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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 19, 1996 at 9:00 a.m.
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

AUSTIN, TX

WHEN: December 10, 1996
9:00 a.m. to 12:00 p.m.
WHERE: Atrium
Lyndon Baines Johnson Library
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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.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96–053–2]

Mexican Fruit Fly Regulations; Removal of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Mexican fruit fly regulations by removing the quarantined portion of San Diego County, CA, from the list of areas regulated because of the Mexican fruit fly. We have determined that the Mexican fruit fly has been eradicated from San Diego County, CA, and that restrictions on the interstate movement of regulated articles from San Diego County, CA, are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. The interim rule was necessary to relieve unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

EFFECTIVE DATE: The interim rule was effective on July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or e-mail: mstefan@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 19, 1996, and published in the Federal Register on July 24, 1996 (61 FR 38353–38354, Docket No. 96–053–1), we amended the Mexican fruit fly regulations in 7 CFR 301.64 by removing the quarantined portion of San Diego County, CA, from the list of areas regulated because of the Mexican fruit fly.

Comments on the interim rule were required to be received on or before September 23, 1996. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301 and that was published at 61 FR 38353–38354 on July 24, 1996.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 5th day of November 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–28837 Filed 11–8–96; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedure; Civil Money Penalty Adjustments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: As required by the Debt Collection Improvement Act of 1996 (DCIA), the Federal Deposit Insurance Corporation (FDIC) is adopting a final regulation that adjusts each civil money penalty (CMP) under its jurisdiction by the rate of inflation using the formula prescribed by the DCIA. That statute requires all federal agencies to adjust each CMP by the rate of inflation and adopt implementing regulations within 180 days after enactment of the DCIA, and at least once every four years thereafter. Any increase in a CMP shall apply only to violations that occur after the effective date of this regulation.

EFFECTIVE DATE: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Andrea Winkler, Counsel, (202) 736–0762, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

I. Background

The DCIA amended section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act) (28 U.S.C. 2461 note), to require the head of each Federal agency to enact regulations within 180 days of the enactment of the DCIA and at least once every four years thereafter, that adjust each CMP provided by law within the jurisdiction of the agency (with the exception of certain specifically listed statutes) by the inflation adjustment formula set forth in section 5(b) of the Inflation Adjustment Act. The Inflation Adjustment Act requires that each CMP amount be increased by the ''cost of living'' adjustment, which is defined as the percentage by which the Consumer Price Index (CPI) [1] 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 the CMP was last set or adjusted pursuant to law. Any increase is to be rounded to the nearest multiple of $10 in the case of penalties less than or equal to $100; multiple of $100 in the case of penalties greater than $100 but less than or equal to $1,000; multiple of $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000; multiple of $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000; multiple of $10,000 in the

[1] The CPI is compiled by the Bureau of Statistics of the Department of Labor.

case of penalties greater than $100,000 but less than or equal to $200,000; and multiple of $25,000 in the case of penalties greater than $200,000. Under the DCIA, the first adjustment may not exceed ten percent of the current penalty amount. Any increase in penalty amounts under the DCIA shall apply only to violations which occur after the effective date of the increase.

To satisfy the requirements of the DCIA, the FDIC is amending those sections of part 308 of its regulations pertaining to its Rules of Practice and Procedure which address CMP's. The amount of each CMP which the FDIC has jurisdiction to impose has been increased according to the prescribed formula.

II. Section-by-Section Summary

Authority Citation

The authority citation for part 308 has been amended to include a reference to the statutes pursuant to which the FDIC assesses CMP's, to the Inflation Adjustment Act and to the DCIA.

Section 308.116(b)

Section 308.116(b) pertains to the amount of any CMP that may be assessed for violations of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j). This section has been amended by adding a new paragraph (4) entitled Adjustment of civil money penalties by the rate of inflation pursuant to section 31001(s) of the Debt Collection Improvement Act. The amendment reflects the increased penalty amounts required by the DCIA for violations occurring after the effective date of this regulation. The amendment provides that Tier One penalties will increase from a maximum of $5,000 for each day the violation continues to a maximum of $5,500 for each day the violation continues; Tier Two penalties will increase from a maximum of 25,000 per day for each day the violation, practice or breach continues to a maximum of $27,500 for each day the violation, practice or breach continues; and Tier Three penalties will increase, in the case of a person other than a depository institution, from a maximum of $1,000,000 per day for each day the violation, practice or breach continues to a maximum of $1,100,000 per day for each day the violation, practice or breach continues, or in the case of a depository institution, from an amount not to exceed the lesser of $1,000,000 or one percent of the total assets of such institution for each day the violation, practice or breach continues to an amount not to exceed the lesser of $1,100,000 or one percent of the total assets of such institution for each day the violation, practice or breach continues.

Section 308.132

Section 308.132 pertains to the manner in which the FDIC assesses CMP's. Paragraph (c)(2) of that section pertains to the CMP's imposed pursuant to section 7(a) of the FDIA (12 U.S.C. 1817(a)) for the late filing of a bank's Reports of Condition and Income (Call Reports) or for the submission of false or misleading Call Reports or information. Paragraph (c)(2)(ii) has been amended to reflect the increase in the Tier Two penalty amount from a maximum of $20,000 per day for each day the failure to file a Call Report continues to a maximum of $22,000 per day for each day the failure to file continues.

Paragraph (c)(2)(iii) pertains to penalties for the submission of false or misleading Call Reports or information. Paragraph (c)(2)(iii)(B) of that section has been amended to reflect the increase in Tier Two penalty amounts from a maximum of $20,000 per day for each day the information is not corrected to a maximum of $22,000 per day for each day the information is not corrected. Paragraph (c)(2)(iii)(C) of that section reflects the increase in Tier Three penalties from an amount not to exceed the lesser of $1,000,000 or one percent of the total assets of the institution for each day the information is not corrected to an amount not to exceed the lesser of $1,100,000 or one percent of the total assets of such institution for each day the information is not corrected. No change has been made to Tier One penalty amounts by the DCIA.

A new paragraph (c)(3), entitled Adjustment of civil money penalties by the rate of inflation pursuant to section 31001(s) of the Debt Collection Act has been added to reflect the increase in CMP amounts for violations which occur after the effective date of this regulation, pursuant to the various statutes for which the FDIC has jurisdiction.

Paragraph (c)(3)(i) sets forth the increases for CMP's assessed pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)). A Tier One CMP which may be assessed pursuant to section 8(i)(2)(A) of the FDIA (12 U.S.C. 1818(i)(2)(A)) will increase from an amount not to exceed $5,000 for each day the violation continues to an amount not to exceed $5,500 for each day during which the violation continues. A Tier Two CMP which may be assessed pursuant to section 8(i)(2)(B) of the FDIA (12 U.S.C. 1818(i)(2)(B)) will increase from an amount not to exceed $25,000 for each day during which the violation, practice or breach continues to an amount not to exceed $27,500 for each day during which the violation, practice or breach continues. A Tier Three CMP which may be assessed pursuant to section 8(i)(2)(C)(12 U.S.C. 1818(i)(2)(C)) will increase from an amount not to exceed, in the case of any person other than an insured depository institution $1,000,000 or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,000,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues to an amount not to exceed, in the case of any person other than an insured depository institution $1,100,000 or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

Paragraph (c)(3)(i)((A) of § 308.132 lists a number of statutes which provide jurisdiction to the FDIC to assess CMP's under section 8(i)(2) of the FDIA for violation thereof, including, the Home Mortgage Disclosure Act (12 U.S.C. 2804 et seq. and 12 CFR 203.6), the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.), the Truth in Savings Act (12 U.S.C. 4301 et seq.), the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) 12 CFR Part 3500), the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) and the Fair Housing Act (42 U.S.C. 3601 et seq.). Increases in the amount of any CMP which the FDIC may assess for violations of those statutes are the same as the increases for section 8(i)(2) penalties.

Paragraph (c)(3)(ii) of § 308.132 reflects the increases in CMP amounts that may be assessed pursuant to section 7(c) of the FDIA for late filing or the submission of false or misleading certified statements. A Tier One CMP will continue to be assessed pursuant to section 7(c)(4)(A) of the FDIA (12 U.S.C. 1817(c)(4)(A)) in an amount not to exceed $2,000 for each day during which the failure to file continues or the false or misleading information is not corrected. A Tier Two CMP which may be assessed pursuant to section 7(c)(4)(B) of the FDIA (12 U.S.C. 1817(c)(4)(B)) will increase from an amount not to exceed $20,000 for each

day during which the failure to file continues or the false or misleading information is not corrected to an amount not to exceed $22,000 for each day during which the failure to file continues or the false or misleading information is not corrected. A Tier Three CMP which may be assessed pursuant to section 7(c)(4)(C) of the FDIA (12 U.S.C. 1817(c)(4)(B)) will increase from an amount not to exceed the lesser of $1,000,000 or 1 percent of the total assets of the institution for each day during which the failure to file continues or the false or misleading information is not corrected to an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of the institution for each day during which the failure to file continues or the false or misleading information is not corrected.

Paragraph (c)(3)(iii) of § 308.132 sets forth the increases in CMP amounts that may be assessed pursuant to section 10(e)(4) of the FDIA (12 U.S.C. 1820(e)(4)) for refusal to allow examination or to provide required information during an examination. The CMP which may be assessed pursuant to that statute against any affiliate of an insured depository institution which refuses to permit a duly-appointed examiner to conduct an examination or to provide information during the course of an examination as set forth in section 20(b) of the FDIA (12 U.S.C. 1820(b)), will increase from an amount not to exceed $5,000 for each day the refusal continues to an amount not to exceed $5,500 for each day the refusal continues.

Paragraph (c)(3)(iv) of § 308.132 sets forth the increases in the amounts of any CMP that may be assessed pursuant to section 18(a)(3) of the FDIA (12 U.S.C. 1828(a)(3)) for the incorrect display of the insurance logo. Such CMP will increase from an amount not to exceed $100 for each day the violation continues to an amount not to exceed $110 for each day the violation continues.

Paragraph (c)(3)(v) of § 308.132 sets forth the increase in the amount of any CMP that may be assessed pursuant to section 18(h) of the FDIA (12 U.S.C. 1828(h)) for failure to file a certified statement or to pay an assessment. That amount will increase from a maximum of $100 for each day the violation continues to an amount not to exceed $110 for each day the violation continues.

Paragraph (c)(3)(vi) of § 308.132 sets forth the increase in any CMP that may be assessed pursuant to section 19b(j) of the FDIA (12 U.S.C. 1829b(j)), against an insured depository institution and any director, officer or employee thereof who wilfully or through gross negligence violates or causes a violation of the recordkeeping requirements of that section or its implementing regulations. The CMP amount will increase from an amount not to exceed $10,000 per violation for each day the violation continues to an amount not to exceed $11,000 per violation.

Paragraph (c)(3)(vii) of § 308.132 sets forth the increase in the civil fine which may be assessed pursuant to 12 U.S.C. 1832(c) for violation of provisions forbidding interest-bearing demand deposit accounts. The amount which may be assessed against any depository institution which violates the prohibition on deposit or withdrawal from interest-bearing accounts via negotiable or transferable instruments payable to third parties will increase from a fine of $1,000 per violation to a fine of $1,100 per violation.

Paragraph (c)(3)(viii) of § 308.132 sets forth the increase in any CMP that may be assessed pursuant to 12 U.S.C. 1884 for violations of security measure requirements. The amount of CMP which may be assessed against an institution which violates a rule establishing minimum security requirements as set forth in 12 U.S.C. 1882, will increase from a CMP not to exceed $100 for each day of the violation to a CMP not to exceed $110 for each day of the violation.

Paragraph (c)(3)(ix) of § 308.132 sets forth the increases in the CMP amounts that may be assessed pursuant to the Bank Holding Company Act of 1970 for prohibited tying arrangements. A Tier One CMP which may be assessed pursuant to 12 U.S.C. 1972(2)(F)(i) will increase from an amount not to exceed $5,000 for each day during which the violation continues to an amount not to exceed $5,500 for each day during which the violation continues. A Tier Two CMP which may be assessed pursuant to 12 U.S.C. 1972(2)(F)(ii) will increase from an amount not to exceed $25,000 for each day during which the violation, practice or breach continues an amount not to exceed $27,500 for each day during which the violation, practice or breach continues. A Tier Three CMP which may be assessed pursuant to 12 U.S.C. 1972(2)(F)(iii) will increase from an amount not to exceed, in the case of any person other than an insured depository institution $1,000,000 for each day during which the violation, practice, or breach continues to an amount not to exceed $1,100,000 for each day during which the violation, practice, or breach continues. In the case of any insured depository institution, Tier Three penalties will increase from an amount not to exceed the lesser of $1,000,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues to an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

Paragraph (c)(3)(x) of § 308.132 indicates that pursuant to the International Banking Act of 1978 (IBA) (12 U.S.C 3108(b)), a CMP may be assessed for failure to comply with the requirements of the IBA pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)). Such CMP will increase in the amounts set forth in paragraph (c)(3)(i) of § 308.132 which contains the increases for section 8(i)(2).

Paragraph (c)(3)(xi) of § 308.132 sets forth the increase in CMP that may be assessed pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)), as made applicable by 12 U.S.C. 3349(b), where a financial institution seeks, obtains, or gives any other thing of value in exchange for the performance of an appraisal by a person that the institution knows is not a state certified or licensed appraiser in connection with a federally related transaction. Such CMP amounts will increase in the amounts set forth in paragraph (c)(3)(i) of § 308.132 which contains the increases for section 8(i)(2).

Paragraph (c)(3)(xii) of § 308.132 sets forth that pursuant to the International Lending Supervision Act (ILSA) (12 U.S.C. 3909(d)), the CMP that may be assessed against any banking institution or any officer, director, employee, agent or other person participating in the conduct of the affairs of such banking institution will increase from an amount not to exceed $1,000 for each day a violation of the ILSA or any rule, regulation or order issued pursuant to ILSA continues to an amount not to exceed $1,100 for each day such violation continues.

Paragraph (c)(3)(xiii) of § 308.132 indicates that pursuant to the Community Development Banking and Financial Institution Act (Community Development Banking Act) (12 U.S.C. 4717(b)) a CMP may be assessed for violations of the Community Development Banking Act pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)). Such CMP amounts will increase in the amounts set forth in paragraph (c)(3)(i) of § 308.132 which contains the increases for section 8(i)(2).

Paragraph (c)(3)(xiv) of § 308.132 sets forth that pursuant to section 21B of the Securities Exchange Act of 1934 (Exchange Act) (15 U.S.C. 78u–2), CMP's may be assessed for violations of

certain provisions of the Exchange Act, where such penalties are in the public interest. The Tier One CMP amounts which may be assessed pursuant to 15 U.S.C.78u–2(b)(1) will increase from an amount not to exceed $5,000 for a natural person or $50,000 for any other person for violations set forth in 15 U.S.C. 78u–2(a), to $5,500 for a natural person or $55,000 for any other person. The Tier Two CMP which maybe assessed pursuant to 15 U.S.C. 78u–2(b)(2)—for each violation set forth in 15 U.S.C. 78u–2(a)—will increase from an amount not to exceed $50,000 for a natural person or $250,000 for any other person if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement, to an amount not to exceed $55,000 for a natural person or $275,000 for any other person. The Tier Three CMP which may be assessed pursuant to 15 U.S.C. 78u–2(b)(3) for each violation set forth in 15 U.S.C. 78u–2(a), in an amount not to exceed $100,000 for a natural person or $500,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and such act or omission directly or indirectly resulted in substantial losses, or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission to an amount not to exceed $110,000 for a natural person or $550,000 for any other person.

Paragraph (c)(3)(xv) of § 308.132 sets forth that the CMP that may be assessed pursuant to the Program Fraud Civil Remedies Act (31 U.S.C. 3802), will increase from an amount of not more than $5,000 per day for violations involving false claims and statements to $5,500 per day.

Paragraph (c)(3)(xvi) of § 308.132 sets forth the CMP that may be assessed pursuant to the Flood Disaster Protection Act (FDPA)(42 U.S.C. 4012a(f)) against any regulated lending institution that engages in a pattern or practice of violations of the FDPA. The amount of the penalty for each violation will remain at $350, however, the annual amount which may be assessed will increase from an amount not to exceed a total of $100,000 annually to an amount not to exceed a total of $105,000 annually.

III. Regulatory Flexibility Act

Chapter 6 of Title 5 of the United States Code which pertains to ''The Analysis of Regulatory Functions'' does not apply to the final rule regarding part 308. The revision to part 308 is not a ''rule'' for purposes of that statute (see 5 U.S.C. 601(2)) as it is not a rule for which the FDIC is required to publish a general notice of proposed rulemaking under section 553(b) of Title 5 of the United States Code. This is because the law leaves the FDIC no discretion with regard to the requirement of adjustment or the formula for the amount of CMP adjustments to be made, the changes are ministerial, technical and noncontroversial and the law requires that the regulation implementing the adjustments be made within 180 days of the enactment of the DCIA. Therefore, the FDIC has determined for good cause that public notice and comment are unnecessary, impracticable, or contrary to the public interest and that the rule should be published in final form.

IV. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Public Law 104–121) provides generally for agencies to report rules to Congress and for Congress to review the rules. The reporting requirement is triggered in instances where the FDIC issues a final rule as defined by the Administrative Procedure Act (APA) at 5 U.S.C. 551. Because the FDIC is issuing a final rule as defined by the APA, the FDIC will file the reports required by SBREFA.

The Office of Management and Budget has determined that this final revision to part 308 does not constitute a ''major'' rule as defined by the statute.

V. Exemption From Public Notice and Comment

Because the law requires the FDIC to amend its rules, provides the specific adjustments to be made and leaves the FDIC no discretion in calculating the amount of those adjustments, the changes are ministerial, technical and noncontroversial, and the law requires that the regulation implementing the adjustments be published in the Federal Register within 180 days of enactment of the DCIA, the FDIC has determined for good cause that public notice and comment is unnecessary and impracticable under the APA (5 U.S.C. 553(b)(3)(B)), and that the rule should be published in final form.

VI. Effective Date

For the same reasons that the FDIC for good cause has determined that public notice and comment is unnecessary, impractical and contrary to the public interest, the FDIC finds that it has good cause to adopt an effective date that is less than 30 days after the date of publication in the Federal Register pursuant to the APA (5 U.S.C. 553(d)), and therefore, the regulation is effective upon publication.

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Banks, banking, Claims, Crime, Equal access to justice, Ex parte communications, Hearing procedure, Lawyers, Penalties, State nonmember banks.

For the reasons set out in the preamble, part 308 of chapter III of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 308—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 308 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1817, 1818, 1820, 1828, 1829, 1829b, 1831o, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717; 15 U.S.C. 78 (h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, and 78w; 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–358.

2. Section 308.116 is amended by adding a new paragraph (b)(4) to read as follows:

§ 308.116 Assessment of penalties.

* * * * *

(b) * * *

(4) *Adjustment of civil money penalties by the rate of inflation pursuant to section 31001(s) of the Debt Collection Improvement Act.* After November 12, 1996:

(i) Any person who engages in a violation as set forth in paragraph (b)(1) of this section shall forfeit and pay a civil money penalty of not more than $5,500 for each day the violation continues.

(ii) Any person who engages in a violation, unsafe or unsound practice or breach of fiduciary duty, as set forth in paragraph (b)(2) of this section, shall forfeit and pay a civil money penalty of not more than $27,500 for each day such violation, practice or breach continues.

(iii) Any person who knowingly engages in a violation, unsafe or unsound practice or breach of fiduciary duty, as set forth in paragraph (b)(3) of this section, shall forfeit and pay a civil money penalty not to exceed:

(A) In the case of a person other than a depository institution—$1,100,000 per day for each day the violation, practice or breach continues; or

(B) In the case of a depository institution—an amount not to exceed the lesser of $1,100,000 or one percent of the total assets of such institution for

each day the violation, practice or breach continues.

* * * * *

3. In § 308.132, paragraph (c)(2) is revised and a new paragraph (c)(3) is added to read as follows:

§ 308.132 Assessment of penalties.

* * * * *

(c) * * *

(2) The Board of Directors or its designee may assess civil money penalties pursuant to section 7(a) of the FDIA (12 U.S.C. 1817(a)) as follows:

(i) *Late filing—Tier One penalties.* In cases in which a bank fails to make or publish its Report of Condition and Income (Call Report) within the appropriate time periods, a civil money penalty of not more than $2,000 per day may be assessed where the bank maintains procedures in place reasonably adapted to avoid inadvertent error and the late filing occurred unintentionally and as a result of such error; or the bank inadvertently transmitted a Call Report which is minimally late.

(A) *First offense.* Generally, in such cases, the amount assessed shall be $300 per day for each of the first 15 days for which the failure continues, and $600 per day for each subsequent day the failure continues, beginning on the sixteenth day. For banks with less than $25,000,000 in assets, the amount assessed shall be the greater of $100 per day or 1/1000th of the bank's total assets (1/10th of a basis point) for each of the first 15 days for which the failure continues, and $200 or 1/500th of the bank's total assets, 1/5 of a basis point) for each subsequent day the failure continues, beginning on the sixteenth day.

(B) *Second offense.* Where the bank has been delinquent in making or publishing its Call Report within the preceding five quarters, the amount assessed for the most current failure shall generally be $500 per day for each of the first 15 days for which the failure continues, and $1,000 per day for each subsequent day the failure continues, beginning on the sixteenth day. For banks with less than $25,000,000 in assets, those amounts, respectively, shall be 1/500th of the bank's total assets and 1/250th of the bank's total assets.

(C) *Mitigating factors.* The amounts set forth in paragraph (c)(2)(i)(A) of this section may be reduced based upon the factors set forth in paragraph (b) of this section.

(D) *Lengthy or repeated violations.* The amounts set forth in this paragraph (c)(2)(i) will be assessed on a case-by-case basis where the amount of time of the bank's delinquency is lengthy or the bank has been delinquent repeatedly in making or publishing its Call Reports.

(E) *Waiver.* Absent extraordinary circumstances outside the control of the bank, penalties assessed for late filing shall not be waived.

(ii) *Late filing—Tier Two penalties.* Where a bank fails to make or publish its Call Report within the appropriate time period, the Board of Directors or its designee may assess a civil money penalty of not more than $20,000 per day for each day the failure continues. Pursuant to the Debt Collection Improvement Act of 1996, for violations which occur after November 12, 1996, the maximum Tier Two penalty amount will increase to $22,000 per day for each day the failure continues.

(iii) *False or misleading reports or information—(A) Tier One penalties.* In cases in which a bank submits or publishes any false or misleading Call Report or information, the Board of Directors or its designee may assess a civil money penalty of not more than $2,000 per day for each day the information is not corrected, where the bank maintains procedures in place reasonably adapted to avoid inadvertent error and the violation occurred unintentionally and as a result of such error; or the bank inadvertently transmits a Call Report or information which is false or misleading.

(B) *Tier Two penalties.* Where a bank submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than $20,000 per day for each day the information is not corrected. Pursuant to the Debt Collection Improvement Act of 1996, for violations which occur after November 12, 1996, the maximum Tier Two penalty amount will increase to $22,000 per day for each day the information is not corrected.

(C) *Tier Three penalties.* Where a bank knowingly or with reckless disregard for the accuracy of any Call Report or information submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a civil money penalty of not more than the lesser of $1,000,000 or 1 percent of the bank's total assets per day for each day the information is not corrected. Pursuant to the Debt Collection Improvement Act of 1996, for violations which occur after November 12, 1996, the maximum Tier Three penalty amount will increase to the lesser of $1,100,000 per day or 1 percent of the bank's total assets per day for each day the information is not corrected.

(D) *Mitigating factors.* The amounts set forth in this paragraph (c)(2) may be reduced based upon the factors set forth in paragraph (b) of this section.

(3) *Adjustment of civil money penalties by the rate of inflation pursuant to section 31001(s) of the Debt Collection Act.* Pursuant to section 31001(s) of the Debt Collection Act, for violations which occur after November 12, 1996, the Board of Directors or its designee may assess civil money penalties in the maximum amounts as follows:

(i) *Civil money penalties assessed pursuant to section 8(i)(2) of the FDIA.* Tier One civil money penalties may be assessed pursuant to section 8(i)(2)(A) of the FDIA (12 U.S.C. 1818(i)(2)(A)) in an amount not to exceed $5,500 for each day during which the violation continues. Tier Two civil money penalties may be assessed pursuant to section 8(i)(2)(B) of the FDIA (12 U.S.C. 1818(i)(2)(B)) in an amount not to exceed $27,500 for each day during which the violation, practice or breach continues. Tier Three civil money penalties may be assessed pursuant to section 8(i)(2)(C)(12 U.S.C. 1818(i)(2)(C)) in an amount not to exceed, in the case of any person other than an insured depository institution $1,100,000 or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

(A) Civil money penalties may be assessed pursuant to section 8(i)(2) of the FDIA in the amounts set forth in this paragraph (c)(3)(i) for violations of various consumer laws, including, the Home Mortgage Disclosure Act (12 U.S.C. 2804 et seq. and 12 CFR 203.6), the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.), the Truth in Savings Act (12 U.S.C. 4301 et seq.), the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq. and 12 CFR part 3500), the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) and the Fair Housing Act (42 U.S.C. 3601 et seq.) in the amounts set forth in paragraphs (c)(3)(i) through (c)(3)(iii) of this section.

(ii) *Civil money penalties assessed pursuant to section 7(c) of the FDIA for late filing or the submission false or misleading certified statements.* Tier One civil money penalties may be assessed pursuant to section 7(c)(4)(A) of the FDIA (12 U.S.C. 1817(c)(4)(A)) in

an amount not to exceed $2,000 for each day during which the failure to file continues or the false or misleading information is not corrected. Tier Two civil money penalties may be assessed pursuant to section 7(c)(4)(B) of the FDIA (12 U.S.C. 1817(c)(4)(B)) in an amount not to exceed $22,000 for each day during which the failure to file continues or the false or misleading information is not corrected. Tier Three civil money penalties may be assessed pursuant to section 7(c)(4)(C) in an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of the institution for each day during which the failure to file continues or the false or misleading information is not corrected.

(iii) *Civil money penalties assessed pursuant to section 10(e)(4) of the FDIA for refusal to allow examination or to provide required information during an examination.* Pursuant to section 10(e)(4) of the FDIA (12 U.S.C. 1820(e)(4)), civil money penalties may be assessed against any affiliate of an insured depository institution which refuses to permit a duly-appointed examiner to conduct an examination or to provide information during the course of an examination as set forth in section 20(b) of the FDIA (12 U.S.C. 1820(b)), in an amount not to exceed $5,500 for each day the refusal continues.

(iv) *Civil money penalties assessed pursuant to section 18(a)(3) of the FDIA for incorrect display of insurance logo.* Pursuant to section 18(a)(3) of the FDIA (12 U.S.C. 1828(a)(3)), civil money penalties may be assessed against an insured depository institution which fails to correctly display its insurance logo pursuant to that section, in an amount not to exceed $110 for each day the violation continues.

(v) *Civil money penalties assessed pursuant to section 18(h) of the FDIA for failure to file a certified statement or to pay assessment.* Pursuant to section 18(h) of the FDIA (12 U.S.C. 1828(h)), a civil money penalty may be assessed against an insured depository institution which wilfully fails or refuses to file a certified statement or pay any assessment required under the FDIA in an amount not to exceed $110 for each day the violation continues.

(vi) *Civil money penalties assessed pursuant to section 19b(j) of the FDIA for recordkeeping violations.* Pursuant to section 19b(j) of the FDIA (12 U.S.C. 1829b(j)), civil money penalties may be assessed against an insured depository institution and any director, officer or employee thereof who wilfully or through gross negligence violates or causes a violation of the recordkeeping requirements of that section or its implementing regulations in an amount not to exceed $11,000 per violation.

(vii) *Civil fine pursuant to 12 U.S.C. 1832(c) for violation of provisions forbidding interest-bearing demand deposit accounts.* Pursuant to 12 U.S.C. 1832(c), any depository institution which violates the prohibition on deposit or withdrawal from interest-bearing accounts via negotiable or transferable instruments payable to third parties shall be subject to a fine of $1,100 per violation.

(viii) *Civil penalties for violations of security measure requirements under 12 U.S.C. 1884.* Pursuant to 12 U.S.C. 1884, an institution which violates a rule establishing minimum security requirements as set forth in 12 U.S.C. 1882, shall be subject to a civil penalty not to exceed $110 for each day of the violation.

(ix) *Civil money penalties assessed pursuant to the Bank Holding Company Act of 1970 for prohibited tying arrangements.* Pursuant to the Bank Holding Company Act of 1970, Tier One civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(i) in an amount not to exceed $5,500 for each day during which the violation continues. Tier Two civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(ii) in an amount not to exceed $27,500 for each day during which the violation, practice or breach continues. Tier Three civil money penalties may be assessed pursuant to 12 U.S.C. 1972(2)(F)(iii) in an amount not to exceed, in the case of any person other than an insured depository institution $1,100,000 for each day during which the violation, practice, or breach continues or, in the case of any insured depository institution, an amount not to exceed the lesser of $1,100,000 or 1 percent of the total assets of such institution for each day during which the violation, practice, or breach continues.

(x) *Civil money penalties assessed pursuant to the International Banking Act of 1978.* Pursuant to the International Banking Act of 1978 (IBA) (12 U.S.C. 3108(b)), civil money penalties may be assessed for failure to comply with the requirements of the IBA pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)), in the amounts set forth in paragraph (c)(3)(i) of this section.

(xi) *Civil money penalties assessed for appraisal violations.* Pursuant to 12 U.S.C. 3349(b), where a financial institution seeks, obtains, or gives any other thing of value in exchange for the performance of an appraisal by a person that the institution knows is not a state certified or licensed appraiser in connection with a federally related transaction, a civil money penalty may be assessed pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)) in the amounts set forth in paragraph (c)(3)(i) of this section.

(xii) *Civil money penalties assessed pursuant to International Lending Supervision Act.* Pursuant to the International Lending Supervision Act (ILSA) (12 U.S.C. 3909(d)), the CMP that may be assessed against any banking institution or any officer, director, employee, agent or other person participating in the conduct of the affairs of such banking institution is amount not to exceed $1,100 for each day a violation of the ILSA or any rule, regulation or order issued pursuant to ILSA continues.

(xiii) *Civil money penalties assessed for violations of the Community Development Banking and Financial Institution Act.* Pursuant to the Community Development Banking and Financial Institution Act (Community Development Banking Act) (12 U.S.C. 4717(b)) a civil money penalty may be assessed for violations of the Community Development Banking Act pursuant to section 8(i)(2) of the FDIA (12 U.S.C. 1818(i)(2)), in the amounts set forth in paragraph (c)(3)(i) of this section.

(xiv) *Civil money penalties assessed for violations of the Securities Exchange Act of 1934.* Pursuant to section 21B of the Securities Exchange Act of 1934 (Exchange Act) (15 U.S.C. 78u–2), civil money penalties may be assessed for violations of certain provisions of the Exchange Act, where such penalties are in the public interest. Tier One civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(1) in an amount not to exceed $5,500 for a natural person or $55,000 for any other person for violations set forth in 15 U.S.C. 78u–2(a). Tier Two civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(2) in an amount not to exceed—for each violation set forth in 15 U.S.C. 78u–2(a)—$55,000 for a natural person or $275,000 for any other person if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement. Tier Three civil money penalties may be assessed pursuant to 15 U.S.C. 78u–2(b)(3) for each violation set forth in 15 U.S.C. 78u–2(a), in an amount not to exceed $110,000 for a natural person or $550,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and such act or omission directly or

indirectly resulted in substantial losses, or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

(xv) *Civil money penalties assessed for false claims and statements pursuant to the Program Fraud Civil Remedies Act*. Pursuant to the Program Fraud Civil Remedies Act (31 U.S.C. 3802), civil money penalties of not more than $5,500 per day may be assessed for violations involving false claims and statements.

(xvi) *Civil money penalties assessed for violations of the Flood Disaster Protection Act*. Pursuant to the Flood Disaster Protection Act (FDPA)(42 U.S.C. 4012a(f)), civil money penalties may be assessed against any regulated lending institution that engages in a pattern or practice of violations of the FDPA in an amount not to exceed $350 per violation, and not to exceed a total of $105,000 annually.

By order of the Board of Directors.

Dated at Washington, D.C. this 29th day of October, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–28752 Filed 11–8–96; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–103–AD; Amendment 39–9808; AD 96–23–03]

RIN 2120–AA64

Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (Formerly Government Aircraft Factory) Models N22B, N24A, and N22S Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Aerospace Technologies of Australia Pty Ltd. (ASTA) Models N22B, N24A, and N22S airplanes that are not equipped with a part number (P/N) 1E/N–12–57 fuselage stub fin plate (MOD N759). This action requires replacing the existing fuselage stub fin plate with one of improved design, P/N 1E/N–12–57. This action results from several reports of cracks along the forward flange of the fuselage stub fin plate in the area of Rib Water Line (WL) 138.87. The actions specified by this AD are intended to prevent structural failure of the fuselage area caused by a cracked stub fin plate, which could result in loss of control of the airplane.

DATES: Effective December 23, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from Aerospace Technologies of Australia Pty Ltd., ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–103–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Atmur, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard., Lakewood, California 90712; telephone (310) 627–5224; facsimile (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to ASTA Models N22B, N24A, and N22S airplanes that are not equipped with a part number (P/N) 1E/N–12–57 fuselage stub fin plate (MOD N759) was published in the Federal Register on July 8, 1996 (61 FR 35693). The action proposed to require replacing the existing fuselage stub fin plate with one of improved design, P/N 1E/N–12–57. Accomplishment of the proposed installation as specified in the notice of proposed rulemaking (NPRM) would be in accordance with Nomad Service Bulletin ANMD–53–13, Revision 3, dated October 24, 1995.

The NPRM was the result of several reports of cracks along the forward flange of the fuselage stub fin plate in the area of Rib Water Line (WL) 138.87.

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

The FAA's Determination

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

Cost Impact

The FAA estimates that 15 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 22 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $22,050 or $1,470 per airplane. This figure is based on the assumption that no affected owner/operator of the affected airplanes has accomplished the required replacement.

ASTA has informed the FAA that it has no records of parts distribution. The FAA believes that several of the affected airplanes already have the required replacement incorporated, which would reduce the cost impact upon the public.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–03 Aerospace Technologies of Australia Pty Ltd.: Amendment 39–9808; Docket No. 95–CE–103–AD.

Applicability: Models N22B, N24A, and N22S airplanes (all serial numbers), certificated in any category, that are not equipped with a part number (P/N) 1E/N–12–57 fuselage stub fin plate (MOD N759).

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

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent structural failure of the fuselage area caused by a cracked stub fin plate, which could result in loss of control of the airplane, accomplish the following:

(a) Replace the fuselage stub fin plate with one of improved design, P/N 1E/N–12–57 (MOD N759), in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Nomad Service Bulletin ANMD–53–13, Revision 3, dated October 24, 1995.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(d) The replacement required by this AD shall be done in accordance with Nomad Service Bulletin ANMD–53–13, Revision 3, dated October 24, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospace Technologies of Australia Pty Ltd., ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–9808) becomes effective on December 23, 1996.

Issued in Kansas City, Missouri, on October 28, 1996.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28164 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 96–NM–251–AD; Amendment 39–9807; AD 96–23–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This action requires inspections to detect disbonding, corrosion, and cracking at the longitudinal rows of fasteners in the bonded skin panels in section 41 of the fuselage, and repair, if necessary. This amendment is prompted by a report of skin cracking due to disbonding of the internal doubler of the cracked skin panels. The actions specified in this AD are intended to prevent rapid decompression of the airplane due to disbonding and subsequent cracking of the skin panels.

DATES: Effective November 27, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 27, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 13, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–251–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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

FOR FURTHER INFORMATION CONTACT: Bob Breneman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2776; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: Recently, the FAA received a report indicating that skin cracking was found on a Boeing Model 747–200 series airplane that had accumulated 14,486 total flight cycles. Multiple one-inch skin cracks were found through four adjacent fastener holes along the number 2 doorstop intercostal between body station (BS) 488 and BS 500. The FAA received another report indicating that skin cracking was found in the same location on a Model 747–200 series airplane that had accumulated 13,517 total flight cycles. This cracking measured approximately 17 inches in length.

Results of subsequent inspections of both airplanes revealed extensive disbonding of the internal doubler of the cracked skin panels, as well as disbonding at several stringer locations from BS 340 to BS 520 between stringer (S) 6 and S–14. The cause of this disbonding has been attributed to improper processing during the phosphoric acid anodize (PAA) phase of manufacture of the skin panels.

Disbonding of the internal skin doublers could result in increased operational stress on the fuselage skin, and could lead to multiple-site skin cracking. This condition, if not corrected, could result in rapid decompression of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, which describes procedures for inspections to detect disbonding, corrosion, and cracking of the longitudinal rows of fasteners in the bonded skin panels in section 41 of the fuselage, and repair, if necessary. The alert service bulletin identifies four affected skin areas:

- *Area 1:* The flat skin panel aft of the cockpit windows from body station (BS) 340 to BS 520 between S–6 and S–14.
- *Area 2:* The flat skin panels below the cockpit windows.
- *Area 3:* The large-radius skin panels in the main deck area (excluding Area 4).
- *Area 4:* The section of the large-radius skin panel aft of door 1 from BS 488 to BS 500 between S–16 and S–26.

The alert service bulletin also specifies four methods of inspection:

- *Method 1:* One-time external ultrasonic inspections (for Area 1 only) of the skin for disbonded doublers; and an external inspection of the skin for cracks, and repair, if necessary;
- *Method 2:* One-time internal visual inspections of the skin for disbonded doublers, corrosion, or cracks; and repair, or an external inspection of the skin for cracks, if necessary;
- *Method 3:* Repetitive external close visual inspections of the skin for cracks, and repair, if necessary; and
- *Method 4:* Repetitive external high frequency eddy current (HFEC) inspections of the skin for cracks, and repair, if necessary.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 747 series airplanes of the same type design, this AD is being issued to prevent rapid decompression of the airplane due to disbonding and subsequent cracking of the skin panels. This AD requires inspections to detect disbonding, corrosion, and cracking at the longitudinal rows of fasteners in the bonded skin panels in section 41 of the fuselage, and repair, if necessary. Certain repairs are required to be accomplished in accordance with a method approved by the FAA. Other actions are required to be accomplished in accordance with the alert service bulletin described previously.

This AD also requires that operators submit a report to the FAA of any findings of disbonding detected during the inspections required by this AD.

Differences Between Alert Service Bulletin and This AD

While the alert service bulletin describes procedures for inspections of four particular areas of the airplane, this AD requires inspections of only two of those areas. The FAA is considering further rulemaking to require inspections of the other two areas that are not addressed in this AD; however, the proposed compliance time for accomplishment of those inspections is sufficiently long so that prior notice and time for public comment will be practicable.

Additionally, the alert service bulletin specifies that, based on continued mixed operation at lower cabin differential pressures, the thresholds and intervals specified in the alert service bulletin can be multiplied by a 1.2 adjustment factor for Model 747SR and 747–400 series airplanes (domestic only). The FAA finds that insufficient data exist to support such an adjustment to flight cycles. In fact, data are available which indicate that the use of a 1.2 adjustment factor provides inaccurate data and unjustified relief for inspection intervals. Consequently, this AD does not allow for such an adjustment factor.

Further, the alert service bulletin indicates that if any cracking is found that is outside specified limits, operators should contact the manufacturer for repair data. However, this AD requires that such cracking be repaired in accordance with a method approved by the FAA.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–251–AD''. The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–02 Boeing: Amendment 39–9807. Docket 96–NM–251–AD.

Applicability: Model 747 series airplanes; line numbers 1 through 200 inclusive on which the skin panel replacement specified in Boeing Service Bulletin 747–53A2321 has been accomplished; line numbers 201 through 430 inclusive that have been modified by Boeing to a Stretched Upper Deck (SUD) configuration; and line numbers 431 through 1075 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 (u) 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 rapid decompression of the airplane due to disbonding and subsequent cracking of the skin panels, accomplish the following:

Disallowance of Adjustment Factor

(a) For Model 747SR and 747–400 series airplanes operating at a cabin differential pressure lower than 8.9 pounds per square inch (psi): An adjustment factor of 1.2 shall not be used as a multiplier for thresholds and intervals specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

Initial Inspection of Area 1: Group 1 Airplanes

(b) For airplanes identified as Group 1 in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, on which the skin panel replacement specified in Boeing Alert Service Bulletin 747–53A2321 has been accomplished: Perform an inspection to detect disbonding, corrosion, and/or cracking of the skin at the location specified as Area 1 in Table 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, using an inspection technique identified as Method 1, 2, 3, or 4 in paragraph A., Part I, of the Accomplishment Instructions of the alert service bulletin. Accomplish the inspection at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable. In any case, any inspection using Method 1 or 2 shall not be accomplished prior to the accumulation of 2,000 total flight cycles with cabin differential pressure above 2.0 psi since skin panel replacement in accordance with Boeing Alert Service Bulletin 747–53A2321. If inspection Method 1 or 2 is used and no disbonded doubler is found, no further action is required by this AD.

(1) For airplanes on which zones 1 and 2 of the fuselage have not been modified in accordance with Boeing Service Bulletin 747–53–2272: Inspect at the later of the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) Prior to the accumulation of 8,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.

(ii) Within 60 days after the effective date of this AD.

(2) For airplanes on which zones 1 and 2 of the fuselage have been modified in accordance with Boeing Service Bulletin 747–53–2272: Inspect at the later of the times specified in paragraphs (b)(2)(i) and (b)(2)(ii) of this AD.

(i) Prior to the accumulation of 10,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.

(ii) Within 60 days after the effective date of this AD.

On-Condition Repairs and Repetitive Inspections: Group 1 Airplanes

(c) If inspection Method 1 or 2 was used to accomplish the inspection required by paragraph (b) of this AD, and any disbonded doubler was found during that inspection: Prior to further flight, perform external detailed visual inspections (Method 3) or external HFEC inspections (Method 4) to detect cracking of the fuselage skin in the areas where the disbonded doubler was found, in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) If inspection Method 3 was used to accomplish the inspection required by paragraph (c) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles for up to 1,000 flight cycles; thereafter, perform external HFEC inspections (Method 4) at intervals not to exceed 2,000 flight cycles in accordance with the alert service bulletin.

