, dimethyl ester	Butanedioic acid, acetyl-, dimethyl ester
2-Naphathalenesulfonic acid, 8-amino-, monososium salt	2-Naphathalenesulfonic acid, 8-amino-, monosodium salt
1,5-Naphthalene disulfonic acid, 2-amino-	1,5-Naphthalenedisulfonic acid, 2-amino-
1,3-Naphthalene disulfonic acid, 4-amino-5-hydroxy-	1,3-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-
2-Naphthalenesuflfonic acid, 6-amino-7-hydroxy-	2-Naphthalenesulfonic acid, 6-amino-7-hydroxy-
2-Naphthalenesulfonic acid, 7-(acetylamino-4-hydroxy-	2-Naphthalenesulfonic acid, 7-(acetylamino)-4-hydroxy-
1,3--Naphthalenesulfonic acid, 7-hydroxy-, potassium salt	1,3-Naphthalenesulfonic acid, 7-hydroxy-, potassium salt
1,3,6-Naphthalene trisulfonic acid, 7-amino-	1,3,6-Naphthalenetrisulfonic acid, 7-amino-
1,3,6 Naphthalene trisulfonic acid, 7-amino-, diammonium salt	1,3,6 Naphthalenetrisulfonic acid, 7-amino-, diammonium salt
1,3,6 Naphthalene trisulfonic acid, 7-amino-, disodium salt	1,3,6 Naphthalenetrisulfonic acid, 7-amino-, disodium salt
1,3,6 Naphthalene trisulfonic acid, 7-amino-, sodium salt	1,3,6 Naphthalenetrisulfonic acid, 7-amino-, sodium salt
1-Naphthalensulfonic acid, 4-hydroxy-, monopotassium salt	1-Naphthalenesulfonic acid, 4-hydroxy-, monopotassium salt
1-Naphthalsulfonic acid, 8-(phenylamino)-, monosodium salt	1-Naphthalenesulfonic acid, 8-(phenylamino)-, monosodium salt
Spiro[isobenzofuran-1(3H), 9'-[9H]xanthen]-3-one, 3',6'-bis(ethylamino)-2'7'-di-	Spiro[isobenzofuran-1(3H),9'[9H]-xanthen]-3-one, 3',6'-bis(ethylamino)-2',7'-dimethyl-

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(3). Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after September 13, 1995:

Additional U.S. note 5 to chapter 24 is modified as follows:

(a). paragraph (b) of such note is deleted and the following new paragraph (b) is inserted in lieu thereof:

"(b) The subheadings enumerated in subdivision (a) of this note shall not include--

(i) products of Canada, Israel or Mexico, or

(ii) any quantities of tobacco for which duty treatment is claimed under any provision of chapter 98 of this schedule,

and no such articles shall be classifiable in such subheadings."

(b). a new paragraph (e) is added to such note as follows:

"(e) For purposes of this chapter, imported tobaccos that are used to prepare cigarette tobaccos for marketing to the ultimate consumer to make hand-rolled cigarettes, are considered to be tobacco to be used in products other than cigarettes."

(4). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1996:

(a). Modifications to the tariff classification rules ("TCRs") of subdivision (t) of general note 12:

(i). TCR 9(B)(1) for chapter 29 is modified by deleting from such rule "60 per cent" and inserting "60 percent" in lieu thereof.

(ii). TCR 9(B)(2) for chapter 29 is modified by deleting from such rule "50 per cent" and inserting "50 percent" in lieu thereof.

(iii). TCR 195 for chapter 84 is modified by deleting from such rule "item 8471.60.52 or" and inserting "items 8471.60.52 or" in lieu thereof.

(iv). Subparagraph (b) of chapter rule 5 for chapter 85 is modified by deleting from such rule "cathode-ray picture tube" and inserting "cathode-ray television picture tube" in lieu thereof.

(v). TCR 85 for chapter 85 is modified by deleting from such rule "except from tariff items 7011.20.10 and 8540.91.15." and inserting in lieu thereof the following:

"more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15."

(vi). The tariff item rule immediately following TCR 85 is modified by deleting from such rule "except from tariff items 7011.20.10 or 8540.91.15." and inserting in lieu thereof the following:

"more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15."

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(4). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1996: (con.)

(a). Modifications to the tariff classification rules ("TCRs") of subdivision (t) of general note 12: (con.)

(vii). TCR 86 for chapter 85 is modified by:

(A). deleting from such rule "items 8540.12.10, 8540.12.50 or 8540.12.99" and inserting "items 8540.12.10 or 8540.12.50" in lieu thereof.

(B). deleting from such rule "from tariff items 7011.20.10 or 8540.91.15." and inserting in lieu thereof the following:

"more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15."

(viii). TCRs 92A(A) and 92K(A) for chapter 85 are modified by deleting "subparagraph (b)" and inserting "subparagraph (B)" in lieu thereof.

(ix). TCR 92C, the tariff item rule immediately following TCR 92C, and TCR 92D for chapter 85 are all modified by deleting from such rules "from tariff items 7011.20.10 or 8540.91.15." and inserting in lieu thereof the following:

"more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15."