(2) If inspection Method 4 was used to accomplish the inspection required by paragraph (c) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles in accordance with the alert service bulletin.

(d) If inspection Method 3 was used to accomplish the inspection required by paragraph (b) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles for up to 1,000 flight cycles; thereafter, accomplish either paragraph (d)(1) or (d)(2) of this AD in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) Perform a one-time inspection using Method 1 or 2; or

(2) Perform repetitive inspections using inspection Method 4 at intervals not to exceed 2,000 flight cycles.

(e) If inspection Method 4 was used to accomplish the inspection required by paragraph (b) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(f) If any cracking is found during any inspection required by paragraphs (b), (c), (d), or (e) of this AD, and the cracking is within the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with the alert service bulletin. Following repair, perform repetitive inspections using inspection Method 4 thereafter at intervals not to exceed 2,000 flight cycles in accordance with the alert service bulletin.

(g) If any cracking is found during any inspection required by paragraphs (b), (c), (d), or (e) of this AD, and the cracking is outside the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Initial Inspection of Areas 1 and 4: Groups 2, 3, 6, and 8 Airplanes

(h) For airplanes identified as Group 2, 3, 6, or 8 in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996: Perform inspections to detect disbonding, corrosion, and/or cracking of the skin at the locations specified as Areas 1 and 4 in Table 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, using an inspection technique identified as Method 1, 2, 3, or 4 (for Area 1), or Method 2, 3, or 4 (for Area 4) in paragraph A., Part I, of the Accomplishment Instructions of the alert service bulletin. Accomplish the inspection at the time specified in paragraph (h)(1) or (h)(2) of this AD, as applicable. In any case, any inspection using Method 1 or 2 shall not be accomplished prior to the accumulation of 2,000 total flight cycles with cabin differential pressure above 2.0 psi since delivery, or since modification to the SUD configuration. If inspection Method 1 or 2 is used and no disbonded doubler is found, no further action is required by this AD.

(1) For airplanes on which zones 1, 2, and 3 of the fuselage have not been modified in accordance with Boeing Service Bulletin

747–53–2272: Inspect at the later of the times specified in paragraphs (h)(1)(i) and (h)(1)(ii) of this AD.

(i) Prior to the accumulation of 8,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.

(ii) Within 60 days after the effective date of this AD.

(2) For airplanes on which zones 1, 2, and 3 of the fuselage have been modified in accordance with Boeing Service Bulletin 747–53–2272: Inspect at the later of the times specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Prior to the accumulation of 10,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.

(ii) Within 60 days after the effective date of this AD.

On-Condition Repairs and Repetitive Inspections: Groups 2, 3, 6, and 8 Airplanes

(i) If inspection Method 1 or 2 was used to accomplish the inspection required by paragraph (h) of this AD, and any disbonded doubler was found during that inspection: Prior to further flight, perform external detailed visual inspections (Method 3) or external HFEC inspections (Method 4) to detect cracking of the fuselage skin in the areas where the disbonded doubler was found, in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) If inspection Method 3 was used to accomplish the inspection required by paragraph (i) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles (for Area 1) or 250 flight cycles (for Area 4), as applicable, for up to 1,000 flight cycles; thereafter, perform external HFEC inspections (Method 4) at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with the alert service bulletin.

(2) If inspection Method 4 was used to accomplish the inspection required by paragraph (i) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with the alert service bulletin.

(j) If inspection Method 3 was used to accomplish the inspection required by paragraph (h) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles (for Area 1) or 250 flight cycles (for Area 4), as applicable, for up to 1,000 flight cycles; thereafter, accomplish either paragraph (j)(1) or (j)(2) of this AD in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) Perform a one-time inspection using Method 1 or 2 (for Area 1), or Method 2 (for Area 4 only); or

(2) Perform repetitive inspections using inspection Method 4 at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable.

(k) If inspection Method 4 was used to accomplish the inspection required by paragraph (h) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(l) If any cracking is found during any inspection required by paragraphs (h), (i), (j), or (k) of this AD, and the cracking is within the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with the alert service bulletin. Following repair, perform repetitive inspections using inspection Method 4 thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with the alert service bulletin.

(m) If any cracking is found during any inspection required by paragraphs (h), (i), (j), or (k) of this AD, and the cracking is outside the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Initial Inspection of Areas 1 and 4: Groups 4, 5, 7, 9, and 10 Airplanes

(n) For airplanes identified as Group 4, 5, 7, 9, or 10 in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996: Perform inspections to detect disbonding, corrosion, and/or cracking of the skin at the locations specified as Areas 1 and 4 in Table 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, using an inspection technique identified as Method 1, 2, 3, or 4 (for Area 1) or Method 2, 3, or 4 (for Area 4) in paragraph A., Part I, of the Accomplishment Instructions of the alert service bulletin. Accomplish the inspection at the later of the times specified in paragraphs (n)(1) and (n)(2) of this AD. In any case, any inspection using Method 1 or 2 shall not be accomplished prior to the accumulation of 2,000 total flight cycles with cabin differential pressure above 2.0 psi since delivery. If inspection Method 1 or 2 is used and no disbonded doubler is found, no further action is required by this AD.

(1) Prior to the accumulation of 10,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.

(2) Within 60 days after the effective date of this AD.

On-Condition Repairs and Repetitive Inspections: Groups 4, 5, 7, 9, and 10 Airplanes

(o) If inspection Method 1 or 2 was used to accomplish the inspection required by paragraph (n) of this AD, and any disbonded doubler was found during that inspection: Prior to further flight, perform external detailed visual inspections (Method 3) or external HFEC inspections (Method 4) to detect cracking of the fuselage skin in the areas where the disbonded doubler was found, in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) If inspection Method 3 was used to accomplish the inspection required by paragraph (o) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles (for Area 1) or 250 flight cycles (for Area 4), as applicable, for up to 1,000 flight cycles; thereafter, perform external HFEC inspections (Method 4) at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with the alert service bulletin.

(2) If inspection Method 4 was used to accomplish the inspection required by paragraph (o) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with the alert service bulletin.

(p) If inspection Method 3 was used to accomplish the inspection required by paragraph (n) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 150 flight cycles (for Area 1) or 250 flight cycles (for Area 4), as applicable, for up to 1,000 flight cycles; thereafter, accomplish either paragraph (p)(1) or (p)(2) of this AD in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(1) Perform a one-time inspection using Method 1 or 2 (for Area 1), or Method 2 (for Area 4 only); or

(2) Perform repetitive inspections using inspection Method 4 at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable.

(q) If inspection Method 4 was used to accomplish the inspection required by paragraph (n) of this AD, and no cracking was found during the inspection: Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable, in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996.

(r) If any cracking is found during any inspection required by paragraphs (n), (o), (p), or (q) of this AD, and the cracking is within the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with the alert service bulletin. Following repair, perform repetitive inspections using inspection Method 4 thereafter at intervals not to exceed 2,000 flight cycles (for Area 1) or 3,000 flight cycles (for Area 4), as applicable.

(s) If any cracking is found during any inspection required by paragraphs (n), (o), (p), or (q) of this AD, and the cracking is outside the limits specified in Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(t) Within 10 days after accomplishing any inspection to detect disbonding required by paragraphs (b), (d)(1), (h), (j)(1), (n), and (p)(1) this AD, report any findings of disbonding to the Manager, Seattle Manufacturing Inspection District Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (206) 227–1159. The report shall include the information specified in paragraphs (t)(1), (t)(2), and (t)(3) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) The line number of the airplane on which disbonding was found.

(2) The number of disbonded skin panels that were found.

(3) The part number of any disbonded skin panel that is found.

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

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

(v) 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.

(w) The actions shall be done in accordance with Boeing Alert Service Bulletin 747–53A2409, dated September 26, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(x) This amendment becomes effective on November 27, 1996.

Issued in Renton, Washington, on October 28, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28169 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 97

[Docket No. 28728; Amdt. No. 1763]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

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

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

For Purchase

Individual SIAP copies may be obtained from:

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

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

By Subscription

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

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

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

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

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on November 1, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

* * * *Effective December 5, 1996*

Courtland, AL, Industrial Airpark, VOR or GPS RWY 13, Orig-A Cancelled

Courtland, AL, Industrial Airpark, VOR RWY 13, Orig-A

[FR Doc. 96–28897 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28726; Amdt. No. 1761]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

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

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

For Purchase

Individual SIAP copies may be obtained from:

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

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

By Subscription

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

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

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

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

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published

aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

The FAA has determined that this regulation only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on November 1, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

** * * Effective December 5, 1996*

Grants Pass, OR, Grant Pass, GPS–A, Orig
Eagle Butte, SD, Cheyenne Eagle Butte, GPS RWY 31, Amdt 1
Puyallup, WA, Pierce County-Thun Field, GPS RWY 34, Orig

** * * Effective January 2, 1997*

Red Bluff, CA, Red Bluff Muni, VOR/DME OR GPS RWY 15, Amdt 6
Red Bluff, CA, Red Bluff Muni, NDB RWY 33, Amdt 2
Red Bluff, CA, Red Bluff Muni, VOR OR GPS RWY 33, Amdt 7
Washington, DC, Washington National, VOR/RWY 15, Amdt 9
Washington, DC, Washington National, VOR/DME OR GPS RWY 15, Amdt 1
Baltimore, MD, Baltimore-Washington Intl, ILS RWY 33L, Amdt 7
Leonardtown, MD, St Marys County, VOR RWY 11, Amdt 4
Leonardtown, MD, St Marys County, VOR OR GPS RWY 29, Amdt 5
Morgantown, WV, Morgantown Muni-Walter L. Bill Hart Field, ILS RWY 18, Amdt 11

** * * Effective January 30, 1997*

Selma, AL, Craig Field, NDB OR GPS RWY 33, Amdt 3
Groveland, CA, Pine Mountain Lake, GPS RWY 9, Orig
Groveland, CA, Pine Mountain Lake, GPS RWY 27, Orig
Victorville, CA, Southern California Intl, ILS RWY 17, Amdt 1
Wilmington, DE, New Castle County, GPS RWY 27, Orig
Washington, DC, Washington Dulles Intl, VOR/DME OR TACAN RWY 12, Amdt 8
Taylorville, IL, Taylorville Muni, GPS RWY 18, Orig
La Porte, IN, La Porte Muni, GPS RWY 2, Orig
Glasgow, KY, Glasgow Muni, GPS RWY 25, Orig
Dexter, ME, Dexter Regional, GPS RWY 34, Orig
Oxford, ME, Osford County Regional, GPS RWY 33, Orig
Baltimore, MD, Baltimore-Washington Intl, VOR OR GPS RWY 28, Amdt 22
Mitchellville, MD, Freeway, VOR RWY 36, Orig
Pittsfield, MA, Pittsfield Muni, GPS RWY 8, Orig
Minneapolis, MN, Crystal, GPS RWY 13L, Orig
Norfolk, NE, Karl Stefan Memorial, GPS RWY 1, Orig
Belmar/Farmingdale, NJ Allaire, VOR OR GPS–A, Amdt 2
Wildwood, NJ, Cape May County, GPS RWY 10, Orig
Wildwood, NJ, Cape May County, VOR/DME RNAV OR GPS RWY 19, Amdt 6
Perkasie, PA, Pennridge, GPS RWY 8, Orig
Perkasie, PA, Pennridge, GPS RWY 26, Orig
Toughkenamon, PA, New Garden, VOR RWY 24, Amdt 7
Houston, TX, Ellington Field, GPS RWY 22, Orig

Note: The FAA published the following procedure in Docket No. 28702, Amdt No. 1757 to Part 97 of the Federal Aviation Regulations (VOL 61, FR No. 198) Page 53057 dated October 10, 1996 under Section 97.23 effective December 5, 1996 which is hereby amended to read . . . PROPOSED December 5, 1996:

Ames, IA, Ames Muni, LOC RWY 1, Amdt 1, Cancelled
Ames, IA, Ames Muni, ILS RWY 1, Orig

[FR Doc. 96–28898 Filed 11–8–96; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28727; Amdt. No. 1762]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

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

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

For Purchase

Individual SIAP copies may be obtained from:

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

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

By Subscription

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

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 367–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

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

The Rule

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

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

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

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on November 1, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7735	ILS RWY 4R AMDT 11...*This corrects NOTAM 6/7735 IN TL 96–23.*
10/17/96	AZ	Phoenix	Phoenix Sky Harbor Intl	FDC 6/8042	ILS RWY 8R AMDT 9B...
10/17/96	NV	Las Vegas	McCarran Intl	FDC 6/8028	ILS RWY 25R AMDT 16A...
10/21/96	MN	St Paul	St Paul Downtown Holman Fld	FDC 6/8075	ILS RWY 32, AMDT 3A...
10/21/96	NC	Louisburg	Louisburg/Franklin County	FDC 6/8053	VOR/DME or GPS-A, Orig-A...

FDC date	State	City	Airport	FDC No.	SIAP
10/22/96	MA	Worcester	Worcester Muni	FDC 6/8148	ILS RWY 29 Amdt 2...
10/22/96	MA	Worcester	Worcester Muni	FDC 6/8149	NDB RWY 29 Orig...
10/22/96	MI	Oscoda	Oscoda-Wurtsmith	FDC 6/8102	ILS/DME RWY 24, Amdt 1...
10/22/96	MN	St Paul	St Paul Downtown Holman Fld	FDC 6/8100	NDB or GPS RWY 30, Amdt 7A...
10/23/96	AK	Savoonga	Savoonga	FDC 6/8176	VOR/DME or GPS RWY 23, Orig-B...
10/23/96	AR	Magnolia	Magnolia Muni	FDC 6/8208	GPS RWY 35, Orig...
10/23/96	AR	Magnolia	Magnolia Muni	FDC 6/8210	NDB RWY 35, Orig-A...
10/23/96	AR	Magnolia	Magnolia Muni	FDC 6/8218	GPS RWY 17, Orig...
10/23/96	FL	Fort Myers	Page Field	FDC 6/8221	ILS RWY 5 Amdt 6B...
10/23/96	FL	Fort Myers	Page Field	FDC 6/8222	NDB or GPS RWY 5 Amdt 5A...
10/23/96	IL	Harrisburg	Harrisburg-Raleigh	FDC 6/8178	NDB RWY 24, Amdt 9...
10/23/96	ND	Bismarck	Bismarck Muni	FDC 6/8207	ILS RWY 13, Amdt 2A...
10/23/96	ND	Bismarck	Bismarck Muni	FDC 6/8209	VOR or GPS-A, Amdt 19...
10/23/96	ND	Bismarck	Bismarck Muni	FDC 6/8211	NDB or GPS RWY 31, Amdt 30...
10/23/96	ND	Bismarck	Bismarck Muni	FDC 6/8213	RADAR-1, Amdt 2...
10/23/96	ND	Bismarck	Bismarck Muni	FDC 6/8214	ILS RWY 31, Amdt 32...
10/24/96	AK	Savoonga	Savoonga	FDC 6/8241	VOR RWY 23, Orig-A...
10/24/96	GA	Cornelia	Habersham County	FDC 6/8249	NDB RWY 6, Amdt 1A...
10/28/96	GA	Douglas	Douglas Muni	FDC 6/8338	NDB or GPS RWY 4, Amdt 2...
10/28/96	GA	Douglas	Douglas Muni	FDC 6/8339	LOC RWY 4, Amdt 2...
10/29/96	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	FDC 6/8363	ILS RWY 35C Amdt 6...

Savoonga

Savoonga
Alaska
VOR/DME or GPS RWY 23, Orig-B...
FDC Date: 10/23/96

FCD 6/8176/SVA/ FI/P Savoonga, Savoonga, AK. VOR/DME or GPS RWY 23, Orig-B...S–23 MDA 520/HAT 468 All CATS. VIS CAT D 1 ½. Circling MDA 520/HAA 467 CATS A/B/C. Delete note... When Savoonga weather not available alternate minimums not authorized. When Savoonga altimeter setting not available procedure not authorized. Alternate minimums standard. TDZ El 52. This is VOR/DME or GPS RWY 23, Orig-C.

Savoonga

Savoonga
Alaska
VOR RWY 23, Orig-A...
FDC Date: 10/24/96

FDC 6/8241/SVA/FI/P Savoonga, Savoonga, AK. VOR RWY 23, Orig-A...S–23 MDA 580/HAT 528 all CATS. VIS CAT C 1 ½, CAT D 1 ¾. Circling CATS A, B, C MDE 580/HAA 527. Delete note... When Savoonga weather not available alternate minimums not authorized. When Savoonga altimeter setting not available procedure not authorized, Alternate minimums standards. TDZ EL 52. This is VOR RWY 23, Orig-B.

Magnolia

Magnolia Muni
Arkansas
GPS RWY 35, Orig...
FDC Date: 10/23/96

FDC 6/8208/AGO/ FI/P Magnolia Muni, Magnolia, AR. GPS RWY 35, Orig...CHG all reference RWY 17–35 to RWY 18–36. This is GPS RWY 36, Orig-A.

Magnolia

Magnolia Muni
Arkansas
NDB RWY 35, Orig-A...
FDC Date: 10/23/96

FDC 6/8210/AGO/ FI/P Magnolia Muni, Magnolia, AR. NDB RWY 35, Orig-A...CHG all reference RWY 17–35 to RWY 18–36. This is NDB RWY 36, Orig-B.

Magnolia

Magnolia Muni
Arkansas
GPS RWY 17, Orig...
FDC Date: 10/23/96

FDC 6/8218/AGO/ FI/P Magnolia Muni, Magnolia, AR. GPS RWY 17, Orig...Change all reference RWY 17–35 to RWY 18–36. This is GPS RWY 18, Orig-A.

Phoenix

Phoenix Sky Harbor Intl
Arizona
ILS RWY 8R Amdt 9B...
FDC Date: 10/17/96

FDC 6/8042/PHX/ FI/P Phoenix Sky Harbor Intl, Phoenix, AZ. ILS RWY 8R Amdt 9B...Delete all references to the MM. This is ILS RWY 8R Amdt 9C.

Fort Myers

Page Field
Florida
ILS RWY 5 Amdt 6B...
FDC Date: 10/23/96

FDC 6/8221/FMY/ FI/P Page Field, Fort Myers, FL. ILS RWY 5 Amdt 6B...Remove all references to middle marker. This is ILS RWY 5 Amdt 6C.

Fort Myers

Page Field
Florida
NDB or GPS RWY 5 Amdt 5A...
FDC Date: 10/23/96

FDC 6/8222/FMY FI/P Page Field, Fort Myers, FL. NDB or GPS RWY 5 Amdt 5A...Remove all references to middle marker. This is NDB or GPS RWY 5 Amdt 5B.

Cornelia

Habersham County
Georgia
NDB RWY 6, Amdt 1A...
FDC Date: 10/24/96

FDC 6/8249/AJR/FI/P Habersham County, Cornelia, GA. NDB RWY 6. Amdt 1A...Change altimeter note to read...If local altimeter setting not received, use Athens altimenter setting and increase all MDAS 180 ft. This is NDB RWY 6, Amdt 1B.

Douglas

Douglas Muni
Georgia
NDB OR GPS RWY 4, Amdt 2...
FDC Date: 10/28/96

FDC 6/8338/DQH/ FI/P Douglas Muni, Douglas, GA. NDB or GPS RWY 4, Amdt 2...Change note to read...If local ALSTG not received, use Waycross ALSTG and increase all MDAS 80 feet. This is NDB or GPS RWY 4, Amdt 2A.

Douglas

Douglas Muni
Georgia
LOC RWY 4, Amdt 2...
FDC Date: 10/28/96

FDC 6/8339/DQH/ FI/P Douglas Muni, Douglas GA. LOC RWY 4, Amdt 2...Circling...MDA 800/HAA 543 CAT C. Change note to read...If local ALSTG not received, use Waycross ALSTG and increase all MDAS 80 feet. This is LOC RWY 4, Amdt 2A.

Honolulu

Honolulu Intl
Hawaii
ILS RWY 4R Amdt 11...
FDC Date: 10/09/96
This corrects NOTAM 6/7735 IN TL 96–23.

FDC 6/7735/HNL/ FI/P Honolulu Intl, Honolulu, HI. ILS RWY 4R Amdt 11...S–ILS 4R...VIS CATS A/B/C/D ¾ VIS CAT E 1¼. S–LOC 4R...VIS CATS A/B 1. VIS CAT C 1¼. VIS CATS D/E 1½. Circling MDA 620/HAS 607 CATS A/B/C VIS CAT C 1¾. This is ILS RWY 4R Amdt 11A.

Harrisburg

Harrisburg-Raleigh
Illinois
NDB RWY 24, Amdt 9...
FDC Date: 10/23/96

FDC 6/8178/HSB/ FI/P Harrisburg-Raleigh, Harrisburg, IL. NDB RWY 24 Amdt 9...Delete...Paducah ALSTG MNMS and notes add note...Obtain local altimeter setting on CTAF. When not received use Mount Vernon altimeter setting. Mount Vernon ALSTG MNMS...S–24 MDA 1100/HAT 704 all CATS. VIS CAT A/B 1. CAT C 2. CAT D 2¼. Circling MDA 1100/HAA 704 all CATS. VIS CAT A/B 1, CAT C2, CAT D 2¼. This is NDB RWY 24, Amdt 9A.

Worcester

Worcester Muni
Massachusetts
ILS RWY 29 Amdt 2...
FDC Date: 10/22/96

FDC 6/8148/ORH/ FI/P Worcester Muni, Worcester, MA. IL RWY 29 Amdt 2...S–ILS 29 VIS RVR 4000 all CATS. S–;PC 20 VOS RVR 5000 all CATS. This is ILS RWY 29 Amdt 2A.

Worcester

Worcester Muni
Massachusetts
NDB RWY 29 Orig...
FDC Date: 10/22/96

FDC 6/8149/ORH/ FI/P Worcester Muni, Worcester, MA. NDB RWY 29 Orig...S–29 RVR 5000 CATS A/B/C/. RVR 6000 CAT D. This is NDB 29 ORIG–A.

Oscoda

Oscoda-Wurtsmith
Michigan
ILS/DME RWY 24, Amdt 1 ...
FDC Date: 10/22/96

FDC 6/8102/OSC/ FI/P Oscoda-Wurtsmith, Oscoda, MI. ILS/DME RWY 24, Amdt 1...DLT DIST FAF to map. Change missed approach point to read...ASP 1.06 DME. This is ILS/DME RWY 24, Amdt 1A.

St Paul

St Paul Downtown Holman Fld
Minnesota
ILS RWY 32, Amdt 3A...
FDC Date: 10/21/96

FDC 6/8075/STP/FI/P St Paul Downtown Holman Fld, St Paul, MN. ILS RWY 32, Amdt 3A...MSA from BA LOM 090–270 2800, 270–090 3400. Missed approach... Climb to 1400 then climbing right turn to 4000 VIA heading 060 and FGT R–011 to whisk and hold. Delete note... If local altimeter setting not received, use Minneapolis altimeter setting and increase all DH/MDAs 40 feet. This is ILS RWY 32, Amdt 3B.

St Paul

St Paul Downtown Holman Fld
Minnesota
NDB OR GPS RWY 30, Amdt 7A...
FDC Date: 10/22/96

FDC 6/8100/STP/FI/P St Paul Downtown Holman Fld, St Paul, MN. NDB or GPS RWY 30, Amdt 7A...Swinn Int MINIMA, S–30 MDA 1440 HAT 736 all CATS. VIS CATS A/B 1, CAT C2, CAT D 2¼. Circling MDA 1580/HAA 875 all CATS. VIS CATS A/B 1, CAT C 2½, CAT D 2¾. Minimum Altitude Swinn Int 1600. MSA from PPI NDB 090–270 2800, 270–090 3400. Delete note... If local altimeter not received use Minneapolis altimeter setting and increase all MDAs 40 feet. This is NDB or GPS RWY 30, Amdt 7B.

Louisburg

Louisburg/Franklin County
North Carolina
VOR/DME OR GPS–A, Orig-A...
FDC Date: 10/21/96

FDC 6/8053/2N9/ FI/P Louisburg/Franklin County, Louisburg, NC. VOR/DME or GPS–A, Orig-A...Circling... MDA 1080/HAA 714 all CATS, VIS 2 CAT C VIS 2¼ CAT D. Delete RDU 21.3 DME fix. This becomes VOR/DME or GPS–A, Orig-B.

Bismarck

Bismarck Muni
North Dakota
ILS RWY 13, Amdt 2A...
FDC Date: 10/23/96

FDC 6/8207/BIS/ FI/P Bismarck Muni, Bismarck, ND. ILS RWY 13, Amdt 2A...Delete category E minimums. S–LOC 13 MDA 2300/HAT 646 all CATS. Circling MDA 2300/HAA 623 all CATS. VIS CAT D 2. Radar fix (Loc only) minimum altitude 2300. MSA from Bismarck VOR/DME 010–170 3400, 170–010 4500. This is ILS RWY 13, Amdt 2B.

Bismarck

Bismarck Muni
North Dakota
VOR or GPS–A Amdt 19...
FDC Date: 10/23/96

FDC 6/8209/BIS/ FI/P Bismarck Muni, Bismarck, ND. VOR or GPS–A, Amdt 19... Circling MDA 2200/HAA 523 CAT B, MDA 2220/HAA 543 CAT C, MDA 2240/HAA 563 CAT D. VIS CAT D 2. MSA from Bismarck VOR/DME 010–170 3400, 170–010 4500. This is VOR or GPS–A Amdt 19A.

Bismarck

Bismarck Muni
North Dakota
NDB or GPS RWY 31, Amdt 30...
FDC Date: 10/23/96

FDC 6/8211/BIS/ FI/P Bismarck Muni, Bismarck, ND. NDB or GPS RWY 31, Amdt 30...S–31 VIS CATS A/B 4000, CAT C 6000. Circling MDA 2260/HAA 583 CAT D. VIS CAT D 2. Missed approach... Climb to 3000 then climbing right turn to 3500 direct BI LOM and hold. MSA from BI LOM 360–180 3400, 180–360 4500. This is NDB or GPS RWY 31, Amdt 30A.

Bismarck

Bismarck Muni
North Dakota,
Radar-1, Amdt 2...
FDC Date: 10/23/96

FDC 6/8213/BIS/ FI/P Bismarck Muni, Bismarck, ND. Radar-1, Amdt 2...Delete category E minimums. D–31 VIS CATS A/B 2400, CAT C 4000, CAT D 5000. Circling MDA 2200/HAA 523 CAT B, MDA 2220/HAA 543 CAT C, MDA 2240/HAA 563 CAT D. VIS CAT D 2. Missed approach RWY 31... Climb to 2800 then climbing right turn to 3500 direct BIS VOR/DME and hold right turn 271 inbound. This is Radar-1, Amdt 2A.

Bismarck

Bismarck Muni
North Dakota
ILS RWY 31, Amdt 32...
FDC Date: 10/23/96

FDC 6/8214/BIS/ FI/P Bismarck Muni, Bismarck, ND. ILS RWY 31, Amdt 32...Delete category E minimums. S–ILS 31 VIS all CATS 2400. S–LOC 31 VIS CATS A/B 2400, VIS CAT C 5000, VIS CAT D 6000. Circling MDA 2200/HAA

523 CAT B, MDA 2220/HAA 543 CAT C, MDA 2240/HAA 563 CAT D. VIS CAT D 2. Change often fix minimums to read often int minimums. Often int (LOC only) minimum altitude 2200. Often int minimums... S–LOC 31 VIS CATS A/B/C 2400, CAT D 4000. Missed approach... Climb to 2800 then climbing right turn to 3500 direct BIS VOR/DME and hold. MSA from BI LOM 360–180 3400, 180–360 4500. Delete both notes... Often fix CAT D, often fix CAT E. Add note... Often int CAT D... Increase visibility to 5000 for inoperative MALSR. This is ILS RWY 31, Amdt 32A.

Las Vegas

McCarran Intl
Nevada
ILS RWY 25R Amdt 16A...
FDC Date: 10/17/96

FDC 6/8028/LAS/ FI/P McCarran Intl, Las Vegas, NV. ILS RWY 25R Amdt 16A...Delete all references to the MM. This is ILS RWY 25R Amdt 16B.

Dallas-Fort Worth

Dallas-Fort Worth Intl
Texas
ILS RWY 35C Amdt 6...
FDC Date: 10/29/96

FDC 6/8363/DFW/ FI/P Dallas-Fort Worth Intl, Dallas-Fort Worth, TX. ILS RWY 35C Amdt 6...Change Issue LOM/I–PKQ 5 DME/Radar to issue LOM/I–PKQ 4.4 DME/Radar. This is ILS RWY 35C Amdt 6A.

[FR Doc. 96–28899 Filed 11–8–96; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 40, 48, 49, 301, 601, and 602

[TD 8685]

RIN 1545–AT25

Deposits of Excise Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to deposits of excise taxes. These regulations reflect changes to the law made by the Uruguay Round Agreements Act and affect persons required to make deposits of excise taxes. This document also removes obsolete excise tax regulations.

EFFECTIVE DATE: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Ruth Hoffman, (202) 622–3130 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Uruguay Round Agreements Act of 1994 amended sections 6302 (e) and (f) (relating to deposits of excise taxes). As amended, effective January 1, 1995, these provisions require an additional deposit in September of each year of all excise taxes except those imposed by section 4261 or 4271 (relating to air transportation). The taxes imposed by sections 4261 and 4271 are scheduled to expire on December 31, 1996. If those taxes are reinstated, they will be subject to the new deposit provisions beginning on January 1, 1997.

Temporary regulations (TD 8616) were published in the Federal Register on August 29, 1995 (60 FR 44758), along with a notice of proposed rulemaking (PS–8–95) cross-referencing the temporary regulations (60 FR 44788). No written comments were received and no public hearing was held. The proposed regulations are adopted as revised by this Treasury decision and the corresponding temporary regulations are removed. Explanation of revisions

The temporary regulations provide rules implementing the changes made by the Act in a separate regulations section (§ 40.6302(c)–5T). Instead of finalizing that section, this document incorporates the amendments made by the temporary regulations into the text of §§ 40.6302(c)–1 through 40.6302(c)–4.

To reflect changes in technology, the 14-day rule under § 40.6302(c)–4 is amended to apply to deposits made by electronic funds transfer.

In addition, the rules set forth in §§ 601.104(a)(5) and 601.403(c)(2), relating to persons required to collect and pay over tax, have been combined, revised, and moved to part 49 as § 49.4291–1.

Removal of obsolete regulations; amendments to table of OMB control numbers

This document removes obsolete excise tax regulations under part 601 and obsolete cross-references under part 301. Also removed are obsolete regulations relating to matters now under the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms (ATF). Generally, regulations pertaining to ATF procedural rules are in 27 CFR parts 70 and 71.

In addition, this document updates various entries in the Table of OMB Numbers contained in part 602.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Parts 40 and 48

Excise taxes, Reporting and recordkeeping requirements.

26 CFR Part 49

Excise taxes, Reporting and recordkeeping requirements, Telephone, Transportation.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

26 CFR Part 601

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements, Taxes.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 40, 48, 49, 301, 601, and 602 are amended as follows:

PART 40—EXCISE TAX PROCEDURAL REGULATIONS

Paragraph 1. The authority citation for part 40 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 1a. Section 40.6011(a)–1 is amended as follows:

1. Paragraph (c) is amended by adding a sentence to the end of the paragraph.

2. Paragraph (d) is removed.

The addition reads as follows:

§ 40.6011(a)–1 Returns.

* * * * *

(c) * * * For provisions relating to obligations of a person required to collect and pay over facilities and services excise taxes, see § 49.4291–1 of this chapter.

§ 40.6011(a)–2(b)(2) [Amended]

Par. 2. Section 40.6011(a)–2(b)(2) is amended by removing the reference ''§ 40.6302(c)–1(e)(2)'' and adding ''§ 40.6302(c)–1(f)(2)'' in its place.

Par. 3. Section 40.6302(c)–1 is amended as follows:

1. Paragraph (a) is amended by removing the parenthetical ''(relating to taxes imposed on gasoline by section 4081)'' from the last sentence and adding ''(relating to section 4081 taxes)'' in its place.

2. Paragraph (b)(1)(i) is amended by removing the reference ''paragraph (e)'' and adding ''paragraph (f)'' in its place.

3. Paragraph (b)(1)(ii) is removed and paragraph (b)(1)(iii) is redesignated as paragraph (b)(1)(ii).

4. Paragraph (b)(5)(ii) is removed and paragraph (b)(5)(iii) is redesignated as paragraph (b)(5)(ii).

5. Newly designated paragraph (b)(5)(ii) is amended by removing the reference ''paragraph (e)(3)'' and adding ''paragraph (f)(3)'' in its place.

6. Paragraph (b)(6)(ii) is amended by removing the language ''paragraph (b)(6)(iii) of this section (relating to deposits of gasoline tax for September)'' and adding ''paragraph (e) of this section (relating to deposits of 9-day rule taxes for September)'' in its place.

7. Paragraph (b)(6)(iii) is removed.

8. Paragraphs (c)(2)(i)(A) and (c)(2)(iii)(B) are amended by removing the parenthetical ''(16.67 percent)''.

9. Paragraph (c)(2)(iv) is removed.

10. Paragraph (c)(3)(iii) is removed and paragraph (c)(3)(iv) is redesignated as paragraph (c)(3)(iii).

11. Paragraph (g) is removed.

12. Paragraphs (e) and (f) are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added.

13. Newly designated paragraph (f)(3)(ii) is amended by removing the reference ''paragraph (e)(3)'' and adding ''paragraph (f)(3)'' in its place.

The addition reads as follows:

§ 40.6302(c)–1 Use of Government depositaries.

* * * * *

(e) *Special rules for September*—(1) *Deposits required.* In the case of deposits of 9-day rule taxes for the second semimonthly period in September, separate deposits are required for the period September 16th–26th and the period September 27th–30th.

(2) *Amount of deposit.* The deposits of 9-day rule taxes for the period September 16th–26th and the period September 27th–30th must be not less than the amount of net tax liability for 9-day rule taxes incurred during the respective periods. The net tax liability incurred during these periods may be computed by—

(i) Determining the amount of net tax liability reasonably expected to be incurred during the second semimonthly period in September;

(ii) Treating 11/15 of that amount as the net tax liability incurred during the period September 16th–26th; and

(iii) Treating the remainder of the amount determined under paragraph (e)(2)(i) of this section (adjusted to reflect net tax liability actually incurred through the end of September) as the net tax liability incurred during the period September 27th–30th.

(3) *Time to deposit*—(i) *In general.* The deposit of 9-day rule taxes required for the period beginning September 16th must be made by September 29. The deposit required for the period ending September 30th must be made at the time prescribed in paragraph (b)(6)(i) of this section for making deposits for the second semimonthly period in September.

(ii) *Due date on Saturday or Sunday.* A deposit that would otherwise be due on September 29 must be made by September 28 if September 29 is a Saturday and by September 30 if September 29 is a Sunday.

(4) *Safe harbor rule based on look-back quarter liability.* The safe harbor rule in paragraph (c)(2)(i) of this section does not apply to 9-day rule taxes for the third calendar quarter unless—

(i) The deposit of 9-day rule taxes for the period September 16th–26th is not less than 11/90 of the net tax liability reported for 9-day rule taxes for the look-back quarter; and

(ii) The total deposit of 9-day rule taxes for the second semimonthly period in September is not less than 1/6 of the net tax liability reported for 9-day rule taxes for the look-back quarter.

(5) *Safe harbor rule based on current liability.* The safe harbor rule of paragraph (c)(3)(i) of this section does not apply to 9-day rule taxes for the third calendar quarter unless—

(i) The deposit of 9-day rule taxes for the period September 16th–26th is not less than 69.67 percent of the net tax liability for 9-day rule taxes for the second semimonthly period in September; and

(ii) The total deposit of 9-day rule taxes for the second semimonthly period in September is not less than 95 percent of the net tax liability for 9-day rule taxes for that semimonthly period.

(6) *Persons not required to use electronic funds transfer.* In the case of a person that is not required to deposit excise taxes by electronic funds transfer (a non-EFT depositor), the rules of this paragraph (e) apply with the following modifications:

(i) The periods for which separate deposits must be made are September 16th–25th and September 26th–30th.

(ii) The deposit required for the period beginning September 16th must be made by September 28. A deposit that would otherwise be due on September 28 must be made by September 27 if September 28 is a Saturday and by September 29 if September 28 is a Sunday.

(iii) The generally applicable fractions and percentage are modified to reflect the different deposit periods in accordance with the following table:

Generally applicable fractions and percentage	Modifications for non-EFT depositors
11/15	10/15.
11/90	10/90.
69.67 percent	63.33 percent.

(7) *Effective date.* This paragraph (e) is effective August 1, 1995, for all 9-day rule taxes except those imposed by section 4261 or 4271. For taxes imposed by section 4261 or 4271, this paragraph (e) applies beginning January 1, 1997.

* * * * *

Par. 4. Section 40.6302(c)–2 is amended as follows:

1. Paragraphs (b)(2)(i)(A) and (b)(2)(ii)(B) are amended by removing the parenthetical ''(16.67 percent)''.

2. Paragraph (c) is revised.

The revision reads as follows:

§ 40.6302(c)–2 Special rules for use of Government depositaries under section 4681.

* * * * *

(c) *Special rules for September*—(1) *Deposits required.* In the case of deposits of 30-day rule taxes for the first semimonthly period in September, separate deposits are required for the period September 1st–11th and the period September 12th–15th.

(2) *Amount of deposit.* The deposits of 30-day rule taxes for the period September 1st–11th and the period September 12th–15th must be not less

than the amount of net tax liability for 30-day rule taxes incurred during the respective periods. The net tax liability incurred during these periods may be computed by—

(i) Determining the amount of net tax liability incurred during the first semimonthly period in September (or, if semimonthly liability is computed by dividing monthly liability by two, the amount reasonably expected to be incurred);

(ii) Treating 11/15 of that amount as the net tax liability incurred during the period September 1st–11th; and

(iii) Treating the remainder of the amount determined under paragraph (c)(2)(i) of this section (adjusted, if that amount is based on reasonable expectations, to reflect net tax liability actually incurred through the end of September) as the net tax liability incurred during the period September 12th–15th.

(3) *Time to deposit*—(i) *In general.* The deposit required for the period beginning September 1st and the deposit for the second semimonthly period in August must be made by September 29. The deposit required for the period ending September 15th must be made at the time prescribed in paragraph (b)(1)(i) of this section for making deposits for the first semimonthly period in September.

(ii) *Due date on Saturday or Sunday.* A deposit that would otherwise be due on September 29 must be made by September 28 if September 29 is a Saturday and by September 30 if September 29 is a Sunday.

(4) *Safe harbor rule based on look-back quarter liability.* The safe harbor rule of paragraph (b)(2)(i) of this section does not apply for the third calendar quarter unless—

(i) The deposit of 30-day rule taxes for the period September 1st–11th is not less than 11/90 of the net tax liability reported for 30-day rule taxes for the look-back quarter; and

(ii) The total deposit of 30-day rule taxes for the first semimonthly period in September is not less than 1/6 of the net tax liability reported for 30-day rule taxes for the look-back quarter.

(5) *Safe harbor rule based on current liability.* The safe harbor rule of paragraph (b)(3) of this section does not apply for the third calendar quarter unless—

(i) The deposit of 30-day rule taxes for the period September 1st–11th is not less than 69.67 percent of the net tax liability for 30-day rule taxes for the first semimonthly period in September; and

(ii) The total deposit of 30-day rule taxes for the first semimonthly period in September is not less than 95 percent of the net tax liability for 30-day rule taxes for that semimonthly period.

(6) *Persons not required to use electronic funds transfer.* In the case of a person that is not required to deposit excise taxes by electronic funds transfer (a non-EFT depositor), the rules of this paragraph (c) apply with the following modifications:

(i) The periods for which separate deposits must be made are September 1st-10th and September 11th–15th.

(ii) The deposit required for the period beginning September 1st and the deposit required for the second semimonthly period in August must be made by September 28. A deposit that would otherwise be due on September 28 must be made by September 27 if September 28 is a Saturday and by September 29 if September 28 is a Sunday.

(iii) The generally applicable fractions and percentage are modified to reflect the different deposit periods in accordance with the following table:

Generally applicable fractions and percentage	Modifications for non-EFT depositors
11/15	10/15.
11/90	10/90.
69.67 percent	63.33 percent.

(7) *Effective date.* This paragraph (c) is effective August 1, 1995.

Par. 5. Section 40.6302(c)–3 is amended as follows:

1. In paragraph (b)(1)(ii), first sentence, the language ''deposits to'' is removed and ''deposits of'' is added in its place.

2. In paragraph (b)(3), first sentence, the language ''durina'' is removed and ''during a'' is added in its place.

3. Paragraphs (f) and (g) are redesignated as paragraphs (g) and (h), respectively, and a new paragraph (f) is added.

4. In newly designated paragraph (h), first sentence, the language ''This section'' is removed and ''Except as otherwise provided, this section'' is added in its place.

The addition reads as follows:

§ 40.6302(c)–3 Special rules for use of Government depositaries under chapter 33.

* * * * *

(f) *Special rules for September*—(1) *Deposits required.* In the case of alternative method taxes charged (that is, included in amounts billed or tickets sold) during the first semimonthly period in September, separate deposits are required for the taxes charged during the period September 1st–11th and the period September 12th–15th.

(2) *Time to deposit*—(i) *In general.* The deposit required for alternative method taxes charged during the period beginning September 1st must be made by September 29. The deposit required for alternative method taxes charged during the period ending September 15th must be made at the time prescribed in paragraph (c) of this section for making deposits for the first semimonthly period in October.

(ii) *Due date on Saturday or Sunday.* A deposit that would otherwise be due on September 29 must be made by September 28 if September 29 is a Saturday and by September 30 if September 29 is a Sunday.

(3) *Amount of deposit.* The deposits of alternative method taxes required for the period September 1st–11th and the period September 12th–15th must be not less than the amount of alternative method taxes charged during the respective periods. The amount of alternative method taxes charged during these periods may be computed by—

(i) Determining the net amount of alternative method taxes reflected in the separate account for the first semimonthly period in September (or one-half of the net amount of alternative method taxes reasonably expected to be reflected in the separate account for the month of September);

(ii) Treating 11/15 of that amount as the amount of taxes charged during the period September 1st–11th; and

(iii) Treating the remainder of the amount determined under paragraph (f)(3)(i) of this section (adjusted, if that amount is based on reasonable expectations, to reflect actual taxes charged through the end of September) as the amount charged during the period September 12th–15th.

(4) *Safe harbor rule based on look-back quarter liability.* The safe harbor rule of § 40.6302(c)–1(c)(2)(i) does not apply for the fourth calendar quarter unless—

(i) The deposit for alternative method taxes charged during the period September 1st–11th is not less than 11/90 of the net tax liability reported for alternative method taxes for the look-back quarter; and

(ii) The total deposit for alternative method taxes charged during the first semimonthly period in September is not less than 1/6 of the net tax liability reported for alternative method taxes for the look-back quarter.

(5) *Safe harbor rule based on current liability.* The safe harbor rule of § 40.6302(c)–1(c)(3)(i) does not apply for the fourth calendar quarter unless—

(i) The deposit for alternative method taxes charged during the period September 1st–11th is not less than 69.67 percent of the alternative method

taxes charged during the first semimonthly period in September; and

(ii) The total deposit for alternative method taxes charged during the first semimonthly period in September is not less than 95 percent of the alternative method taxes charged during that semimonthly period.

(6) *Persons not required to use electronic funds transfer.* In the case of a person that is not required to deposit excise taxes by electronic funds transfer (a non-EFT depositor), the rules of this paragraph (f) apply with the following modifications:

(i) The taxes for which separate deposits must be made are the taxes charged during the periods September 1st–10th and September 11th–15th.

(ii) The deposit required for taxes charged during the period beginning September 1st must be made by September 28. A deposit that would otherwise be due on September 28 must be made by September 27 if September 28 is a Saturday and by September 29 if September 28 is a Sunday.

(iii) The generally applicable fractions and percentage are modified to reflect the different deposit periods in accordance with the following table:

Generally applicable fractions and percentage	Modifications for non-EFT depositors
11/15	10/15.
11/90	10/90.
69.67 percent	63.33 percent.

(7) *Effective date.* This paragraph (f) is effective August 1, 1995, for all taxes except those imposed by section 4261 or 4271. For taxes imposed by section 4261 or 4271, this paragraph (f) applies beginning January 1, 1997.

* * * * *

Par. 6. Section 40.6302(c)–4 is amended as follows:

1. Paragraph (a) is amended by revising the first sentence and removing the second sentence.

2. Paragraph (b)(1) is amended by removing the language ''transfer between accounts with the same Government depositary'' in the first sentence and adding ''electronic funds transfer'' in its place.

3. Paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added.

4. Newly designated paragraph (e) is amended by removing the language ''Highway Act'' and adding ''Highway Revenue Act'' in its place.

The revision and addition read as follows:

§ 40.6302(c)–4 Special rule for use of Government depositaries under section 4081.

(a) *Overview.* This section sets forth a special rule for deposits of taxes imposed by section 4081.* * *

* * * * *

(d) *Special rules for September.* Deposits of 14-day rule taxes for the second semimonthly period in September must be made in the manner prescribed by § 40.6302(c)–1(e) applied with the following modifications:

(1) Each reference to 9-day rule taxes is treated, instead, as a reference to 14-day rule taxes.

(2) The deposit required for the period ending September 30th must be made at the time prescribed in paragraph (b) of this section (rather than at the time prescribed in § 40.6302(c)–1(b)(6)(i)).

* * * * *

§ 40.6302(c)–5T [Removed]

Par. 7. Section 40.6302(c)–5T is removed.

§ 40.9999–1 [Amended]

Par. 8. Section 40.9999–1 is amended as follows:

1. *Example 1*(iii) is amended by removing the parenthetical ''(§ 40.6302(c)–1(e)(2))'' and adding ''(§ 40.6302(c)–1(f)(2))'' in its place.

2. *Example 3* is amended by:

a. Removing the language ''diesel fuel'' and adding ''aviation fuel'' in its place in the following locations:

i. *Example 3*, heading.

ii. *Example 3*(i)(1), each time it appears in the first sentence.

iii. *Example 3*(i)(1), second and third sentences.

iv. *Example 3*(i)(4), second sentence.

v. *Example 3*(ii), fourth and seventh sentences.

vi. *Example 3*(iii), third sentence.

vii. *Example 3*(iv), second sentence.

b. In *Example 3*(iii), second sentence, removing the parenthetical ''(§ 40.6302(c)–1(e)(3))'' and adding ''(§ 40.6302(c)–1(f)(3))'' in its place.

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Par. 9. The authority citation for part 48 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 48.4082–2 [Amended]

Par. 9a. In § 48.4082–2, paragraph (a) is amended by removing the reference ''section 6714'' and adding ''section 6715'' in its place.

§ 48.4083–1 [Amended]

Par. 10. Section 48.4083–1 is amended as follows:

1. In paragraph (b)(1) introductory text, first sentence, the reference ''section 6714(a)'' is removed and ''section 6715(a)'' is added in its place.

2. In paragraph (d)(1), second sentence, the reference ''section 6714'' is removed and ''section 6715'' is added in its place.

§ 48.6427–7 [Removed]

Par. 11. Section 48.6427–7 is removed.

§ 48.6714–1 [Redesignated as § 48.6715–1]

Par. 12. Section 48.6714–1 is redesignated as § 48.6715–1.

Par. 13. In newly designated § 48.6715–1, the first and second sentences of paragraph (a) introductory text are amended by removing the reference ''section 6714(a)'' and adding ''section 6715(a)'' in its place.

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Par. 14. The authority citation for part 49 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 14a. Subpart F, consisting of § 49.4291–1, is added to read as follows:

Subpart F—Collection of Tax By Persons Receiving Payment

§ 49.4291–1 Persons receiving payment must collect tax.

Except as otherwise provided in section 4263(a), every person receiving any payment for facilities or services on which a tax is imposed upon the payor thereof under chapter 33 shall collect the amount of the tax from the person making that payment. Under section 7501, all taxes collected in this manner are held by the collecting agent in trust for the United States. If the person from whom the tax is required to be collected refuses to pay it or if for any reason it is impossible for the collecting agent to collect the tax from that person, the collecting agent is required to report to the district director the name and address of that person, the nature of the facility provided or service rendered, the amount paid therefore, and the date on which paid. Upon receipt of this information the district director will proceed against the person to whom the facilities were provided or the services rendered to assert the amount of tax due, affording that person the same district conference, protest, and appellate rights as are available to other excise taxpayers. In addition, when a field or office audit of a collecting agent's records, or of a taxpayer's records, discloses that the collecting agent failed during prior reporting

periods to collect taxes due, the district director may assert those taxes directly against the person to whom the facilities were provided or the services rendered, whether or not the collecting agent had attempted collection or the person liable for the tax had refused payment thereof.

PART 301—PROCEDURE AND ADMINISTRATION

Par. 15. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 301.6156–1 [Removed]

Par. 15a. Section 301.6156–1 is removed.

§ 301.6206–1 [Removed]

Par. 16. Section 301.6206–1 is removed.

§§ 301.6415–1 through 301.6421–1 and 301.6423–1 [Removed]

Par. 17. Sections 301.6415–1 through 301.6421–1 and 301.6423–1 are removed.

§ 301.6675–1 [Removed]

Par. 18. Section 301.6675–1 is removed.

Par. 19. The undesignated center heading following § 301.6905–1 is revised to read as follows:

Licensing

Par. 20. The undesignated center heading preceding § 301.7001–1 is removed.

Par. 21. The undesignated center heading preceding § 301.7011–1 is removed.

§ 301.7011–1 [Removed]

Par. 22. Section 301.7011–1 is removed.

§ 301.7232–1 [Removed]

Par. 23. Section 301.7232–1 is removed.

§ 301.7328–1 [Removed]

Par. 24. Section 301.7328–1 is removed.

PART 601—STATEMENT OF PROCEDURAL RULES

Par. 25. The authority citation for part 601 continues to read as follows:

Authority: 5 U.S.C. 301 and 552.

§ 601.101 [Amended]

Par. 25a. Section 601.101 is amended as follows:

1. Paragraph (b) is amended by removing the seventh sentence and the last sentence.

2. Paragraph (c) is removed.

Par. 26. Section 601.102 is amended as follows:

1. Paragraphs (b)(2)(i) and (b)(2)(ii) are revised.

2. Paragraphs (b)(2)(iii), (b)(2)(iv), and (c) are removed.

The revisions read as follows:

§ 601.102 Classification of taxes collected by the Internal Revenue Service.

* * * * *

(b) * * *

(2) * * *

(i) Employment taxes.

(ii) Miscellaneous excise taxes collected by return.

* * * * *

§ 601.104 [Amended]

Par. 27. Section 601.104 is amended as follows:

1. Paragraphs (a)(4) and (a)(5) are removed.

2. Paragraph (c)(4) is amended by removing the eighth and ninth sentences.

§ 601.201 [Amended]

Par. 28. In § 601.201, paragraph (a)(2) is amended by removing the last sentence.

§ 601.202 [Amended]

Par. 29. In § 601.202, paragraph (c)(1) is amended by removing the parenthetical ''(other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code of 1954)''.

§ 601.203 [Amended]

Par. 30. In § 601.203, paragraph (a)(1) is amended by removing the last sentence.

Subpart C—[Removed and Reserved]

Par. 31. Subpart C of part 601 is removed and reserved.

Par. 32. The heading for subpart D of part 601 is revised to read as follows:

Subpart D—Provisions Special to Certain Employment Taxes

§§ 601.402 through 601.405 [Removed]

Par. 33. Sections 601.402 through 601.405 are removed.

Subpart J—[Removed]

Par. 34. Subpart J of part 601 is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 35. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 35a. In § 602.101, paragraph (c) is amended by:

1. Removing the following entries from the table:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
48.0–3	1545–0685
* * * * *	
48.4102–1	1545–0023 1545–0725
* * * * *	
48.4221–8	1545–0023
48.4221–9	1545–0023
* * * * *	
48.6427–7	1545–0143 1545–0162
* * * * *	
48.6675–1	1545–0723
* * * * *	
301.7011–1	1545–0123
* * * * *	
601.104	1545–0023 1545–0233
* * * * *	
601.201	1545–0819
* * * * *	
601.402	1545–0014
601.403	1545–0023
* * * * *	

2. Adding entries in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
601.104	1545–0233
* * * * *	
601.201	1545–0019 1545–0819
* * * * *	
601.401	1545–0257
601.504	1545–0150
* * * * *	

Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved: June 26, 1996.

Donald C. Lubick,
Acting Assistant Secretary of the Treasury.

[FR Doc. 96–28404 Filed 11–8–96; 8:45 am]
BILLING CODE 4830–01–U

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS ROSS (DDG 71) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: October 16, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M.W. Kerns, JAGC, U.S. Navy, Associate Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ROSS (DDG 71) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* *	*	* *
USS ROSS	DDG 71	1.96 meters.
* *	*	* *

3. Table Four, Paragraph 16 of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Obstruction angle relative ship's headings
* *	*	* *
USS ROSS	DDG 71	104.05 thru 112.50°
* *	*	* *

4. Table Five of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
* *	* *	*	*	*	*
USS ROSS	DDG 71	X	X	X	20.6
* *	* *	*	*	*	*

Dated: October 16, 1996.

M.W. Kerns,

Acting Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 96–28865 Filed 11–8–96; 8:45 am]

BILLING CODE 3810–FF–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 80 and 87

[WT Docket No. 96–82; FCC 96–421]

Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the maritime service and aviation service rules to permit certain ship and aircraft radio stations that operate domestically and are not required by statute or treaty to carry a radio to operate without individual licenses. The effect of this rule is to eliminate the regulatory burdens of filing applications and the cost of the filing fee from hundreds of thousands of ship and aircraft station licensees. This action eliminates administrative burdens for both the public and the Commission without having a negative impact on safety or spectrum management in the Maritime and Aviation Services.

EFFECTIVE DATE: December 12, 1996.

FOR FURTHER INFORMATION CONTACT: James Shaffer of the Commission's Wireless Telecommunications Bureau at (202) 418–0680 or via e-mail at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 96–421, adopted October 18, 1996, and released October 25, 1996. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of Order

1. By this action, we revise the Maritime Service and Aviation Service rules to eliminate the individual radio licensing requirements for ship stations and aircraft stations that operate domestically and are not required by statute or treaty to carry a radio (hereafter referred to as ''exempt vessels and aircraft''). This action is taken pursuant to Section 307(e) of the Communications Act of 1934 (the ''Communications Act''), as amended by Section 403(i) of the Telecommunications Act of 1996, which gives the Commission discretion to remove the individual radio licensing requirements for these stations upon a determination that the public interest, convenience and necessity would be served thereby.

2. This *Report and Order* adopts rules substantially as proposed in the *Notice of Proposed Rule Making (NPRM),* 61 FR 18226 (April 24, 1996), in this proceeding. We are eliminating the unnecessary regulatory burdens associated with the filing of applications by hundreds of thousands of ship and aircraft station licensees as well as removing the administrative burden associated with the Commission's processing of such applications. We conclude that the public interest, convenience and necessity is served by eliminating individual licensing of exempt vessels and aircraft because individual licenses are unnecessary for either the safety or operational communications requirements or identification purposes. Moreover, such individual licensing does not aid us in carrying out our regulatory and spectrum management responsibilities with regard to these services. Finally, we set forth herein our policies and procedures for (1) refunding regulatory fees for both maritime and aviation licensees who received their licenses after July 17, 1994, (2) refunding licensing and regulatory fees for applicants who have applied for but not yet received an authorization (pending applications) and (3) distributing maritime mobile service identities (MMSIs) to exempt vessels.

3. We noted in the *NPRM* that licensees who received their licenses after July 17, 1994, and paid a regulatory fee may be eligible to request a partial refund for the remaining years on their authorization. We will allow refunds of regulatory fees paid in advance by exempt ship and aircraft licensees for any remaining full years of a license term. These refunds will be made to individual ship and aircraft licensees who request a refund. The precise procedures for requesting a refund from the Commission will be issued by Public Notice from the Managing Director and published in the Federal Register. For those applicants that have applied for but not received an authorization, we will return the regulatory fee and the processing fee. No action is needed by entities with pending applications to obtain this refund.

4. Currently, these MMSI numbers are issued to a licensee, upon request, at the time the individual ship station is licensed. Over the past year approximately 5 percent of ship licensees requested MMSI numbers. The Commission is currently exploring options for issuing these numbers, including issuing blocks of MMSI numbers to other Federal Government agencies or private entities to administer. We will issue a Public Notice in the future on alternative procedures for obtaining an MMSI number. In the interim, however, those individuals that desire an MMSI number must apply for a ship license. We expect the number of requests for MMSI numbers to continue to be small, however, until the Coast Guard puts its VHF DSC system in place.

5. Accordingly, *It is ordered* that, pursuant to the authority of Sections 4(i), 303(r), 307(e), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 307(e) and 332(a)(2), Parts 80 and 87 of the Commission's Rules, 47 CFR Parts 80 and 87 are amended as set forth below, effective December 12, 1996.

6. *It is further ordered* that this proceeding is terminated.

List of Subjects

47 CFR Part 80

Communications equipment, Radio, Vessels.

47 CFR Part 87

Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, Parts 80 and 87, are amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 is revised to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.13 is revised to read as follows:

§ 80.13 Station license required.

(a) Except as noted in paragraph (c) of this section, stations in the maritime

service must be licensed by the FCC either individually or by fleet.

(b) One ship station license will be granted for operation of all maritime services transmitting equipment on board a vessel.

(c) A ship station is licensed by rule and does not need an individual license issued by the FCC if the ship station is not subject to the radio equipment carriage requirements any statute, treaty or agreement to which the United States is signatory, the ship station does not travel to foreign ports, and the ship station does not make international communications. A ship station licensed by rule is authorized to transmit radio signals using a marine radio operating in the 156–162 MHz band, any type of EPIRB, and any type of radar installation. All other transmissions must be authorized under a ship station license. Even though an individual license is not required, a ship station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

PART 87—AVIATION SERVICES

3. The authority citation for Part 87 is revised to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

4. Section 87.18 is revised to read as follows:

§ 87.18 Station license required.

(a) Except as noted in paragraph (b) of this section, stations in the aviation service must be licensed by the FCC either individually or by fleet.

(b) An aircraft station is licensed by rule and does not need an individual license issued by the FCC if the aircraft station is not required by statute, treaty, or agreement to which the United States is signatory to carry a radio, and the aircraft station does not make international flights or communications. Even though an individual license is not required, an aircraft station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

[FR Doc. 96–28875 Filed 11–8–96; 8:45 am]

BILLING CODE 6712–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9904

Cost Accounting Standards Board; Cost Accounting Standards for Composition, Measurement, Adjustment, and Allocation of Pension Costs

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB

ACTION: Correction.

SUMMARY: This document contains technical and typographical corrections associated with CAS 9904.412, ''Cost Accounting Standard for composition and measurement of pension cost'', and CAS 9904.413, ''Adjustment and allocation of pension cost.'' The corrections deal with language inconsistencies and/or typographical errors that appear in the Cost Accounting Standards Board's rules, (48 CFR, 10/1/96). Specifically the illustration at CAS 9904.413–60(c)(13) requires correction in order to conform it to the requirements of 9904.413–50(c)(12)(v).

EFFECTIVE DATE: March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202–395–3254).

List of Subjects in 48 CFR Part 9904

Cost accounting standards, Government procurement.

Richard C. Loeb,

Executive Secretary, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for part 9904 continues to read as follows:

Authority: Pub. L. 100–679, 102 Stat 4056, 41 U.S.C. § 422.

PART 9904—COST ACCOUNTING STANDARDS

9904.412 [Corrected]

2. In section 9904.412–50, the first sentence of paragraph (d)(2) introductory text is corrected to read as follows.

9904.412–50 Techniques for application.

* * * * *

(d) * * *

(2) For nonqualified defined-benefit pension plans that meet the criteria set forth at 9904.412–50(c)(3), pension costs assigned to a cost accounting period are fully allocable if they are funded at a level at least equal to the percentage of the complement (i.e., 100% minus tax rate % = percentage of assigned cost to be funded) of the highest published Federal corporate income tax rate in effect on the first day of the cost accounting period. * * *

* * * * *

9904.413 [Corrected]

3. In section 9904.413–60, correct the last sentence of paragraph (c)(7), the fourth sentence of paragraph (c)(8), the fifth sentence of paragraph (c)(12), the last sentence of paragraph (c)(13) and the second sentence of paragraph (c)(24) are corrected to read as follows:

9904.413–60 Illustrations.

* * * * *

(c) * * *

(7) * * * In accordance with 9904.413–50(c)(2)(iii), the amount of pension cost must be based on an acceptable termination of employment assumption for that segment; however, as provided in 9904.413–50(c)(10), all other assumptions for that segment may be the same as those for the remaining segments.

(8) * * * Although some employees are hired by the successor contractor, because Contractor K no longer operates the facility, it meets the 9904.413–30(a)(20)(iii) definition of a segment closing. * * *

* * * * *

(12) * * * In determining the segment closing adjustment under 9904.413–50(c)(12) the actuarial accrued liability and the market value of assets are reduced by the amounts transferred to the buyer by the sale. * * *

(13) * * * However, because all pension assets and liabilities have been transferred to other segments or to successors in interest of the contracts of Segment A, an immediate period adjustment is not required pursuant to 9904.413–50(c)(12)(v).

* * * * *

(24) * * * As permitted by 9904.413–50(c)(1)(ii), the contractor first applies $12,000 of the contribution amount to Segment A, which is performing work under Government contracts, for purposes of 9904.412–50(d)(1). * * *

* * * * *

[FR Doc. 96–28863 Filed 11–8–96; 8:45 am]

BILLING CODE 3110–01–P

Proposed Rules

Federal Register
Vol. 61, No. 219
Tuesday, November 12, 1996

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–234–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and DC–10 Series Airplanes, and KC–10A (Military) 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 McDonnell Douglas Model MD–11 and DC–10 series airplanes, and KC–10A (military) airplanes. That action would have superseded a previously issued AD that currently requires functional testing to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. The previous proposal would have added a requirement to install tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the required repetitive functional tests. That proposal was prompted by the development of a modification that minimizes the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles. The actions specified by that proposal were intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning. This new action revises the proposed rule by including additional actions as part of the terminating modification for certain airplanes.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–234–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5262; fax (310) 627–5262.

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–234–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–234–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 McDonnell Douglas Model MD–11 and DC–10 series airplanes, and KC–10A (military) airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on March 20, 1996 (61 FR 11347). That NPRM would have superseded AD 93–25–09 R1, amendment 39–9070 (59 FR 56383, November 14, 1994), which currently requires operators to perform repetitive functional tests to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and to correct the installation, if necessary. AD 93–25–09 R1 was prompted by a report indicating that the electrical connectors to the fire extinguishing handles were found to be connected incorrectly (crossed) on one airplane. The requirements of that AD are intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning.

The previously issued NPRM proposed to require the installation of tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the requirement to perform functional tests repetitively. That proposal was prompted by the development of a modification by the manufacturer, which would eliminate the need for the functional tests required by AD 93–25–09 R1. The modification consists of installing tethers on the electrical connectors to the engine generator and of the fire bell shutoff switches located forward of the overhead circuit breaker

panel in the flight compartment. Installation of the modification would minimize the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, the manufacturer has advised the FAA that additional actions must be accomplished in order for the terminating modification to be fully effective.

Explanation of Relevant Service Information

The FAA has reviewed and approved Revision 1 of McDonnell Douglas Service Bulletin DC10–26–047, dated August 22, 1996. This revision of the service bulletin describes procedures for accomplishing additional actions on Model DC–10 series airplanes as part of the terminating modification. These additional actions include revising the installation of the tethers and associated hardware on the No. 1 and 3 engine generator and fire bell shutoff switches' electrical connectors, located forward of the overhead circuit breaker panel in the flight compartment.

FAA's Conclusion

The FAA has determined that the new additional actions included in the terminating modification must be accomplished in order to positively address the unsafe condition. Installation of the modification, including the new actions, will more effectively minimize the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles.

In light of this determination, the FAA has revised the proposed rule to include a requirement to accomplish these additional actions in accordance with Revision 1 of McDonnell Douglas Service Bulletin DC10–26–047.

Since this change expands 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

There are approximately 100 Model MD–11 airplanes, and 426 Model DC–10 series and KC–10A (military) airplanes, of the affected design in the worldwide fleet. The FAA estimates that 30 Model MD–11 airplanes, and 239 Model DC–10 series and KC–10A (military) airplanes of U.S. registry would be affected by this proposed AD.

For U.S.-registered Model MD–11 airplanes: The checks that are currently required by AD 93–25–09 R1 (and retained by this proposed action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of Model MD–11 airplanes is estimated to be $900, or $30 per airplane, per check.

The modification that is proposed by this AD action would take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be negligible. Based on these figures, the cost impact of the proposed modification requirements of this AD on U.S. operators of Model MD–11 airplanes is estimated to be $3,240, or $180 per airplane.

For U.S.-registered Model DC–10 series and KC–10A (military) airplanes: The checks that are currently required by AD 93–25–09 R1 (and retained by this proposed action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of these models of airplanes is estimated to be $7,170, or $30 per airplane, per check.

The modification that is proposed by this AD action would take an average of 3.5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be negligible. Based on these figures, the cost impact of the proposed modification requirements of this AD on U.S. operators of these models of airplanes is estimated to be $50,190, or $210 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39–9070 (59 FR 56383, November 14, 1994), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95–NM–234–AD. Supersedes AD 93–25–09 R1, Amendment 39–9070.

Applicability: Model MD–11 series airplanes as listed in McDonnell Douglas MD–11 Alert Service Bulletin A26–16, dated November 22, 1993; and Model DC–10 series airplanes and KC–10A (military) airplanes as listed in McDonnell Douglas DC–10/KC–10A Alert Service Bulletin A26–46, dated December 6, 1993; 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 the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning, accomplish the following:

(a) As of January 7, 1994 (the effective date of AD 93–25–09, amendment 39–8775), prior to further flight following any maintenance performed on the fire extinguishing handle system, perform a functional test to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches in accordance with the Accomplishment Instructions of McDonnell Douglas MD–11 Alert Service Bulletin A26–16, dated November 22, 1993 (for Model MD–11 series airplanes); or McDonnell Douglas DC–10/KC–10A Alert Service Bulletin A26–46, dated December 6, 1993 [for Model DC–10 series airplanes, and KC–10A (military) airplanes]; as applicable.

(b) If the electrical connectors are found to be properly installed, repeat the functional test thereafter prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(c) If the electrical connectors are found to be improperly installed, prior to further flight, correct the wiring installation and repeat the functional test, in accordance with the Accomplishment Instructions of McDonnell Douglas MD–11 Alert Service Bulletin A26–16, dated November 22, 1993 (for Model MD–11 series airplanes); or McDonnell Douglas DC–10/KC–10A Alert Service Bulletin A26–46, dated December 6, 1993 [for Model DC–10 series airplanes, and KC–10A (military) airplanes]; as applicable. Thereafter, repeat the functional test prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(d) Within 24 months after the effective date of this AD, install tethers on the engine generator and fire bell shutoff system and firex bottle electrical connectors, in accordance with McDonnell Douglas Service Bulletin MD11–26–018, dated August 24, 1995 (for Model MD–11 series airplanes), or McDonnell Douglas Service Bulletin DC10–26–047, Revision 1, dated August 22, 1996 [for Model DC–10 series airplanes and KC–10A (military) airplanes], as applicable. This installation constitutes terminating action for the functional tests required by 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

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

(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 November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28866 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 96–NM–89–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all CASA Model C–212 series airplanes. This proposal would require that the rudder pedal assemblies be adjusted prior to each flight until the rudder pedal setting mechanisms are modified. It also would require replacement of the attachment rails for certain flight crew seats. This proposal is prompted by reports indicating that the flight crew may not be able to achieve the maximum certified deflection of the rudder at the airplane's minimum controllable airspeed and in other flight conditions, because the existing range of settings for adjusting the rudder pedals restricts the flight crew in its ability to move the rudder. This condition, if not corrected, could result in insufficient rudder deflection, and consequent reduction in controllability of the airplane.

DATES: Comments must be received by December 23, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–89–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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–89–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–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, recently notified the FAA that an unsafe condition may exist on all CASA Model C–212 series airplanes. The DGAC advises that it has received a report from the manufacturer indicating that the flight crew may not be able to achieve the maximum certified deflection of the rudder at the airplane's minimum controllable

airspeed and in other flight conditions, because the existing range of settings for adjusting the rudder pedals restricts the flight crew in its ability to move the rudder. This condition, if not corrected, could result in insufficient rudder deflection, and consequent reduction in controllability of the airplane.

The DGAC also notified the FAA that restricted movement of certain flight crew seats aboard all Model C–212 series airplanes makes it difficult for the crew to adjust the rudder, and contributes to crew fatigue. When the crew makes vertical adjustments to the seats, there are no corresponding horizontal adjustments; consequently, the crew has difficulty reaching the rudder pedals, which results in additional limitations on the crew's ability to achieve necessary deflection of the rudder.

Explanation of Relevant Service Information

CASA has issued CASA Flight Operation Instructions COM 212–245, Revision 1, dated November 16, 1993, which describes procedures for adjusting the left and right rudder pedal assemblies. These procedures establish an adjustment limitation for these assemblies.

CASA also has issued Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994, which describes procedures for modification of the left and right rudder pedal setting mechanisms. This modification entails installation of stops and other parts, and affects the range of settings for adjusting the rudder pedals. Accomplishment of the modification will ensure that the maximum certified rudder deflection can be obtained at minimum controllable airspeed and in any other flight condition. Modification of the rudder pedal setting mechanisms eliminates the need for repetitive adjustments of the rudder pedal assemblies.

The service bulletin also describes procedures for replacement of the attachment rails on certain flight crew seats. This replacement involves the installation of new rails that enable the range of forward movement of these seats to be increased. Accomplishment of this replacement will ensure that the seats can be moved closer to the rudder pedals when the crew makes vertical adjustments to the seats, and further enhance the crew's ability to properly position the rudder.

The DGAC classified these documents as mandatory and issued Spanish airworthiness directive 01/93, dated November 24, 1993, in order to assure the continued airworthiness of these airplanes in Spain.

FAA's Conclusions

This airplane model is manufactured in Spain and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require that the rudder pedal assemblies be adjusted prior to each flight until the rudder pedal setting mechanisms are modified (by the installation of stops and other parts). It also would require replacement of the attachment rails for certain flight crew seats. The actions would be required to be accomplished in accordance with the service bulletin and product support communication described previously.

Differences Between Proposed Rule and Service Information

Operators should note that the proposed AD and CASA Service Bulletin SB–212–27–47, Revision 1, differ as to the time for accomplishing the modification of the rudder pedal setting mechanisms and replacement of attachment rails. The service bulletin recommends that those actions be accomplished within 4 months; however, the proposed AD would require that they be accomplished within 6 months. The FAA has been advised that an ample number of modification kits may not be available to all affected U.S. operators within a 4-month compliance time frame. In consideration of this parts availability problem, the FAA finds that a compliance time of 6 months should be a sufficient time period in which the affected U.S. fleet can be modified and an acceptable level of safety maintained.

Cost Impact

The FAA estimates that 41 CASA Model C–212 series airplanes of U.S. registry would be affected by this proposed AD.

The proposed adjustment of the rudder pedal assemblies would take approximately .10 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed adjustment requirement on U.S. operators is estimated to be $246, or $6 per airplane, per adjustment (prior to each flight).

The proposed modification and replacement would take approximately 64 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost between $2,000 and $5,500 per airplane, depending on the kit that is installed. Based on these figures, the cost impact of these proposed actions on U.S. operators is estimated to be between $239,440 and $382,940, or between $5,840 and $9,340 per airplane.

The cost impact figures discussed above are 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:

CASA: Docket 96–NM–89–AD.

Applicability: All Model C–212 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the settings for the rudder pedals from restricting the flight crew in its ability to move the rudder to its maximum certified deflection, which could result in insufficient deflection and consequent reduction in controllability of the airplane, accomplish the following:

(a) As of the effective date of this AD, prior to each flight, adjust the left and right rudder pedal setting mechanisms in accordance with CASA Flight Operation Instructions COM 212–245, Revision 1, dated November 16, 1993, until the modification required by paragraph (b) of this AD has been accomplished.

(b) Within 6 months after the effective date of this AD, modify the left and right rudder pedal assemblies by installing stops and other parts, in accordance with CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994. Accomplishment of this modification constitutes terminating action for the repetitive adjustments required by paragraph (a) of this AD.

(c) For CASA Model C–212 series airplanes listed in CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994: Within 6 months after the effective date of this AD, replace the attachment rails for the pilot and co-pilot seats in accordance with CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994.

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

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

(e) 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 November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28867 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–86–AD]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 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 Jetstream Model 4101 airplanes. This proposal would require repetitive inspections to detect cracking of the offset lightening hole on the drag brace of the left and right main landing gear (MLG); and replacement of these braces with braces having a centralized lightening hole. This replacement terminates the repetitive inspections. This proposal is prompted by a report indicating that fatigue cracking was detected on the upper link of a drag brace. The actions specified by the proposed AD are intended to prevent fatigue cracking of the drag braces of the MLG, which, if not corrected, could cause the MLG to fail and consequent reduced controllability of the airplane during takeoff, landing, and taxiing.

DATES: Comments must be received by December 23, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–86–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 96–NM–86–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–86–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for

the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that it has received a report indicating that cracking has been detected on the upper link of a drag brace on the main landing gear (MLG) of a Model 4101 airplane; this cracking was found adjacent to an offset lightening hole. The cause of the cracking has been attributed to fatigue. Such fatigue cracking, if not detected and corrected in a timely manner, could result in failure of the MLG and consequent reduced controllability of the airplane during takeoff, landing, and taxiing.

Explanation of Relevant Service Information

Jetstream has issued Service Bulletin J41–32–049, Revision 1, dated January 15, 1996, which describes procedures for conducting repetitive visual inspections to detect cracking of the offset lightening hole on the drag brace of the left and right MLG. The service bulletin recommends, prior to further flight, the replacement of any cracked drag brace with a brace having a centralized lightening hole. This service bulletin also describes procedures for replacing these drag braces with drag braces that have a centralized lightening hole. Installation of a drag brace with a centralized lightening hole eliminates the need for the repetitive inspections. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 008–11–95, dated December 29, 1995, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive detailed visual inspections of the offset lightening hole on the drag brace of the left and right MLG to detect cracking. It would also require, prior to further flight, the replacement of any cracked brace with a brace having a centralized lightening hole. Such replacement would constitute terminating action for the repetitive detailed visual inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Differences between the Proposed Rule and the CAA Airworthiness Directive

Operators should note that the proposed AD would require all drag braces that are the subject to the inspections required by this AD to be replaced within two years with braces having a centralized lightening hole. This action would be considered final, terminating action for this proposed AD. The CAA, however, has not mandated a similar replacement of the drag braces.

The FAA has determined that long-term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed replacement requirement is in consonance with these considerations.

Cost Impact

The FAA estimates that 1 Jetstream Model 4101 airplane of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on the single U.S. operator is estimated to be $60 per inspection cycle.

It would take approximately 2 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the proposed replacement on the single U.S. operator is estimated to be $120.

The cost impact figures discussed above are 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 96–NM–86–AD.

Applicability: Model 4101 airplanes having constructors numbers 41004 through 41009 inclusive, and 41017; equipped with a main landing gear (MLG) on which drag braces having Jetstream part numbers (P/N) AIR84352–0 through AIR84352–4, inclusive,

and having offset lightening holes, are installed; certificated in any category.

Note 1: Drag braces having Jetstream part numbers (P/N) AIR84352–0 through AIR84352–4 inclusive, can have either offset or centralized lightening holes. This AD applies only to those airplanes equipped with those drag braces that have the offset lightening holes.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the drag brace of the left and right MLG which, if not corrected, could cause the MLG to fail and consequent reduced controllability of the airplane during takeoff, landing, and taxiing, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, perform a detailed visual inspection to detect cracking at the offset lightening hole on the drag brace of the left and right MLG, in accordance with Part 1 of Jetstream Service Bulletin J41–32–049, Revision 1, dated January 15, 1996.

Note 3: Accomplishment of the visual inspection in accordance with Part 1 of Jetstream Service Bulletin J41–32–049, dated November 21, 1995, is considered acceptable for compliance with this paragraph.

(1) If no cracking is detected, repeat this inspection thereafter at intervals not to exceed 50 hours time-in-service until the requirements of paragraph (b) of this AD have been accomplished.

(2) If any cracking is detected, prior to further flight, replace the drag brace with a drag brace that has Jetstream part number (P/N) AIR84352–4 and a centralized lightening hole, in accordance with Part 2 of Jetstream Service Bulletin J41–32–049, Revision 1, dated January 15, 1996. This replacement constitutes terminating action for the repetitive inspections and replacement of that brace required by paragraphs (a) and (b), respectively, of this AD.

Note 4: Accomplishment of the replacement in accordance with Part 2 of Jetstream Service Bulletin J41–32–049, dated November 21, 1995, is considered acceptable for compliance with paragraphs (a)(2) and (b) of this AD.

(b) Within two years after the effective date of this AD, replace any MLG drag brace that has P/N AIR84352–0 through AIR84352–4, inclusive, and an offset lightening hole, with a drag brace that has Jetstream P/N AIR84352–4 and a centralized lightening hole, in accordance with Part 2 of Jetstream Service Bulletin J41–32–049, Revision 1, dated January 15, 1996. This replacement constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. Issued in Renton, Washington, on November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28868 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–13–P

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Privacy Act Regulations; Implementation

AGENCY: Tennessee Valley Authority.

ACTION: Proposed rule.

SUMMARY: The Tennessee Valley Authority (TVA) proposes to amend its regulations implementing the Privacy Act of 1974 (the Act), 5 U.S.C. 552a. These amendments are needed to modify existing TVA regulations (18 CFR 1301.24) to exempt a system of records known as TVA Police Records (TVA–37) from certain provisions of the Act and corresponding agency regulations.

DATES: Comments must be received on or before December 12, 1996.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Wilma H. McCauley, TVA 1101 Market Street, (WR 4Q–C), Chattanooga, Tennessee 37402–2801. As a convenience to commenters, TVA will accept public comments transmitted by facsimile (''FAX'') machine. The telephone number of the FAX receiver is (423) 751–3400. Receipt of FAX transmittals will not be acknowledged.

FOR FURTHER INFORMATION CONTACT: Wilma H. McCauley, (423) 751–2523.

SUPPLEMENTARY INFORMATION: The proposed amendments would allow exemptions authorized by the Act, 5 U.S.C. 552a (j)(2) and (k)(2), for the TVA Police Records—TVA system of records under 5 U.S.C. 552a(k)(2). Under subsections (j)(2) and (k)(2) of the Act, TVA, through rulemaking, may exempt those systems of records maintained by a component of TVA that performs as its principal function any activity pertaining to the enforcement of criminal laws from certain provisions of the Act, if the system of records is used for certain law enforcement purposes.

The TVA Police is a component of TVA that performs as one of its principal functions investigations into violations of criminal law in connection with TVA's programs and operations, pursuant to the Violent Crime Control and Law Enforcement Act of 1994, as amended, the TVA Police Records system of records falls within the scope of subsections (j)(2); i.e., information compiled for the purpose of criminal investigation, reports relating to any stage of the enforcement process, and information compiled for the identification of individual criminals, and (k)(2); i.e., investigatory material compiled for law enforcement purposes, other than material within the scope of (k)(2) above.

The proposed (j)(2) and (k)(2) exemptions for criminal law enforcement records would remove restrictions on the manner in which information may be collected and the type of information that may be collected by the TVA Police in the course of a criminal investigation, would limit certain notice requirements, and would exempt the system of records from civil remedies for violations of the Act. These additional exemptions are necessary primarily to avoid premature disclosure of sensitive information, including, but not limited to, the existence of a criminal investigation, that may compromise or impede the investigation.

A more complete explanation of each proposed exemption follows, as required by the Act.

TVA proposes the following changes to the current exemptions contained in 18 CFR 1301.24.

Exemptions Pursuant to (j)(2) and (k)(2)

TVA has determined that the TVA Police Records should be exempt from the following provisions of the Privacy Act and corresponding agency regulations. These exemptions are necessary and appropriate to maintain the integrity and confidentiality of criminal investigations.

TVA proposes use of the (j)(2) and (k)(2) exemptions for the following reasons: (a) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his/her request. This accounting must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure could alert the subject of an investigation to the existence and nature of the investigation and reveal investigative or prosecutive interest by other agencies, particularly in a joint-investigation situation. This could seriously impede or compromise the investigation and case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate with the investigators; lead to suppression, alteration, fabrication, or destruction of evidence; and endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families.

(b) 5 U.S.C. 552a(c)(4) requires an agency to inform outside parties of correction of and notation of disputes about information in a system in accordance with subsection (d) of the Privacy Act. Since this system of records is already exempted from the access provisions of subsection (d) of the Privacy Act, this section is not properly applicable.

(c) 5 U.S.C. 552a (d) and (f) require an agency to provide access to records, make corrections and amendments to records, and notify individuals of the existence of records upon their request. Providing individuals with access to records of an investigation and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing the access normally afforded under the Privacy Act would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate with investigators; lead to suppression, alteration, fabrication, or destruction of evidence; endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach to satisfy any Government claims growing out of the investigation.

(d) 5 U.S.C. 552a(e)(1) requires an agency to maintain in agency records only ''relevant and necessary'' information about an individual. This provision is inappropriate for investigations, because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear. In other cases, what may appear to be a relevant and necessary piece of information may become irrelevant in light of further investigation.

In addition, during the course of an investigation, the investigator may obtain information that relates primarily to matters under the investigative jurisdiction of another agency (e.g., the fraudulent use of Social Security numbers), and that information may not be reasonably segregated. In the interest of effective law enforcement, TVA Police should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies.

(e) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual, when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs. The general rule that information be collected ''to the greatest extent practicable'' from the target individual is not appropriate in investigations. TVA Police should be authorized to use their professional judgment as to the appropriate sources and timing of an investigation. Often it is necessary to conduct an investigation so that the target does not suspect that he or she is being investigated. The requirement to obtain the information from the targeted individual may put the suspect on notice of the investigation and thereby thwart the investigation by enabling the suspect to destroy evidence and take other action that would impede the investigation. This requirement may also in some cases preclude TVA Police from gathering information and evidence before interviewing an investigative target in order to maximize the value of the interview by confronting the target with the evidence or information. Moreover, in certain circumstances the subject of an investigation cannot be required to provide information to investigators and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

In addition, the statutory term ''to the greatest extent practicable'' is a subjective standard, and it is impossible adequately to define the term so that individual TVA Police investigators can consistently apply it to the many fact patterns presented in TVA Police investigations.

(f) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purpose for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation that could interfere with the investigation. Moreover, providing such a notice to the subject of an investigation could seriously impede or compromise an undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(g) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a Federal Register notice concerning its procedures for notifying an individual at his/her request, if the system of records contains a record pertaining to him/her, how to gain access to such a record and how to contest its content. Since these systems of records are being exempted from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable to the extent that these systems of records will be exempted from these subsections. Although the system would be exempt from these requirements, TVA Police has published information concerning its notification, access, and contest procedures because, under certain circumstances, TVA Police could decide it is appropriate for an individual to have access to all or a portion of his/her records in these systems of records.

(h) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish notice of the categories of sources or records in the system of records. To the extent that this provision is construed to require more detailed disclosure than the broad,

generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information, to protect privacy and physical safety of witnesses and informants, and to avoid the disclosure of investigative techniques and procedures. TVA Police will, nevertheless, publish such a notice in broad generic terms.

(i) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Much the same rationale is applicable to this proposed exemption as that set out previously in item (d) (duty to maintain in agency records only ''relevant and necessary'' information about an individual). While the TVA Police make every effort to maintain records that are accurate, relevant, timely, and complete, it is not always possible in an investigation to determine with certainty that all the information collected is accurate, relevant, timely, and complete. During a thorough investigation, a trained investigator would be expected to collect allegations, conflicting information, and information that may not be based upon the personal knowledge of the provider. At the point of determination to refer the matter to a prosecutive agency, for example, that information would be in the system of records, and it may not be possible until further investigation is conducted, or indeed in many cases until after a trial (if at all), to determine the accuracy, relevance, and completeness of some information. This requirement would inhibit the ability of trained investigators to exercise professional judgment in conducting a thorough investigation. Moreover, fairness to affected individuals is assured by the due process they are accorded in any trial or other proceeding resulting from the TVA Police investigation.