(x). TCR 92L for chapter 85 is modified by deleting from such rule "tariff items 7011.20.10 or 8540.91.15." and inserting in lieu thereof the following:

"more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15."

(xi). TCR 92D to chapter 85 is modified by inserting immediately preceding such TCR the following tariff item rule:

"**Tariff item rule:** The following rule applies to a good of tariff items 8528.21.41 or 8528.21.42 incorporating a picture tube of tariff items 8540.12.10 or 8540.12.50 that incorporates a glass panel referred to in subparagraph (b) of note 5 to chapter 85 and a glass cone provided for in tariff item 7011.20.10."

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(4). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1996: (con.)

(b). Subheadings 4412.13.30 and 4412.13.55 are superseded by the following, with bracketed matter included to assist in the understanding of the proclaimed modification:

	[Plywood,...:]			
	[Plywood...:]			
	[With at least one outer ply...:]			
	[Not surface covered,...:]			
	"Other:			
4412.13.40	With at least one outer ply of the following tropical woods: Dark Red Meranti, Light Red Meranti, White Lauan, Sipo, Limba, Okoumé, Obeche, Acajou d'Afrique, Sapelli, Virola, Mahogany, Palissandre de Para, Palissandre de Rio or Palissandre de Rose.....	8%	Free (A*,CA,E, IL,J,MX)	40%
4412.13.50	Other.....	8%	Free (A*,CA,E, IL,J,MX)	40%
	Other:			
4412.13.60	With at least one outer ply of the following tropical woods: Dark Red Meranti, Light Red Meranti, White Lauan, Sipo, Limba, Okoumé, Obeche, Acajou d'Afrique, Sapelli, Virola, Mahogany, Palissandre de Para, Palissandre de Rio or Palissandre de Rose.....	8%	Free (A*,CA,E, IL,J,MX)	40%
4412.13.90	Other.....	8%	Free (A*,CA,E, IL,J,MX)	40%"

Conforming change: General note 4(d) to the HTS is modified by deleting "4412.13.30 Brazil; Indonesia" and "4412.13.55 Brazil; Indonesia" and inserting "4412.13.40 Indonesia", "4412.13.50 Brazil; Indonesia", "4412.13.60 Indonesia" and "4412.13.90 Brazil; Indonesia" in lieu thereof.

(c). The text immediately superior to subheading 4412.22.10 is modified by deleting "clear surface covered" and inserting "surface covered" in lieu thereof.

(d). The Rates of Duty 2 column for subheading 6115.93.90 is modified by deleting the rate of duty set forth in such column and inserting "72%" in lieu thereof.

(e). Additional U.S. note 2 to chapter 84 is modified by deleting the phrase "printers of subheading 8471.92" and inserting the phrase "printers of subheading 8471.60" in lieu thereof.

(f). The article description for subheading 8529.90.53 is modified by deleting "subheadings 8528.10.61, 8528.10.63, 8528.10.67 and 8528.10.69" and inserting "subheadings 8528.12.62, 8528.12.64, 8528.12.68, 8528.12.72, 8528.21.55, 8528.21.60, 8528.21.65, 8528.21.70, 8528.30.62, 8528.30.64, 8528.30.66 and 8528.30.68" in lieu thereof.

(g). Subheading 9905.15.10 is deleted.

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(5). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 15, 1996:

Subchapter IV of chapter 99 of the HTS is modified by:

(a). deleting subheadings 9904.02.18 through 9904.02.26, inclusive, and the superior text "Other than processed and the product of the European Community (Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom):" immediately prior to subheading 9904.02.18.

(b). deleting the superior text "Other:" immediately prior to subheading 9904.02.27 and aligning the indent level for the article descriptions of subheadings 9904.02.27 through 9904.02.35, inclusive, with the article description for subheading 9904.02.17.

(c). deleting subheading 9904.02.36 and the superior text "Boneless (other than processed), provided for in subheadings 0201.30.80 or 0202.30.80 and the product of the European Community (Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom):" and "If entered during the effective period of safeguards based upon quantity announced by the Secretary of Agriculture:" preceding such subheading.

(d). deleting the article description for subheading 9904.02.37, and inserting "If entered during the effective period of safeguards based upon quantity announced by the Secretary of Agriculture" aligned at the same level of indent for the article description for subheading 9904.04.39.

(6). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after November 1, 1996:

General note 4(d) to the HTS is modified by deleting "3604.10.00 India" and inserting "3604.10.10 India" and "3604.10.90 India" in lieu thereof.

(7). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1997:

(a). The article description of subheading 9905.73.07 is modified by deleting "7306.60.10 or" from such description.

(b). Subheading 9905.73.16 is deleted.

(8). For the following subheadings, the Rates of Duty 1 Special subcolumn is modified on January 1 of each year in the table below by deleting the existing rate of duty preceding the symbol "CA" in parentheses and inserting in lieu thereof the rate of duty specified in the table below for such year.