(j) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available under compulsory legal process when such process becomes a matter of public record. Compliance with this provision could prematurely reveal and compromise an ongoing criminal investigation to the target of the investigation and reveal techniques, procedures, or evidence.

(k) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply with the requirements concerning access to records under subsections (d)(1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any other provision of the Act, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Allowing civil lawsuits for alleged Privacy Act violations by TVA Police would compromise TVA Police investigations by subjecting the sensitive and confidential information in the TVA Police Records to the possibility of inappropriate disclosure under the liberal civil discovery rules. That discovery may reveal confidential sources, the identity of informants, and investigative procedures and techniques, to the detriment of the particular criminal investigation as well as other investigations conducted by the TVA Police.

The pendency of such a suit would have a chilling effect on investigations, given the possibility of discovery of the contents of the investigative case file, and a Privacy Act lawsuit could therefore become a ready strategic weapon used to impede TVA Police investigations. Furthermore, since, under the current and proposed regulations, the system would be exempt from many of the Act's requirements, it is unnecessary and contradictory to provide for civil remedies from violations of those provisions in particular.

This proposed rule has been reviewed under Executive Order No. 12291 and has been determined not to be a ''major rule'' since it will not have an annual effect on the economy of $100 million or more.

In addition, it has been determined that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 18 CFR Part 31

Administrative practice and procedure, Freedom of Information, Privacy Act, Sunshine Act.

For the reasons set forth in the preamble, it is proposed to amend 18 CFR chapter XIII, part 1301, as follows:

PART 1301—PROCEDURES

1. The authority citation for part 1301 continues to read as follows:

Authority: 16 U.S.C. 831–831dd, 5 U.S.C. 552.

§ 1301.24 [Amended]

2. Section 1301.24(e) is added to read as follows:

* * * * *

(e) The TVA system TVA Police Records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I) and (f) of 5 U.S.C. 552a (section 3 of the Privacy Act) and corresponding sections of these rules pursuant to 5 U.S.C. 552a(k)(2). The TVA system Police Records is exempt from subsections (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), and (g) pursuant to 5 U.S.C. 552a(j)(2). This system is exempt because application of these provisions might alert investigation subjects to the existence or scope of investigations, lead to suppression, alteration, fabrication, or destruction of evidence, disclose investigative techniques or procedures, reduce the cooperativeness or safety of witnesses, or otherwise impair investigations.

William S. Moore,

Senior Manager, Administrative Services.

[FR Doc. 96–28905 Filed 11–8–96; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA–42–95]

RIN 1545–AU38

Definition of Reasonable Basis

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the accuracy-related penalty regulations under chapter 1 of the Internal Revenue Code. These amendments are necessary to define reasonable basis and provide corrections to final regulations relating to the accuracy-related penalty under chapter 1 of the Internal Revenue Code. The proposed regulations would affect all taxpayers who file tax returns. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronically generated comments must be received by February 10, 1997. Outlines of topics to be discussed at the public hearing scheduled for February 25, 1997, must be received by February 4, 1997.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (IA–42–95), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (IA–42–95), Courier's Desk, Internal Revenue

Service, 1111 Constitution Avenue NW., Washington, DC., or electronically, via the IRS Internet site at: http://www.irs.ustreas.gov/prod/tax—regs/comments.html. The public hearing will be held in room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Nancy Romano, 202–622–6232 (not a toll-free number). Concerning submissions and the public hearing, Michael L. Slaughter, 202–622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On September 1, 1995, the IRS issued Treasury Decision 8617 (60 FR 45663), setting forth final regulations relating to the accuracy-related penalty under chapter 1 of the Internal Revenue Code. These regulations provided guidance concerning the reasonable basis standard for purposes of the negligence penalty (section 6662(b)(1)) and for purposes of the disclosure exception to the penalties for disregarding rules or regulations (section 6662(b)(1)) and substantial understatement of income tax (section 6662(b)(2)). In the preamble to the final regulations, Treasury requested comments and suggestions on providing further guidance on the reasonable basis standard. Treasury has not received any additional comment letters in response to this request for comments. Previous comments that were addressed in the preamble to the final regulations published on September 1, 1995 have been considered in drafting these proposed regulations.

Explanation of Provision

Under the final regulations currently in place, the reasonable basis standard is ''significantly higher than the not frivolous standard applicable to preparers under 6694.'' These proposed regulations provide that the reasonable basis standard is not satisfied by a return position that is merely arguable or that is merely a colorable claim. A return position will generally satisfy the reasonable basis standard if it is reasonably based on one or more of the authorities set forth in § 1.6662–4(d)(3)(iii) (taking into account the relevance and persuasiveness of the authorities, and subsequent developments). Additionally, the proposed regulations clarify that if a return position does not satisfy the reasonable basis standard, the reasonable cause and good faith exception as set forth in § 1.6664–4 may still provide relief from the penalty.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely (in the manner described under the **ADDRESSES** caption) to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for February 25, 1997, at 10 a.m., in room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written or electronically generated comments (in the manner described under the **ADDRESSES** caption) by February 10, 1997 and submit an outline of the topics to be discussed and the time devoted to each topic by February 4, 1997.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Robert J. Fitzpatrick, formerly of the Office of the Assistant Chief Counsel (Income Tax & Accounting), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.6662–0 is amended by:

1. Revising the entry for § 1.6662–2.
2. Removing the entries for §§ 1.6662–3(b)(3) (i) and (ii).
3. Revising the entry for § 1.6662–7(d).
4. Removing the entries for §§ 1.6662–7(d) (1) and (2).

The amendments and revisions read as follows:

§ 1.6662–0 Table of contents.

* * * * *

§ 1.6662–2 Accuracy-related penalty.

* * * * *

§ 1.6662–7 Omnibus Budget Reconciliation Act of 1993 changes to the accuracy-related penalty.

* * * * *

(d) Reasonable basis.

* * * * *

Par. 3. Section § 1.6662–3 is amended by:

1. Revising the third sentence in paragraph (b)(1) introductory text.
2. Revising paragraph (b)(3).

The revisions read as follows:

§ 1.6662–3 Negligence or disregard of rules or regulations.

* * * * *

(b) * * * (1) * * * A return position that has a reasonable basis as defined in paragraph (b)(3) of this section is not attributable to negligence. * * *

* * * * *

(3) *Reasonable basis.* Reasonable basis is a relatively high standard of tax reporting, that is, significantly higher than not frivolous or not patently improper. The reasonable basis standard is not satisfied by a return position that is merely arguable or that is merely a colorable claim. If a return position is reasonably based on one or more of the authorities set forth in § 1.6662–4(d)(3)(iii) (taking into account the relevance and persuasiveness of the

authorities, and subsequent developments), the return position will generally satisfy the reasonable basis standard even though it may not satisfy the substantial authority standard as defined in § 1.6662–4(d)(2). In addition, the reasonable cause and good faith exception, as set forth in § 1.6664–4, may provide relief from the penalty, even if a return position does not satisfy the reasonable basis standard.

* * * * *

Par. 4. In § 1.6662–4, the second sentence in paragraph (d)(2) is revised to read as follows:

§ 1.6662–4 Substantial understatement of income tax.

* * * * *

(d) * * *

(2) * * * The substantial authority standard is less stringent than the more likely than not standard (the standard that is met when there is a greater than 50-percent likelihood of the position being upheld), but more stringent than the reasonable basis standard as defined in § 1.6662–3(b)(3). * * *

* * * * *

Par. 5. In 1.6662–7, paragraph (d) is revised to read as follows:

§ 1.6662–7 Omnibus Budget Reconciliation Act of 1993 changes to the accuracy-related penalty.

* * * * *

(d) *Reasonable basis.* For purposes of §§ 1.6662–3(c) and 1.6662–4 (e) and (f) (relating to methods of making adequate disclosure), the provisions of § 1.6662–3(b)(3) apply in determining whether a return position has a reasonable basis.

Par. 6. Section 1.6664–0 is amended by:

1. Revising the entry for paragraph (c)(2) of § 1.6664–4.

2. Removing the entries for paragraphs (c)(1)(iii), (c)(2)(i), and (c)(2)(ii) of § 1.6664–4.

The revision reads as follows:

§ 1.6664–0 Table of contents.

* * * * *

§ 1.6664–4 Reasonable cause and good faith exception to section 6662 penalties.

* * * * *

(c) * * *

(2) Advice defined.

* * * * *

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–28558 Filed 11–8–96; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[FRL–5649–4]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Additional Update of Post-Rebuild Emission Levels in 1997

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Today's notice of proposed rulemaking describes proposed amendments to the current regulations regarding EPA's Urban Bus Retrofit/Rebuild Program. Today's proposed rule would allow one additional year for equipment manufacturers to certify equipment that might influence compliance under Option 2 of the program. Such a revision will remove the incentive to switch compliance options by guaranteeing the two options remain equivalent, as EPA originally intended. In the absence of such a revision to the program regulations, the two compliance options will not remain equivalent as EPA intended, and urban buses may not be utilizing the ''best retrofit technology * * * reasonably achievable'' as Congress required. In addition, urban areas, many of which are not in compliance with National Ambient Air Quality Standards (NAAQS) for PM, will not realize the full PM benefits of this program.

DATES: Written comments on this proposal will be accepted until December 12, 1996, or 30 days after the date of a public hearing, if one is held.

EPA will hold a public hearing on this proposal on December 6, 1996 if it receives a request by November 22, 1996. EPA will cancel this hearing if no one requests to testify. Members of the public should call the contact person indicated below to notify EPA of their interest in testifying at the hearing. Interested parties may call the contact person to determine whether the hearing will be held.

Further information on the public hearing and the submission of comments can be found under ''Public Participation'' in the Supplementary Information'' section of today's document.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) to Public Docket No. A–91–28 (Category VII) at the address listed below.

Interested parties may contact the person listed in **FOR FURTHER INFORMATION CONTACT** to determine the time and location of the public hearing, if one is requested. A court reporter will be present to make a written transcript of the proceedings and a copy will be placed in the public docket following the hearing.

Materials relevant to this proposed rulemaking are contained in Public Docket A–91–28 (Category VII). This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Tom Stricker, Engine Programs and Compliance Division (6403–J), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Telephone: (202) 233–9322.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this proposed action consist of the same entities currently regulated by existing Retrofit/Rebuild Requirements of 40 CFR Part 85, Subpart O, and include urban transit operators in Metropolitan Statistical Areas (MSA's) and Consolidated Metropolitan Statistical Areas (CMSA's) with 1980 populations of 750,000 or more, and equipment manufacturers who voluntarily seek equipment certification pursuant to the program regulations. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Equipment manufacturers who voluntarily seek equipment certification pursuant to the program regulations.
Transit operators	Transit bus operators in Metropolitan Statistical Areas (MSA's) and Consolidated Metropolitan Statistical Areas (CMSA's) with 1980 populations of 750,000 or more, who operate 1993 and earlier model year urban buses, or who rebuild or replace such bus engines.

This table is not meant to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the type of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility or company is regulated by this action, you carefully examine the existing urban bus retrofit/rebuild regulations contained in 40 CFR Part 85, Subpart O, and the preamble to the final rule (58 FR 21359, April 23, 1993). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Introduction

Section 219(d) of the Clean Air Act requires EPA to promulgate regulations that require certain 1993 and earlier model year urban buses, having engines which are replaced or rebuilt after January 1, 1995, to comply with an emission standard or control technology reflecting the best retrofit technology and maintenance practices reasonably achievable.

On April 21, 1993, EPA published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The Urban Bus Retrofit/Rebuild Program requires affected operators of urban buses to choose between two compliance options. Option 1 establishes particulate matter (PM) emissions requirements for each urban bus in an operator's fleet whose engine is rebuilt or replaced. Option 2 is a fleet averaging program that sets out specific annual target levels for average PM emissions from urban buses in an operator's fleet. The two compliance options are designed to yield equivalent emissions reductions for approximately the same cost.

In the final rule, EPA stated that it would review the retrofit/rebuild equipment that was certified by July 1, 1994, and again by July 1, 1996, and publish the post-rebuild PM emission levels for urban bus engines affected by the program. These post-rebuild levels are to be used by transit operators choosing to comply with Option 2 for calculating their fleet emission levels. In two previous Federal Register notices (59 FR 45626, September 2, 1994, and 60 FR 42763, August 16, 1996), EPA published post-rebuild PM levels based on equipment that was certified as of these two dates. Today's notice proposes, as described below, that EPA review certified equipment for a third time and publish the post-rebuild PM emissions levels accordingly, based on equipment certified as of July 1, 1997.

II. Background

A. Compliance Options

EPA promulgated the final rule regarding the Urban Bus Retrofit/Rebuild Program on April 23, 1993 (58 FR 21359). In short, the rule requires operators of 1993 and earlier model year urban buses, in MSA's and CMSA's with a 1980 population of 750,000 or more, to comply with one of two program options.

Option 1 is a performance based program requiring that affected urban buses meet a 0.10 g/bhp-hr PM standard at the time of engine rebuild or replacement, if equipment has been certified by EPA for six months as meeting the 0.10 g/bhp-hr standard for less than a life cycle cost limit of $7,940 (in 1992 dollars). (EPA chose to allow a six month lead time before requiring such equipment to allow transit operators to plan their budgeting and procurement activities, and to help ensure an adequate supply of parts are available from equipment manufacturers.) If equipment is not certified as meeting the 0.10 g/bhp-hr standard for under the life cycle cost limit, then affected buses must receive equipment which reduces PM emissions by 25 percent, if such equipment has been certified by EPA for six months as meeting the 25 percent reduction standard for less than a life cycle cost limit of $2,000 (in 1992 dollars). If no equipment is certified to meet either the 0.10 g/bhp-hr standard, or the 25 percent reduction standard, then the affected bus engine must be rebuilt to the original engine configuration, or to an engine configuration certified to have a PM level lower than that of the original engine.

Option 2 is an averaging based program requiring that affected urban bus operators meet an annual average fleet PM level, rather than requiring that each individual rebuilt engine meet a specific PM level. The transit operator must reduce PM emission from its buses to a level low enough to meet an annual average target level for the fleet (TLF). The TLF is calculated for each calendar year of the program, beginning in calendar year 1996, and is based on EPA's determination of the projected PM emission level for each engine model in the affected fleet, and on assumed engine rebuild and retirement schedules. The actual fleet level attained (FLA) must remain equal to, or below, the TLF for each year of the program. The FLA is a fleet weighted average PM level based on the ''actual'' PM level of each affected engine. The ''actual'' PM level of each affected engine is determined by the PM certification level of the equipment used to retrofit the engine. If no retrofit equipment is installed on the engine, or if no retrofit equipment is certified for the engine, then the PM level is based on EPA's determination of the projected PM emission level for the engine model.

EPA established the pre-rebuild PM levels for each engine model in the final rule. The pre-rebuild PM level for an engine model is based on new-engine certification data, if available, for that engine model. Otherwise, the level is based on EPA's estimate of such emissions based on data from similar engine models. In addition, EPA projected post-rebuild PM levels for each engine model based on the expectation that retrofit equipment would be certified for certain engine models and would achieve certain reductions. EPA recognized that these projections may not accurately reflect future equipment certification, and that transit operators may not be able to comply if the TLF were based on unrealistic PM levels. Therefore, the final rule contained requirements that EPA revise the post-rebuild PM levels based on equipment that was actually certified.

When determining when it would revise the post-rebuild PM levels, EPA considered several factors. First, EPA had to estimate the time frame during which equipment manufacturers would likely certify equipment for this program. For example, revising the post-rebuild PM levels in 1995, and again in 1999, would be meaningless if certification activity ceased in 1994. Second, EPA wanted to ensure that Option 2 remained comparable in terms of cost, lead time, and emissions benefit, to Option 1. Third, EPA wanted to ensure Option 2 remained a workable and feasible compliance option.

EPA assumed that certification activity under this program would likely be completed by 1996. The retrofit program only affects 1993 and earlier model year urban buses, which will only be in operation until around 2008. In order to recuperate development costs, EPA expected equipment manufacturers to certify equipment as early as possible, and for the most popular engine models. In fact, some retrofit kits already existed and were in use prior to the publication of the final rule, and EPA expected those equipment manufacturers to seek certification immediately after the rule was published.

With early certification activity expected, a revision of post-rebuild PM

levels prior to the start of the program (January 1, 1995) was determined appropriate. In addition, with certification activity expected to be completed by 1996, a second revision of the post-rebuild levels in mid-1996 was also determined appropriate. Limiting the number of revisions to the post-rebuild PM levels was important to provide stability in the averaging program and make it a viable compliance option. Having more than two revisions could lead to a ''moving target'' for transit operators. Selection of the specific dates for the two revisions is discussed below.

Under Option 1, transit operators are not required to use equipment until six months after it is certified as meeting both emissions and cost requirements. This lead time is vital to transit operators to effectively plan their budgeting and procurement activities. Similarly, under Option 2, EPA believes six months of lead time are also appropriate. As a result, EPA determined that the first revision of post-rebuild PM levels would be based on equipment certified as of July 1, 1994. This date would allow inclusion of equipment certified early, and would also allow Option 2 transit operators six months prior to the program start date to plan their budgeting and procurement activities in order to meet the TLF for 1996 (TLF_{96}). (Although the first TLF calculation for Option 2 is effective for calendar 1996 (TLF_{96}), transit operators will likely take actions beginning January 1, 1995 to ensure compliance with TLF_{96} on January 1, 1996.) EPA determined the second (and final) revision to post-rebuild PM levels would be based on equipment certified as of July 1, 1996.

This date would allow six months of lead time for transit operators to plan their budgeting and procurement activities in order to meet TLF_{98}. (Again, transit operators will likely take actions beginning January 1, 1997 to ensure compliance with TLF_{98} on January 1, 1998). In addition, by revising the post-rebuild PM levels after certification activity was complete, EPA could be assured that buses would be using the ''best retrofit technology * * * reasonably achievable'' as Congress required.[1]

In addition to the timing of the post-rebuild PM level revisions, EPA was also concerned about the content of the revisions. From an environmental standpoint, the lowest PM level certified for an engine model would be the most desirable post-rebuild PM level to include in the revision. However, low emitting technologies could be quite costly. Under Option 1, transit operators are not required to use technology unless it can meet certain cost limits. In order to maintain equity between Option 1 and Option 2 programs, the final rule requires that certified equipment must meet the life cycle cost limits of Option 1 in order to be considered for inclusion in the Option 2 revisions of post-rebuild PM levels. Among the certified equipment that meets the Option 1 cost limits, the numerically lowest PM certification level for a given engine model will establish the revised post-rebuild PM level for that engine model.

Default provisions were also included in the final rule in the event equipment meeting cost limits were not certified.

B. Current Status of Program

Certification activity under the retrofit program has lagged substantially behind the schedule anticipated by EPA. In fact, when EPA published revised post-rebuild levels based on equipment certified as of July 1, 1994 (59 FR 45626, September 2, 1994), no equipment had been certified. That revision included no updated post-rebuild PM levels, but instead is based on default provisions of the final rule (40 CFR 85.1403(c)(1)(iii)(B)(5)). The first approval of a certification for this program occurred on May 31, 1995 (60 FR 28402), almost a year after the post-rebuild levels were revised the first time. Although six retrofit kits have been certified by EPA as of August 1996, no equipment has been certified as meeting the 0.10 g/bhp-hr PM standard for under the life cycle cost limit of $7,940 (in 1992 dollars). Therefore,the recent revision to the post-rebuild PM levels were based on 25 percent reduction equipment, or on no equipment (for those engine models for which no equipment was certified as meeting emissions and cost requirements).

Not only has EPA's assumption that certification activity would begin early proven incorrect, but more importantly, EPA's assumption that certification activity would be complete by mid-1996 has proven incorrect. EPA is currently processing several applications for certification, including one aimed at meeting the 0.10 g/bhp-hr PM standard for less than the life cycle cost limit of $7,940 (in 1992 dollars). Several more equipment manufacturers have made initial contact with EPA regarding certification of equipment, including additional technologies aimed at meeting the 0.10 g/bhp-hr standard. Consistent with the current program regulations, none of the potentially promising retrofit technologies certified after the July 1, 1996 final post-rebuild PM level revision can influence compliance under Option 2.

C. Potential Inequity Between Compliance Options

As discussed above, technologies certified after the final post-rebuild PM revision of July 1996 cannot influence compliance under Option 2. In other words, under the current regulations, transit operators choosing to comply with Option 2 would never be required to reduce their fleet PM levels below those PM levels contained in the recent post-rebuild level revision based on equipment certified as of July 1, 1996. However, consistent with the final program regulations, transit operators choosing to comply with Option 1 would be required to use equipment certified to the 0.10 g/bhp-hr standard, even if the standard is triggered after July 1, 1996. The result is that Option 1 could become a much more stringent compliance option. Given the level of current certification activity, and the continued interest from equipment manufacturers, eventual certification of a 0.10 g/bhp-hr technology, and thus the likelihood of program inequity, is likely.

As discussed above, EPA intended the two compliance options to be equivalent in terms of cost, emissions reduction and lead time. However, future certification of technology which triggers the 0.10 g/bhp-hr standard could result in Option 2 being much less costly than Option 1. Further, Option 1 would yield significantly more PM reductions. The root cause of this inequity is that equipment certification activity will continue longer than originally anticipated. If the current program regulations are not amended, then transit operators, the majority of whom EPA currently believes are complying with Option 1, will have a great incentive to switch to Option 2. Obviously, PM reductions would be significantly reduced in those cities where transit operators switch to Option 2. Furthermore, such a loophole is in direct conflict with the Clean Air Act language that urban buses use the ''best retrofit technology * * * reasonably achievable''.

III. Description of Today's Proposal

EPA is proposing to amend the current program regulations to include an additional revision of post-rebuild PM levels based on equipment certified as of July 1, 1997. EPA is currently in receipt of one equipment certification application intended to meet the 0.10 g/bhp-hr standard for less than the life cycle cost limit of $7,940 (in 1992

[1] Clean Air Act Section 219(d), 42 U.S.C. 7554(d).

dollars), and expects to receive more in the near future. As such, one additional year is expected to allow ample time for equipment manufacturers to certify 0.10 g/bhp-hr technology for those engine models for which equipment could reasonably be certified.

The purpose and effect of today's proposed action is simple and straightforward. First, the purpose of today's proposal is to close an unintended compliance loophole in the original regulations. Unless EPA amends the current regulations, certification of a 0.10 g/bhp-hr technology which meets cost limits will likely cause eligible transit operators choosing to comply with Option 1 to switch to Option 2 to avoid potentially high equipment costs. Under this scenario, a mass-switch to Option 2 will result in PM reductions which fall short of those expected from this program, and would negate the benefits of certifying the 0.10 g/bhp-hr technology. However, if post-rebuild PM levels are revised in mid-1997 to include any eligible 0.10 g/bhp-hr technology, there will be no incentive for transit operators to switch to Option 2. If 0.10 g/bhp-hr is included in the revised post-rebuild PM levels, the Option 2 TLF for future calendar years will be substantially reduced, effectively requiring Option 2 transit operators to use 0.10 g/bhp-hr technology or retire a substantial number of buses early in order to comply with the TLF. In effect, both Option 1 and Option 2 would require the use low-emitting technology.

EPA believes today's proposal is consistent with intent of the original regulations and with the intent of Congress. As discussed above, EPA originally intended Option 1 and Option 2 to be equivalent in terms of emissions reductions, costs, lead time, and stability. Moreover, this proposed revision would ensure that EPA's requirements reflect the ''best retrofit technology and maintenance practice reasonably achieveable'' as required under section 219(d) and intended by EPA's initial regulations.

Clearly, failure to amend the regulations as proposed will result in vastly differing PM reductions between the options as transit operators using Option 2 will avoid using low-emitting technology. On the contrary, amending the regulations as proposed will result in both options essentially requiring the use of low-emitting technology, and should result in similar PM reductions.

Regarding costs, EPA originally intended that the cost of the two options be comparable, such that both options were truly viable choices for transit operators. Today's proposal will ensure that the two options remain consistent in terms of cost. Note that today's proposal does not result in any additional costs to transit operators not previously contemplated in the original rulemaking. EPA is not proposing any changes to the life cycle cost requirements or the requirement to use certified equipment.

Today's proposal does not change the six month lead time that transit operators would be allowed to plan their budgeting and procurement strategies. EPA is proposing to base the final revision of post-rebuild PM levels on equipment certified as of July 1, 1997, which is six months prior to the date on which transit operators would likely begin taking actions to ensure compliance with TLF_{99}.

Finally, regarding program stability, EPA believes today's proposal is consistent with the original regulations, and in addition, provides further stability beyond the original regulations. EPA originally limited the number of post-rebuild PM level revisions to two in order to avoid a ''moving target'' for transit operators. Too much instability would likely discourage transit operators from considering Option 2 as a viable compliance option. As discussed previously in today's notice, EPA determined that revisions of post-rebuild PM levels would be based on equipment certified as of July 1, 1994, and again as of July 1, 1996. The primary reason these dates were determined appropriate at the time of the original rulemaking is that EPA believed equipment certification would begin as soon as the final rule was published on April 23, 1993, and would be completed by mid-1996. Discussions with industry and comments from the public gave no indication that certification activity would not follow this assumed schedule. In fact, retrofit kits already existed and were being used by transit operators when the final rule was published.

For a variety of reasons, certification activity has lagged behind the schedule anticipated by EPA, so much so that no equipment had been certified as of July 1, 1994. The first revision of post-rebuild PM levels resulted in no revision at all. The recent revision based on equipment certified as of July 1, 1996 did contain several updated post-rebuild PM levels. In effect, adding a third revision based on equipment certified as of July 1, 1997 would be just the second revision of any substance. In this regard, the stability of Option 2 is still maintained as EPA originally intended. Furthermore, EPA expects that option switching that might occur without an additional post-rebuild PM level revision could be more disruptive to program stability than today's proposal.

EPA believes today's proposed action is consistent with Congress' intent that urban buses utilize the ''best retrofit technology * * * reasonably achievable.'' Clearly, low-emitting equipment such as equipment which meets a 0.10 g/bhp-hr standard would represent the best retrofit technology. The fact that transit operators will only be required to use such equipment if it meets certain life cycle cost limits means that such equipment will be reasonably achievable. The fact that EPA miscalculated the time table on which low emitting technology would be developed by a year or less does not itself imply that such technology is not reasonably achievable.

EPA solicits comments on this proposal and its effect on the Urban Bus Retrofit/Rebuild Program, transit operators and equipment manufacturers. In particular, EPA solicits comments on the need to add a third revision of post-rebuild PM levels, the timing of a third revision, the consistency of today's proposal with the original regulations, the need to address the potential compliance loophole that may exist, how to ensure the same compliance loophole issue addressed by today's proposal does not happen again in the future, and any other aspects of the proposed action.

IV. Environmental Impact

The environmental impacts expected to result from the retrofit/rebuild program are outlined in the final Regulatory Support Document (RSD) for the original rulemaking and can be found in public docket A–91–28 (see **ADDRESSES** section above). Today's proposed action would not result in any additional emissions reductions beyond those outlined in the RSD. However, today's action would help ensure these expected reductions are actually achieved by closing an unintended compliance loophole. If transit operators are allowed to take advantage of the potential loophole in the current program, PM reductions will not be achieved at the level EPA originally anticipated. In addition, to the extent that transit operators can avoid installing low-emitting technology on buses, such buses will not reflect the ''best retrofit technology * * * reasonably achievable'' as Congress required.

V. Economic Impact

Today's proposed action would have no additional economic impact compared to the economic impact

described in original regulations finalized on April 23, 1993. While failure to take the proposed action could result in reduced costs for those transit operators who could take advantage of the loophole, no additional costs unaccounted for in the original regulations would be imposed on any transit operators as a result of today's proposed action. The costs associated with this program have already been determined to be reasonable and the program to be cost-effective.

VI. Public Participation

A. Comments and the Public Docket

EPA solicits comments on all aspects of this proposal from all interested parties since it is our desire to ensure full public participation in arriving at final decisions. Wherever applicable, complete supporting data and analyses should be submitted to allow EPA to make the maximum use of comments. Commenters are encouraged to provide specific suggestions for changes to any of the proposal. All comments should be directed to the EPA Air Docket No. A–91–28 (Category VII) (See **ADDRESSES**).

B. Public Hearing

EPA will hold a public hearing on this proposal on December 6, 1996 if it receives a request by November 22, 1996. EPA will cancel this hearing if no one requests to testify. Members of the public should call the contact person indicated above to notify EPA of their interest in testifying at the hearing. Interested parties may call the contact person after November 22, 1996 to determine whether the hearing will be held and the time and location of the hearing.

VII. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), EPA must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the executive order. The order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector, 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 entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof;

(4) Raise novel legal policy issues arising out of legal mandate, the President's priorities, or the principles set forth in the order.

EPA has determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

VIII. Impact on Small Entities

The Regulatory Flexibility Act requires Federal agencies to consider potentially adverse impacts of proposed federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies perform a proposed Regulatory Flexibility Analysis.

I certify that there will not be a significant adverse impact on a substantial number of small business entities due to the proposed revision of the urban bus retrofit/rebuild program. The urban bus operators affected by the program regulations are generally not small businesses. In addition, EPA determined the original regulations relating to the urban bus retrofit/rebuild program did not have an adverse impact on a substantial number of small entities. Today's proposed revision does not impose any new costs above those included in the original rulemaking. Today's action will affect only a few businesses using the retrofit fleet averaging program and will likely have an effect solely on a small portion of the businesses' fleet. There may be benefit to those small business entities that manufacture retrofit/rebuild equipment, since urban bus operators may be required to use such equipment.

IX. Reporting and Recordkeeping Requirements

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. The regulatory revisions proposed in today's notice do not include any provisions for the collection of information from non-Federal respondents.

X. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (signed into law on March 22, 1995) requites that EPA 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 aggregate, or by the private sector, of $100 million or more in any one year. Section of the Unfunded Mandates Reform Act requires EPA to establish a plan for obtaining input from and informing, educating and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act EPA, must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. EPA must select from those alternatives the least costly, most costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule, unless EPA explains why this alternative is not selected or the selection of this alternative is inconsistant with law.

List of Subjects in 40 CFR Part 85

Environmental protection, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: November 1, 1996.

Carol M. Browner,

Administrator.

For the purposes set out in the preamble, part 85 of title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 85—[AMENDED]

1. The authority citation for part 85 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart O—[Amended]

2. Section 85.1403 is proposed to be amended by revising paragraph (c)(1)(iii)(C) and adding paragraph (c)(1)(iii)(D) to read as follows:

§ 85.1403 Particulate standard for pre-1994 model year urban buses effective at time of engine rebuild or engine replacement.

* * * * *

(c) * * *

(1) * * *

(iii) * * *

(C) For TLF calculations for calendar year 1998, post-rebuild particulate emission levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model (other than those indicated in paragraph (c)(1)(iii)(C)(*4*) of this section) for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1996 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, but for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1996 as meeting the requirements of either paragraph (b)(1) or paragraph (b)(2) of this section, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level; and

(*5*) Notwithstanding paragraph (c)(1)(iii)(C)(*3*) of this section, if by July 1, 1996, no equipment has been certified to meet the emission requirements of paragraph (b)(1) or paragraph (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be the pre-rebuild particulate levels specified in the table at paragraph (c)(1)(iii)(A) of this section.

(D) For TLF calculations for calendar year 1999 and thereafter, post-rebuild particulate emission levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model for which equipment has been certified by July 1, 1997 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1997 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, for which equipment has been certified by July 1, 1997 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1997 as meeting the emission and cost requirements of paragraph (b)(1) or paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*5*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1997, no equipment has been certified for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be as indicated in the table at paragraph (c)(1)(iii)(A) of this section; and

(*6*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1997, equipment has been certified to meet the emissions requirements of paragraph (b)(1) or paragraph (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, but no equipment has been certified by July 1, 1996 to meet the life-cycle cost requirements of paragraph (b)(1) or paragraph (b)(2) of this section, then the post-rebuild particulate levels shall be as specified in the following table:

Engine model	Model year sold	Pre-rebuild PM level (g/bhp-hr)	Post-rebuild PM level (g/bhp-hr)
DDC 6V92TA	1979–1987	0.50	0.30
	1988–1989	0.30	0.30
DDC 6V92TA DDECI	1986–1987	0.30	0.30
DDC 6V92TA DDECII	1988–1991	0.31	0.25
	1992	0.25	0.25
	1993 (no trap)	0.25	0.25
	1993 (trap)	0.07	0.07
DDC Series 50	1993	0.16	0.16
DDC 6V71N	1973–1987	0.50	0.50
	1988–1989	0.50	0.50
DDC 6V71T	1985–1986	0.50	0.50
DDC 8V71N	1973–1984	0.50	0.50
DDC 6L71TA	1990	0.59	0.59
	1988–1989	0.31	0.31
DDC 6L71TA DDEC	1990–1991	0.30	0.30
Cummins L10	1985–1987	0.65	0.46
	1988–1989	0.55	0.46
	1990–1991	0.46	0.46
Cummins L10 EC	1992	0.25	0.25
	1993 (trap)	0.05	0.05
Alternatively-fueled Engines	Pre-1994	0.10	0.10
Other Engines	Pre-1988	0.50	0.50
	1988–1993	[1]	[1]

[1] Certification level.

[FR Doc. 96–28732 Filed 11–8–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Parts 86 and 89

[FRL–5645–3]

RIN 2060–AG78

Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Compression-Ignition Engines at or Above 37 Kilowatts: Provisions for Replacement Compression-Ignition Engines and the Use of On-Highway Compression-Ignition Engines in Nonroad Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule (NPRM).

SUMMARY: This NPRM proposes to amend the regulations applicable to compression-ignition nonroad engines at or above 37 kilowatts (kW) to address two disruptive situations that have arisen regarding the implementation of regulations applicable to these nonroad engines. No air quality impact is expected from these amendments.

This NPRM proposes to allow nonroad vehicle manufacturers to use certified on-highway engines in nonroad vehicles that are constructed from on-highway vehicles or that must use public roads between job sites. These amendments also propose to allow engine manufacturers to provide uncertified replacement engines to repower pre-regulation nonroad equipment when that equipment experiences major engine failure and a suitable certified engine that will fit in the equipment is not available.

Because the rule revision is not expected to receive any adverse comments, the revision is also being issued as a direct final rule in a separate part of this Federal Register

DATES: Public comments on the amendments proposed herein will be accepted until December 12, 1996 or 30 days after the date of a public hearing if one is held.

The Agency will hold a public hearing regarding these proposed amendments on December 6, 1996 if it receives a request to testify at a hearing by November 22, 1996. The Agency will cancel this hearing if no one requests to testify. Members of the public should call the contact person indicated below to notify EPA of their interest in testifying at the hearing. Interested parties may call the contact person after November 22, 1996 to determine whether and where the hearing will be held.

ADDRESSES: Interested parties may submit written comments (in duplicate) for EPA consideration by addressing them as follows: EPA Air Docket (LE–131), Attention: Docket Number A–96–37, room M–1500, 401 M Street, S.W., Washington, D.C. 20460. Please contact the individual listed below before submitting comments.

Materials relevant to this rulemaking are contained in the docket listed above and may be reviewed at that location from 8:00 am until 5:30 pm Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for photocopying.

FOR FURTHER INFORMATION CONTACT: John Guy, Office of Mobile Sources, Engine Programs and Compliance Division (6403J), 401 M Street S.W., Washington, D.C. 20460, 202–233–9276.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those which manufacture and use compression ignition engines of 37 kW or greater. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Manufacturers and users of compression ignition engines of 37 kW or greater.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the criteria contained in § 89.1 of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in a separate part of this Federal Register will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule revisions, see the information provided in the direct final rule in a separate part of this Federal Register.

List of Subjects

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 89

Environmental protection, Administrative practice and procedure, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: October 28, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–28544 Filed 11–8–96; 8:45 am]
BILLING CODE: 6560–50–P

Notices

Federal Register
Vol. 61, No. 219
Tuesday, November 12, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Deadman Creek Timber Sales, Colville National Forest, Ferry County, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) on a proposal to harvest and regenerate timber for twenty million board feet on one or more timber sales and to construct and reconstruct roads in the Deadman Creek area. The Proposed Action will be in compliance with the 1988 Colville National Forest Land and Resource Management Plan (Forest Plan) as amended, which provides the overall guidance for management of this area. The Proposed Action is within portions of the Deadman Creek watershed on the Kettle Falls Ranger District and scheduled for implementation in fiscal year 1999. The Colville National Forest invites written comments and suggestions on the scope of the analysis. The agency will give notice of the full environmental analysis and decision making process so interested and affected people may be able to participate and contribute in the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by December 15, 1996.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Meredith Webster, District Ranger, 255 West 11th, Kettle Falls, Washington 99141.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and EIS should be directed to Meredith Webster, District Ranger or to Mike Porter, Planner, 255 West 11th, Kettle Falls, Washington 99141 (phone: 509–738–6111).

SUPPLEMENTARY INFORMATION: The Proposed Action includes harvesting timber and constructing roads through one or more timber sales.

The timber sales would be located approximately seven miles north of Washington State Highway 20 and nine miles west of Washington State Highway 395. The proposed sales would harvest approximately twenty million board feet on about 4000 acres through commercial thinning, individual tree selection, partial overstory removal and shelterwood harvest methods. Twenty-eight (28) miles of new road would be constructed.

The Deadman Creek timber sales are proposed within the Deadman Creek watershed on the Kettle Falls Ranger District. This analysis will evaluate a range of alternatives for implementation of the timber sales. The area being analyzed is approximately 40,800 acres. The Proposed Action includes portions of the Twin Sister Inventoried Roadless Area and the Hoodoo Inventoried Roadless Area which were considered but not selected for Wilderness designation.

The Draft EIS will be tiered to the Forest Plan. The Forest Plan's Management Area direction for this analysis area is approximately 51 percent Wood/Forage Emphasis (Management Area 7), 10 percent Semi-Primitive Non-Motorized Recreation (Management Area 11), 8 percent Scenic/Timber (Management Area 5), and lesser amounts of Winter Range (Management Area 8), Semi-Primitive Motorized Recreation (Management Area 10), Old Growth Dependent Species Habitat (Management Area 1), Recreation (Management Area 3A), and Scenic/Winter Range (Management Area 6). There is also 11 percent in other ownership within the analysis area.

No harvest and no road construction will be proposed within the Semi-Primitive Motorized Recreation areas or the Semi-Primitive, Non-Motorized Recreation areas. The other ownership areas are included only for analysis of effects.

Preliminary issues identified include:

1. Timber harvest and road construction within Forest Plan Inventoried Roadless areas and other unroaded areas greater than 1000 acres;
2. Creation of Lynx foraging habitat may conflict with Historic Range of Variability direction found in Eastside Screens Forest Plan amendment;
3. Forest Health is a concern due to overstocked conditions which increase the possibility of insect and disease problems;
4. The projects must be compatible with existing recreational uses; and
5. State Water Quality Standards must be met in Deadman Creek, as well as other waters in and downstream from the planning area.

A range of alternatives will be considered, including a no-action alternative. Based on issues identified to date, alternatives to be considered include: (1) the number, sizes, and locations of areas considered for treatment; (2) the amount of road constructed for access; (3) the type of harvest and post-harvest treatments prescribed; and (4) the number, types, and locations of other integrated resource projects.

Initial scoping began in May, 1996. The scoping process will include the following: identify and clarify issues; identify key issues to be analyzed in depth; explore alternatives based on themes which will be derived from issues recognized during scoping activities; and identify potential environmental effects of the Proposed Action and alternatives.

An informal public meeting is planned to be held at the Kettle Falls Ranger District office during November, 1996. The date, time, and location of this meeting will be announced at a later date. The Forest Service is seeking information, comments, and assistance from other agencies, organizations, Indian Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparation of the draft EIS. Your comments are appreciated throughout the analysis process.

The draft EIS is to be filed with the Environmental Protection Agency (EPA) and to be available for public review by April, 1997. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, Indian Tribes, and members of the public for their review and comment. The EPA will publish a Notice of Availability of the draft EIS in the Federal Register. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the Federal Register . It is important that those interested in the management of the Colville National Forest participate at that time.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519,553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this Proposed Action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The final EIS is scheduled to be available by September, 1997. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The responsible official is Colville National Forest Supervisor, Edward L. Schultz. The responsible official will decide which, if any, of the alternatives will be implemented. The decision and the rationale for the decision will be documented in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: October 25, 1996.

Edward L. Schultz,

Forest Supervisor.

[FR Doc. 96–28895 Filed 11–8–96; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Ecleto Creek Watershed, DeWitt, Guadalupe, Karnes, and Wilson Counties, Texas Floodwater Retarding Structure No. 7

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resources Conservation Service Regulations (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ecleto Creek Watershed, Floodwater Retarding Structure No. 7, Karnes County, Texas.

FOR FURTHER INFORMATION CONTACT: Harry W. Oneth, State Conservationist, Natural Resources Conservation Service, 101 South Main, Temple, Texas 76501–7682, Telephone (817) 774–1214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Harry W. Oneth, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project will reduce flooding and improve surface water quality in and below Floodwater Retarding Structure No. 7. The recommended actions included in the original work plan proposed installing 11 floodwater retarding structures, as well as land treatment measures. An environmental assessment was completed on five of the floodwater retarding structures in July of 1991. Four of the five floodwater retarding structures assessed at that time have been constructed. This particular environmental assessment addresses the installation of an additional site, Floodwater Retarding Structure No. 7.

Installation of this site, including dam, emergency spillway, and sediment pool, will require 99.0 acres. The dam and emergency spillway will be planted to grasses that have wildlife values. The dam and emergency spillway will be fenced to control livestock, therefore greatly benefiting ground nesting birds. This structure will not impact any prime farmland. Downstream flooding of wildlife habitat will be reduced.

Floodwater Retarding Structure No. 7 will create about 43 acres of aquatic habitat, as well as creating a fisheries resource where none exists. Woody vegetation will be removed from about 4 acres of riparian habitat. The original work plan provided for financial and technical assistance for the installation of this site. This environmental assessment will complete the necessary requirements for Site 7. Federal assistance will be provided under authority of Public Law 83–566, 83rd Congress, 68 Stat. 666, as amended (16 U.S.C. 1001–1008). Total project costs for Floodwater Retarding Structure No. 7 are $931,200, of which $765,400 will be paid from Public Law 83–566 funds and $165,800 from local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Harry W. Oneth.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

Dated: October 31, 1996.