HTS Subheading	1995	1996	1997	1998
0406.90.59	4.5%	3%	1.5%	Free
2106.90.48	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free
2106.90.58	1.8%	1.2%	0.6%	Free

Annex II (continued)

Section A. Modifications to the HTS. (con.)

(9). For subheadings 0406.90.59 and 5402.41.90, the Rates of Duty 1 Special subcolumn is modified on January 1 of each year in the table below by deleting the existing rate of duty preceding the symbol "MX" in parentheses and inserting in lieu thereof the rate of duty specified in the table below for such year.

HTS Subheading	1995	1996	1997	1998	1999	2000	2001	2002	2003
0406.90.59	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free
5402.41.90	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free

Section B. Modifications to Sections A, D and F of the Annex to Proclamation 6763 of December 23, 1994.

(1). Modifications to Section A:

(a). Item (144)(a) in such section is modified by deleting from the article description for subheading 2933.90.06 the article "α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitile (Myclobutanil); and" and inserting "α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (Myclobutanil); and" in lieu thereof.

(b). Item (338)(a) in such section is modified by:

(i). from the Rates of Duty 1 General subcolumn for subheading 9106.90.75 deleting the rate "3.9% on the apparatus + 5.3% on the battery" and inserting "3.9%" in lieu thereof.

(ii). from the Rates of Duty 1 Special subcolumn for subheading 9106.90.75 deleting the rate "1.1% on the apparatus + 1.5% on the battery (CA)" and inserting "1.1% (CA)" in lieu thereof.

(2). Modifications to Section D:

(a). For subheading 2009.30.10 in such section, the years 1995 through 2004, inclusive, are modified by deleting "/liter" and inserting "/kg" in lieu thereof.

(b). For subheading 2206.00.30 in such section, the years 1995 through 2004, inclusive, are modified by adding the expression "on ethyl alcohol content" after "pf. liter".

(3). Modifications to Section F:

(a). For subheadings 2103.90.72, 2103.90.74, 2103.90.80 and 2103.90.90 in such section, the year 1997 is modified by deleting "1.7%" and inserting "0.7%" in lieu thereof.

(b). For subheadings 6217.10.10, 6217.10.90, 6217.90.10 and 6217.90.90 in such section, the years 1996 and 1997 are modified by deleting "2.6%" and "1.3%", respectively, and inserting "3.1%" and "1.5%" in lieu thereof.

Annex II (continued)

Section B. Modifications to Sections A, D and F of the Annex to Proclamation 6763 of December 23, 1994. (con.)

(3). Modifications to Section F: (con.)

(c). For subheading 9106.90.55 in such section, the years 1996 and 1997 are modified by deleting "0.7% on the apparatus 1% on the battery" and "0.3% on the apparatus 0.5% on the battery", respectively, and inserting "0.7% on the apparatus + 1% on the battery" and "0.3% on the apparatus + 0.5% on the battery" in lieu thereof.

(d). For subheading 9106.90.75 in such section, the years 1996 and 1997 are modified by deleting "0.7% on the apparatus 1% on the battery" and "0.3% on the apparatus 0.5% on the battery", respectively, and inserting "0.7%" and "0.3%" in lieu thereof.

Section C. Modification to Section B of Annex II to Proclamation 6821 of September 12, 1995.

Item (7) in section B is modified by deleting such item and inserting the following new item which should read as follows:

"(7) The article description for subheading 2934.90.70 is modified by deleting "2-Methyl-4-isothiazoline-3-one;" from such description and by inserting in alphabetical sequence "2-Methyl-4-isothiazolin-3-one;" in the article description for subheading 2934.10.70."

Section D. Modification to Annex II and III to Proclamation 6857 of December 11, 1995.

(1) Item 273 of Annex II to such proclamation is modified by deleting "hot-working" from the article description of the superior text immediately preceding subheading 8475.21.00 and inserting "hot working" in lieu thereof.

(2) Item (2) in section B of Annex III to such proclamation is modified by deleting "3283.19.20" appearing after "3823.12.00" and inserting "3823.19.20" in lieu thereof.

[FR Doc. 96–28233
Filed 10–30–96; 11:53 am]
Billing code 3190–01–C

Reader Aids

Federal Register

Vol. 61, No. 212

Thursday, October 31, 1996

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Laws

Public Laws Update Services (numbers, dates, etc.) **523–6641**
For additional information **523–5227**

Presidential Documents

Executive orders and proclamations **523–5227**
The United States Government Manual **523–5227**

Other Services

Electronic and on-line services (voice) **523–4534**
Privacy Act Compilation **523–3187**
TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, OCTOBER

51205–51348 1
51349–51574 2
51575–51766 3
51767–52232 4
52233–52678 7
52679–52870 8
52871–53034 9
53035–53302 10
53303–53590 11
53591–53824 15
53825–54076 16
54077–54330 17
54331–54532 18
54533–54726 21
54727–54926 22
54927–55078 23
55079–55200 24
55201–55544 25
55545–55728 28
55729–55876 29
55877–56106 30
56107–56396 31