Tomas M. Dominguez,

Deputy State Conservationist.

[FR Doc. 96–28861 Filed 11–8–96; 8:45 am]

BILLING CODE 3410–16–M

Rural Telephone Bank

Determination of the 1996 Fiscal Year Interest Rates on Rural Telephone Bank Loans

AGENCY: Rural Telephone Bank, USDA.

ACTION: Notice of 1996 fiscal year interest rates determination.

SUMMARY: In accordance with 7 CFR 1610.10, the Rural Telephone Bank fiscal year 1996 cost of money rates have been established as follows: 6.05% and 6.42% for advances from the liquidating account and financing account, respectively (fiscal year is the period beginning October 1 and ending September 30).

Except for loans approved from October 1, 1987, through December 21, 1987 where borrowers elected to remain at interest rates set at loan approval, all loan advances made during fiscal year 1996 under bank loans approved in

fiscal years 1988 through 1991 shall bear interest at the rate of 6.05% (the liquidating account rate). All loan advances made during fiscal year 1996 under bank loans approved during or after fiscal year 1992 shall bear interest at the rate of 6.42% (the financing account rate).

The calculation of the Bank's cost of money rates for fiscal year 1996 for the liquidating account and the financing account are provided in Tables 1a and 1b. Since the calculated rates are greater than the minimum rate (5.00%) allowed under 7 U.S.C. § 948(b)(3)(A), the cost of money rates for the liquidating account and financing account are set at 6.05% and 6.42%, respectively. The methodology required to calculate the cost of money rates is established in 7 CFR 1610.10(c).

FOR FURTHER INFORMATION CONTACT: Barbara L. Eddy, Deputy Assistant Governor, Rural Telephone Bank, room 4056, South Building, U.S. Department of Agriculture, Washington DC 20250, telephone number (202) 720–9556.

SUPPLEMENTARY INFORMATION: The Federal Credit Reform Act of 1990 (''Credit Reform'') (2 U.S.C. 661a, et seq.) implemented a system to reform the budgetary accounting and management of Federal credit programs. Bank loans approved on or after October 1, 1991, are accounted for in a different manner than Bank loans approved prior to fiscal year 1992. As a result, the Bank must calculate two cost of money rates: (1) the cost of money rate for advances made from the liquidating account (advances made during fiscal year 1996 on loans approved prior to fiscal year 1992) and (2) the cost of money rate for advances made during fiscal year 1996 on loans approved on or after October 1, 1991 (otherwise referred to as loans from the financing account).

The cost of money rate methodology is the same for both accounts. It develops a weighted average rate for the Bank's cost of money considering total fiscal year loan advances; the excess of fiscal year loan advances over amounts received in the fiscal year from the issuance of Class A, B, and C stocks, debentures and other obligations; and the costs to the Bank of obtaining funds from these sources.

Sources and Costs of Funds—Liquidating Account

During fiscal year 1996, the Bank was authorized to pay the following dividends: the dividend on Class A stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act; no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 7.5%.

In accordance with Section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1996. Total advances for the purchase of Class B stock and cash purchases for Class B stock were $1,026,869. Rescissions of loan funds advanced for Class B stock amounted to $254,735. Thus, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was $772,134 ($1,026,869–254,735). The total amount received by the Bank in fiscal year 1996 from the issuance of Class C stock was $23,317.

The Bank did not issue debentures or any other obligations related to the liquidating account in fiscal year 1996. Consequently, no cost was incurred related to the issuance of debentures subject to 7 U.S.C. 948(b)(3)(D).

The excess of fiscal year 1996 loan advances from the liquidating account over amounts received from issuance of stocks, debentures, and other obligations amounted to $30,169,736. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate for advances from the liquidating account is provided in Table 2a. The methodology required to perform this calculation is described in 7 CFR 1610.10(c). The cost for money rates for fiscal years 1974 through 1987 are defined in section 408(b) of the RE Act, as amended by Pub. L. 100–203, and are listed in 7 CFR 1610.10(c) and Table 2a herein.

Sources and Costs of Funds—Financing Account

During fiscal year 1996, the Bank was authorized to pay the following dividends: the dividend on Class A stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act; no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 7.5%.

In accordance with Section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1996. Total advances for the purchase of Class B stock and cash purchases for Class B stock were $2,142,725. Since there were no rescissions of loan funds advanced for Class B stock, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was $2,142,725. No amounts were received in fiscal year 1996 from the issuance of Class C stock associated with the financing account.

During fiscal year 1996, issuance of debentures or any other obligations related to the financing account were $37,480,232 at an interest rate of 6.77%.

The excess of fiscal year 1996 loan advances from the financing account over amounts received from issuance of stocks, debentures, and other obligations amounted to $4,913,664. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. § 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate for advances from the financing account is provided in Table 2b. The methodology required to perform this calculation is described in 7 CFR 1610.10(c).

Dated: November 4, 1996.

Wally Beyer,

Governor, Rural Telephone Bank.

BILLING CODE 3410–15–P

TABLE 1a – LIQUIDATING ACCOUNT
RURAL TELEPHONE BANK
COST OF MONEY RATE

Source of Bank Funds	Amount	Cost Rate	Amount X Cost Rate	(Amount X Rate) / Advances
FY 1996 Issuance of Class A Stock	$0	2.00%	$0	0.0000%
FY 1996 Issuance of Class B Stock	$772,134	0.00%	$0	0.0000%
FY 1996 Issuance of Class C Stock	$23,317	7.50%	$1,749	0.0056%
FY 1996 Issuance of Debentures and Other Obligations	$0	--	$0	0.0000%
Excess of Total Advances Over FY 1996 Issuance	$30,169,736	6.20%	$1,870,524	6.0407%
Total FY 1996 Advances	$30,965,187	CALCULATED COST OF MONEY RATE		6.05%
		MINIMUM COST RATE ALLOWABLE		5.00%

TABLE 1b – FINANCING ACCOUNT
RURAL TELEPHONE BANK
COST OF MONEY RATE

Source of Bank Funds	Amount	Cost Rate	Amount X Cost Rate	(Amount X Rate) / Advances
FY 1996 Issuance of Class A Stock	$0	2.00%	$0	0.0000%
FY 1996 Issuance of Class B Stock	$2,142,725	0.00%	$0	0.0000%
FY 1996 Issuance of Class C Stock	$0	7.50%	$0	0.0000%
FY 1996 Issuance of Debentures and Other Obligations:	$37,480,232	6.77%	$2,537,412	5.6974%
Excess of Total Advances Over 1996 Issuances	$4,913,664	6.57%	$322,828	0.7249%
Total FY 1996 Advances	$44,536,621	CALCULATED COST OF MONEY RATE		6.42%
		MINIMUM COST RATE ALLOWABLE		5.00%

TABLE 2a
RURAL TELEPHONE BANK
HISTORICAL COST OF MONEY
LIQUIDATING ACCOUNT

Fiscal Year	Bank Cost of Money	Bank Loan Advances	Advances X Cost Rate	(Advances X Cost Rate) / Total Advances
1974	5.01%	$111,022,574	$5,562,231	0.244%
1975	5.85%	$130,663,197	$7,643,797	0.335%
1976	5.33%	$99,915,066	$5,325,473	0.233%
1977	5.00%	$80,907,425	$4,045,371	0.177%
1978	5.87%	$142,297,190	$8,352,845	0.366%
1979	5.93%	$130,540,067	$7,741,026	0.339%
1980	8.10%	$199,944,235	$16,195,483	0.709%
1981	9.46%	$148,599,372	$14,057,501	0.616%
1982	8.39%	$112,232,127	$9,416,275	0.412%
1983	6.99%	$93,402,836	$6,528,858	0.286%
1984	6.55%	$90,450,549	$5,924,511	0.259%
1985	5.00%	$72,583,394	$3,629,170	0.159%
1986	5.00%	$71,852,383	$3,592,619	0.157%
1987	5.00%	$51,974,938	$2,598,747	0.114%
1988	5.00%	$119,488,367	$5,974,418	0.262%
1989	5.00%	$97,046,947	$4,852,347	0.212%
1990	5.00%	$107,694,991	$5,384,750	0.236%
1991	5.43%	$163,143,075	$8,858,669	0.388%
1992	6.14%	$84,940,822	$5,215,366	0.228%
1993	6.05%	$84,605,366	$5,118,625	0.224%
1994	6.15%	$54,530,897	$3,353,650	0.147%
1995	6.04%	$35,967,133	$2,172,415	0.095%
TOTAL ADVANCES		$2,283,802,951	COST OF MONEY RATE	6.20%

TABLE 2b
RURAL TELEPHONE BANK
HISTORICAL COST OF MONEY
FINANCING ACCOUNT

Fiscal Year	Bank Cost of Money	Bank Loan Advances	Advances X Cost Rate	(Advances X Cost Rate) / Total Advances
1992	7.38%	$4,056,250	$299,351	0.246%
1993	6.35%	$23,839,200	$1,513,789	1.242%
1994	6.40%	$56,838,902	$3,637,690	2.984%
1995	6.88%	$37,161,517	$2,556,712	2.097%
TOTAL ADVANCES		$121,895,869	COST OF MONEY RATE	6.57%

[FR Doc. 96–28856 Filed 11–8–96; 8:45 am]
BILLING CODE 3410–15–C

ARCTIC RESEARCH COMMISSION

Meetings

November 4, 1996.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 45th Meeting from 9:00 AM to 5:00 PM on Monday and Tuesday, 2 and 3 December at the American Geophysical Union, 2000 Florida Avenue, NW, Washington, DC. Agenda items include:

(1) Call to order and approval of the Agenda
(2) Approval of the minutes of the 44th Meeting
(3) Reports of Congressional Liaisons
(4) Agency Reports
(5) State of Alaska Report
(6) University of Alaska Report
(7) ARCUS Report
(8) Polar Information Working Group
(9) NASA Arctic Programs Review
(10) Strategic Planning
(11) Goals and Priorities Report

The Monday business meeting will be followed by an Executive Session.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters must inform the Commission in advance of those needs.

CONTACT PERSON FOR MORE INFORMATION: Dr. Garrett W. Brass, Executive Director, Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Garrett W. Brass,

Executive Director.

[FR Doc. 96–28860 Filed 11–8–96; 8:45 am]

BILLING CODE 7555–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wisconsin Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 6:00 p.m. on Thursday, November 21, 1996, at the Regency Suites, 333 Main Street, Green Bay, Wisconsin 54301. The purpose of the meeting is to gather information on discrimination against the Hmong in Green Bay, Wisconsin.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Geraldine McFadden, 414–238–0930, or Constance Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, October 31, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–28838 Filed 11–8–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 961030305–6305–01]

RIN 0607–XX20

Annual Survey of Communication Services

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 182, 224, and 225, I have determined that 1996 operating revenue and expenses are needed for the telephone, radio and television broadcasting, cable and pay television, and other communication services industries to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data also apply to a variety of public and business needs. These data are not publicly available from nongovernment or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky, Chief, Current Services Branch, Services Division, on (301) 457–2766.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on communication services for the period between economic censuses. The next economic census is in 1997. This survey will yield 1996 and 1995 estimates for the aforementioned industries. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of communication firms in the United States. The probability of a firm's selection is based on revenue size (estimated from payroll). The sample will provide, with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

This survey has been approved by the Office of Management and Budget (OMB) under OMB control number 0607–0706 in accordance with the Paperwork Reduction Act, Public Law 104–13. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that the Annual Survey of Communication Services be conducted for the purpose of collecting these data.

Dated: November 1, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–28918 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–07–P

[Docket No. 961030304–6304–01]

RIN 0607–XX19

Service Annual Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 182, 224, and 225, I have determined that 1996 data on receipts and revenue for selected service industries are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data also apply to a variety of public and business needs. Selected service industries include personal, business, automotive, repair, amusement, health, social, and other professional service industries. These data are not publicly available from nongovernment or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky, Chief, Current Services Branch, Services Division on (301) 457–2766.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct

surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on selected service industries for the period between economic censuses. The next economic census is in 1997. This survey will yield 1996 and 1995 estimates for the aforementioned industries. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of service firms in the United States. The probability of a firm's selection is based on receipts or revenue size (estimated from payroll). The sample will provide, with measurable reliability, national level statistics on receipts of taxable firms and revenue of firms and organizations exempt from Federal income taxes. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

This survey has been approved by the Office of Management and Budget (OMB) under OMB approval control number 0607–0422 in accordance with the Paperwork Reduction Act, Public Law 104–13. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that the Service Annual Survey be conducted for the purpose of collecting these data.

Dated: November 1, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–28919 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–07–P

[Docket No. 961030303–6303–01]

RIN 0607–XX18

Transportation Annual Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 182, 224, and 225, I have determined that 1996 operating revenue and expenses are needed for the for-hire trucking, and public warehousing industries to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data also apply to a variety of public and business needs. These data are not publicly available from nongovernment or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky, Chief, Current Services Branch, Services Division, on (301) 457–2766.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on trucking and warehousing services for the period between economic censuses. The next economic census is in 1997. This survey will yield 1996 and 1995 estimates for the aforementioned industries. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of trucking and warehousing firms in the United States. The probability of a firm's selection in this sample is based on revenue size (estimated from payroll). The sample will provide, with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

This survey has been approved by the Office of Management and Budget (OMB) under OMB control number 0607–0798 in accordance with the Paperwork Reduction Act, Public Law 104–13. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that the Transportation Annual Survey be conducted for the purpose of collecting these data.

Dated: November 1, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–28920 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–07–P

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held December 3, 1996, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street between Constitution & Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

General Session

1. Opening remarks by the Chairman and introductions.
2. Presentation of public papers or comments.
3. Discussion on Office of Exporter Services outreach program.
4. Update on status of Wassenaar Arrangement implementation.
5. Update on status of commercial satellite and ''hot section'' technology regulations.

Closed Session

6. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the following address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA, Room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 22, 1994, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the

Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. For further information or copies of the minutes call (202) 482–2583.

Dated: November 6, 1996.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 96–28881 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Order No. 851]

Grant of Authority; Establishment of a Foreign-Trade Zone, St. Lucie County, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Central Florida Foreign-Trade Zone, Inc. (the Grantee), a Florida not-for-profit corporation, has made application to the Board (FTZ Docket 49–95, 60 FR 47148, 9/11/95), requesting the establishment of a foreign-trade zone at sites in St. Lucie County, Florida, within the limits of the Fort Pierce U.S. Customs Station; and,

Whereas, notice inviting public comment has been given in the Federal Register, and the Board adopts the findings and recommendations of the examiner's report and finds that the requirements of the Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 218, at the sites described in the application, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 24th day of October 1996.

Michael Kantor,

Secretary of Commerce, Chairman and Executive Officer.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–28924 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 80–96]

Foreign-Trade Zone 189—Muskegon, MI; Application for Subzone Status, Diesel Technology Company (Inc.), Facilities, (Diesel Engine Fuel Injection Components), Kentwood, Michigan

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Kent Ottawa Muskegon Foreign Trade Zone Authority, grantee of FTZ 189, requesting special-purpose subzone status for the diesel engine fuel injection components manufacturing facilities of the Diesel Technology Company (Inc.) (DTC) (a Penske Transportation/Robert Bosch Corporation joint venture), located in Kentwood, Michigan. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 31, 1996.

The DTC plant consists of two manufacturing/warehousing facilities (1,100 employees) located in Kentwood (Kent County), Michigan, about five miles southeast of Grand Rapids: Site 1 (218,000 sq. ft. on 54 acres)—manufacturing facility, 4300 44th Street, SE., one mile west of the Kent County Airport; Site 2 (7,000 sq. ft.)—remanufacturing facility, 4232 Brockton Drive, SE., located 500 feet to the north of Site 1. The facilities are used to manufacture and repair high pressure unit fuel injectors and unit injection fuel pumps as fuel system components for heavy truck diesel engines. Currently, all of the finished products are exported (future U.S. sales are expected), and some of the remanufactured units are shipped to U.S. customers. The production process involves machining, assembly, testing, and warehousing/distribution. Components purchased from abroad (representing less than 10% of finished product value), include injector nozzles, needle springs, and pump roller follower assemblies, which are classified under the same HTSUS category as the finished products.

Zone procedures would exempt DTC from Customs duty payments on the foreign components used in export production. On its domestic shipments, the company would be able to defer duty payments on the foreign components until the finished products are processed for Customs entry. The application indicates that subzone status would help improve the facilities' international competitiveness.

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

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 13, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 27, 1997).

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

U.S. Export Assistance Center—Branch Office, Suite 718 S, 301 W. Fulton Street, Grand Rapids, MI 49503–6495.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230–0002.

Dated: November 4, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–28922 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–428–810]

High-Tenacity Rayon Filament Yarn From Germany; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: In response to a request from Akzo Nobel Faser AG and Akzo Nobel Industrial Fibers Inc. (Akzo), the Department of Commerce (the Department) published in the Federal Register (61 FR 42416, August 15, 1996) the notice of initiation of administrative review of the antidumping duty order

on high-tenacity rayon filament yarn from Germany, for the period June 1, 1995 through May 31, 1996. We received a request for withdrawal of this review from Akzo on October 11, 1996. Because this request was timely submitted and because no other interested parties requested a review of this company, we are terminating this review. Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed after January 1, 1995.

EFFECTIVE DATE: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Wendy Frankel, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5831/5849.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 1996, Akzo requested that the Department conduct an administrative review of the antidumping duty order on high-tenacity rayon filament yarn from Germany for the period June 1, 1995 through May 31, 1996. On August 15, 1996, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order. On October 11, 1996, we received a timely withdrawal of request for review from Akzo.

Pursuant to 19 CFR 353.22(a)(5) of the Department's regulations, the Department may allow a party that requests an administrative review to withdraw such request not later than 90 days after the date of publication of the notice of initiation of the administrative review.

Because Akzo's request for termination was submitted within the 90 day time limit and there were no requests for review from other interested parties, we are terminating this review.

This notice is published in accordance with 19 CFR 353.22(a)(5).

Dated: October 30, 1996.

Jeffery P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–28923 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Burma (Myanmar)

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Burma (Myanmar) and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the availability of the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Burma (Myanmar) and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	96,823 dozen.
342/642	26,152 dozen.
347/348	135,649 dozen.
351/651	41,102 dozen.
448	2,386 dozen.
647/648/847	25,295 dozen.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28851 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Limits and Special Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Colombia

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and Special Access Levels.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Colombia and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC). The Special Access Levels are being established pursuant to Memoranda of Understanding (MOUs) dated June 27, 1995 and August 9, 1995 between the Governments of the United States and Colombia.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits and Special Access Levels. Sublimits are established for products which are not subject to the terms of the Special Access Textile Program.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

Requirements for participation in the Special Access Program are available in Federal Register notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; 60 FR 63512, published on December 11, 1995, and 61 FR 49439, published on September 20, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOUs, the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Colombia and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the restraint limits listed below.

Pursuant to Memoranda of Understanding dated June 27, 1995 and August 9, 1995 between the Governments of the United States and Colombia; and under the terms of the Special Access Textile Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1987), 54 FR 50425 (December 6, 1989) and 61 FR 49439 (September 20, 1996), you are directed to establish Special Access Levels for properly certified textile products in the following categories which are assembled in Colombia from fabric formed and cut in the United States and re-exported in the United States from Colombia during the twelve-month period which begins on January 1, 1997 and extends through December 31, 1997.

Category	Twelve-month limit
315	21,635,594 square meters.
352/652 (Special Access).	33,708,200 dozen.
352/652 (non-Special Access sublimit).	3,370,820 dozen.
443	125,802 numbers.
444 (Special Access).	209,120 numbers.
444 (non-Special Access sublimit).	83,648 numbers.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the Uruguay Round Agreements Act, the ATC, and any administrative arrangement notified to the Textiles Monitoring Body.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements established in the directive of December 5, 1995, shall be denied entry unless the Government of Colombia authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–28852 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing import limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the

quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Guatemala and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC). The Guaranteed Access Levels are being established pursuant to a Memorandum of Understanding (MOU) dated March 3, 1995 between the Governments of the United States and Guatemala.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for 1997. The limit for Category 448 has been reduced for carryforward applied in 1996.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

Requirements for participation in the Special Access Program are available in Federal Register notice 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; 55 FR 3079, published on January 30, 1990, 61 FR 49439, published on September 20, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Guatemala and exported during the period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following restraint limits:

Category	Twelve-month limit
340/640	1,248,513 dozen.
342/642	432,586 dozen.
347/348	1,494,950 dozen.
351/651	263,367 dozen.
443	70,063 numbers.
448	41,297 dozen.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

Pursuant to the Memorandum of Understanding dated March 3, 1995 between the Governments of the United States and Guatemala; and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1987), 54 FR 50425 (December 6, 1989) and 61 FR 49439 (September 20, 1996), effective on January 1, 1997, guaranteed access levels are being established for properly certified textile products assembled in Guatemala from fabric formed and cut in the United States in the following categories which are re-exported to the United States from Guatemala during the period January 1, 1997 through December 31, 1997:

Category	Guaranteed Access Level
340/640	520,000 dozen.
342/642	100,000 dozen.
347/348	1,000,000 dozen.
351/651	200,000 dozen.
443	25,000 numbers.
448	42,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements established in the directive of January 24, 1990, as amended, shall be denied entry unless the Government of Guatemala authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28853 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Kenya

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Kenya and exported during the period January 1, 1997 through December 31,

1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limits for the 1997 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Kenya and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	447,227 dozen.
360	3,229,972 numbers.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28846 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of an Import Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Laos

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Textile Agreement of September 15, 1994, as amended and extended, between the Governments of the United States and the Lao People's Democratic Republic establishes a limit for Categories 340/640 for the period January 1, 1997 through December 31, 1997.

This limit is subject to revision pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC). On the date that the Lao People's Democratic Republic becomes a member of the World Trade Organization the restraint limit will be modified in accordance with the ATC.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limit.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Bilateral Textile Agreement of September 15, 1994, as amended and extended, between the Governments of the United States and the Lao People's Democratic Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in Laos and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of 151,939 dozen.

Imports charged to this category limit for the period January 1, 1996 through December 31, 1996 shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

Should the Lao People's Democratic Republic become a member of the World Trade Organization, the limit set forth above will be subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption

to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28847 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Malaysia

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6712. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Malaysia and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following limits:

Category	Twelve-month restraint limit
Fabric Group	
218, 219, 220, 225–227, 313–315, 317, 326, 611, 613/614/615/617, 619 and 620, as a group.	113,831,113 square meters.
Sublevels within the group	
218	6,531,070 square meters.
219	31,639,405 square meters.
220	31,639,405 square meters.
225	31,639,405 square meters.
226	31,639,405 square meters.
227	31,639,405 square meters.
313	37,735,070 square meters.
314	45,398,143 square meters.
315	31,639,405 square meters.
317	31,639,405 square meters.
326	6,118,348 square meters.
611	3,671,008 square meters.
613/614/615/617	36,318,515 square meters.
619	4,894,679 square meters.
620	6,118,348 square meters.
Other specific limits	
200	275,412 kilograms.
237	370,565 dozen.
300/301	2,921,051 kilograms.
331/631	2,005,550 dozen pairs.
333/334/335/835	229,995 dozen of which not more than 137,997 dozen shall be in Category 333 and not more than 137,997 dozen shall be in Category 835.
336/636	446,538 dozen.
338/339	1,107,075 dozen.
340/640	1,289,527 dozen.
341/641	1,671,275 dozen of which not more than 596,228 dozen shall be in Category 341.
342/642/842	400,306 dozen.
345	153,504 dozen.
347/348	469,180 dozen.
350/650	144,366 dozen.
351/651	248,392 dozen.
363	3,891,269 numbers.
435	15,219 dozen.
438–W [1]	12,454 dozen.
442	18,546 dozen.
445/446	29,439 dozen.
604	1,280,816 kilograms.
634/635	780,033 dozen.
638/639	459,498 dozen.
645/646	351,452 dozen.
647/648	1,653,893 dozen of which not more than 1,157,723 dozen shall be in Category 647–K [2] and not more than 1,157,723 dozen shall be in Category 648–K [3].

Category	Twelve-month restraint limit
Group II	
201, 222–224, 229, 239, 330, 332, 349, 352–354, 359–362, 369, 400–434, 436, 438–O [4], 439, 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 618, 621, 622, 624–630, 632, 633, 643, 644, 649, 652–654, 659, 665–670, 831–834, 836, 838, 839, 840, 843–859, as a group.	44,485,967 square meters equivalent.

[1] Category 438–W: only HTS numbers 6104.21.0060, 6104.23.0020, 6104.29.2051, 6106.20.1010, 6106.20.1020, 6106.90.1010, 6106.90.1020, 6106.90.2520, 6106.90.3020, 6109.90.1540, 6109.90.8020, 6110.10.2080, 6110.30.1560, 6110.90.9074 and 6114.10.0040.

[2] Category 647–K: only HTS numbers 6103.23.0040, 6103.23.0045, 6103.29.1020, 6103.29.1030, 6103.43.1520, 6103.43.1540, 6103.43.1550, 6103.43.1570, 6103.49.1020, 6103.49.1060, 6103.49.8014, 6112.12.0050, 6112.19.1050, 6112.20,.1060 and 6113.00.9044.

[3] Category 648–K: only HTS numbers 6104.23.0032, 6104.23.0034, 6104.29.1030, 6104.29.1040, 6104.29.2038, 6104.63.2010, 6104.63.2025, 6104.63.2030, 6104.63.2060, 6104.69.2030, 6104.69.2060, 6104.69.8026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.9052 and 6117.90.9070.

[4] Category 438–O: only HTS numbers 6103.21.0050, 6103.23.0025, 6105.20.1000, 6105.90.1000, 6105.90.8020, 6109.90.1520, 6110.10.2070, 6110.30.1550, 6110.90.9072, 6114.10.0020 and 6117.90.9025.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28849 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6716. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being increased, variously, for swing, carryover and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62403, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 12, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit
239	579,768 kilograms.
331	530,474 dozen pairs.
338/339	1,357,041 dozen of which not more than 756,822 dozen shall be in Category 338 and not more than 841,492 dozen shall be in Category 339.
347/348	1,084,091 dozen of which not more than 610,412 dozen shall be in Category 347 and not more than 474,765 dozen shall be in Category 348.
604	819,820 kilograms.
631	585,450 dozen pairs.
639	3,706,089 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28854 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6718. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

A Memorandum of Understanding (MOU) dated December 29, 1995, between the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office (TECRO) establishes limits for the period beginning on January 1, 1997 and extending through December 31, 1997.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the 1997 period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Memorandum of Understanding (MOU) dated December 29, 1995 between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office (TECRO); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 1997 and extends through December 31, 1997, in excess of the following restraint limits:

Category	Twelve-month limit
Group I	
200–224, 225/317/326, 226, 227, 229, 300/301/607, 313–315, 360–363, 369–L/670–L/870 [1], 369–S [2], 369–O [3], 400–414, 464–469, 600–606, 611, 613/614/615/617, 618, 619/620, 621–624, 625/626/627/628/629, 665, 666, 669–P [4], 669–T [5], 669–O [6], 670–H [7] and 670–O [8], as a group.	567,376,404 square meters equivalent.
Sublevels in Group I	
218	20,616,982 square meters.
225/317/326	36,595,088 square meters.
226	6,640,840 square meters.
300/301/607	1,664,768 kilograms of which not more than 1,387,306 kilograms shall be in Category 300; not more than 1,387,306 kilograms shall be in Category 301; and not more than 1,387,306 kilograms shall be in Category 607.
363	12,025,574 numbers.
369–L/670–L/870	47,096,112 kilograms.
611	2,971,715 square meters.
613/614/615/617	18,430,280 square meters.
619/620	13,546,541 square meters.
625/626/627/628/629.	17,627,250 square meters.
669–P	320,457 kilograms.
669–T	1,041,554 kilograms.
670–H	18,034,365 kilograms.
Group I subgroup	
200, 219, 313, 314, 315, 361, 369–S and 604, as a group.	138,884,795 square meters equivalent.
Within Group I subgroup	
200	666,174 kilograms.
219	15,161,456 square meters.
313	65,338,232 square meters.
314	27,006,573 square meters.
315	20,693,916 square meters.
361	1,338,197 numbers.
369–S	480,357 kilograms.
604	222,156 kilograms.
Group II	
237, 239, 330–332, 333/334/335, 336, 338/339, 340–345, 347/348, 349, 350/650, 351, 352/652, 353, 354, 359–C/659–C [9], 359–H/659–H [10], 359–O [11], 431–444, 445/446, 447/448, 459, 630–632, 633/634/635, 636, 638/639, 640, 641–644, 645/646, 647/648, 649, 651, 653, 654, 659–S [12], 659–O [13], 831–844 and 846–859, as a group.	755,000,000 square meters equivalent.
Sublevels in Group II	
237	650,860 dozen.
239	5,549,224 kilograms.
331	504,692 dozen pairs.
336	110,888 dozen.
338/339	771,648 dozen.
340	1,117,793 dozen.
345	115,865 dozen.
347/348	1,064,931 dozen of which not more than 1,064,931 dozen shall be in Categories 347–W/348–W [14].
352/652	2,941,976 dozen.
359–C/659–C	1,447,633 kilograms.
359–H/659–H	4,771,565 kilograms.
433	14,940 dozen.
434	10,374 dozen.
435	24,633 dozen.
436	4,904 dozen.
438	27,683 dozen.
440	5,362 dozen.
442	43,651 dozen.
443	41,828 numbers.
444	59,571 numbers.
445/446	134,747 dozen.
631	4,772,364 dozen pairs.

Category	Twelve-month limit
633/634/635	1,634,440 dozen of which not more than 959,317 dozen shall be in Categories 633/634 and not more than 850,077 dozen shall be in Category 635.
638/639	6,565,058 dozen.
640	1,058,909 dozen of which not more than 281,710 dozen shall be in Category 640–Y [15].
642	777,133 dozen.
643	497,773 numbers.
644	706,085 numbers.
645/646	4,107,691 dozen.
647/648	5,248,544 dozen of which not more than 5,248,544 dozen shall be in Categories 647–W/648–W [16].
659–S	1,601,702 kilograms.
835	18,556 dozen.
Group II Subgroup	
333/334/335, 341, 342, 350/650, 351, 447/448, 636, 641 and 651, as a group.	75,332,954 square meters equivalent.
Within Group II Subgroup	
333/334/335	285,284 dozen of which not more than 154,529 dozen shall be in Category 335.
341	336,546 dozen.
342	210,242 dozen.
350/650	134,018 dozen.
351	349,773 dozen.
447/448	20,414 dozen.
636	375,958 dozen.
641	729,620 dozen of which not more than 255,367 dozen shall be in Category 641–Y [17].
651	438,640 dozen.
Group III	
Sublevel in Group III	
845	850,363 dozen.

[1] Category 870; Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6090; Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

[2] Category 369–S: only HTS number 6307.10.2005.

[3] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015, 4202.92.6090 (Category 369–L); and 6307.10.2005 (Category 369–S).

[4] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[5] Category 669–T: only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9030.

[6] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 6306.12.0000, 6306.19.0010 and 6306.22.9030 (Category 669–T).

[7] Category 670–H: only HTS numbers 4202.22.4030 and 4202.22.8050.

[8] Category 670–O: all HTS numbers except 4202.22.4030 4202.22.8050 (Category 670–H); 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025 (Category 670–L).

[9] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[10] Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060; Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[11] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C); 6505.90.1540 and 6505.90.2060 (Category 359–H).

[12] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[13] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[14] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[15] Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[16] Category 647–W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

[17] Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The conversion factors are as follows:

Category	Conversion factors (square meters equivalent/category unit)
300/301/607	8.5
333/334/335	33.75
352/652	11.3
359–C/659–C	10.1
359–H/659–H	11.5
369–L/670–L/870	3.8
633/634/635	34.1
638/639	12.5

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28845 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Thailand

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6717. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Thailand and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following limits:

Category	Twelve-month restraint limit
239	5,751,248 kilograms.
Levels in Group I	
200	1,093,057 kilograms.
218	17,764,307 square meters.
219	5,829,641 square meters.
300	4,372,231 kilograms.
301–P [1]	4,372,231 kilograms.
301–O [2]	874,447 kilograms.
313	20,403,742 square meters.
314	46,637,124 square meters.
315	29,148,202 square meters.
317/326	12,236,697 square meters.
363	18,946,331 numbers.
369–D [3]	208,410 kilograms.
369–S [4]	291,482 kilograms.
604	681,969 kilograms of which not more than 437,223 kilograms shall be in Category 604–A [5].
607	2,914,819 kilograms.
611	12,798,876 square meters.
613/614/615	44,052,107 square meters of which not more than 25,650,419 square meters shall be in Categories 613/615 and not more than 25,650,419 square meters shall be in Category 614.
617	15,907,705 square meters.
619	6,558,345 square meters.
620	6,558,345 square meters.
625/626/627/628/629	12,848,531 square meters of which not more than 10,201,870 square meters shall be in Category 625.
669–P [6]	6,147,593 kilograms.
Group II	
237, 330–359, 431–459, 630–659 and 831–859, as a group.	269,675,837 square meters equivalent.
Sublevels in Group II	
331/631	1,590,929 dozen pairs.
334/634	568,390 dozen.
335/635/835	451,797 dozen.
336/636	291,482 dozen.
338/339	1,804,353 dozen.
340	262,334 dozen.
341/641	619,399 dozen.
342/642	539,242 dozen.
345	276,908 dozen.
347/348/847	761,496 dozen.
351/651	218,611 dozen.
359–H/659–H [7]	1,278,754 kilograms.
433	9,504 dozen.
434	11,732 dozen.
435	53,312 dozen.
438	17,598 dozen.
442	20,436 dozen.
638/639	2,126,559 dozen.
640	480,945 dozen.
645/646	291,482 dozen.
647/648	1,037,676 dozen.

[1] Category 301–P: only HTS numbers 5206.21.0000, 5206.22.0000, 5206.23.0000, 5206.24.0000, 5206.25.0000, 5206.41.0000, 5206.42.0000, 5206.43.0000, 5206.44.0000 and 5206.45.0000.

[2] Category 301–O: only HTS numbers 5205.21.0000, 5205.22.0000, 5205.23.0000, 5205.24.0000, 5205.25.0000, 5205.41.0000, 5205.42.0000, 5205.43.0000, 5205.44.0000 and 5205.45.0000.

[3] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 369–S: only HTS number 6307.10.2005.

[5] Category 604–A: only HTS number 5509.32.0000.

[6] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[7] Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060; Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the Uruguay Round Agreements Act and the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

The conversion factors for merged Categories 359–H/659–H and 638/639 are 11.5 and 12.96, respectively.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28850 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in the Republic of Uruguay

November 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in the Uruguay and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in the following categories, produced or manufactured in Uruguay and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
334	141,270 dozen.
335	121,613 dozen.
410	2,859,036 square meters of which not more than 1,633,737 square meters shall be in Category 410–A [1] and not more than 2,632,127 square meters shall be in Category 410–B [2].
433	17,072 dozen.
434	25,469 dozen.
435	51,436 dozen.
442	36,386 dozen.

[1] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020; Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–28848 Filed 11–8–96; 8:45 am]

BILLING CODE 3510–DR–F

DELAWARE RIVER BASIN COMMISSION

Water Quality Regulations; Amendments to Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations

AGENCY: Delaware River Basin Commission.

ACTION: Notice.

SUMMARY: At its October 23, 1996 business meeting, the Delaware River Basin Commission amended its Comprehensive Plan, Water Code and Water Quality Regulations concerning water quality criteria for toxic pollutants, and policies and procedures to establish wasteload allocations and effluent limitations for point source discharges to Zones 2 through 5 (Trenton, New Jersey to the Delaware Bay) of the tidal Delaware River.

EFFECTIVE DATE: January 1, 1997.

ADDRESSES: Copies of the Commission's Water Code of the Delaware River Basin, Administrative Manual—Part III Water Quality Regulations, the full text of the amendments and *Response Document—September 5, 1996 Public Hearing* are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission: Telephone (609) 883–9500 ext. 203.

SUPPLEMENTARY INFORMATION: On October 5, 11 and 13, 1995, the Commission held public hearings on proposed amendments to its water quality regulations as noticed in the Federal Register, Vol. 60, No. 143, July 26, 1995 and Vol. 60, No. 183, September 21, 1995. As a result of comments received on that proposal and discussions with the Commission's Water Quality and Toxics Advisory Committees, the Commission modified its initial proposal. The proposed regulations, as modified, were the subject of a public hearing on September 5, 1996 as noticed in the Federal Register, Vol. 61, No. 139, July 18, 1996.

Specifically, water quality criteria for selected toxic pollutants are incorporated in the Comprehensive Plan and Article 3 of the Water Code and Water Quality Regulations as stream quality objectives. Article 4 of the Water Quality Regulations has also been amended to include policies and procedures to be used to establish wasteload allocations for those discharges containing pollutants which exceed the stream quality objectives and impact the designated uses of the river.

Adoption of these amendments provides a mechanism for identifying toxic pollutants which impair aquatic life and human health, and developing uniform and equitable wasteload allocations for those NPDES discharges to the tidal Delaware River which contribute to their impairment. The permitting authorities of the Basin states will utilize allocations developed by the Commission to establish effluent limitations for NPDES permittees in their jurisdiction, as appropriate.

Modifications to the initial proposal include the following:

1. Revised numerical values for the stream quality objectives for five parameters;
2. Inclusion of language requiring the Commission to identify and designate critical habitat within the tidal Delaware River;
3. Revised language regarding discharges to exposed benthic habitat;
4. Inclusion of a provision for a demonstration to support alternative requirements for dispersion areas or mixing zones where stream quality objectives for the protection of aquatic life from acute effects may be permitted;
5. Specification that the Commission rather than the Executive Director is authorized to establish alternative requirements based upon the demonstration discussed in item no. 4.;
6. Deletion of tables of values of Minimum Performance Standards, and replacement with language describing the basis for establishing Minimum Performance Standards;
7. Inclusion of language and definitions specifying the order of preference for information/data used to establish initial loadings for allocation of wasteloads;
8. Revised language on adjustments for pollutants in intake water;
9. Modification of language specifying the maximum extent of acute toxicity dispersion areas or mixing zones to indicate that these requirements will be used as a guideline in establishing wasteload allocations;
10. Revised language regarding the basis for the effluent flows for municipal wastewater treatment plants that will be used to set wasteload allocations; and
11. Revised language regarding the type of point source discharge that will be covered by these regulations.

Based upon testimony received since the initial proposal and considerable deliberation, the Commission has amended its Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations.

Delaware River Basin Compact, 75 Stat. 688.

Dated: October 25, 1996.

Susan M. Weisman,

Secretary.

[FR Doc. 96–28840 Filed 11–8–96; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.132A]

Centers for Independent Living; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1997

Purpose of Program: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973 (Act), as amended, consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

Eligible Applicants: To be eligible to apply, an applicant must be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4; have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of Section 725 (b) and (c) of the Act and Subparts F and G of 34 CFR Part 366; and either—(1) not currently be receiving funds under Part C of Chapter 1 of Title VII of the Act; or (2) propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the States and territories listed under AVAILABLE FUNDS.

Deadline for Transmittal of Applications: March 7, 1997.

Deadline for Intergovernmental Review: May 6, 1997.

Applications Available: November 22, 1996.

Available Funds: $563,666 as distributed in the following manner:

American Samoa $154,046

California $152,668

Commonwealth of the Northern Mariana Islands $52,049

Delaware $49,485

Florida $64,995

Guam $52,049

Illinois $38,374

Estimated Range of Awards: $38,374 to $154,046.

Estimated Number of Awards: 1 per eligible State or territory; possibly 2 in California.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b). The regulations for this program in 34 CFR Parts 364 and 366.

For Applications or Further Information Contact: John Nelson, U.S. Department of Education, 600 Independence, S.W., Room 3326 Switzer Building, Washington, D.C. 20202–2741. Telephone (202) 205–9362. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be downloaded from the Rehabilitation Services Administration's electronic bulletin board, telephone (202) 205–5574 (2400 bps) and (202) 205–9950 (9600 bps); and can be viewed on the Department's electronic bulletin board (Ed Board), telephone (202) 260–9950; on the Internet Gopher Server (at gopher://gcs.ed.gov/); or on the World Wide Web (at http://gcs.ed.gov). However, the official application notice for this competition is the notice published in the Federal Register.

Program Authority: 29 U.S.C. 721 (c) and (e) and 796(f).

Dated: November 4, 1996.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–28857 Filed 11–8–96; 8:45 am]

BILLING CODE 4000–01–P

National Educational Research Policy and Priorities Board; Teleconference

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a teleconference of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend. The public is being given less than 15 days notice of this meeting in order to accommodate the members' schedules and the procurement deadlines of the Office of Educational Research and Improvement.

DATES AND TIMES: November 20, 1996; 4 p.m. to 5 p.m.

ADDRESSES: First Floor Conference Room (Room 100), 80 F St., NW., Washington, DC 20208–7564.

FOR FURTHER INFORMATION CONTACT:

John Christensen, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., NW., Washington, DC 20208–7564. Telephone: (202) 219–2065; Fax: (202) 219–1528.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act). The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (the Office) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The teleconference is open to the public. The Board will review and comment on the Assistant Secretary's plans for the expenditure of additional appropriations for FY 1997. A final agenda will be available from the Board's office on November 13, 1996.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 80 F St., NW., Washington, DC 20208–7564.

Dated: November 5, 1996.

Eve M. Bither,

Executive Director.

[FR Doc. 96–28906 Filed 11–8–96; 8:45 am]

BILLING CODE 4000–01–M

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Committee on Standards of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 19(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIMES: December 5, 1996; 8:30 a.m. to 4 p.m.

ADDRESSES: First Floor Conference Room, 80 F St., N.W., Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT: John Christensen, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208–7564. Telephone: (202) 219–2065; Fax: (202) 219–1528. Internet: John__Christensen@ed. gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act). The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (the Office) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The Act directs the Board to provide guidance to the Congress in its oversight of the Office; to advise the United States on the Federal educational research and development effort; and to solicit advice from practitioners, policymakers, and researchers to define research needs and suggestions for research topics. The meeting of the committee is open to the public.