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12170 (See Notice of October 29, 1996) 56107
Proclamations:
6641 (modified by Proc. 6948) 56385
6763 (modified by Proc. 6948) 56385
6821 (modified by Proc. 6948) 56385
6857 (modified by Proc. 6948) 56385
6922 51205
6923 51347
6924 51767
6925 52233
6926 52675
6927 52677
6928 53289
6929 53291
6930 53293
6931 53295
6932 53297
6933 53301
6934 53591
6935 53593
6936 53825
6937 54069
6938 54071
6939 54073
6940 54075
6941 54077
6942 54719
6943 54925
6944 54927
6945 55077
6946 55545
6947 56383
6948 56385
Executive Orders:
July 6, 1910 (Revoked in part by PLO 7219) 53752
12924 (See EO 13020) 54079
12978 (See Notice of October 16, 1996) 54531
12981 (Amended by EO 13020) 54079
13019 51763
13020 54079
13021 54929
Administrative Orders:
Presidential Determinations:
No. 96–54 of September 28, 1996 52679
Notice of October 16, 1996 54531

5 CFR

550 .....51319, 52497, 53490
930 56271
Ch. XIV 51207
1620 55201
Ch. XXIX 56109
Ch. LVIII 53827
Proposed Rules:
531 55227

7 CFR

6 53002
12 53490
35 54081
51 54082
90 51349
91 51349
92 .....51349, 55840
93 51349
94 51349
95 51349
96 51349
97 51349
98 51349
271 .....53595, 54270, 54282
272 .....53595, 54270, 54282, 54290, 54298, 54303
273 .....54270, 54282, 54290, 54298, 54303
274 53595
275 54282
278 .....53595, 54303
279 54303
301 .....52190, 53601
319 51208
354 53603
502 51210
Ch. VI 52671
Ch. VII 52671
920 51575
927 52681
929 51353
931 52681
932 55202
944 55202
945 51354
950 53606
958 52682
966 55729
981 53607
989 52684
993 51356
998 55547
1079 55731
1137 55205
1485 53303
1901 56114
1924 56114
1944 56114
1980 55877
3010 53608
Proposed Rules:
201 51791
301 51376
361 51791

400....56151
407....52717
457....55928
Ch. VI....52664
Ch. VII....52664
997....51811
998....51811
999....51811
1005....55229
1007....55229
1011....55229
1046....55229
1214....51378, 51391
1466....53574

8 CFR

103....53303, 53830
235....53830
274....52235
274a....55840
286....53830
292....53609
299....53830
340....55550

Proposed Rules:

312....51250

9 CFR

71....56116
75....56116
78....56116
92....52236
94....51769
102....52871
104....52871
105....52871
113....51769
116....52871
205....54727
304....53305, 55206, 55207
308....53305, 55206, 55207
310....53305, 55206, 55207
320....53305, 55206, 55207
327....53305, 55206, 55207
381....53305, 55206, 55207
416....53305, 55206, 55207
417....53305, 55206, 55207

Proposed Rules:

51....56155
56....56155
71....56155
75....56155
76....56155
78....56155
80....56155
85....56155
91....52387
92....56165

10 CFR

2....53554
13....53554

Proposed Rules:

20....52388
30....51835
32....51835, 52388
35....52388
36....52388
39....52388
40....51835
50....51835
52....51835
60....51835
61....51835
70....51835
71....51835
72....51835
110....51835
150....51835
703....55932
708....55230
1023....55932

11 CFR

Proposed Rules:

104....52901

12 CFR

2....51777
31....54533
207....55555
213....52246
220....55555
221....55555
224....55555
245....52875
264....53827
327....53834
510....56118
622....54728
791....55207
934....55877
935....52686
1411....55079

Proposed Rules:

327....53867
620....53331
630....53331
935....52727

13 CFR

121....54538

14 CFR

Ch. I....53610
13....53998
16....53998
39....51212, 51357, 52688, 52876, 53035, 53038, 53040, 53042, 53044, 53046, 53611, 53613, 54331, 54538, 55080, 55082, 55084, 55085, 55087, 55561
71....51360, 51361, 51362, 52281, 52282, 52283, 53050, 53841, 53842, 53843, 53844, 53845, 53847, 53848, 53849, 53850, 53850, 53996, 54933, 55088, 55089, 55090, 55091, 55563, 55881, 55882
73....53051, 53052, 53852
91....51782, 54020
95....56120
97....53053, 53054, 53056
440....51395
730....55740
732....55740
734....55740
736....55740
738....55740
740....55740
742....55740
744....55740
746....55740
478....55740
750....55740
752....55740
754....55740
756....55740
758....55740
760....55740
762....55740
764....55740
766....55740
768....55740
770....55740
772....55740
774....55740
768A....55740
769A....55740
770A....55740
771A....55740
772A....55740
773A....55740
774A....55740
775A....55740
776A....55740
777A....55740
778A....55740
779A....55740
785A....55740
786A....55740
788A....55740
789A....55740
790A....55740
791A....55740
799A....55740

Proposed Rules:

Ch. I....51845, 55230
25....53680
39....51250, 51255, 51618, 51619, 51621, 51624, 51845, 51847, 52394, 53155, 53337, 53339, 53683, 54359, 54362, 54364, 54366, 54368, 54370, 54372, 54582, 54955, 54958, 54960, 54961, 54963, 54965, 54967, 54969, 55231, 55233, 55584, 55585, 55587, 55937, 55939, 56169, 56170
71....51319, 52397, 52398, 52689, 52734, 53157, 53876, 53877, 53878, 53879, 53880, 53881, 53882, 54108, 54585, 54586, 54587
91....54716
93....54716
121....54716
135....54716

15 CFR

6....55092
25....55092
28....55092
303....55883
400....53505
Ch. VII....51395
734....54540
740....54540
742....54540
752....54540
771A....54540
774....54540
776A....54540
799A....54540
902....51213, 56125
904....54729
922....57577
946....53307

Proposed Rules:

801....54109

16 CFR

1....54548
24....51577
260....53304
305....54548, 55563
306....54548, 55840
406....55095
460....54548
480....55840
1020....52877
1500....54549

Proposed Rules:

253....55589

17 CFR

4....54731, 56271
143....55564
210....54509
228....54506, 54509
229....54506
232....52283
239....54509
240....52996
249....54506, 54509
420....52498, 53996

Proposed Rules:

1....55235
31....55235
230....54518
240....54518, 55593

18 CFR

284....55208
303....54849
1315....55097

19 CFR

101....51363
111....54551

Proposed Rules:

10....51849

20 CFR

368....54732
404....56126
410....56126
416....56133

Proposed Rules:

355....54745
356....54745

21 CFR

50....51498
56....51498
73....51584
101....55567
177....51364, 538520
178....51587
312....51498
314....51498
355....52285
520....52690, 53614
522....53320, 54332, 54333
556....53320
558....51588, 53615
601....51498
808....52602
812....51498, 52602
814....51498, 55741
820....52602
1309....52287
1310....52287
1313....52287

Proposed Rules:

25....54746
101....55122
310....53685, 55602
314....55602
330....51625
352....53340
600....55602

22 CFR

41 53058
228 ....53615, 54849, 55361
603 51593
Proposed Rules:
171 53158
605 53185

23 CFR

1210 55213
1313 55218
Proposed Rules:
655 54111
658 54588

24 CFR

1 52216
2 52216
5 54492
8 52216
42 51756
91 ....51756, 54914
92 51756
103 52216
104 52216
146 52216
180 52216
200 ....54267, 54492
236 54492
252 51319
291 55706
570 ....51756, 54914
576 51546
585 52186
813 54492
913 54492
950 54492
960 54492
3500 51782
Proposed Rules:
42 53341
92 53341
215 53341
219 53341
221 53341
236 53341
290 53341
511 53341
570 ....51556, 53341
572 53276
574 53341
576 53341
582 53341
583 53341
585 53341
882 53341
885 53341
886 53341
889 53341
890 53341
906 53341
941 53341
950 53341
968 53341
970 53341
983 53341

25 CFR

309 54551

26 CFR

1 53058
301 53058
602 53058
Proposed Rules:
1 ....51256, 52902, 53161, 53688
301 53161

27 CFR

16 54935
Proposed Rules:
55 53688
252 55238
270 54084
275 54084
285 54084
290 55238
295 54084

28 CFR

2 ....54096, 55742
91 54333
Proposed Rules:
16 54112
543 56096
553 56096

29 CFR

270 51596
1952 55098
4044 53623
Proposed Rules:
4 55239

30 CFR

7 55412
31 55412
32 55412
36 55412
70 55412
75 ....55412, 55567
250 55885
256 55887
914 55743
934 52691
935 55748
Proposed Rules:
Ch. II 55941
202 52735
206 52735
290 55607
756 53884
913 51631
917 55247
935 ....54373, 54375

31 CFR

344 55690
353 53822
356 54908
370 54908
500 54936
515 54936
535 54936
550 54936
560 54936
575 54936
585 54936
590 54936
595 54936
Ch. V 54334
Proposed Rules:
356 51851

32 CFR

90 54097
91 54097
92 55567
174 54097
175 54097
706 52879

33 CFR

100 ....52695, 53321
120 51597
128 51597
207 55572
401 54733
Proposed Rules:
100 ....53422, 53344
165 ....53345, 53346
166 55248

34 CFR

614 51783
617 51783
619 51783
641 51783
Proposed Rules:
222 52564
350 53560
351 53560
352 53560
353 53560
355 53560
357 53560
360 53560
400 54024
401 54024
402 54024
403 54024
406 54024
410 54024
411 54024
412 54024
413 54024
415 54024
421 54024
425 54024
426 54024
427 54024
428 54024
429 54024
460 54024
461 54024
464 54024
472 54024
477 54024
489 54024
490 54024
491 54024
607 52399
608 52399
609 52399
628 52399
636 52399
637 52399
645 52399
647 52399
649 52399
650 52399
655 52399
658 52399
660 52399
661 52399
669 52399