The agenda for December 5 will center on a review of the standards which are under development for evaluating and assessing the

performance of all recipients of grants from and cooperative agreements and contracts with the Office of Educational Research and Improvement. The Committee will also discuss issues pertaining to standards for reviewing and designating exemplary and promising programs. A final agenda will be available from the Board's office on November 27.

Records are kept of all Board proceedings, and are available for public inspection at the Office of the National Educational Research Policy and Priorities Board, 80 F St., NW Washington, D.C. 20208–7564.

Dated: November 6, 1996.

Eve M. Bither,

Executive Director.

[FR Doc. 96–28907 Filed 11–08–96; 8:45 am]

BILLING CODE 4000–01–M

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Committee on Regional Educational Laboratories of the National Education Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIMES: December 9, 1996; 8:30 a.m. to 4 p.m.

ADDRESSES: North Central Regional Educational Laboratory, 1900 Spring Road, Suite 300, Oak Brook, IL 60521.

FOR FURTHER INFORMATION CONTACT: John Christensen, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208–7564. Telephone: (202) 219–2065; Fax (202) 219–1528. Internet John__Christensen@ed.gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act). The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (the Office) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The Act directs the Board to provide guidance to the Congress in its oversight of the Office; to advice the United States on the Federal educational research and development effort; and to solicit advice from practitioners, policymakers, and researchers to define research needs and suggestions for research topics. The meeting of the Committee is open to the public.

The agenda for December 9 will center on the third year evaluation of the work of the laboratories and related issues. A final agenda will be available from the Board's office on December 2.

Records are kept of all Board proceedings, and are available for public inspection at the Office of the National Educational Research Policy and Priorities Board, 80 F St., NW Washington, D.C. 20208–7564.

Dated: November 6, 1996.

Eve M. Bither,

Executive Director.

[FR Doc. 96–28908 Filed 11–8–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC–716]

Agency Information Collection Under Review by the Office of Management and Budget

November 6, 1996.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of request submitted for review to the Office of Management and Budget.

SUMMARY: The Federal Energy Regulatory Commission (commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission, as explained below. The Commission is also responding in this submission to comments it received to an earlier Federal Register notice of July 26, 1996 (61 FR 40208–40209).

DATES: Comments must be filed on or before December 12, 1996.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Commission Desk Officer, 726 Jackson Place N.W., Washington, D.C. 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Division of Information Services, Attention: Mr. Michael Miller, 888 First Street, N.E. Washington D.C. 20426. Mr. Miller may be reached by telephone at (202) 208–1415 and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description: The energy information collection submitted to OMB for review contains:

1. Collection of Information: FERC–716, ''Good Faith Request for Transmission Service and Response by Transmitting Utility under Sections 211(a) and 213(a) of the Federal Power Act''.

2. Sponsor: Federal Energy Regulatory Commission.

3. Control No.: 1902–0170. The Commission is now requesting that OMB approve a three year extension of these mandatory collection requirements.

4. Necessity of Collection of Information: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA) as amended and added by the Energy Policy Act of 1992. The information is not filed with the Commission, however, the request and response may be analyzed as part of the Section 211 proceeding. The Energy Policy Act of 1992 amended Section 211 of the FPA and expanded the Commission's authority to order transmission service. Under the revised Section 211, the Commission may order transmission services if it finds that such action would be in the public interest, would not unreasonably impair the continued reliability of electric systems affected by the order, and would meet the requirements of amended Section 21 of the FPA.

5. Respondent Description: The respondent universe currently comprises approximately 20 electric utilities, Federal power marketing agencies or any other person generating electric energy for sale or resale to apply for an order requiring a transmitting utility to provide transmission services to the applicant.

6. Estimated Burden: 4,000 total burden hours, 20 respondents, 1 response annually, 200 hours per response (average).

Statutory Authority: Section 211(a), 212, 213(a), of the Federal Power Act, 16 U.S.C.

824j-1, and Sections 721–723 of the Energy Policy Act of 1992. (Pub. L. 102–486).

Lois D. Cashell,

Secretary.

[FR Doc. 96–28879 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–47–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective November 1, 1996:

Fourteenth Revised Sheet No. 9
Sixteenth Revised Sheet No. 9
Sixteenth Revised Sheet No. 13
Sixteenth Revised Sheet No. 16
Twentieth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to commence recovery of approximately $18.2 million of pricing differential (PD) and carrying costs that have been incurred by ANR during the period March 1, 1995 through August 30, 1996 as a result of the implementation of Order Nos. 636, et seq. ANR proposes a reservation fee surcharge applicable to its Part 284 firm transportation customers to recover ninety percent (90%) of the PD costs, and an adjustment to the maximum base tariff rates applicable to Rate Schedule ITS and overrun service rendered pursuant to Rate Schedule FTS–2, so as to recover the remaining ten percent (10%).

ANR has requested that the Commission accept the tendered sheets to become effective November 1, 1996. ANR advises that the proposed charges would increase its PD surcharge from $0.221 to $0.357.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28828 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–52–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Columbia Gulf Transmission Company (Columbia Gulf), pursuant to Section 4 of the Natural Gas Act (NGA), Section 154.301 of the Federal Energy Regulatory Commission's Rules and Regulations thereunder (18 CFR Section 154.301), and provisions of the settlement in Columbia Gulf's last Section 4 general rate proceeding in Docket No. RP94–219, tendered for filing revised tariff sheets listed in Appendix A attached to the filing, containing proposed changes to its FERC Gas Tariff, Second Revised Volume No. 1. The tariff sheets listed in Appendix A to the filing bear an issue date of October 31, 1996, and a proposed effective date of December 1, 1996. Columbia Gulf anticipates that the Appendix A tariff sheets will be suspended by the Commission for the full five months permitted by the NGA and moved into effect as of May 1, 1997.

Columbia Gulf states that the rates on the Appendix A tariff sheets reflect moderate increase which have occurred in Columbia Gulf's underlying cost structure since its last rate filing, as well as significant changes in Columbia Gulf's offshore and onshore zone transportation contracts since its current rates were established, and result in approximately $9.6 million of additional revenue annually compared to revenues generated by the current rates. The proposed changes in the Appendix A tariff sheets are based on the 12-month period ending July 31, 1996, adjusted for known and measurable changes anticipated to occur on or before April 30, 1997. In addition, the Appendix A tariff sheets reflect additional changes, including Columbia Gulf's restatement of its retainage factors pursuant to its General Terms and Conditions (GTC) Section 33, the creation of a new offsystem-onshore zone, and a new GTC Section 37 concerning the construction of laterals as required by Section 154.109(b) of the Commission's Regulations.

Columbia Gulf states that its proposals are more fully described in the filing and supported by Statement P testimony filed therewith.

Columbia Gulf states that copies of its filing have been mailed to all firm customers and affected state commissions. Pursuant to Section 154.208(a) of the Commission's Regulations, an abbreviated copy of the filing has been sent to interruptible customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing is on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28823 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–34–001]

East Tennessee Natural Gas Company; Notice of Proposed Changes In FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to become effective on December 1, 1996.

Substitute Second Revised Sheet No. 52A

East Tennessee states that it is filing the proposed tariff change in order to clarify the definition of Maximum Allowed Deliveries as contained on proposed Second Revised Sheet No. 52A contained in East Tennessee's October 11, 1996 tariff filing in this docket.

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 Sections 385.214 and 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. 96–28831 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ97–1–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 30, 1996 Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, certain revised tariff sheets in the above captioned docket, with a proposed effective date of November 1, 1996.

ESNG states that the revised tariff sheets included herein are being filed pursuant to Section 21 of the General Terms and Conditions of ESNG's Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth herein reflect an increase of $0.2955 per dt in the Commodity Charge, as measured against ESNG's Annual PGA filing, Docket No. TA97–1–23–000, et al., filed on August 30, 1996 to be effective on November 1, 1996.

ESNG states that the commodity current purchased gas cost adjustment reflects ESNG's projected cost of gas for the months of November 1996 through January 1997, and has been calculated using its best estimate of available gas supplies to meet ESNG's anticipated purchase requirements. The increased gas costs in this filing are a result of higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211 and Section 385.214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28810 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT97–8–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, El Paso Natural Gas Company (El Paso), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective December 1, 1996:

Second Revised Sheet No. 500
Second Revised Sheet No. 501

El Paso states that the tendered tariff sheets, update the Index of Sales Customers contained in Third Revised Volume No. 1 in compliance with Section 154.111 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28836 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL97–8–000]

Enron Power Marketing, Inc. v. El Paso Electric Company; Notice of Supplemental Order Procedures and Denying Motion

November 5, 1996.

Take notice that the Commission is undertaking certain procedures to consider an emergency application of Enron Power Marketing, Inc. (EPMI) seeking an order pursuant to section 202(e) of the FPA to modify El Paso Electric Company's (El Paso) Export Authorization in Docket No. EA–48–I, (authorizing El Paso to export electricity to Mexico) and/or to modify El Paso's Presidential Permits for its United States-Mexico border facilities in Docket Nos. PP–48–3 (Ascarate) and PP–92 (Diablo). The purpose of such modifications would be to permit the use of El Paso's border facilities for other United States companies to participate in sales of firm capacity and associated energy to Comision Federal De Electricidad (CFE) pursuant to CFE's September 9, 1996 request for proposals (RFP) to provide up to a maximum of 200 MW during 1997 in the Zone of Cuidad Juarez, Chihuahua, on the United States/Mexico border.

EPMI's application was originally filed with the Department of Energy (DOE) on October 7, 1996. EPMI asked DOE to supplement orders issued February 6, 1996, in Docket No. EA–102 (authorizing EPMI to export electricity to Mexico) and April 16, 1992, in Docket No. EA–48–I to require El Paso to provide EPMI nondiscriminatory transmission access over the United States portion of the lines connecting the Diablo and Ascarate substations in the United States with the Insurgentes and Riverena substations in Mexico. EPMI also requested that DOE amend El Paso's Presidential Permits, Docket No. PP–48–3 and Docket No. PP–92, to the extent necessary to grant EPMI's request.

On November 1, 1996, the Secretary of Energy issued Delegation Order No. 0204–163, which delegated to the Commission the authority to modify or condition El Paso's Presidential Permits for its border facilities in Docket Nos. PP–48–3 and PP–92, or El Paso's authorization to export in Docket No. EA–48–I, or both. DOE authorized the Commission to take actions necessary, if any, to effectuate open access transmission over the lines connecting the Diablo and Ascarate substations in the United States with the Insurgentes and Riverena substations in Mexico. EPMI's October 7, 1996 application initially filed with DOE has been

docketed as Docket No. EL97–8–000 and pleadings filed at DOE in response to that application are incorporated into the record in Docket No. EL97–8–000.

In a pleading filed November 1, 1996, EPMI informed the Commission that CFE will select the winning bidder on November 7, 1996, and the chosen supplier will have 10 days from that time (November 17, 1996) to demonstrate that it has transmission service to meet the CFE's requirements. El Paso filed an emergency motion on November 1, 1996, requesting a period of time no earlier than December 2, 1996, in which to submit a response to EPMI's October 7, 1996 application. El Paso states that it will, assuming its system has capacity, voluntarily provide the service sought by EPMI, as well as service to any entity that is selected by CFE as a result of its September 9, 1996 RFP, ''at rates, terms and conditions that are identical to those incorporated in its Open Access Transmission Tariff'' but ''under a separate agreement that is not subject to the jurisdiction of the Commission,'' pending final action on EPMI's application. On November 4, 1996, EPMI filed an answer to El Paso's motion stating that it does not oppose El Paso's requests as long as: (1) El Paso's commitment to provide voluntary service is fully enforceable in future compliance or complaint proceedings before the Commission under sections 205 and 206 of the FPA; and (2) EPMI is afforded an opportunity to respond to the arguments that El Paso may make.

Given the time constraints involved in this proceeding, we believe it necessary to provide hearing procedures that will afford El Paso with an ''opportunity for hearing'' required in section 202(e) of the FPA, the Presidential Permits or the Executive Orders under which such permits were issued, or in El Paso's export authorization from DOE before November 17, 1996, on the issues raised in EPMI's October 7, 1996, application. El Paso's motion does not provide sufficient reassurance that service will be available to EPMI or another winning bidder during the pendency of this proceeding because, as EPMI notes, El Paso does not believe that service is enforceable by this Commission under the Federal Power Act and has provided potential suppliers to CFE no other means of ensuring that service will be provided. As a result, unless El Paso in the immediate future provides sufficient reassurance that service will be available during the pendency of this proceeding, timely action on this complaint is necessary. Thus, we will grant El Paso's motion only if, by November 8, El Paso agrees in writing to offer to the winning bidder selected by CFE an enforceable contract for the year 1997 to provide the necessary transmission services at rates, terms and conditions consistent with the comparability and non-discriminatory principles articulated in Order No. 888. Further, El Paso must by November 8 agree to abide by the Commission's resolution of any disputes that arise under such contract, pending Commission resolution of the jurisdictional issues presented in this proceeding.

If El Paso does not provide this written consent by November 8, any person desiring to be heard or to protest or answer EPMI's filing in Docket No. EL97–8–000, including El Paso, should file a motion to intervene, protest, or answer, including supporting materials, with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214, 211 and 213 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 211, 213). All such motions, protests, answers, and supporting materials, must be filed on or before November 12, 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.

By direction of the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28880 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–56–000]

Florida Gas Transmission Company; Notice of Transition Cost Recovery Report

November 5, 1996.

Take notice that on November 1, 1996, Florida Gas Transmission Company (FGT) tendered for filing a Transition Cost Recovery Report pursuant to Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1.

FGT states that the Transition Cost Recovery Report filed summarizes the activity which has occurred in its TCR Account and Order No. 636 Account through October, 1996 and includes $940,948.87 of recoverable transition costs not previously reported. FGT states that because the currently effective TCR and 636 reservation charge and TCR usage surcharge rates are at the maximum levels permitted by FGT's tariff, no tariff revisions are required as a result of this filing.

FGT states that copies of the filing were mailed to all customers serviced under the rate schedules affected by the report and the interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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 13, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28820 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–267–001]

Gas Research Institute; Notice of Request

November 5, 1996.

Take notice that on November 4, 1996, Gas Research Institute (GRI) filed a letter requesting authority to exceed the 10-unit field test limit for one of three planned field test activities.

In a letter dated October 16, 1996, GRI notified the Director of the Office of Pipeline Regulation that it plans to commence three separate field test activities. Two of these are scheduled to begin immediately and last through the end of 1996, and involve the field testing of 11 units in Project 0616 and 6 units in Project 1007. The third field test, which involves only one unit in Project 1445, is not scheduled to commence until April-May 1997. GRI notes that the field test activities in Projects 1007 and 1445 do not require prior Commission approval before commencement. GRI is required, however, to inform the Commission when it commences field test activities under its automatic authority. In compliance with this requirement, GRI's letter includes information on the field test activities in Projects 1007 and 1445, and on the first 10 units of the Project 0616 field test.

Since the number of units to be field tested for Project 0616 would exceed the 10-unit Commission-set limit, GRI is required to first obtain Commission approval before field testing any units in excess of this limit. Accordingly, GRI seeks approval to field test the eleventh unit.

GRI plans to fund the field tests using reprogramming authority within Stipulation 6 limits, and notes that all of the planned field tests have at least 50% cofunding.

Any person desiring to be heard or to protest GRI's petition 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 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All protests, motions to intervene and comments should be filed on or before November 13, 1996. All comments and protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28833 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–55–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on November 1, 1996, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, the tariff sheets listed on Appendix C to the filing, with a proposed effective date of January 1, 1997.

Great Lakes states that the tariff sheets are being filed in compliance with Commission Order N0. 582, 72 FERC ¶ 61,300 (1995), issued September 28, 1995, in Docket No. RM96–3–000, and Order No. 587, issued July 17, 1996, in Docket No. RM96–1–000. Great Lakes states that the purpose of the instant filing is to convert Great Lakes' rates and tariff from a volumetric (Mcf) to a thermal basis (Dth) and to measure heat content on a dry basis.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Commission's Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28821 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–70–000]

High Island Offshore System; Notice of Tariff Filing

November 5, 1996.

Take notice that on November 1, 1996, High Island Offshore System (HIOS), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective December 1, 1996:

Cover

Third Revised Sheet No. 1
Second Revised Sheet No. 2
Third Revised Sheet No. 69
Second Revised Sheet No. 106–108
Third Revised Sheet No. 110

HIOS states that it is filing the instant tariff sheets to comply with the Commission's Order No. 582 governing the form and composition of interstate natural gas pipeline tariffs.

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 Section 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. 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 and available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28816 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–46–000]

Koch Gateway Pipeline Company; Notice of Refund Report

November 5, 1996.

Take notice that on October 30, 1996, Koch Gateway Pipeline Company (Koch) tendered for filing a final reconciliation summary for the High Island Offshore System and U–T Offshore System (HIOS/UTOS) Account 858 Surcharge. Koch states that it fully recovered its transition costs relating to HIOS/UTOS on August 31, 1996 and will be crediting up to 177 customers for the excess balance of $28,181 plus interest within 30 days.

Koch states that the refund report and transmittal letter was mailed to all affected shippers and interested State Commissions

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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 13, 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28829 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–45–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 30, 1996, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with a proposed effective date of December 1, 1996:

Title Page
Second Revised Sheet No. 94
Third Revised Sheet No. 147
Third Revised Sheet No. 170
First Revised Sheet No. 246
First Revised Sheet No. 266
First Revised Sheet No. 292
First Revised Sheet No. 310
First Revised Sheet No. 322
First Revised Sheet No. 330

MRT states that the purpose of this filing is to make minor changes to address housekeeping and clarification of MRT's current practices.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 or 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28830 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–3–16–000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Fourteenth Revised Sheet No. 5A, with a proposed effective date of November 1, 1996.

National states that under Article II, Section 2, of the approved settlement in the proceedings at Docket No. RP94–367–000, et al., National is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under Section 1 of Article II. The recalculation produced an IG rate of 11 cents per dth.

National further states that pursuant to Article II, Section 4, National is filing a revised tariff sheet within 30 days of the effective date of the revised IG rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and procedure (18 CFR 385.211 385.214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary

[FR Doc. 96–28812 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–51–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Seventh Revised Sheet No. 22, to be effective December 1, 1996.

Natural states that the filing is submitted pursuant to Section 21 of the General Terms and Conditions of Natural's FERC Gas Tariff, Sixth Revised Volume No. 1 (Section 21), as the seventh semiannual limited rate filing under Section 4 of the Natural Gas Act and the Rules and Regulations of the Federal Energy Regulatory Commission promulgated thereunder. The rate adjustments filed for are designed to recover Account No. 858 stranded costs incurred by Natural under contracts for transportation capacity on other pipelines. Costs for any Account No. 858 contracts specifically excluded under Section 21 are not reflected in this filing.

Natural requested specific waivers of Section 21 and the Commission's Regulations, including the requirements of Section 154.63, to the extent necessary to permit the tariff sheet to become effective December 1, 1996.

Natural states that copies of the filing are being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or 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 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. 96–28824 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–22–008]

Natural Gas Pipeline Company of America; Notice of Filing of Report of Refund

November 5, 1996.

Take notice that on October 30, 1996, Natural Gas Pipeline Company of America (Natural) tendered for filing its Report of Distribution of Refunds distributed in accordance with the provisions of Section 42 of the General Terms and Conditions of Natural's FERC Gas Tariff, Sixth Revised Volume No. 1.

Natural states that a copy of this report has been mailed to all recipients of the refund and state regulatory agencies.

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 on or before November 13, 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. 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. 96–28834 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–57–000]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on November 1, 1996, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to be effective December 1, 1996:

First Revised Sheet No. 15
Second Revised Sheet No. 35
Second Revised Sheet No. 38
Original Sheet No. 38A
Second Revised Sheet No. 39
Second Revised Sheet No. 66
Second Revised Sheet No. 67
Original Sheet No. 67A
Second Revised Sheet No. 68
First Revised Sheet No. 128
Original Sheet No. 128A
First Revised Sheet No. 164A
Third Revised Sheet No. 165
Original Sheet No. 195A
First Revised Sheet No. 230A
First Revised Sheet No. 297

NGT states that the filing revises the penalty for unauthorized overrun quantities under Rate Schedule FT and IT, incorporates a 50 MMBtu unauthorized overrun threshold prior to incurrence of unauthorized overrun penalties in most circumstances, revises the penalty for failure to comply with Operational Flow Orders and adds a penalty under Rate Schedule PS for activities which do not correspond to quantities authorized.

NGT states that the new tariff provisions will subject Shippers who fail to comply with an OFO to a $25.00 per MMBtu penalty. Under Rate Schedules FT and IT, Shippers will be penalized the greater of $25.00, or the Gas Cost, per MMBtu if its unauthorized overrun quantities are greater than 105% but less than or equal to 110% of quantities authorized, and the greater of $50.00, or the Gas Cost, per MMBtu for unauthorized overrun quantities in excess of 110% of the authorized quantities.

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 Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party 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. 96–28819 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–1–138–000]

Norteño Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on November 1, 1996, Norteño Pipeline Company (Norteño), tendered for filing proposed changes in its FERC Gas Tariff, First Volume No. 1. Norteño submitted First Revised Sheet No. 10 with a proposed effective date of October 1, 1996.

Norteño states that it submitted the tariff sheet to comply with Order No. 472 in Docket No. RM87–3–000, establishing that cost responsibility for the Commission's budgetary expenses would be assessed against gas pipelines and others through annual charges. Order No. 472 permitted pipelines to pass through these annual charges by means of an Annual Charge Adjustment Provision. In accordance with Order No. 472 and Section 28 of the General Terms and Conditions of Norteño's FERC Gas Tariff, Norteño submits for filing First Revised Sheet No. 10 to track the Commission's approved ACA unit rate of $0.0020 per Mcf ($0.0020 per MMBtu on Norteño's system) effective October 1, 1996.

Norteño requests waiver of Section 154.402(b)(3) of the Commission's rules in order to permit the proposed tariff sheet to become effective on October 1, 1996.

Norteño states that copies of the filing were served upon Norteño's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28814 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–69–000]

Northwest Pipeline Corporation; Notice of Petition for Grant of Limited Waiver of Tariff

November 5, 1996.

Take notice that on November 1, 1996, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Northwest Pipeline Corporation (Northwest) tendered for filing a Petition for Grant of Limited Waiver of Tariff.

Northwest seeks a limited waiver of Section 23 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, to allow Northwest to issue a monthly check in lieu of a credit to Pacific Interstate Transmission Company (PITCO) for reservation charges collected from replacement shippers for capacity released by PITCO.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28817 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–48–000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

November 5, 1996.

Take notice that on October 31, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of November 1, 1996:

Tariff Sheets Applicable to Contesting Parties

Sixteenth Revised Sheet No. 14
Thirty Eighth Revised Sheet No. 15
Sixteenth Revised Sheet No. 16
Thirty Eighth Revised Sheet No. 17
Twenty Fifth Revised Sheet No. 29

Southern states that it submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No.1, to reflect a change in its FT/FT–NN GSR Surcharge, due to a credit for interim firm transportation provided during October 1996 and an increase in GSR billing units effective November 1, 1996.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervent. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28827 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–53–000]

Steuben Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Steuben Gas Storage Company (Steuben) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1A, Original Sheet Nos. 1 and 2, with a proposed effective date of December 1, 1996.

Steuben states that Original Sheet Nos. 1 and 2 set forth Steuben's proposed sales Rate Schedule S–1. Steuben proposes that its sales Rate Schedules S–1 become effective December 1, 1996.

Steuben states that copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28822 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–50–000]

Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2, revised tariff sheets listed on Appendix A to the filing to become effective December 1, 1996

Texas Eastern states that the revised tariff sheets are being filed (i) pursuant to Section 15.6, Applicable Shrinkage Adjustment (ASA), contained in the General Terms and Conditions of Texas Eastern, FERC Gas Tariff, Sixth Revised Volume No. 1, and (ii) pursuant to Texas Eastern's Docket No. RP85–177–119, et al, Stipulation and Agreement (''Settlement'') filed January 31, 1994 and approved by Commission order issued May 12, 1994.

Texas Eastern states that it is filing concurrently its Annual PCB-Related Cost Filing to reflect the PCB-Related Cost rate components to be effective for the twelve month period December 1, 1996 through November 30, 1997 (PCB Year 7). Texas Eastern states that the combined impact on Texas Eastern's rates at December 1, 1996 of this filing in combination with the PCB Year 7 Filing for typical long haul service under Rate Schedule FT–1 from Access Area Zone East Louisiana to Market Zone 3 (ELA–M3) equates to an overall decrease of 0.23 cents as follows:

	100% LF impact ($/dth)
PCB Year 7 Filing	(0.0067)
ASA & Global Settlement:	
ASA Surcharge	0.0055
Spot Fuel Component	0.0003
Account 858 Costs	(0.0014)
Grand Total	(0.0023)

Texas Eastern states that the changes proposed to become effective beginning December 1, 1996 consist of (1) revised ASA Percentages designed to retain in-kind the projected quantities of gas required for the operation of Texas Eastern's system, less quantities projected to be purchased from Appendix C contracts under the Settlement, in providing service to its customers, (2) the ASA Surcharge designed to recover the net monetary value recorded in the Applicable Shrinkage Deferred Account as of August 31, 1996, (3) Spot Fuel Components designed to recover the Spot Costs, as defined in the Settlement, projected to be incurred over the twelve month period beginning December 1, 1996 and the balance recorded in the Spot Fuel Deferred Account as of August 31, 1996, (4) A Fuel Reservation Charge Adjustment designed to recover the excess (limited to a maximum rate) of the August 31, 1996 balance in the Non-Spot Fuel Deferred Account over the threshold amount of $25 million specified in Appendix E of the Settlement, and (5) a revised Account No. 858 Costs rate component designed to recover the projected annual cost and the August 31, 1996 balance recorded in the Account No. 858 Costs Deferred Account which represents the amount necessary to true up the actual costs incurred subsequent to the Effective Date of the Settlement with actual cost recoveries subsequent to the Effective Date of the Settlement, plus applicable carrying costs. Texas Eastern states that this filing also constitutes Texas Eastern's report of the annual reconciliation of the interruptible revenues under Rate schedules IT–1, PT1 and ISS–1 as well as for Rate

Schedule LLIT and for Rate Schedule VKIT.

Texas Eastern states that the ASA Percentages proposed herein are increased compared to those percentages in Texas Eastern's currently effective tariff due primarily to the reduction in the annual quantity of gas available to use as fuel from the Appendix C contracts as provided in the Settlement which is offset by the decrease in the projected portion of the Spot Fuel Components. Texas Eastern has requested waiver of its tariff or any other waivers the Commission may deem necessary in order to permit Texas Eastern to levelize its ASA percentages for the eight month period covering the Spring, Summer and Fall seasons in the interest of rate stability based upon several requests from its customers.

Texas Eastern states that copies of its filing have been served on all Firm Customers of Texas Eastern and Interested State Commissions, as well as all current interruptible shippers and all parties to the Settlement in Docket No. RP85–177–119, et al.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on a file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28825 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–49–000]

Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2, the tariff sheets listed on Appendix A to the filing to become effective December 1, 1996.

Texas Eastern asserts that the purpose of this filing is to comply with the Stipulation and Agreement filed by Texas Eastern in Docket Nos. RP88–67, et al. (Phase II/PCBs) and with Section 26 of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1.

Texas Eastern states that such tariff sheets reflect a decrease in the PCB-Related Cost component of Texas Eastern's currently effective rates. For example, the reduction in the 100% load factor average cost of long-haul service under Rate Schedule FT–1 to Market Zone 3 is $0.0067/dth.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern and interested state commissions. Texas Eastern further states that copies of this filing have also been mailed to all parties on the service list in Docket Nos. RP88–67, et al. (Phase II/PCBs) and to all current interruptible shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28826 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–79–000]

Texas Gas Transmission Corporation; Notice of Request Under Blanket Authorization

November 5, 1996.

Take notice that on October 31, 1996, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP97–79–000 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 construct and operate a new delivery point in Coahoma County, Mississippi, to serve an existing customer, Mississippi Valley Gas Company (MVG), a local distribution company, under Texas Gas's blanket certificate issued in Docket No. CP82–407–000 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.

Texas Gas states that the proposed delivery point will be known as the Viney Ridge Road Delivery Point and will be located on Texas Gas's Mainline System in Coahoma County, Mississippi. Texas Gas also states that it will install, own, operate and maintain the side valve, dual 2″ orifice meter station, electronic flow measurement, telemetry and related facilities, and that all necessary construction by Texas Gas will occur inside previously disturbed existing right-of-way.

Texas Gas states that the new delivery point will provide operating flexibility and increased supply security to MVG in the Clarksdale, Mississippi area. The estimated maximum daily volume for this point is 5,000 MMBtu.

Texas Gas states that MVG will serve the new delivery point with natural gas transported pursuant to its Firm Transportation Agreement and Firm No Notice Transportation Agreement with Texas Gas, and has informed Texas Gas it will not require any increase in existing contract quantities to accommodate service to the new delivery point.

Texas Gas states that since no increase in contract quantities has been requested by MVG, the above proposal will have no significant effect on Texas Gas's peak day and annual deliveries, and service to MVG through this point can be accomplished without detriment to Texas Gas's other customers.

Texas Gas states that MVG will reimburse Texas Gas for the cost of the facilities to be installed by Texas Gas, which cost is estimated to be $86,100.

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. 96–28835 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–71–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on November 1, 1996, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendix A to that filing, to become effective December 1, 1996.

Transco states that the cost of service proposed in the instant filing is $793,104,220, compared to a cost of service of $710,024,010 underlying Transco's rates found just and reasonable in Docket No. RP92–137. Transco notes that since the effectiveness of the Docket No. RP92–137 case, it has filed a general rate case in Docket No. RP95–197, as to which settlements addressing issues including cost of service are currently awaiting Commission action. Transco also notes that the cost of service for Docket No. RP92–137 is not directly comparable to the cost of service in the instant case, due to the fact that certain Transco expansion projects, which increased cost of service but which did not require Transco to file a general Section 4 rate case, were placed into service after the effectiveness of the Docket No. RP92–137 case, i.e., September 1, 1992.

Transco states that the principal factors supporting the increase in cost of service are (1) an increase in rate base resulting from additional plant, and (2) an increase in operation and maintenance expenses.

Transco states that changes proposed in the instant filing compared to the pre-filed methods in place on the Transco system are principally: (1) allocation of 100% of the Hester Storage field cost of service to its system firm and interruptible transportation services; (2) allocation of Accumulated Deferred Income Taxes based on a net plant allocation; (3) capitalization of pipeline recoating expenses beginning May 1, 1997; (4) elimination of the ''at-risk'' certificate condition governing Transco's Mobile Bay facilities (although the instant case has been filed consistent with the ''at-risk'' condition); and (5) refunctionalization, pursuant to a prior Commission order, of certain jointly owned transmission facilities to the gathering function.

Transco also states that its rates for firm backhauls are currently at issue in Docket No. RP96–211, and that the rates reflected in the instant filing are consistent with Transco's October 2, 1996 compliance filing in that proceeding.

Transco states that it is not making any proposals in the instant filing which are inconsistent with the Stipulation and Agreement filed on June 19, 1996, in Docket No. RP95–197, which was certified to the Commission on July 31, 1996 by the Presiding Administrative Law Judge in that proceeding.

Transco further states that the instant filing also proposes on a prospective only basis the following changes to the pre-filed methods: (1) roll-in of the costs of the Leidy Line and Southern expansion transmission facilities which currently are subject to incremental pricing; and (2) establishing rates for interruptible backhaul service equal to rates for interruptible forward haul service. Transco has included in Statement Q pro forma tariff sheets reflecting the interruptible backhaul rate proposal. These changes are proposed to be effective prospectively only after Commission approval.

Transco states that copies of the filing have been served upon its affected customers and interested State Commissions.

Any person desiring to be heard or to protect this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28815 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–397–001 and RP95–425–002]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996 Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of November 1, 1996:

1st Revised Sheet No. 5B.03

Transwestern states that the purpose of this filing is to reduce the amount originally filed to be recovered in its TCR II, No. 2 filing made September 30, 1996, based on the Stipulation and Agreement filed in Docket No. RP95–271–003 on May 21, 1996 and an amendment filed in Docket No. RP95–425 filed July 18, 1996.

Transwestern states that this filing will reduce TCR II, No. 2 by $159,121.09 and Transwestern is filing a tariff sheet to reflect this reduction in the TCR II surcharge.

Transwestern states that copies of the filing were served on its gas utility customers, interested state commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28832 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–3–30–000]

Trunkline Gas Company; Notice of Filing

November 5, 1996.

Take notice that on November 1, 1996, Trunkline Gas Company (Trunkline) tendered for filing its Annual Interruption Storage Revenue Credit Surcharge Adjustment in accordance with Section 24 of the

General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1.

Trunkline states that the purpose of this filing is to comply with Section 24 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1 which requires that at least 30 days prior to the effective date of adjustment, Trunkline shall make a filing with the Commission to reflect the adjustment, if any, required to Trunkline's Base Transportation Rates to reflect the result of the Interruptible Storage Revenue Credit Surcharge Adjustment. Trunkline further states that no adjustment is required to Base Transportation Rates.

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 said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with 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. 96–28811 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–65–000]

U–T Offshore System; Notice of Tariff Filing

November 5, 1996.

Take notice that on November 1, 1996, U–T Offshore System (U–TOS), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective December 1, 1996.

Cover

First Revised Sheet No. 1
Second Revised Sheet No. 2
First Revised Sheet Nos. 10–13
First Revised Sheet Nos. 19–20
First Revised Sheet Nos. 23–25
First Revised Sheet Nos. 31–32
First Revised Sheet No. 33
First Revised Sheet No. 71
Fourth Revised Sheet No. 73

U–TOS states that it is filing the instant tariff sheets to comply with the Commission's Order No. 582 governing the form and composition of interstate natural gas pipeline tariffs.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. 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 and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28818 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2914–000]

Working Assets Green Power, Inc.; Notice of Filing

November 5, 1996.

Take notice that on October 9, 1996, Working Assets Green Power, Inc. tendered for filing additional information to its September 5, 1996, filing filed in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 15, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28809 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–2–76–000]

Wyoming Interstate Company, Ltd.; Notice of Proposed Changes in FERC Gas Tariff

November 5, 1996.

Take notice that on October 31, 1996, Wyoming Interstate Company (WIC), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 5.1, and as part of its FERC Tariff, Second Revised Volume No. 2, Third Revised Sheet No. 4A reflecting an increase in the fuel reimbursement percentage for Fuel, Lost and Unaccounted-for Percentage (FL&U) from 0.07% to 0.31% effective December 1, 1996.

WIC states that copies of the filing were served upon the company's intervening jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211 and 385.214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28813 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG97–9–000, et al.]

Two Elk Generation Partners, Limited Partnership, et al.; Electric Rate and Corporate Regulation Filings

November 4, 1996.

Take notice that the following filings have been made with the Commission:

1. Two Elk Generation Partners, Limited Partnership

[Docket No. EG97–9–000]

On October 29, 1996, Two Elk Generation Partners, Limited Partnership (''Applicant''), c/o Michael J. Ruffatto, North American Power Group, Ltd., 8480 East Orchard Road, Suite 4000, Greenwood Village CO

80111, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant will own an approximately 250 MW electric generating facility located in the vicinity of Campbell County, Wyoming and an interconnection line necessary to effect sales at wholesale. The Facility's electricity will be sold exclusively at wholesale.

Comment date: November 25, 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. Indeck Pepperell Power Associates, Inc.

[Docket No. ER96–345–003]

Take notice that on October 17, 1996, Indeck Pepperell Power Associates, Inc. (Indeck Pepperell) submitted for filing a notification of a change in ownership.

Indeck Pepperell states that its compliance filing is in accordance with Part 35 of the Commission's Regulations. Indeck Pepperell requests a waiver of the Commission's notice requirements so that its revised rate schedule may become effective October 18, 1996.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company, Massachusetts Electric Co.

[Docket No. ER97–219–000]

Take notice that on October 25, 1996, New England Power Company and Massachusetts Electric Company filed an Interconnection Service Agreement with the Massachusetts Bay Transportation Authority.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Duquesne Light Company

[Docket No. ER97–220–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated September 17, 1996 with AIG Trading Corporation under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds AIG Trading Corporation as a customer under the Tariff. DLC requests an effective date of September 17, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Duquesne Light Company

[Docket No. ER97–221–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated August 28, 1996 with Industrial Energy Applications, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Industrial Energy Applications, Inc. as a customer under the Tariff. DLC requests an effective date of August 28, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Duquesne Light Company

[Docket No. ER97–222–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated September 5, 1996 with AYP Energy, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds AYP Energy, Inc. as a customer under the Tariff. DLC requests an effective date of September 5, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Duquesne Light Company

[Docket No. ER97–223–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated September 10, 1996 with Williams Electric Services Company under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Williams Electric Services Company as a customer under the Tariff. DLC requests an effective date of September 10, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Duquesne Light Company

[Docket No. ER97–224–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated October 1, 1996 with Delhi Energy Services, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Delhi Energy Services, Inc. as a customer under the Tariff. DLC requests an effective date of October 1, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Duquesne Light Company

[Docket No. ER97–225–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated October 1, 1996 with PacifiCorp Power Marketing, Inc., under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds PacifiCorp Power Marketing, Inc. as a customer under the Tariff. DLC requests an effective date of October 1, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Duquesne Light Company

[Docket No. ER97–226–000]

Take notice that on October 25, 1996, Duquesne Light Company (DLC), filed a Service Agreement dated September 23, 1996 with Morgan Stanley Capital Group, Inc. under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Morgan Stanley Capital Group, Inc. as a customer under the Tariff. DLC requests an effective date of September 23, 1996 for the Service Agreement.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER97–228–000]

Take notice that on October 28, 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 Southern Energy Marketing, Inc.

Cinergy and Southern Energy Marketing, Inc. are requesting an effective date of November 1, 1996.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER97–229–000]

Take notice that on October 28, 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 AYP Energy, Inc.

Cinergy and AYP Energy, Inc. are requesting an effective date of October 1, 1996.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Southwestern Public Service Company

[Docket No. ER97–230–000]

Take notice that on October 28, 1996, Southwestern Public Service Company (SPS), tendered for filing an amendment to the Agreement for Wholesale Full Requirements Power Service between SPS and Lyntegar Electric Cooperative, Inc. (Lyntegar). The amendment adds four new delivery points to the service SPS is currently providing Lyntegar.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Commonwealth Edison Company

[Docket No. ER97–231–000]

Take notice that on October 28, 1996, Commonwealth Edison Company (ComEd), submitted five Service Agreements, variously dated, establishing Pacificorp Power Marketing (Pacificorp), VTEC Energy Inc. (VTEC), MidAmerican Energy Company (MEC), AYP Energy Inc. (AYP), and ERI Services (ERI), as non-firm customers under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of September 28, 1996 for the service agreements with Pacificorp, VTEC, MEC and AYP, and an effective date of October 3, 1996 for the service agreement with ERI, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon Pacificorp, VTEC, AYP, ERI and the Illinois Commerce Commission.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Commonwealth Edison Company

[Docket No. ER97–232–000]

Take notice that on October 28, 1996, Commonwealth Edison Company (ComEd), submitted for filing four Service Agreements, establishing Indiana Municipal Power Agency (IMPA), Central Illinois Public Service Company (CIPS), MidAmerican Energy Company (MEC), and AYP Energy, Inc. (AYP), as customers under the terms of ComEd's Power Sales and Reassignment of Transmission Rights Tariff PSRT–1 (PSRT–1 Tariff). The Commission has previously designated the PSRT–1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of September 28, 1996, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon IMPA, CIPS, MEC, AYP, and the Illinois Commerce Commission.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Illinois Power Company

[Docket No. ER97–233–000]

Take notice that on October 28, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Entergy Power Marketing Corporation will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of November 1, 1996.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Potomac Electric Power Company

[Docket No. ER97–234–000]

Take notice that on October 25, 1996, Potomac Electric Power Company (Pepco), tendered for filing service agreements pursuant to Pepco FERC Electric Tariff, Original Volume No. 4, entered into between Pepco and Carolina Power & Light, Rainbow Energy Marketing Corporation, MidCon Power Services Corp., Pennsylvania Power & Light Company, and Florida Power & Light Company. An effective date of October 21, 1996 for these service agreements, with waiver of notice, is requested.

Comment date: November 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–28858 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–P

Sunshine Act Meeting

Issued November 6, 1996.

THE FOLLOWING NOTICE OF MEETING IS PUBLISHED PURSUANT TO SECTION 3(A) OF THE GOVERNMENT IN THE SUNSHINE ACT (PUB. L. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: FEDERAL ENERGY REGULATORY COMMISSION.

DATE AND TIME: NOVEMBER 13, 1996 10:00 A.M.

PLACE: ROOM 2C, 888 FIRST STREET, N.E., WASHINGTON, D.C. 20426.

STATUS: OPEN.

MATTERS TO BE CONSIDERED: AGENDA.

*NOTE—ITEMS LISTED ON THE AGENDA MAY BE DELETED WITHOUT FURTHER NOTICE.

CONTACT PERSON FOR MORE INFORMATION: LOIS D. CASHELL, SECRETARY, TELEPHONE (202) 208–0400. FOR A RECORDING LISTING ITEMS STRICKEN FROM OR ADDED TO THE MEETING, CALL (202) 208–1627.

THIS IS A LIST OF MATTERS TO BE CONSIDERED BY THE COMMISSION. IT DOES NOT INCLUDE A LISTING OF ALL PAPERS RELEVANT TO THE ITEMS ON THE AGENDA; HOWEVER, ALL PUBLIC DOCUMENTS MAY BE EXAMINED IN THE REFERENCE AND INFORMATION CENTER.

CONSENT AGENDA—HYDRO, 662ND MEETING—NOVEMBER 13, 1996, REGULAR MEETING (10:00 A.M.)

CAH–1.
DOCKET# P–10536, 004, PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON

CAH–2.
DOCKET# P–10934, 006, WILLIAM B. RUGER, JR.

CAH–3.
DOCKET# P–1494, 134, GRAND RIVER DAM AUTHORITY

CAH–4.
DOCKET# P–7982, 002, EVANS, EVANS, & EVANS, INC.