35 CFR

Proposed Rules:
133 53886
135 53886

36 CFR

13 54334
Proposed Rules:
61 51536
223 54589
1190 51397
1191 51397

37 CFR

2 55223
Proposed Rules:
1 51855

38 CFR

4 52695

39 CFR

20 55572
111 ....52702, 53321
273 55750
3001 55100
Proposed Rules:
111 53280

40 CFR

9 ....51365, 52287, 53854, 54030
50 52852
51 52848
52 ....51214, 51366, 51598, 51599, 51784, 52297, 52865, 52882, 53066, 53328, 53624, 53628, 53633, 53636, 53639, 54556, 54560, 54734, 54736, 54737, 54941, 54943, 54946, 54948, 55889, 55894, 55897, 55903
60 52865
62 55573
63 54342
70 ....51368, 51370, 55910, 56368
80 53854
81 ....53328, 53639, 54560, 55903
82 54030
86 ....51365, 54852
89 52088
90 52088
91 52088
132 54748
180 51372
268 55714
271 ....52884, 54950, 55223
282 56135
300 ....51373, 52886, 52887, 53328, 54098, 54343, 55751
712 55872
716 55872
721 52287
763 52703
Proposed Rules:
Ch. 1 55252
51 55252
52 ....51257, 51397, 51631, 51638, 51651, 51659, 51877, 52401, 52864, 52902, 53163, 53166, 53174, 53180, 53692, 53693, 53694, 54747, 54972, 54975, 54976, 55252, 55253, 55942, 55943, 56172, 56183
59 52735
60 ....52864, 54377
62 55612
63 55842
64 53886
70 ....53886, 55924
71 53886
80 53886
81 ....53694, 55259

132 54748
140 54014
153 55259
159 55259
228 54112
261 51397
271 51397
281 51875
300 ..... 55260, 55261, 56194, 56197
302 51397
372 ..... 51322, 51330, 54381, 55612
799 54383

41 CFR

301–3 55577
301–5 55577
301–6 55577
301–8 55577
301–10 55577
301–11 55577
302–6 55578

Proposed Rules:

60–250 55613

42 CFR

52 55102
52a 55106
54a 55106
57 51787
63a 55110
65a 55113
72 55190
412 51217
413 ..... 51217, 51611
489 51217
1003 52299

43 CFR

5470 53860

Proposed Rules:

1600 54120
1820 54120
1840 54120
1850 54120
1860 54120
1880 54120
2090 54120
2200 54120
2300 54120
2360 54977
2450 54120
2520 54120
2530 53887
2540 54120
2560 54120
2620 54120
2640 54120
2650 54120
2720 54120
2760 51666
2800 54120
2810 54120
2880 54120
2910 54120
2920 54120
3000 54120
3100 54120
3120 54120
3150 54120
3160 54120
3180 54120
3200 ..... 52736, 54120
3210 52736
3220 52736
3240 ..... 52736, 54120
3250 ..... 52736, 54120
3260 ..... 52736, 54120
3280 54120
3410 54120
3420 54120
3430 54120
3450 54120
3470 54120
3480 54120
3500 ..... 54120, 54384
3510 ..... 54120, 54384
3520 ..... 54120, 54384
3530 ..... 54120, 54384
3540 ..... 54120, 54384
3550 ..... 54120, 54384
3560 54384
3570 54384
3590 54120,
3710 54120
3730 54120
3740 ..... 51667, 54120
3800 54120
3810 ..... 51667, 54120
3820 51667
3830 54120
3870 54120
4200 54120
4300 54120
4700 54120
5000 54120
5470 54120
5510 54120
8370 54120
9180 54120
9230 54120

44 CFR

62 51217
64 ..... 51226, 51228, 54565, 54567
65 54563
67 54573
206 ..... 55122, 55123

Proposed Rules:

67 54593
206 55262

45 CFR

6 54743
8 54743
46 51531
79 52299
1386 51751

46 CFR

61 52497
108 51789
110 51789
111 51789
112 51789
113 51789
161 51789
190 52497
197 52497
295 58861
501 51230
502 51230
506 52704
514 51230
583 51230

Proposed Rules:

10 56199
12 56199
384 55614
552 55263

47 CFR

1 52887
2 52301
11 54952
15 55924
19 56109
20 ..... 51233, 55579
21 55579
22 ..... 54098, 55579
24 ..... 51233, 55579
25 ..... 52301, 55582
26 55579
51 ..... 52706, 54099
64 ..... 52307, 54344, 55582
68 ..... 52307, 54344, 54953
73 ..... 51789, 52899, 52900, 53643, 53644, 54104, 55117, 55118, 55752, 55926
80 55579
87 55579
90 ..... 52301, 54098, 55579
97 55924
100 55579
101 55579

Proposed Rules:

Ch. I 53694
1 54600
36 ..... 55779, 55780
64 54979
69 ..... 55779, 55780
73 ..... 53698, 54142, 54404, 54405, 54600, 55124, 55125, 55780, 55781
90 ..... 51877, 54980
97 52767