CAH–5.
DOCKET# EL95–48, 000, PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON
OTHER#S P–2042, 001, PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

CAH–6.
DOCKET# P–2145, 021, PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

CAH–7.
DOCKET# P–4797, 042, COGENERATION, INC.
OTHER#S P–4797, 043, COGENERATION, INC.
P–4797, 044, COGENERATION, INC.
P–4797, 045, COGENERATION, INC.
P–4797, 048, COGENERATION, INC.

CONSENT AGENDA—ELECTRIC

CAE–1.
DOCKET# ER96–2504, 000, THE CINCINNATI GAS & ELECTRIC COMPANY AND PSI ENERGY, INC.
OTHER#S ER96–2506, 000, THE CINCINNATI GAS & ELECTRIC COMPANY AND PSI ENERGY, INC.
CAE–2.
DOCKET# ER96–2957, 000, NORTHROP GRUMMAN CORPORATION
OTHER#S ER96–2958 000 GRUMMAN AEROSPACE CORPORATION
CAE–3. DOCKET# OA96–159, 000, ATLANTIC CITY ELECTRIC COMPANY
OTHER#S OA96–3, 000, ST. JOSEPH LIGHT & POWER COMPANY
OA96–4, 000, KANSAS CITY POWER & LIGHT COMPANY
OA96–9, 000, PACIFICORP
OA96–10, 000, TAPOCO, INC.
OA96–12, 000, YADKIN, INC.
OA96–13, 000, PECO ENERGY COMPANY
OA96–16, 000, IDAHO POWER COMPANY
OA96–20, 000, WISCONSIN POWER & LIGHT COMPANY
OA96–36, 000, CENTRAL ILLINOIS LIGHT COMPANY
OA96–40, 000, MONTANA-DAKOTA UTILITIES COMPANY
OA96–42, 000, MIDAMERICAN ENERGY COMPANY
OA96–44, 000, UGI UTILITIES, INC.
OA96–47, 000, NORTHERN INDIANA PUBLIC SERVICE COMPANY
OA96–56, 000, DUQUESNE LIGHT COMPANY
OA96–66, 000, ILLINOIS POWER COMPANY
OA96–67, 000, MONTAUP ELECTRIC COMPANY
OA96–80, 000, PUBLIC SERVICE ELECTRIC & GAS COMPANY
OA96–109, 000, POTOMAC ELECTRIC POWER COMPANY
OA96–115, 000, MT. CARMEL PUBLIC UTILITY COMPANY
OA96–117, 000, SOUTHERN INDIANA GAS & ELECTRIC COMPANY
OA96–122, 000, MAINE PUBLIC SERVICE COMPANY
OA96–125, 000, IES UTILITIES, INC.
OA96–137, 000, PORTLAND GENERAL ELECTRIC COMPANY
OA96–139, 000, SAN DIEGO GAS & ELECTRIC COMPANY
OA96–155, 000, MIDWEST ENERGY, INC.
OA96–156, 000, BALTIMORE GAS & ELECTRIC COMPANY
OA96–162, 000, WASHINGTON WATER POWER COMPANY
OA96–163, 000, LOCKHART POWER COMPANY
OA96–167, 000, COMMONWEALTH ELECTRIC COMPANY
OA96–169, 000, CINERGY SERVICES, INC.
OA96–171, 000, UNITED ILLUMINATING COMPANY
OA96–178, 000, CAMBRIDGE ELECTRIC LIGHT COMPANY
OA96–188, 000, NEVADA POWER COMPANY
OA96–189, 000, MAINE ELECTRIC POWER COMPANY
OA96–190, 000, OHIO VALLEY ELECTRIC CORPORATION
OA96–191, 000, BANGOR HYDRO-ELECTRIC COMPANY
OA96–193, 000, KENTUCKY UTILITIES COMPANY
OA96–207, 000, NORTHWESTERN PUBLIC SERVICE COMPANY
OA96–208, 000, LOUISVILLE GAS AND ELECTRIC COMPANY
CAE–4. DOCKET# ER96–2516, 000, ATLANTIC CITY ELECTRIC COMPANY, BALTIMORE GAS AND ELECTRIC COMPANY AND DELMARVA POWER & LIGHT CO., ET AL.
OTHER#S EC96–28, 000, ATLANTIC CITY ELECTRIC COMPANY, BALTIMORE GAS AND ELECTRIC COMPANY AND DELMARVA POWER & LIGHT CO., ET AL.
EC96–29, 000, PECO ENERGY COMPANY
EL96–69, 000, ATLANTIC CITY ELECTRIC COMPANY, BALTIMORE GAS AND ELECTRIC COMPANY AND DELMARVA POWER & LIGHT CO., ET AL.
ER96–2668, 000, PECO ENERGY COMPANY
CAE–5.
DOCKET# OA96–158, 000, ENTERGY SERVICES, INC.
OTHER#S OA96–232, 000, LOCKHART POWER COMPANY
OA96–233, 000, EMPIRE DISTRICT ELECTRIC COMPANY
OA96–234, 000, MIDWEST ENERGY, INC.
OA97–1, 000, KANSAS CITY POWER & LIGHT COMPANY
CAE–6.
OMITTED
CAE–7.
DOCKET# ER96–1600, 002, PORTLAND GENERAL ELECTRIC COMPANY
CAE–8.
OMITTED
CAE–9.
DOCKET# ER96–2381, 001, FLORIDA POWER & LIGHT COMPANY
CAE–10. DOCKET# OA96–200, 001, EL PASO ELECTRIC COMPANY

CONSENT AGENDA—GAS AND OIL

CAG–1.
DOCKET# RP97–6, 000, TRUNKLINE GAS COMPANY
CAG–2.
DOCKET# RP97–31, 000, EAST TENNESSEE NATURAL GAS COMPANY
CAG–3.
DOCKET# RP97–32, 000, EASTERN SHORE NATURAL GAS COMPANY
OTHER#S CP96–128, 000, EASTERN SHORE NATURAL GAS COMPANY
CAG–4.
DOCKET# RP97–18, 000, TRANSWESTERN PIPELINE COMPANY
CAG–5.
DOCKET# RP97–21, 000, FLORIDA GAS TRANSMISSION COMPANY
CAG–6.
DOCKET# RP97–27, 000, COLORADO INTERSTATE GAS COMPANY
CAG–7.
DOCKET# RP97–28, 000, WYOMING INTERSTATE COMPANY, LTD.
CAG–8.
DOCKET# RP97–37, 000, CANYON CREEK COMPRESSION COMPANY
OTHER#S RP97–38, 000, TRAILBLAZER PIPELINE COMPANY
RP97–39, 000, STINGRAY PIPELINE COMPANY
CAG–9.
OMITTED
CAG–10.
DOCKET# RP97–42, 000, TRUNKLINE GAS COMPANY
CAG–11.
DOCKET# PR96–12, 000, THE MONTANA POWER COMPANY
CAG–12.
DOCKET# PR95–13, 000, AOG GAS TRANSMISSION COMPANY, L.P.
OTHER#S PR95–13, 001, AOG GAS TRANSMISSION COMPANY, L.P.
CAG–13.
DOCKET# RP96–110, 003, CARNEGIE INTERSTATE PIPELINE COMPANY
OTHER#S RP96–197, 001, CARNEGIE INTERSTATE PIPELINE COMPANY
RP96–299, 001, CARNEGIE INTERSTATE PIPELINE COMPANY
CAG–14.
DOCKET# RP97–1, 000, NATIONAL FUEL GAS SUPPLY CORPORATION
CAG–15.
DOCKET# RP97–3, 000, TEXAS EASTERN TRANSMISSION CORPORATION
CAG–16.
DOCKET# RP97–4, 000, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–17.
DOCKET# RP97–5, 000, ALGONQUIN GAS TRANSMISSION COMPANY
CAG–18.
DOCKET# RP94–149, 006, PACIFIC GAS TRANSMISSION COMPANY
OTHER#S RP94–145, 005, PACIFIC GAS TRANSMISSION COMPANY
RP95–141, 003, PACIFIC GAS TRANSMISSION COMPANY
CAG–19.
DOCKET# RP97–17, 000, NORTHERN NATURAL GAS COMPANY
CAG–20.
DOCKET# RP97–19, 000, MOJAVE PIPELINE COMPANY
CAG–21.
DOCKET# RP97–20, 000, EL PASO NATURAL GAS COMPANY
CAG–22.
DOCKET# RP97–22, 000, NORTHERN BORDER PIPELINE COMPANY
CAG–23.
DOCKET# RP96–209, 002, KOCH GATEWAY PIPELINE COMPANY
CAG–24.
DOCKET# RP96–180, 002, STINGRAY PIPELINE COMPANY
CAG–25.
DOCKET# RP96–339, 002, PACIFIC GAS TRANSMISSION COMPANY
CAG–26.
DOCKET# OR96–11, 002, EXPRESS PIPELINE PARTNERSHIP
CAG–27.
OMITTED
CAG–28.
DOCKET# RP96–330, 002, FLORIDA GAS TRANSMISSION COMPANY
CAG–29.
OMITTED
CAG–30.

DOCKET# RP95–197, 016, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
OTHER#S RP96–211, 003, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–31.
OMITTED
CAG–32.
DOCKET# RP95–396, 002, TENNESSEE GAS PIPELINE COMPANY
OTHER#S RP95–63, 002, TENNESSEE GAS PIPELINE COMPANY
RP95–88, 005, TENNESSEE GAS PIPELINE COMPANY
RP95–112, 013, TENNESSEE GAS PIPELINE COMPANY
RP95–396, 001, TENNESSEE GAS PIPELINE COMPANY
CAG–33.
OMITTED
CAG–34.
DOCKET# RP97–26, 000, DECATUR UTILITIES, CITY OF DECATUR, ALABAMA V. ALABAMA-TENNESSEE NATURAL GAS COMPANY
CAG–35.
DOCKET# OR96–15, 000, ULTRAMAR INC. V. SFPP, L.P.
CAG–36.
OMITTED
CAG–37.
DOCKET# MG88–47, 010, TEXAS GAS TRANSMISSION CORPORATION
CAG–38.
DOCKET# MG96–18, 000, RICHFIELD GAS STORAGE SYSTEM
CAG–39.
DOCKET# CP90–1391, 006, ARCADIAN CORPORATION V. SOUTHERN NATURAL GAS COMPANY
CAG–40.
DOCKET# CP96–186, 003, ANR PIPELINE COMPANY
CAG–41.
DOCKET# CP96–358, 001, MIDAMERICAN ENERGY COMPANY V. NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–42.
DOCKET# CP96–567, 000, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–43.
DOCKET# CP96–575, 000, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–44.
DOCKET# CP96–670, 000, VIRGINIA GAS PIPELINE COMPANY
CAG–45.
DOCKET# CP96–545, 000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
OTHER#S CP96–545, 001, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–46.
OMITTED
CAG–47.
DOCKET# CP96–630, 000, MISSISSIPPI VALLEY GAS COMPANY V. TEXAS GAS TRANSMISSION CORPORATION
OTHER#S CP96–104, 000, TEXAS GAS TRANSMISSION CORPORATION
CAG–48.
DOCKET# CP96–644, 000, WEST TEXAS GAS, INC.
OTHER#S CP96–590, 000, NORTHERN NATURAL GAS COMPANY

HYDRO AGENDA

H–1.
RESERVED

ELECTRIC AGENDA

E–1.
RESERVED

OIL AND GAS AGENDA

I.
PIPELINE RATE MATTERS
PR–1.
DOCKET# RM96–14, 001, SECONDARY MARKET TRANSACTIONS ON INTERSTATE NATURAL GAS PIPELINES
OTHER#S RM96–14, 002, SECONDARY MARKET TRANSACTIONS ON INTERSTATE NATURAL GAS PIPELINES
RP96–352, 000, PACIFIC GAS AND ELECTRIC COMPANY, TRANSWESTERN PIPELINE COMPANY AND SOUTHERN CALIFORNIA GAS COMPANY
RP96–353, 000, NATIONAL FUEL GAS DISTRIBUTION CORPORATION
RP96–355, 000, COLUMBIA GAS TRANSMISSION COMPANY
RP96–356, 000, COLUMBIA GULF TRANSMISSION CORPORATION
RP96–360, 000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
RP96–368, 000, WASHINGTON GAS LIGHT COMPANY
RP96–369, 000, BROOKLYN UNION GAS COMPANY
RP96–370, 000, KERN RIVER GAS TRANSMISSION COMPANY
RP96–371, 000, CENTRAL HUDSON GAS & ELECTRIC CORPORATION
RP96–372, 000, MOUNTAINEER GAS COMPANY
RP96–373, 000, BOSTON GAS COMPANY
RP96–379, 000, ARIZONA PUBLIC SERVICE COMPANY
RP96–382, 000, ORANGE AND ROCKLAND UTILITIES, INC.
ORDER ON PILOT PROGRAM.
PR–2.
DOCKET# RM96–1, 003, STANDARDS FOR BUSINESS PRACTICES OF INTERSTATE NATURAL GAS PIPELINES NOTICE OF PROPOSED RULEMAKING.
II.
PIPELINE CERTIFICATE MATTERS
PC–1.
RESERVED

Lois D. Cashell,

Secretary.

[FR Doc. 96–29010 Filed 11–7–96; 11:25 am]

BILLING CODE 6717–01–P

[Docket No. CP97–22–000, et al.]

Columbia Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

November 4, 1996.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation

[Docket No. CP97–22–000]

Take notice that on October 10, 1996, as supplemented October 29, 1996, Columbia Gas Transmission (CGT), P.O. Box 1273, Charleston, West Virginia 25325–1273, filed in Docket No. CP97–22–000 a request pursuant to Sections 157.205, 157.212, and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216(b)) for approval and permission to abandon certain minor facilities at a delivery point, modify another delivery point to Columbia Gas of Ohio (COH) in Muskingum County, Ohio, and partially reassign the maximum daily delivery obligations (mddo) and daily demand quantities from an existing point to COH to this particular point of delivery, under the blanket certificate issued in Docket No. CP83–76–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CGT states that it proposes to modify a delivery point to COH in Zanesville, Ohio and partially reassign the mddo from an existing point to COH to this particular delivery point. Columbia further states that to accommodate the modification of the delivery Columbia will abandon by removal a meter with two inch connections and miscellaneous fittings and pipe. Columbia asserts that the modifications sought herein will have no impact on Columbia's existing peak day obligations to its other customers.

Comment date: December 19, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Colorado Interstate Gas Company and Western Gas Interstate Company

[Docket No. CP97–53–000]

Take notice that on October 21, 1996, Colorado Interstate Gas Company (CIG) Post Office Box 1087, Colorado Springs, Colorado 80944 and Western Gas Interstate Company (Western Gas) 211 North Colorado, Midland, Texas 79701, collectively referred to as Applicants, filed in Docket No. CP97–53–000 an application pursuant to Section 7(b) of the Natural Gas Act, for permission and approval to abandon a transportation, exchange, and sales service that they perform in the Panhandle area of Texas and Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

The Applicants request permission and approval to abandon the service

that they perform pursuant to their July 18, 1980, Gas Transportation, Exchange and Sales Agreement, as amended and CIG's Rate Schedule X–42 and Western Gas' Rate Schedule X–2. Specifically, CIG proposes to abandon the transportation and exchange service that it provides and Western Gas proposes to abandon the exchange and sales service that it provides. The Applicants state that they both hold open access transportation certificates and have restructured their services pursuant to Order No. 636, and accordingly no longer require the above services.

No facilities are proposed to be abandoned in this proceeding, and the Applicants declare no service other than that stated in this application will be terminated or otherwise affected as a consequence of the proposed abandonment.

Comment date: November 25, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Columbia Gas Transmission Corporation

[Docket No. CP97–66–000]

Take notice that on October 24, 1996, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599, filed in Docket No. CP97–66–000 a request pursuant to Section 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for permission and approval to abandon certain natural gas facilities located in Loudoun County, Virginia. Columbia Gas makes such request under its blanket certificate issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Columbia Gas proposes to abandon, by removal, natural gas facilities consisting of a point of delivery to Washington Gas Light Company (Washington Gas), known as the Sterling Park measuring station. Columbia Gas proclaims that the measurement and regulation facilities at this point of delivery have not been used for deliveries since 1993, and that services provided to customers through that delivery point have since been either discontinued or reconnected to other existing distribution systems.

It is indicated that Washington Gas does not object to Columbia Gas' proposed abandonment, and that the proposed abandonment will not result in a loss or a reduction in service to any customer. It is further stated that it will cost an estimated $7,400 to retire the facilities.

Comment date: December 19, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Florida Gas Transmission Company

[Docket No. CP97–70–000]

Take notice that on October 25, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP97–70–000, a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate a new gas measurement facility in Tangipahoa Parish, Louisiana, which will serve as a point of delivery to Amite Foundry and Machine, Inc. (Amite). FGT makes such request, under its blanket certificate issued in Docket No. CP82–553–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, FGT is proposing to construct and operate a 2-inch tap and a tap valve, at or near mile post 37.6 on FGT's existing 24-inch mainline; approximately 50 feet of 2-inch connecting pipe; a minor 2-inch meter bypass line, electronic flow measurement equipment; a 2-inch rotary meter; and other miscellaneous appurtenant facilities so that FGT can deliver up to a maximum of 36 MMBtu of gas per hour to Amite, on an interruptible basis. It is stated that the volumes will be used to fuel Amite's day to day industrial operations.

FGT states that the total volumes to be delivered after this request will not exceed the total volumes delivered prior to this request. FGT estimates that the proposed facilities will cost approximately $83,000 and, indicates that Amite has elected to reimburse FGT for all costs and expenses directly and indirectly incurred by FGT relating to the proposed construction in lieu of customer ownership.

Comment date: December 19, 1996, in accordance with Standard Paragraph G at the end of this notice.

5. NorAm Gas Transmission Company

[Docket No. CP97–73–000]

Take notice that on October 28, 1996, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP97–73–000, a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations, under its blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001 to abandon certain facilities in Arkansas, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, NGT specifically proposes to abandon two inactive 2-inch meter stations and two 2-inch taps on Line K-South in Union County, Arkansas, originally installed to deliver gas to ARKLA in the El Dorado area. ARKLA has discontinued use of these facilities and consented to their removal. No service will be abandoned as a result of this proposal. Cost of the facilities to be abandoned is $6,001. The taps will be abandoned in place and all above ground facilities removed.

Comment date: December 19, 1996, in accordance with Standard Paragraph G at the end of this notice.

6. Colorado Interstate Gas Company

[Docket No. CP97–76–000]

Take notice that on October 29, 1996, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP97–76–000, a request pursuant to Sections 157.205 and 157.211 (18 CFR Sections 157.205 and 157.211) of the Commission's Regulations under the Natural Gas Act, for authorization to construct a new delivery facility pursuant to CIG's blanket certificate issued in Docket No. CP83–21–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG proposes to construct and operate a new delivery facility located in Morgan County, Colorado consisting of a 4-inch tap, valve, and measurement with appurtenant facilities. CIG states that the new delivery facility would be constructed pursuant to a request by Excel Corporation (Excel) and Leprino Foods Company (Leprino). It is stated that the proposed deliveries of natural gas for Excel are 3,200 MMBtu per day and 2,000 MMBtu per for Leprino. It is further stated that CIG has been advised that gas transported to the proposed delivery facility would be used in a beef processing plant by Excel and in a cheese processing plant by Leprino. CIG states that the estimated cost of the delivery facility is $91,000 which Excel and Leprino would reimburse to CIG.

Comment date: December 19, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy

Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's 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 therefore, 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. 96–28859 Filed 11–8–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00199; FRL–5397–7]

Toxic Chemicals; Information Collections; Comment Request

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 the following continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections described below. The ICRs are: (1) A continuing ICR entitled ''Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e),'' EPA ICR No. 0794.08, OMB No. 2070-0046, which relates to reporting requirements found at 15 U.S.C. 2607(e), and (2) a continuing ICR entitled ''PCB Disposal Permitting Regulation,'' EPA ICR No. 1012.06, OMB No. 2070-0011, which relates to reporting requirements found at 40 CFR parts 761.60, 761.70, and 761.75. 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.

DATES: Written comments must be submitted on or before January 13, 1997.

ADDRESSES: Submit three copies of all written comments to: TSCA Document Receipts (7407), Rm. NE-G99, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-7099. All comments should be identified by the respective administrative record numbers: comments on ICR No. 0794.08 should reference administrative record number 165 and comments on ICR No. 1012.06 should reference administrative record number 166. These ICRs are available for public review at, and copies may be requested from, the docket address and telephone number listed above.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form with respect to ICR No. 0794.08 must be identified by the administrative record number AR-165 and ICR 0794.08. All comments and data in electronic form with respect to ICR No. 1012.06 must be identified by the administrative record number AR-166 and ICR 1012.06. No confidential business information (CBI) should be submitted through e-mail. Electronic comments on these documents may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-554-1404, TDD: 202-554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

For technical information contact the following individuals:

For ICR No. 0794.08 contact Richard Hefter, Chemical Screening and Risk Assessment Division (7402), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-3470, Fax: 202-260-1216, e-mail: hefter.richard@epamail.epa.gov.

For ICR No. 1012.06, contact Peter Gimlin, Chemical Management Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-3972, Fax: 202-260-1724, e-mail: gimlin.peter@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of the ICRs are available from the EPA Public Access gopher (gopher.epa.gov) at the Environmental Sub-Set entry for this document under ''Rules and Regulations.''

I. Background

Entities potentially affected by this action are: with respect to ICR No. 0794.08, persons who manufacture, import, process or distribute a chemical substance or mixture; and, with respect to ICR No. 1012.06, persons who wish to obtain approval from EPA to operate a PCB disposal facility (e.g., incinerator, chemical waste landfill, alternate disposal technology). For each collection of information addressed in this notice, 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.

(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.

II. Information Collections

EPA is seeking comments on two ICRs, which are identified and discussed separately below.

Title: Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e), EPA ICR No. 0794.08, OMB No. 2070-0046, expires June 30, 1997.

Abstract: Section 8(e) of the Toxic Substances Control Act (TSCA) requires that any person who manufactures, imports, processes or distributes in commerce a chemical substance or mixture and who obtains information that reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment must immediately inform EPA of such information. EPA routinely disseminates TSCA section 8(e) data it receives to other Federal agencies to provide information about newly discovered chemical hazards and risks. Responses to the collection of information are mandatory (see 15 U.S.C. 2607(e)). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden Statement: The burden to respondents for complying with this ICR is estimated to total 9,500 hours per year, with an annual cost of $712,500. These totals are based on an average burden ranging between approximately 5 to 27 hours for 800 respondents making one or more submissions of information annually. These estimates include 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.

Title: PCB Disposal Permitting Regulation, EPA ICR No. 1012.06, OMB No. 2070-0011, expires June 30, 1997.

Abstract: TSCA section 6(e) bans polychlorinated biphenyls from the environment and directs the Administrator to promulgate rules to, among other things, prescribe methods for the disposal of PCBs. In 1978 and 1979 EPA promulgated rules that address disposal requirements. These provisions require owners of alternate disposal technologies, incinerators and chemical waste landfills, to submit permit applications to and obtain approvals from EPA (i.e., the Regional Administrators or the Director, Chemical Management Division (CMD)). Additionally, EPA prescribes technical and operational criteria that these facilities must meet to qualify for consideration by the Agency. EPA may include in an approval any other requirements or provisions that are necessary to ensure the operation of the facility will not present an unreasonable risk of injury to health or the environment. These requirements are found at 40 CFR parts 761.60, 761.70, and 761.75.

Data are submitted to the appropriate approving official (i.e., Regional Administrator for the region in which the facility will be located, or the Director, CMD, for mobile disposal technologies and research and development technologies involving 500 pounds or more of PCB materials) and are evaluated pursuant to the established requirements for a disposal facility and a finding of no unreasonable risk. Copies of the permit applications and the EPA approval (if the permit is granted) are maintained in the office issuing the approval.

Responses to the collection of information are mandatory (see 40 CFR parts 761.60, 761.70, and 761.75). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden Statement: The burden to respondents for complying with this ICR is estimated to total 24,440 hours per year with an annual cost of $1,759,680. These totals are based on an average burden of 940 hours per response for an estimated 26 respondents making a one-time response. These estimates include 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.

III. Public Record

A record has been established for this action under docket number ''OPPTS-00199'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at: oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: November 4, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 96–28911 Filed 11–8–96; 8:45 am]

BILLING CODE 6560–50–F

[SWH–FRL–5650–1]

Recovered Materials Advisory Notice; Clarification of Floor Tile, Structural Fiberboard, and Laminated Paperboard Recommendations

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On May 1, 1995, the Environmental Protection Agency (EPA) issued a Comprehensive Procurement Guideline (CPG) designating items that are or can be made with recovered materials (60 FR 21370, May 1, 1995). Simultaneously, EPA published a Recovered Materials Advisory Notice (RMAN) which included recommendations for purchasing items designated in the CPG (60 FR 21386, May 1, 1995). Today, EPA is providing additional information to assist procuring agencies in determining their obligation to purchase designated items for specific applications. EPA is also clarifying its recommendations for floor tile and its structural fiberboard and laminated paperboard designation to address manufacturers' concerns regarding the specific applications to which the recovered materials content requirements of the CPG should be applied.

ADDRESSES: Supporting materials are available for viewing in the RCRA Information Center (RIC), located in Crystal Gateway I, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The Docket Identification Number is F–95–PRMF–FFFFF. The RIC is open from 9:00 am to 4:00 pm, Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15 per page. The index of and some supporting materials are also available electronically. See the ''**SUPPLEMENTARY INFORMATION**'' section for information on accessing the materials electronically.

EFFECTIVE DATE: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: For general information, please contact the RCRA Hotline at 800 424–9346, TDD 800 553–7672 (hearing impaired), or 703 412–9810 (Washington, DC metropolitan area).

For more detailed information regarding the recommendations in today's notice, contact Terry Grist of the Office of Solid Waste at 703 308–7257.

SUPPLEMENTARY INFORMATION:

I. Purpose

Last year, in its Comprehensive Procurement Guideline (CPG) promulgated under section 6002 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962, EPA designated 19 items that are or can be made with recovered materials (60 FR 21370, May 1, 1995). The accompanying Recovered Materials Advisory Notice (RMAN) provided recommendations, including recovered materials content levels, for purchasing the items designated in the CPG (60 FR 21386, May 1, 1995). Since publication of the two documents, EPA has learned that there may be some confusion on the part of procuring agencies as to their obligation to purchase designated items for specific applications. In particular, a floor covering trade association and a manufacturer of interior furnishings that filed petitions for review of two of the CPG's designations have inquired as to the circumstances in which a procuring agency would be required to purchase floor tile and structural fiberboard for use as acoustical ceiling tile. Based on these inquiries, the Agency concluded that it should clarify the obligations of procuring agencies with respect to the purchase of designated items generally as well as the two specific items about which questions have been raised.

II. Discussion

RCRA section 6002(e) requires EPA to issue guidelines which designate items that are or can be made with recovered materials and to recommend practices with respect to the procurement of recovered materials and items containing such materials. Executive Order 12873 (58 FR 54911, October 22, 1993) establishes procedures for EPA to follow in carrying out these statutory responsibilities. The order directs EPA to designate items in a Comprehensive Procurement Guideline and to include recommended practices for procuring designated items, including recovered materials content levels within which the items are available, in a Recovered Materials Advisory Notice. EPA has adopted two approaches in its designation of items that are or can be made with recovered materials. For some items, such as floor tiles, the Agency designated broad categories of items and provided information in the RMAN as to their appropriate applications or uses. For other items, such as plastic trash bags, EPA designated specific items, and, in some instances, included in the designation the specific types of recovered materials or applications to which the designation applies. The Agency explained these approaches to designating items in the preamble to the CPG (60 FR 21373, May 1, 1995).

EPA sometimes had information on the availability of a particular item made with a specific recovered material (e.g., plastic), but no information on the availability of the item made from a different recovered material or any indication that it is possible to make the item with a different recovered material. In these instances, EPA concluded that it was appropriate to include the specific material in the item designation in order to provide vital information to procuring agencies as they seek to fulfill their obligations to purchase designated items composed of the highest percentage of recovered materials practicable. This information enables the agencies to focus their efforts on products that are currently available for purchase, reducing their administrative burden. EPA also included information in the proposed CPG, as well as in the draft RMAN that accompanied the proposed CPG, that advised procuring agencies that EPA is not recommending the purchase of an item made from one particular material over a similar item made from another material. For example, EPA included the following statement in the preamble discussion for plastic desktop accessories (59 FR 18879, April 20, 1994): ''This designation does not preclude a procuring agency from purchasing desktop accessories manufactured from another material, such as wood. It simply requires that a procuring agency, when purchasing plastic desktop accessories, purchase these accessories made with recovered materials * * * ''

The Agency understands that some procuring agencies may believe that the designation of a broad category of items in the CPG requires them (1) to procure all items included in such category with recovered materials content and, (2) to establish an affirmative procurement program for the entire category of items, even where specific items within the category may not meet current performance standards. This is clearly not required under RCRA as implemented through the CPG and the RMAN. RCRA section 6002 does not require a procuring agency to purchase items with recovered materials content that are not available or that do not meet a procuring agency's specifications or reasonable performance standards for the contemplated use. Further, section 6002 does not require a procuring agency to purchase such items if the item with recovered materials content is only available at an unreasonable price or the purchase of such item is inconsistent with maintaining a reasonable level of competition. However, EPA stresses that, when procuring any product for which a recovered materials alternative is available that meets the procuring

agency's performance needs, if all other factors are equal (*e.g.*, price), section 6002 requires the procuring agency to purchase the product made with highest percentage of recovered materials practicable.

III. Floor Tiles

In the CPG, EPA designated floor tiles and patio blocks containing recovered rubber or plastic (40 CFR 247.12(e)). The Agency designated these items as broad categories of items, encompassing many different applications. In making its determination to designate floor tiles, EPA was unable to identify any specifications that preclude the use of recovered materials in the manufacture of floor tiles. In the RMAN, the Agency recommended that procuring agencies purchase floor tiles with specified minimum recovered rubber or plastic content for ''heavy duty/commercial type'' applications only. EPA limited the recommended applications to heavy-duty/commercial-type uses because, at the time the CPG was issued, the Agency was not aware of any manufacturers that made floor tile with recovered materials for standard office flooring. Therefore, the Agency elected to broadly designate floor tiles and limit its initial recommendations to heavy-duty/commercial type uses.

A. Questions Raised

The concerns expressed by the petitioners regarding EPA's floor tile designation are twofold. First, they claim that the Agency, at a minimum, should have limited the floor tile designation to ''specialty purpose'' applications and should have specifically excluded standard office flooring. Second, the manufacturers contested EPA's use of the term ''heavy-duty, commercial-type'' in the RMAN to describe the recommended applications to which the floor tile designation applies. In addition, manufacturers were concerned about the ability of ''heavy-duty, commercial type'' floor tiles recommended by EPA to meet applicable American Society for Testing and Materials (ASTM) and federal government performance standards for these products.

B. Recommended Applications

EPA used the term ''heavy-duty, commercial-type uses'' because there were no published industry-wide definitions to describe the applications to which the recovered materials requirements of the CPG should be applied. In the supporting analysis for RMAN, EPA explained what it meant by ''heavy-duty, commercial-type applications.'' There, the Agency described, in general terms, a number of commercial and industrial settings where the use of the type of tiles available with recovered materials content would be appropriate. These would include entranceways in airports and stores, furniture showrooms, skating rinks and fitness centers. EPA has learned that this discussion may have caused some confusion. Some procuring agencies may have confused EPA's description of the areas where, given special circumstances, such tiles could be used, with an EPA recommendation that such tile should always be used in such settings. This was not the Agency's intention. Therefore, the Agency is today clarifying that tiles with the characteristics of those tiles manufactured with recovered materials content may only be appropriate for specialty purpose uses at such locations (e.g., raised, open-web tiles for drainage on a portion of school kitchen flooring). Such specialty purpose uses involve limited flooring areas where grease, tar, snow, ice, wetness or similar substances or conditions are likely to be present. Thus, EPA is not recommending floor tile made with recovered materials for standard office or more general purpose uses. In particular, the preamble to the CPG states that: ''EPA is not aware of any floor tiles containing recovered materials being used in standard office flooring applications'' (60 FR 21376, May 1, 1995).

C. Performance Standards

Regarding the ability of floor tiles to meet applicable American Society for Testing and Materials (ASTM) and federal government performance standards, EPA has specifically noted that it does not have substantive information indicating that available tiles with recovered materials content meet these standards. As a result, the Agency is plainly not recommending that procuring agencies purchase recovered materials content floor tile or establish an affirmative procurement program where its use is not appropriate under the criteria set forth in RCRA section 6002 (c)(1) (e.g., fails to meet performance standards for a particular use, is not available at a reasonable price, is not available within a reasonable period of time, is not available from an adequate number of sources).

D. EPA Comments on Federal Acquisition Regulations

As a result of the confusion over the floor tile recommendations, EPA submitted comments to the Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulations Council (DARC) on the interim rule amending the Federal Acquisition Regulation (FAR) (60 FR 28494, May 31, 1995). The FAR interim rule incorporates, among other environmentally-related procurement policies, the requirements set forth in RCRA section 6002. The comments submitted by EPA recommend a clarification to the FAR to make it clear that procuring agencies do not need to document their decision to purchase items for which EPA has not included purchase recommendations in an associated RMAN. Thus, if the CAAC and the DARC adopt this recommendation, procuring officers would not be required to document their decision not to purchase recovered materials content floor tile for standard office or general purpose uses.

IV. Structural Fiberboard and Laminated Paperboard

In the CPG, EPA designated structural fiberboard and laminated paperboard products for applications other than building insulation. EPA further included acoustical and non-acoustical ceiling tiles and lay-in panels in its list of applications to which the designation applies. Since the CPG was issued, one manufacturer of mineral fiber ceiling products has expressed concern over the scope of the structural fiberboard and laminated paperboard designations, particularly as they apply to acoustical and non-acoustical ceiling tiles and lay-in panels. EPA wants to clarify that the specific applications included in the structural fiberboard and laminated paperboard designation, i.e., building board, sheathing, shingle backer, sound deadening board, roof insulating board, insulating wallboard, acoustical and non-acoustical ceiling tile, acoustical and non-acoustical lay-in panels, floor underlayments, and roof overlay (coverboard), apply to the purchase of cellulosic fiber structural fiberboard and laminated paperboard products only. The listed applications, and therefore the designation, do not apply to products made from other similar or competing materials. In other words, if a procuring agency is purchasing a cellulosic fiberboard acoustical ceiling tile, then section 6002 requires the agency to purchase the ceiling tile made with recovered materials. However, if the agency prefers to purchase a ceiling tile made with mineral fiber rather than fiberboard, it is free to do so. In the latter instance, there is no requirement to purchase a cellulosic fiberboard ceiling tile. Further, as discussed in section III(D) above, if the CAAC and the DARC adopt the comments

submitted by EPA on the amendments to the Federal Acquisition Regulation, procuring officers would not be required to document their decision not to purchase recovered materials content acoustical ceiling for general purpose ceiling uses.

V. Supporting Information and Accessing Internet

Supporting analyses are available on the EPA Public Access Server, which you can access via the Internet. Follow these instructions to access the information electronically:

WWW: http://www.epa.gov/epaoswer
Gopher: gopher.epa.gov
Dial-up: 919 558–0335

If you are using the gopher or direct dialup method, once you are connected to the EPA Public Access Server, choose the following path: EPA Offices and Regions/Office of Solid Waste and Emergency Response (OSWER)/Office of Solid Waste (RCRA)/[Non-Hazardous Waste—RCRA Subtitle D/Procurement/RMAN].

FTP: ftp.epa.gov
Login: anonymous
Password: your Internet address

Files are located in /pub/gopher/OSWRCRA.

Dated: November 5, 1996.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 96–28909 Filed 11–8–96; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

November 5, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Public Law 96–511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Not withstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Dorothy Conway, Federal Communications Commission, (202) 418–0217.

Federal Communications Commission

OMB Control No.: 3060–0258.
Expiration Date: 10/31/99.
Title: 90.176 Interservice Sharing of Frequencies in the 150–174 MHz Bands.
Form No.: N/A.
Estimated Annual Burden: 2,100 annual hour; average 2 hours per respondent; 1,050 respondents.
Description: The reporting requirement contained in Section 90.176 is necessary to determine if interservice sharing is in the public interest in a particular case. The applicant is required to submit information that such sharing is necessary and that interference will not result to the primary users of the frequency that is being requested. This information is collected only once, upon initial application for a license.
OMB Control No.: 3060–0219.
Expiration Date: 10/31/99.
Title: 90.49(b) Communications Standby Facilities Special
Form No.: N/A.
Estimated Annual Burden: 150 annual hours; .75 hour per respondent; 200 respondents.
Description: The reporting requirement contained in Section 90.49(b) is necessary to ensure that a communications common carrier requesting private radio service frequencies to be used as a standby facility for carrying safety related communications when normal common carrier circuits are inoperative due to circumstances beyond the control of the carrier are necessary for the protection of life and property. This information is collected only once, upon initial application for a license.
OMB Control No.: 3060–0435.
Expiration Date: 10/31/99.
Title: 80.361 Frequencies for narrow-band direct-printing (NB-DP) and data transmission.
Form: N/A.
Estimated Annual Burden: 4 total annual hours; average 2 hours per respondent; 2 responses.
Description: The reporting requirement contained in Section 80.361 is necessary to require applicants to submit a showing of need to obtain new or additional narrow-band direct printing (NB-DP) frequencies. Applicants for new or additional NB-DP frequencies are required to show the schedule of services of each currently licensed or proposed series of NB-DP frequencies and to show a need for additional frequencies based on at least 40%usage of existing NB-DP frequencies. The information is used to determine whether an application for NB-DP frequency should be granted.
OMB Control No.: 3060–0740.
Expiration Date: 10/31/99.
Title: Disclosure Policies—Section 95.1015.
Form: N/A.
Estimated Annual Burden: 203 total annual hours; average 1 hour per respondent; 203 respondents.
Description: This collection of information is made necessary by the amendments of the Commission's Rules regarding the Low Power Radio and Automated Maritime Telecommunications System (AMTS) operations in the 216–217 MHz band. The reporting requirement is necessary to ensure that television stations that may be affected by harmful interference from AMTS operations are notified. The information will be used by the Commission staff and the affected television stations to locate potential harmful interference from AMTS operations.
OMB Control No.: 3060–0700.
Expiration Date: 10/31/99.
Title: Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems CS Docket 96–46.
Form: FCC 1275.
Estimated Annual Burden: 4,570 total annual hours; average 2–8 hours per respondent; 3,762 respondents.
Description: The information collection requirements contained in this order are necessary to implement the statutory provisions for Open Video Systems contained in the Telecommunications Act of 1996. Section 302 of the 1996 Act provides for specific entry options for telephone companies wishing to enter the video programming marketplace, one of which is to provide cable service over an ''open video system'' (OVS).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–28874 Filed 11–8–96; 8:45 am]
BILLING CODE 6712–01–P

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 December 6, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Charter Oak Community Bank Corp., Vernon, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of The Savings Bank of Rockville, Vernon, Connecticut.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. PLM NEWCO, L.L.C., Federal Way, Washington; to become a bank holding company by acquiring 51 percent of the voting shares of First Community Financial Group, Inc., Lacey, Washington, and thereby indirectly acquire First Community Bank of Washington, Lacey, Washington.

Board of Governors of the Federal Reserve System, November 5, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–28805 Filed 11-8-96; 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 26, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. The Mitsubishi Trust and Banking Corporation, Tokyo, Japan; to acquire an additional 25 percent, for a total of 75 percent, of the voting shares of Spectrum Capital, LTD, New York, New York, and thereby engage in making, acquiring or servicing loans and other extensions of credit for its own account or for the account of others, pursuant to § 225.25(b)(1) of the Board's Regulation Y; and in leasing personal property, or acting as agent, broker, or advisor in leasing such property, pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–28806 Filed 11-8-96; 8:45 am]

BILLING CODE 6210-01-F

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve Systems.

TIME AND DATE: 10:00 a.m., Friday, November 15, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29080 Filed 11–7–96; 2:13 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry; Senior Executive Service; Performance Review Board Members

AGENCY: Centers for Disease Control and Prevention (CDC), and Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Title 5, U.S. Code, Section 4314 (c) (4) of the Civil Service Reform Act of 1978, Public Law 95–454, requires that appointment of Performance Review Board members be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Connie Clayton, Human Resources Management Office, Office of Program Support, Centers for Disease Control and Prevention, 4770 Buford Highway, Mailstop K–07, Atlanta, Georgia 30341–3724, (770) 488–1785.

SUPPLEMENTARY INFORMATION: The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services in the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry:

Claire V. Broome, M.D., Chairperson

William D. Adams

Helene D. Gayle, M.D., M.P.H.

James M. Hughes, M.D.

Arthur C. Jackson

Richard J. Jackson, M.D., M.P.H.

Wanda K. Jones, Dr.P.H.

James S. Marks, M.D., M.P.H.

Linda Rosenstock, M.D., M.P.H.

Dated: November 5, 1996.

Claire Broome,

Deputy Director, Centers for Disease Control and Prevention (CDC) and Deputy Administrator, Agency for Toxic Substances and Disease Registry (ATSDR).

[FR Doc. 96–28896 Filed 11–8–96; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

[Docket No. 96N–0340]

Lilly Research Laboratories, et al.; Withdrawal of Approval of 12 New Drug Applications, 8 Abbreviated Antibiotic Applications, and 23 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the Federal Register of October 2, 1996 (61 FR 51457). The document announced the withdrawal of approval of 12 new drug applications (NDA's), 8 abbreviated antibiotic applications (AADA's), and 23 abbreviated new drug applications (ANDA's). That document inadvertently withdrew approval of all of NDA 18–830 for Tambocor (flecainide acetate) 50, 100, 150, and 200 milligrams (mg) tablets held by 3M Pharmaceuticals, 3M Center, Bldg. 270–3A–01, St. Paul, MN 55144–1000. This notice confirms that approval of NDA 18–830 is still in effect, and approval is withdrawn only of portions pertaining to the 200 mg tablet.

EFFECTIVE DATE: October 2, 1996.

FOR FURTHER INFORMATION CONTACT: Olivia A. Vieira, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1046.

In FR Doc. 96–25198, appearing on page 51457 in the Federal Register of Wednesday, October 2, 1996, the following correction is made: On page 51457, in the second column, in the table, the entry for NDA 18–830 is corrected to read ''Tambocor (flecainide acetate), 200 mg Tablets (only those portions of the NDA that deal with 200 mg tablets).''