47 CFR

19 56109

48 CFR

Ch. 2 54346
219 54346
401 53645
402 53645
403 53645
404 53645
405 53645
406 53645
407 53645
408 53645
409 53645
410 53645
411 53645
412 53645
413 53645
414 53645
415 53645
416 53645
417 53645
418 53645
419 53645
420 53645
421 53645
422 53645
423 53645
424 53645
425 53645
426 53645
427 53645
428 53645
429 53645
430 53645
431 53645
432 53645
433 53645
434 53645
435 53645
436 53645
437 53645
438 53645
439 53645
440 53645
441 53645
442 53645
443 53645
444 53645
445 53645
446 53645
447 53645
448 53645
449 53645
450 53645
451 53645
452 53645
453 53645
501 51373
702 51234
706 51234
715 51234
716 51234
722 ..... 51234, 52497, 53996
726 51234
733 51234
737 51234
752 51234
837 52709
852 52709
1212 ..... 53677, 54490
1505 55118
1514 55118
1537 55118
1548 55118
1552 55118
1815 52325
1816 52325
1817 55753
1822 55753
1823 55753
1824 ..... 55753, 55765
1828 55765
1829 55765
1830 55765
1831 55765
1831 55765
1833 55765
1852 ..... 52325, 55753, 55765, 56271
1870 52325
1871 55753
6101 52347
6102 52347

Proposed Rules:

1 ..... 52232, 52998
2 52998
3 52232
4 52232
6 ..... 52232, 52999
8 ..... 52232, 52844
9 52232
12 ..... 52232, 52999
13 52844
14 ..... 52232, 52998
15 ..... 52998, 52999
16 52232
19 52232
22 52232
23 52232
25 52232
27 52232
29 52232
31 ..... 52232, 52998
32 52232

36.....52232, 52998
37.....52232
38.....52844
42.....52232
45.....52232
47.....52232
49.....52232
51.....52844
52 .....52232, 52998, 52999
53.....52232, 52998
917.....53185, 53699
950.....53185, 53699
952.....53185, 53699
970.....53185, 53699
1535.....55126
1552.....55126
1842.....55264
1852.....55264

49 CFR

Ch. III.....54706
Ch. X.....54706
1.....55582
106.....51334
107.....51334
171.....51235, 51334
172 .....51236, 51238, 51334
173 .....51238, 51241, 51334, 51495
174.....51334
175.....51334
176.....51334
177.....51334
178.....51334
179.....51334
180.....51334
397.....54744
593.....51334
1011.....52710
1070.....54104
1071.....54104
1104.....52710
1111.....52710, 53996
1112.....52710
1113.....52710
1114.....52710
1115.....52710
1121.....52710

Proposed Rules:

171.....55364
172.....55364
173.....55364
175.....55364
176.....55364
178.....55364
361.....54601
362.....54601
363.....54601
364.....54601
369.....54711
372.....54712
383.....52401
391.....52401
393.....54142
571.....51669, 54981
575.....52769
1313.....54144

50 CFR

SubCh. D.....53329
17 .....53070, 53089, 53108, 53124, 53130, 53137, 54044, 54346
216.....51213
217.....52370
227.....56138
285 .....53677, 55119, 55926
300.....55225
622.....52715
648 .....52384, 52715, 53866, 54105, 54578, 54579, 55774, 56125
679 .....51374, 51789, 52385, 52716, 53153, 53154, 53679, 54580, 54953, 55128, 56150

Proposed Rules:

17 .....51878, 52402, 53186
23.....52403
217.....52404
222.....52404
227.....53893, 56211
229.....52769
424.....51398, 55781
622.....55127
648 .....52903, 54406, 56213
649.....52903
660.....51670
679.....54145

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

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison--

State and area classifications; published 10-31-96

Plant-related quarantine, foreign:

Fruit trees from France; published 10-1-96

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations; published 10-31-96

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations; published 10-31-96

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations; published 10-31-96

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

Construction and other development planning and performance; farm labor housing loan and grant policies, procedures, and authorizations; published 10-31-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

West Coast salmon fisheries; northwest emergency assistance plan; published 10-31-96

FEDERAL COMMUNICATIONS COMMISSION

Conflict of interests; published 10-31-96

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

Write-your-own program--

Audit program revision; published 10-1-96

FEDERAL RESERVE SYSTEM

Consumer leasing (Regulation M):

Disclosures; motor vehicle leasing, etc.; published 10-7-96

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Acquisition regulations:

Miscellaneous amendments

Correction; published 10-1-96

TREASURY DEPARTMENT

Thrift Supervision Office

Debt Collection Improvement Act of 1996:

Civil monetary penalty inflation adjustment; published 10-31-96

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:

Endangered fish or wildlife--

North Atlantic right whale protection; comments due by 11-5-96; published 8-7-96

DEFENSE DEPARTMENT

Acquisition regulations:

Certification requirements for contractors and offerors not specifically imposed by statute; removal; comments due by 11-6-96; published 9-6-96

Procurement integrity; comments due by 11-5-96; published 9-6-96

Federal Acquisition Regulation (FAR):

Procurement integrity; comments due by 11-5-96; published 9-6-96

Special simplified procedures application to commercial items; comments due by 11-5-96; published 9-6-96

Privacy Act; implementation:

Defense Special Weapons Agency; comments due by 11-8-96; published 9-9-96

Restoration Advisory Boards; characteristics, composition, funding, and establishment; comments due by 11-4-96; published 8-6-96

EDUCATION DEPARTMENT

Postsecondary education:

Federal family education loan program; comments due by 11-5-96; published 9-6-96

Federal family education loan program--

Federal reserve funds and assets safety assurance; comments due by 11-4-96; published 9-19-96

Student assistance general provisions--

Federal Perkins loan, Federal work-study, Federal supplemental educational opportunity grant, etc., programs; Federal regulatory review; comments due by 11-4-96; published 9-23-96

Higher Education Act of 1965 title IV programs; compliance audits and financial responsibility standards; comments due by 11-4-96; published 9-20-96

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Energy conservation:

New Federal commercial and multi-family high rise residential buildings; energy code; comments due by 11-4-96; published 8-6-96

Private and local government fleets; alternative fueled vehicle acquisition requirements; comments due by 11-5-96; published 8-7-96

ENVIRONMENTAL PROTECTION AGENCY

Air pollution; standards of performance for new stationary sources:

Volatile organic compound (VOC) emissions--

Architectural coatings; comments due by 11-4-96; published 10-8-96

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 11-6-96; published 10-7-96

Colorado; comments due by 11-4-96; published 10-3-96

North Dakota; comments due by 11-7-96; published 10-8-96

Ohio; comments due by 11-8-96; published 10-9-96

Pennsylvania; comments due by 11-4-96; published 10-3-96

Texas; comments due by 11-4-96; published 10-3-96

Hazardous waste:

State underground storage tank program approvals--

Alabama; comments due by 11-4-96; published 10-4-96

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Oklahoma et al.; comments due by 11-4-96; published 9-25-96

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

Standard flood insurance policy; comments due by 11-7-96; published 9-23-96

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Procurement integrity; comments due by 11-5-96; published 9-6-96

Special simplified procedures application to commercial items; comments due by 11-5-96; published 9-6-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare and Medicaid:

Health maintenance organizations, competitive medical plans, and health care prepayment plans--

Prepaid health care organizations; physician incentive plan requirements; correction; comments due by 11-4-96; published 9-3-96

Medicare:

Hospice wage index; comments due by 11-4-96; published 9-4-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Real Estate Settlement Procedures Act:

Escrow accounting procedures; comments due by 11-4-96; published 9-3-96

INTERIOR DEPARTMENT

Land Management Bureau

Minerals management:

Multiple use; mining; and mining claims under general mining laws; comments due by 11-4-96; published 10-3-96

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Ohio; comments due by 11-4-96; published 10-18-96

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:

Aliens--

Employer sanctions; warning notices; blank employment eligibility verification forms (Forms I-9), electronic generation; comments due by 11-6-96; published 10-7-96

Fees for motions to reopen or reconsider when filed concurrently with any application for relief under immigration laws for which fee is chargeable; comments due by 11-4-96; published 9-3-96

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright arbitration royalty panel rules and regulations:

Digital phonorecord delivery rate adjustment proceeding; comments due by 11-8-96; published 7-17-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

FAR supplement rewrite; comments due by 11-6-96; published 10-7-96

Federal Acquisition Regulation (FAR):

Procurement integrity; comments due by 11-5-96; published 9-6-96

Special simplified procedures application to commercial items; comments due by 11-5-96; published 9-6-96

PERSONNEL MANAGEMENT OFFICE

Employment:

Temporary and term employment; comments due by 11-8-96; published 9-9-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

de Havilland; comments due by 11-8-96; published 9-30-96

Beech; comments due by 11-8-96; published 9-30-96

Bell; comments due by 11-4-96; published 9-5-96

Fairchild; comments due by 11-7-96; published 9-12-96

Fokker; comments due by 11-8-96; published 9-30-96

McDonnell Douglas; comments due by 11-8-96; published 9-30-96

Pratt & Whitney; comments due by 11-4-96; published 10-4-96

Airworthiness standards:

Aircraft turbine engines; rain and hail ingestion standards; comments due by 11-7-96; published 8-9-96

Transport category airplanes--

Braked roll conditions; comments due by 11-4-96; published 8-5-96

Class D airspace; comments due by 11-5-96; published 10-2-96

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Motor carrier safety standards:

Hazardous materials transportation--

Uniform forms and procedures for registration; recommendations; report availability; comments due by 11-6-96; published 7-9-96

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Section 355 distributions by U.S. corporations to foreign persons; treatment; cross-reference; comments due by 11-7-96; published 8-14-96

UNITED STATES INFORMATION AGENCY

Exchange visitor program:

Two-year home country physical presence requirement; waiver requests by interested U.S. Government agencies; comments due by 11-4-96; published 9-5-96