Dated: October 29, 1996.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 96–28931 Filed 11–8–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project

A Study of Physicians' Educational Preparation for Practice in Managed Care—(0915–0202)—Reinstatement— OMB approval was obtained in 1995 to conduct two mail surveys, one of primary care physicians and one of medical directors in managed care organizations (MCOs). The purpose of both is to assess their views of the adequacy of physician preparation for practice in a managed care setting. Data collection began in June 1996. Early responses indicated that a high proportion of the sampled physicians were not eligible for the survey, which was targeted to primary care physicians in group and staff model MCOs. Methods for increasing the proportion of eligibles to an acceptable rate are being explored, including the possibility of conducting brief screening phone calls to determine eligibility prior to mailing the questionnaires. Once a methodology has been selected and OMB approval is reinstated, data collection will resume. Few, if any, substantive changes to the questionnaire are expected. Note that the survey of medical directors had acceptable eligibility rates, and data collection is proceeding.

The survey of physicians will be limited to allopathic primary care physicians who graduated between 1986 and 1990. The information will be used by the Bureau of Health Professions to formulate recommendations for curriculum changes in medical

education. Automated collection techniques will not be used for either the mail survey or the brief screening phone call. Burden estimates are as follows:

	Number of respondents	Number of responses per respondent	Avg. burden/response (hours)	Total hours of burden
Screening calls	[1]400	1	0.25	100
Mail survey of physicians	2000	1	0.25	500
Total	2400	1	0.25	600

[1] We estimate that it will require 400 phone calls to managed care organizations to obtain eligibility information on the sample of physicians. This is based on the total number of group and staff model MCOs (roughly 200) and an estimate of the average number of calls to an organization that will be needed to obtain eligibility information on all sampled physicians from that organization (2 calls per MCO).

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: November 5, 1996.

J. Henry Montes,

Associate Administrator for Policy Coordination.

[FR Doc. 96–28934 Filed 11–8–96; 8:45 am]

BILLING CODE 4160–15–P

Special Projects of National Significance; Innovative HIV Service Delivery Models for Native American Communities

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1997 grants for the Special Projects of National Significance (SPNS) Program funded under the authority of Section 2691 of the Public Health Service Act, as established by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 (Pub. L. 101–381) and amended by the Ryan White CARE Act Amendments of 1996 (Pub. L. 104–146). Funds are available under the ''Omnibus Consolidated Appropriations Act, 1997'' (Pub. L. 104–208). This announcement solicits applications addressing the development and assessment of innovative service delivery models that are designed to ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease. Applicants can apply for project periods of up to 5 years. These grants are demonstrations and are not intended for the long-term support of any of the innovative models that are developed or assessed. The SPNS Program, in collaboration with the SPNS Program funded Evaluation Technical Assistance Center grantee, will provide technical assistance and support for a project's program evaluation studies.

From one to four grants will be awarded. The total amount available is $1,000,000. Funding will be allocated according to the number of grants awarded.

The SPNS Program is designed to demonstrate and evaluate innovative and potentially replicable HIV service delivery models. The authorizing legislation specifies three SPNS Program objectives: (1) To assess the effectiveness of particular models of care; (2) to support innovative program design; and (3) to promote replication of effective models.

DATES: *Application:* Applications for these announced grants must be received in the Grants Management Branch by the close of business December 20, 1996, to be considered for competition. Applications will meet the deadline if they are either: (1) Received on or before the deadline date; or (2) postmarked on or before the deadline date, and received in time for submission to the objective review panel. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Applications received after the deadline will be returned to the applicant.

ADDRESSES: Grant applications, guidance materials, and additional information regarding business, administrative, and fiscal issues related to the awarding of grants under this Notice should be directed to Mr. Neal Meyerson, Grants Management Branch, Bureau of Health Resources Development, Health Resources and Services Administration, 5600 Fishers Lane, Room 7–27, Rockville, MD 20857. The telephone number is (301) 443–5906 and the FAX number is (301) 594–6096. Applicants for grants will use Form PHS 5161–1, approved under OMB Control No. 0937–0189. Completed applications should be sent to the Grants Management Branch.

FOR FURTHER INFORMATION CONTACT: Additional technical information may be obtained from the SPNS Branch, Office of Science and Epidemiology, Bureau of Health Resources Development, Health Resources and Services Administration, 5600 Fishers Lane, Room 7A–08, Rockville, MD 20857. The telephone number is (301) 443–9976 and the FAX number is (301) 443–4965.

HEALTHY PEOPLE 2000 OBJECTIVES: The Department of Health and Human Services (DHHS) urges applicants to address specific objectives of Healthy People 2000 in their work plans. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 200402–9325 (Telephone: (202) 783–3238).

SUPPLEMENTARY INFORMATION:

Background and Objectives

The SPNS Program endeavors to advance knowledge and skills in HIV services delivery, stimulate the design of innovative models of care, and provide short term (up to five years) support for the development of effective delivery systems for these services. The SPNS Program accomplishes its purpose through funding and technical support of innovative HIV service delivery models. For purposes of this announcement, models seeking SPNS Program support must address the development and assessment of innovative service delivery models that are designed to ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

The implementation, utilization, costs, and outcomes of SPNS Program grants must be evaluated. Increased client participation in medical and other treatment, barriers to participating in treatment and other services, and strategies to overcome barriers should be evaluated. Proposals will be expected to adequately define and justify the need, innovative nature, and evaluation methodology of the proposed model of services.

SPNS Program funds may not be used for expenses related to the provision of medical care; supportive services; or any other expenses currently reimbursed, subsidized or eligible for reimbursement through third party payers, grants awarded under Titles I-IV of the Ryan White CARE Act, or other grant and foundation sources.

Review Criteria

Applications submitted to the SPNS Program under this announcement will be reviewed and rated by an objective review panel. Criteria for the technical review of applications will include the following factors:

Factor 1: Description of Proposed HIV Service Model (20 points)

Adequacy of the description of an innovative and adaptable service delivery model for Native American communities that focuses on culturally appropriate services. Adequacy of the justification of why the model is needed and how the applicant will gain access to the targeted population.

Factor 2: Description of Implementation Plan (15 points)

Comprehensiveness of the program implementation plan as described in clearly stated goals, time-limited and measurable objectives for each goal, activities directly related to each objective, and a time line that shows the schedule of activities and production of materials that corresponds to milestones stated in the objectives and program evaluation. Adequacy of the description of the process for maintaining client confidentiality throughout the project period.

Factor 3: Description of Evaluation Plan (15 points)

Clarity, soundness, and concreteness of the evaluation plan as described by clear markers of objective outcomes related to time and task (objective outcomes are measurable and quantifiable), and by process evaluation measures that evaluate the successes and failures of the model implementation process (process measures may be qualitative).

Factor 4: Description of Linkages with other Service Programs (15 points)

Adequacy of the demonstration of linkages with all appropriate Ryan White CARE Act Programs; Indian Health Service; Bureau of Indian Affairs; Tribal Health Departments; State and local government; community organizations; as well as other applicable non HIV-specific providers. Linkages might also include Federally, State, and locally funded mental health and substance abuse treatment programs; WIC; community and migrant health centers; and community mental health centers.

Factor 5: Description of Cultural Competency (15 points)

Comprehensiveness of the description of how cultural competency will be achieved, including indicators of cultural competency clearly based on ethnic-specific markers of competency.

Factor 6: Description of Dissemination (10 points)

The extent to which the applicant demonstrates past involvement with disseminating information about HIV service delivery by describing dissemination activities to date (e.g., presenting and publishing findings through reports and papers, training, or technical assistance). The adequacy and feasibility of the dissemination plan.

Factor 7: Program Sustainability (10 points)

The extent to which the applicant describes a plan to assure the continuation of services after conclusion of the SPNS Program demonstration grant. Ongoing participation of clients in HIV medical care is essential.

Eligible Applicants

SPNS Program grants are awarded to public and nonprofit, private entities including community-based organizations.

Other Grant Information

Statewide Coordinated Statement of Need

The proposed program must be consistent with the Statewide Coordinated Statement of Need (SCSN) and the applicant must agree to participate in the ongoing revision process of such statement of need.

Allowable Costs

The basis for determining allocable and allowable costs to be charged to PHS grants is set forth in 45 CFR part 74, subpart C and 45 CFR part 92, Subpart C for State, local or Federally recognized Indian tribal governments. The four separate sets of cost principles prescribed for public and private non-profit recipients are OMB Circular A–87 for State, local or Federally recognized Indian tribal governments; OMB Circular A–21 for Educational Institutions; 45 CFR part 74, appendix E for hospitals; and OMB Circular A–122 for nonprofit organizations.

Reporting and Other Requirements

A successful applicant under this notice will submit semi-annual activity summary reports in accordance with provisions of general regulations which apply under 45 CFR part 74, subpart 74.51, ''Monitoring and Reporting Program Performance,'' with the exception of State and local governments to which 45 CFR part 92, Subpart C reporting requirements apply. Also, grantees must be prepared to collaborate with other grantees on the design and implementation of project evaluations which may include multi-site evaluation studies.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements which have been approved by the Office of Management and Budget under No. 0937–0195. Under these requirements, any community-based, non-governmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to keep State and local health officials apprised of proposed health services grant applications submitted from within their jurisdictions.

Community-based, non-governmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the administrator of the State and local AIDS programs in the area(s) to be impacted by the proposal: (a) A copy of the face page of the application (SF424); and, (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) A description of the population to be served; (2) a summary of the services to be provided; and, (3) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to this program.

Certification Regarding Environmental Tobacco Smoke

The Public Health Service strongly encourages all grant and contract

recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Executive Order 12372

The Special Projects of National Significance Program has been determined to be a program subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State Single Point of Contact (SPOC) in the State for review. Applicants (other than Federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the appropriate deadline dates. The Health Resources and Services Administration does not guarantee that it will accommodate or explain its responses to State process recommendations received after the due date. (See ''Intergovernmental Review of Federal Programs,'' Executive Order 12372, and 45 CFR part 100, for a description of the review process and requirements.)

OMB Catalog of Federal Domestic Assistance

The OMB Number for Special Projects of National Significance is 93.928.

Dated: November 5, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–28933 Filed 11–8–96; 8:45 am]

BILLING CODE 4160–15–P

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of December 1996:

Name: National Advisory Council on Nurse Education and Practice.

Date and Time: December 4–5, 1996, 8:30 a.m.

Place: Seneca Room, Silver Spring Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910.

The meeting is open to the public

Agenda: Updates on and discussion of Agency, Bureau and Division activities, and the legislation and budget status of programs; discussion of accreditation issues as they affect schools of nursing; review of nurse practitioner workforce trends, implications and options for the future.

Anyone wishing to obtain a roster of members, minutes of meeting or other relevant information should write or contact Ms. Melanie Timberlake, Executive Secretary, National Advisory Council on Nurse Education and Practice, Health Resources and Services Administration, Parklawn Building, Room 9–36, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5786.

Agenda Items are subject to change as priorities dictate.

Dated: November 5, 1996.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 96–28890 Filed 11–8–96; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

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

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development.

ADDRESSES: Licensing information and a copy of the U.S. patent applications referenced below may be obtained by contacting Cindy K. Fuchs, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7735 ext 232; fax 301/402–0220). A signed Confidential Disclosure Agreement will be required to receive a copy of the patent application.

Cells Expressing Both Human CD4 and a Human Fusion Accessory Factor Associated With HIV Infection

EA Berger, Y Feng, CC Broder, PE Kennedy (NIAID)

Serial No. 60/010,854 filed 30 Jan 96

HIV–1 infects target cells by first binding to CD4, a receptor on the target cell membrane. The virus and target cell membranes then fuse, allowing the virus to enter the target cell. It has previously been determined that CD4 alone is not sufficient to allow entry, but that another factor specific to human cells is also required. The current invention embodies the identification of a cDNA encoding a protein, designated ''fusin,'' which demonstrates properties expected of a fusion co-factor for T-cell line tropic HIC–1 isolates. Fusin is a member of the 7-transmembrane segment (7–TMS) superfamily of G-protein-coupled receptors. While this cDNA has previously been cloned, its potential role as an accessory protein necessary for HIV infection is novel to the current invention. The invention, therefore, should represent a valuable tool to be used in the production of transgenic mice and of cell lines for the study of HIV infection. In addition, the invention may itself represent a potential therapeutic agent against HIV or target for agents acting to block entry of HIV into target cells. This technology was reported in Science 272:809–810 (1996); Chemical and Engineerng News, p. 7 (May 13, 1996); BioWorld Today, pp. 1–2 (May 13, 1996); Biotechnology News, 16(13): 1–2 (1996); and BioWorld Today, pp. 1, 3 (June 21, 1996). (portfolios: Infectious Diseases—Research Materials; Infectious Diseases—Miscellaneous; Infectious Diseases—Therapeutics, anti-virals, AIDS)

CC Chemokine Receptor 5 DNA, New Animal Models and Therapeutic Agents for HIV Infection

C Combadiere, Y Feng, EA Berger, G Alkahatib, PM Murphy, CC Broder (NIAID)

Serial No. 60/018,508 filed 28 May 1996

This invention concerns a novel macrophage-selective CC chemokine receptor, designated ''CC CKR5,'' which is a necessary cofactor for the infection of target cells by macrophage-tropic HIV isolates. Macrophage-tropic HIV isolates represent the predominant type of isolates from infected persons and appear to be preferentially transmitted between individuals. The invention embodies the CC CKR5 genetic sequence, cell lines and transgenic mice, the cells of which coexpress human CD4 and CC CKR5, and which may represent valuable tools for the study of HIV infection and for screening anti-HIV agents. The invention also embodies anti-CC CKR5 agents that block HIV env-mediated membrane fusion associated with HIV entry into human CD4-positive target cells or

between HIV-infected cells and uninfected human CD4-positive target cells. This technology was reported in Science 272:1955–1958 (1996); BioWorld Today, pp. 1 and 3 (June 21, 1996); and Chemical and Engineering News, p. 8 (June 24, 1996) and p. 46 (July 29, 1996). (portfolios: Infectious Diseases—Therapeutics, anti-virals, AIDS; Infectious Diseases—Research Materials)

Dated: November 1, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–28912 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Notice of Meeting President's Cancer Panel

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the President's Cancer Panel.

This meeting will be open to the public as indicated below, with attendance by the public limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below.

This meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(9)(B), Title 5, U.S.C. for discussion of future meetings and preparation of the annual report of the President. These discussions could disclose information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed action the Panel may plan to take.

Carole Frank, the Committee Management Officer, National Cancer Institute, Executive Plaza North, Room 630E, 6130 Executive Blvd., MSC 7405, Bethesda, MD 20892–7405 (301/496–5708) will provide a summary of the meeting and the roster of committee members upon request. Other information pertaining to the meeting may be obtained from the contact person indicated below.

Committee Name: President's Cancer Panel.

Date: November 21–22, 1996.

Place: Terry Sanford Institute of Public Policy, Lecture Hall #04, Duke University Campus, Durham, North Carolina.

Open: November 22, 1996–8:30 a.m. to 4:30 p.m.

Agenda: Coping Strategies for Maintaining Outreach, Information Dissemination, Teaching, Recruitment, and Care in Today's Health Care Environment.

Closed: November 21, 1996–8:00 p.m. to 9:30 p.m.

Agenda: Planning session to discuss future meetings and preparation of the mandatory annual report of the Chairman to the President.

Contact Person: Maureen O. Wilson, Ph.D, Executive Secretary, National Cancer Institute, Building 31, Room 4A48, Bethesda, MD 20892. Telephone: (301) 496–1148.

This notice is being published less than 15 days prior to the meeting due to the urgent need to proceed with the meeting as scheduled to address these issues in a timely manner.

Dated: November 1, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28800 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Notice of the Meeting of the National Advisory Eye Council

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council (NAEC) on January 23, 1997, Executive Plaza North, Conference Room G, 6130 Executive Boulevard, Bethesda, Maryland.

The NAEC meeting will be open to the public on January 23 from 8:30 a.m. until approximately 11:30 a.m. Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies. Attendance by the public at the open session will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting of the NAEC will be closed to the public on January 23 from approximately 11:30 a.m. until adjournment at approximately 5:00 p.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Lois DeNinno, Council Assistant, National Eye Institute, EPS, Suite 350, 6120 Executive Boulevard, MSC–7164, Bethesda, Maryland 20892–7164, (301) 496–9110, will provide a summary of the meeting, roster of committee members, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. DeNinno in advance of the meeting.

(Catalog of Federal Domestic Assistant Program No. 93.867, Vision Research: National Institutes of Health)

Dated: November 5, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28913 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Committee Name: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: December 3, 1996.

Time: 8:00 a.m.–adjournment.

Place: Holiday Inn, Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Contact Person: Tommy L. Broadwater, Ph.D, Chief, Grants Review Branch, NIAMS, 45 Center Drive, Room 5AS–25U, Bethesda, Maryland 20892. Telephone: 301–594–4952.

Purpose: To review and evaluate a grant application.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these aplications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individual associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.846, Project Grants in Arthritis, Musculoskeletal and Skin Diseases Research], National Institutes of Health, HHS)

Dated: November 1, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28797 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Skin Diseases.
Date: November 13–14, 1996.
Time: November 13—8:00 a.m.–6:00 p.m. November 14—8:00 a.m.–adjournment.
Place: Holiday Inn, Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.
Contact Person: Aftab A. Ansari, Ph.D., Scientific Review Administrator, NIAMS, 45 Center Drive, Room 5AS–25S, Bethesda, Maryland 20892. Telephone: 301–594–4952.
Purpose/Agenda: To review grant applications.
Name of SEP: Osteoarthritis.
Date: November 20, 1996.
Time: 8:00 a.m.–adjournment.
Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.
Contact Person: Aftab A. Ansari, Ph.D., Scientific Review Administrator, NIAMS, 45 Center Drive, Room 5AS–25S, Bethesda, Maryland 20892. Telephone: 301–594–4952.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable and person information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.846, Project Grants in Arthritis, Musculoskeletal and Skin Disease Research], National Institutes of Health, HHS)

Dated: November 1, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28798 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Dental Research Special Emphasis Panel (SEP) meetings:

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of Conf. Grant and R03 Grant (97–08).
Dates: November 12, 1996.
Time: 12:00 noon.
Place: National Institutes of Health, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (Teleconference).
Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.
Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of Conf. Grant (97–11).
Dates: November 20, 1996.
Time: 12:00 noon.
Place: National Institutes of Health, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (Teleconference).
Contact Person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.
Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R03 Grant (97–15).
Dates: November 25, 1996.
Time: 11:00 a.m.
Place: National Institutes of Health, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (Teleconference).
Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of Program Project Grant (97–01).
Dates: December 5–6, 1996.
Time: 8:30 a.m.
Place: Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.
Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.
Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R01 Grants (97–03).
Dates: December 12–13, 1996.
Time: 8:30 a.m.
Place: Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.
Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: November 4, 1996.

Paula N. Hayes,

Acting Committee Management Specialist, NIH.

[FR Doc. 96–28801 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting of the Board of Scientific Counselors, NIAMS

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS), November 21, 1996, 8:30 a.m., Building 31, Room 4C32, 9000 Rockville Pike, Bethesda, Maryland 20892–2425.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(6), Title 5 U.S.C. for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Substantive information regarding the meeting may be obtained from Ms. Linda Peterson, Board Secretary, NIAMS, Building 10, Room 9N228, National Institutes of Health, Bethesda, Maryland 20892–2425, Telephone: 301–496–3375.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review cycle.

Dated: November 4, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28802 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review and evaluate research grant applications.

Name of SEP: Contract: Epidermolysis Bullosa Registry (Telephone Conference Call).

Date of Meeting: November 22, 1996.

Time: 3:00 p.m.—adjournment.

Place of Meeting: Bldg 45, Rm 5AS–25U, Bethesda, MD 20892.

Scientific Review Administrator: Melvin H. Gottlieb, Ph.D., Natcher Building, 45 Center Drive, Rm 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: Review of AMS Conflicts K01s and K08s (Telephone Conference Call).

Date of Meeting: December 4, 1996.

Time: 8:30 a.m.—adjournment.

Place of Meeting: Bldg 45, Rm 5AS–25U, Bethesda, MD 20892.

Scientific Review Administrator: Tommy L. Broadwater, Ph.D., Chief, Grants Review Branch, Natcher Building, 45 Center Drive, Rm 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

Name of SEP: Review of AMS Conflicts T32s (Telephone Conference Call).

Date of Meeting: December 9, 1996.

Time: 10:00 a.m.—adjournment.

Place of Meeting: Bldg 45, Rm 5AS–25U, Bethesda, MD 20892.

Scientific Review Administrator: Tommy L. Broadwater, Ph.D., Chief, Grants Review Branch, Natcher Building, 45 Center Drive, Rm 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 United States Code. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.846, Project Grants in Arthritis, Musculoskeletal and Skin Diseases Research], National Institutes of Health, HHS)

Dated: November 5, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28914 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Neurological Disorders and Stroke, Division of Extramural Activities; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: December 3, 1996.

Time: 8:30 a.m.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dr. Howard Weinstein, Scientific Review Administrator, National Institutes of Health, 7550 Wisconsin Avenue, Room 9C10, Bethesda, MD 20892, (301) 496–9223.

Purpose/Agenda: To review and evaluate a grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences)

Dated: November 5, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28915 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Notice of Meeting: Allergy, Immunology, and Transplantation Research Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Allergy, Immunology, and Transplantation Research Committee on November 12–13, 1996, at the Gaithersburg Holiday Inn, 2 Montgomery Village Inn, Gaithersburg, Maryland.

The meeting will be open to the public from 11 a.m. to 12:45 p.m. on November 12 to discuss administrative details relating to committee business and program review, and for a report from the Director, Division of Extramural Activities which will include a discussion of budgetary matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public law 92–463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 12:45 p.m. until recess on November 12, and from 12:45 p.m. until adjournment on November 13. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Ms. Claudia Goad, Committee Management Officer, National Institute of Allergy and Infectious Diseases, Solar Building, Room 3C26, National Institutes of Health, Bethesda, Maryland 20892, 301–496–7601, will provide a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Goad in advance of the meeting.

Dr. Kevin M. Callahan, Scientific Review Administrator, Allergy, Immunology and Transplantation Research Committee, NIAID, NIH, Solar Building, Room 4C20, Bethesda, Maryland 20892, telephone 301–496–8424, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research, National Institutes of Health)

Dated: November 4, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28917 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Microbiological and Immunological Sciences.

Date: November 18, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4210, Telephone Conference.

Contact Person: Dr. Bruce A. Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4210, Bethesda, Maryland 20892, (301) 435–1225.

Name of SEP: Microbiological and Immunological Sciences.

Date: November 22, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4210, Telephone Conference.
Contact Person: Dr. Bruce A. Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4210, Bethesda, Maryland 20892, (301) 435–1225.

Name of SEP: Biological and Physiological Sciences.
Date: November 22, 1996.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Michael Micklin, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Clinical Sciences.
Date: November 22, 1996.
Time: 12:00 p.m.
Place: NIH, Rockledge 2, Room 4138, Telephone Conference.
Contact Person: Dr. Anthony Chung, Scientific Review Administrator, 6701 Rockledge Drive, Room 4138, Bethesda, Maryland 20892, (301) 435–1213.

Name of SEP: Microbiological and Immunological Sciences,
Date: November 25, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4210, Telephone Conference.
Contact Person: Dr. Bruce A. Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4210, Bethesda, Maryland 20892, (301) 435–1225.

Name of SEP: Biological and Physiological Sciences.
Date: November 26, 1996.
Time: 11:00 a.m.
Place: NIH, Rockledge 2, Room 4124, Telephone Conference.
Contact Person: Dr. Mushtaq Khan, Scientific Review Administrator, 6701 Rockledge Drive, Room 4124, Bethesda, Maryland 20892, (301) 435–1778.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 26, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4210, Telephone Conference.
Contact Person: Dr. Bruce A. Maurer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4210, Bethesda, Maryland 20892, (301) 435–1225.

This notice is being published less than 15 days prior to the meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.
Date: December 9, 1996.
Time: 3:00 p.m.
Place: NIH, Rockledge 2, Room 4148, Telephone Conference.
Contact Person: Dr. Philip L. Perkins, Scientific Review Administrator, 6701 Rockledge Drive, Room 4148, Bethesda, Maryland 20892, (301) 435–1718.

Name of SEP: Clinical Sciences.
Date: December 12, 1996.
Time: 8:00 a.m.
Place: Double Tree Hotel, Rockville, MD.
Contact Person: Dr. Gopal Sharma, Scientific Review Administrator, 6701 Rockledge Drive, Room 4112, Bethesda, Maryland 20892, (301) 435–1783.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 1, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28799 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: November 10–12, 1996.
Time: 8:30 a.m.
Place: Sheraton Airport Hotel, Cleveland, OH.
Contact Person: Dr. Cheryl Corsaro, Scientific Review Administrator, 6701 Rockledge Drive, Room 6172, Bethesda, Maryland 20892, (301) 435–1045.

Name of SEP: Behavioral and Neurosciences.
Date: November 15, 1996.
Time: 9:00 a.m.
Place: Holiday Inn, Bethesda, MD.
Contact Person: Dr. Jane Hu, Scientific Review Administrator, 6701 Rockledge Drive, Room 5168, Bethesda, Maryland 20892, (301) 435–1245.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 20, 1996.
Time: 1:30 p.m.
Place: NIH, Rockledge 2, Room 4182, (Telephone Conference).
Contact Person: Dr. William Branche, Jr., Scientific Review Administrator, 6701 Rockledge Drive, Room 4182, Bethesda, Maryland 20892 (301) 435–1148.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 21, 1996.
Time: 8:00 a.m.
Place: American Inn, Bethesda, MD.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4194, Bethesda, Maryland 20892, (301) 435–1216.

Name of SEP: Biological and Physiological Sciences.
Date: November 24–25, 1996.
Time: 6:00 p.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Martin Padarathsingh, Scientific Review Administrator, 6701 Rockledge Drive, Room 4146, Bethesda, Maryland 20892, (301) 435–1717.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 26, 1996.
Time: 2:30 p.m.
Place: NIH, Rockledge 2, Room 4186 (Telephone Conference).
Contact Person: Dr. Gerald Liddel, Scientific Review Administrator, 6701 Rockledge Drive, Room 4186, Bethesda, Maryland 20892 (301) 435–1150.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 5, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–28916 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) (NIH) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 61 FR 42433, August 15, 1996), is amended to reflect a reorganization within the National Institute of Neurological Disorders and Stroke (NINDS) (HNQ). The reorganization consists of the following: (1) Transfer the functions of the Division of Demyelinating, Atrophic, and Dementing Disorders (DDADD) (HNQ9) relating to neurodegenerative disease to the Division of Stroke and

Trauma (DST) (HNQ6), transfer the remaining functions of the DDADD relating to AIDS, multiple sclerosis and autoimmune disorders to the Division of Convulsive, Developmental and Neuromuscular Disorders (HNQ8), transfer the neural prostheses program activities from the Division of Fundamental Neurosciences (HNQ3) to the DST, retitle DST to the Division of Stroke, Trauma, and Neurodegenerative Disease, and revise its functional statement; (2) abolish the Division of Demyelinating, Atrophic, and Dementing Disorders (HNQ9); (3) transfer the functions of the Developmental Neurology Branch (DNB) of the Division of Convulsive, Developmental, and Neuromuscular Disorders (HNQ83) related to developmental neurobiology, developmental disorders and neurogenetics to the Division of Fundamental Neurosciences (DFN) (HNQ3), transfer the remaining functions of the DNB related to pain and neuromuscular disorders to the Office of the Director of the Division of Convulsive, Developmental, and Neuromuscular Disorders (HNQ8), retitle the DFN to the Division of Fundamental Neuroscience and Developmental Disorders, and revise its functional statement; (4) abolish the Developmental Neurology Branch of the Division of Convulsive, Developmental, and Neuromuscular Disorders (HNQ83); and (5) retitle the Division of Convulsive, Developmental, and Neuromuscular Disorders (HNQ8) to the Division of Convulsive, Infectious, and Immune Disorders and revise its functional statement.

Section HN–B, Organization and Functions, is amended as follows: Under the heading *National Institute of Neurological Disorders and Stroke (HNQ),* (1) delete the titles and functional statements in their entirety for the Division of Demyelinating, Atrophic, and Dementing Disorders (HNQ9) and Developmental Neurology Branch (HNQ83); (2) delete the titles and functional statements in their entirety for the Division of Fundamental Neurosciences (HNQ3), Division of Stroke and Trauma (HNQ6), and Division of Convulsive, Developmental, and Neuromuscular Disorders (HNQ8) and substitute the following:

Division of Fundamental Neuroscience and Developmental Disorders (HNQ3)

(1) Plans and directs a program of grant and contract support for research and research career development for fundamental cellular, molecular and systems neuroscience, for developmental neurobiology, for developmental disorders, and for neurogenetics to assure maximum utilization of available resources in the attainment of Institute objectives; (2) maintains surveillance over developments in these program areas and assesses the national need for research, including research on the cause, prevention, diagnosis, and treatment of developmental disorders, and pursues technological development, the application of research findings, and research training and career development in these areas; (3) determines program priorities and recommends funding levels for programs to be supported by grants; (4) determines priorities and funding levels for programs to be supported by contracts; (5) collaborates NIH-wide on national research efforts related to these program areas; (6) prepares reports and analyses of national needs to assist Institute staff and advisory groups in carrying out their responsibilities and in developing new areas of emphasis; and (7) consults with voluntary health organizations and with professional associations in identifying research needs and developing programs to meet these needs.

Division of Stroke, Trauma, and Neurodegenerative Disease (HNQ6)

(1) Plans and directs a program of grant and contract support for research and research career development on stroke, on traumatic injury to the brain and nervous system, including traumatic brain and spinal cord injury, on neurodegenerative disorders, including parkinson's disease and alzheimer's disease, on brain tumors and on the development of artificial prosthetic devices to restore function to the damaged nervous system to assure maximum utilization of available resources in the attainment of Institute objectives; (2) maintains surveillance over developments in these program areas and assesses the national need for research in the cause, prevention, diagnosis, and treatment of convulsive, infectious and immune disorders of the brain and the nervous system, and pursues technological development, the application of research findings, and research training and career development in these areas; (3) determines program priorities and recommends funding levels for programs to be supported by grants; (4) determines priorities and funding levels for programs to be supported by contracts; (5) collaborates NIH-wide on national research efforts related to these program areas; (6) prepares reports and analyses of national needs to assist Institute staff and advisory groups in carrying out their responsibilities and in developing new areas of emphasis; and (7) consults with voluntary health organizations and with professional associations in identifying research needs and developing programs to meet these needs.

Division of Convulsive, Infectious, and Immune Disorders (HNQ8)

(1) Plans and directs a program of grant and contract support for research and research career development on convulsive disorders, including epilepsy, infectious disorders of the brain and the nervous system, including AIDS, immune disorders of the brain and the nervous system, including multiple sclerosis, disorders related to the sleep mechanisms, and pain to assure maximum utilization of available resources in the attainment of Institute objectives; (2) maintains surveillance over developments in these program areas and assesses the national need for research in the cause, prevention, diagnosis, and treatment of convulsive, infectious and immune disorders of the brain and the nervous system, and pursues technological development, the application of research findings, and research training and career development in these areas; (3) determines program priorities and recommends funding levels for programs to be supported by grants; (4) determines priorities and funding levels for programs to be supported by contracts; (5) collaborates NIH-wide on national research efforts related to these program areas; (6) prepares reports and analyses of national needs to assist Institute staff and advisory groups in carrying out their responsibilities and in developing new areas of emphasis; and (7) consults with voluntary health organizations and with professional associations in identifying research needs and developing programs to meet these needs.

Dated: October 31, 1996.

Harold Varmus,

Director, NIH.

[FR Doc. 96–28803 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 61 FR 42433, August 15, 1996), is amended to reflect

the reorganization of the National Institute of Environmental Health Sciences (NIEHS) (HNV), National Institutes of Health (NIH). This reorganization will: (1) Realign functions within the Office of the Director (HNV); and (2) establish the Office of Equal Employment Opportunity (HNV19). This reorganization will establish the equal employment opportunity (EEO) function as a visible, and respected, entity within the NIEHS, reflecting the growing significance of this function within the federal work place.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the *Office of the Director (HNV1),* insert the following:

Office of Equal Employment Opportunity (HNV19). Promotes an increased awareness of equal employment opportunity (EEO), diversity, and civil rights issues, which will stimulate improved leadership and workforce opportunity through education, experience, and participation.

Delegations of Authority Statement: All delegations and redelegations of authority to offices and employees of NIH which were in effect immediately prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect, pending further redelegation.

Dated: October 31, 1996.

Harold Varmus,

Director, NIH.

[FR Doc. 96–28804 Filed 11–8–96; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 1997 Funding Opportunity for a Cooperative Agreement From the Center for Mental Health Services

AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) announces that FY 1997 funds are available for a cooperative agreement for the activity discussed under Section 4 of this notice. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA) before preparing an application.

Activity	Application deadline	Estimated funds available	Estimated number of awards	Project period
TA Center for Evaluation	01/10/97	$600,000	1	3 yrs.

FY 1997 funds for this activity were appropriated by the Congress under Public Law No. 104–208. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the Federal Register (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Center's activities address issues related to Healthy People 2000 objectives: to promote the physical, social, psychological, and economic well-being of adults with mental disorders and children and adolescents with or at risk for a serious emotional, behavioral, or mental disorder. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–783–3238).

GENERAL INSTRUCTIONS: Applicants must use application form PHS 5161–1 (Rev. 5/96; OMB No. 0937–0189). The Application Kit contains the full GFA, the PHS 5161–1, Standard Form 424 (Face Page), and *complete instructions* for preparing and submitting applications. The Kit may be obtained from the contact person identified in Section 4.

The full text of the activity (i.e., the GFA) described in Section 4 is available electronically via the following:

SAMHSA's World Wide Web Home Page (address: HTTP://WWW.SAMHSA.GOV); SAMHSA's Bulletin Board (800–424–2294 or 301–443–0040; and the Center for Mental Health Services' Knowledge Exchange Network (KEN) (voice line 800–789–2647 or Electronic Bulletin Board 800–790–2647).

APPLICATION SUBMISSION: Applications must be submitted to: Center for Mental Health Services Programs, Division of Research Grants, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, MD 20892–7710.

Applicants who wish to use express mail or courier service should change the zip code to 20817.

APPLICATION DEADLINES: The deadline for receipt of applications is listed in the table above.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the receipt date or those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for technical information should be directed to the contact person identified in Section 4.

Requests for information concerning business management issues should be directed to: Stephen Hudak—(301) 443–4456.

SUPPLEMENTARY INFORMATION: To facilitate the use of this notice of funding availability, information has been organized, as outlined in the Table of Contents below:

Table of Contents

1. Program Background and Objectives

The Center for Mental Health Services (CMHS) has been given a statutory mandate to take a national leadership role in the development and demonstration of improved mental health services. Toward that end, the Center facilitates the application of scientifically established findings and practice-based knowledge to prevent and treat mental disorders, improve access, reduce barriers and promote high quality, effective programs and services for people with, or at risk for, these disorders.

2. Special Concerns

None.

3. Criteria for Review and Funding

Competing applications requesting funding under the specific project activity in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts. Applications will be recommended for approval or disapproval on the basis of merit. Applications recommended for approval will be assigned scores according to level of merit.

3.1 General Criteria

As published in the Federal Register on July 2, 1993 (Vol. 58, No. 126), SAMHSA's ''Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals,'' peer review groups will take into account, among other factors as may be specified in the application guidance materials, the following general criteria:

Potential significance of the proposed project;

Appropriateness of the applicant's proposed objectives to the goals of the specific program;

Adequacy and appropriateness of the proposed approach and activities;

Adequacy of available resources, such as facilities and equipment;

Qualifications and experience of the applicant organization, the project director, and other key personnel; and

Reasonableness of the proposed budget.

3.2 Funding Criteria for Approved Applications

Applications recommended for approval by the peer review group and the CMHS National Advisory Council (if applicable) will be considered for funding on the basis of their overall technical merit as determined through the review process.

Other funding criteria will include:

Availability of funds.

Additional funding criteria specific to the programmatic activity may be included in the application guidance materials.

4. Specific FY 1997 Activity

Technical Assistance Center for the Evaluation of Mental Health Systems Change. This activity will be conducted as a cooperative agreement program. Federal programmatic involvement is required in cooperative agreement programs. Federal involvement will include planning, guiding, coordinating, and participating in programmatic activities (e.g., participation in publication of findings) and on steering committees. Periodic meetings, conferences and/or communications with the award recipients may be held to review mutually agreed upon goals and objectives and to assess progress. Additional details on the degree of Federal programmatic involvement will be included in the application guidance materials.

Application Deadline:

Purpose: A cooperative agreement will be awarded to support a Technical Assistance Center (TA Center) for the Evaluation of Mental Health Systems Change. The goal of the TA Center will be to provide technical assistance in the area of evaluation to State and local public entities as well as private nonprofit entities within the States with a primary focus on adult mental health systems. Broadly speaking, the TA Center should accomplish this goal through increasing the capacity of its customers to conduct evaluations; through direct and indirect technical assistance activities; through encouraging the evaluation of systems implementation strategies and changes at State and sub-State levels that have the potential for providing useful knowledge to organizations considering similar changes in other areas; and through consensus building within States and local communities about ''best practices'' based on the results of these, and related, evaluations. Funds will be awarded through a cooperative agreement mechanism to allow CMHS staff to coordinate this effort with related technical assistance and information dissemination efforts. These efforts include the CMHS Knowledge Exchange Network, the TA Center for State Mental Health Planning, and the National TA Center for Children's Mental Health.

Priorities: None.

Eligible Applicants: Applications may be submitted by public organizations, such as units of State or local governments and by domestic private nonprofit and for-profit organizations such as community-based organizations, universities, colleges and hospitals, including active CMHS Division of Knowledge Development and Systems Change grantees.

Grants/Amounts: 1 award, with the award being approximately $600,000 in the first year.

Catalog of Federal Domestic Assistance Number: 93.119

Program Contact: Mary Westcott, Ph.D., Division of Knowledge Development and Systems Change, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, Parklawn Building, Rm. 11C–26, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–3606.

5. Public Health System Reporting Requirements

This activity is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

7. Executive Order 12372

This activity is not subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100.

Dated: November 5, 1996.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 96–28932 Filed 11–8–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. 749872

Applicant: David Germano, Bakersfield, California.

The applicant requests an amendment of his permit to include take (capture and release) of the Pacific pocket mouse (*Perognathus longimembris pacificus*) in Los Angeles, Orange, and San Diego Counties, California in conjunction with population studies for the purpose of enhancing its survival.

Permit No. 819222

Applicant: Kings River Conservation District, Fresno, California.

The applicant requests a permit to take (capture, mark, collect biological data, and release) the Fresno kangaroo rat (*Dipodomys nitratoides exiles*) in Fresno County, California, and to take (harass by survey, and collect and sacrifice voucher specimens) the longhorn fairy shrimp (*Branchinecta longiantenna*), Conservancy fairy shrimp (*Branchinecta conservatio*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in Central Valley of California from and including Sacramento County south to and including Kern County in conjunction with scientific research and the presence or absence surveys for the purpose of enhancing their survival.

Permit No. 818627

Applicant: Paul Scheerer, Corvallis, Oregon.

The applicant requests a permit to take (capture and sacrifice) the Oregon chub (*Oregonichthys crameri*) in conjunction with assessing juvenile survival through otolith aging in Minnow Creek Pond, Shady Dell Pond, and Green Island, in Lane and Linn Counties Oregon for the purpose of enhancing its survival.

Permit No. 809232

Applicant: Paul Holden, Logan, Utah.

The applicant requests an amendment of his permit to include taking (capture, tag, and release) the razorback sucker (*Xyrauchen texanus*) in conjunction with conducting population size, habitat use, and life history studies in Lake Mead, Nevada for the purpose of enhancing its survival.

Permit No. 786497

Applicant: Paul Principe, Murrieta, California.

The applicant requests an amendment of his permit to include take (capture and release) of the Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with surveys and habitat studies in Riverside County, California for the purpose of enhancing its survival.

Permit No. 817400

Applicant: East Bay Regional Park District, Oakland, California.

The applicant requests a permit to take (capture and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*) in conjunction with population monitoring in Alameda and Contra Costa Counties, California for the purpose of enhancing its survival.

Permit No. 745033

Applicant: Scientific Research and Consulting Service, Marina, California.

The applicant requests an amendment of their permit to include take (capture and release) of the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) in conjunction with population monitoring in Santa Cruz, Monterey, Santa Clara, San Mateo, and San Benito Counties, California for the purpose of enhancing its survival.

Permit No. 818259

Applicant: Philip Northen, Rohnert Park, California.

The applicant requests a permit to take (collect) and sacrifice Conservancy fairy shrimp (*Branchinecta conservatio*) and vernal pool tadpole shrimp (*Lepidurus packardi*) cysts in conjunction with soil analysis for toxic substances in Tehama and Butte Counties, California for the purpose of enhancing their survival.

Permit No. 817991

Applicant: Nancy Rena Siepel, Cayucos, California.

The applicant requests a permit to take (capture and release) the tidewater goby (*Eucyclogobius newberryi*) throughout the species' range in California in conjunction with presence or absence surveys for the purpose of enhancing its survival.

Permit No. 817689

Applicant: Kent Reeves, Sacramento, California.

The applicant requests a permit to take (capture and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*) throughout the species' range in California in conjunction with presence or absence surveys for the purpose of enhancing its survival.

Permit No. 820015

Applicant: Michael Westphal, Alviso, California.

The applicant requests a permit to take (capture and release) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), and Riverside fairy shrimp (*Streptocephalus wootoni*) throughout the species' ranges in California in conjunction with amphibian surveys for the purpose of enhancing their survival.

Permit No. 820018

Applicant: Richard Seymour, Alviso, California.

The applicant requests a permit to take (capture and release) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), and Riverside fairy shrimp (*Streptocephalus wootoni*) throughout the species' ranges while conducting amphibian surveys for the purpose of enhancing their survival.

Permit No. 787644

Applicant: Stephen Tabor, Bakersfield, California.

The applicant requests an amendment of his permit to include take (capture and release) of the Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*) in Kern County, California in conjunction with population studies for the purpose of enhancing its survival.

Permit No. 702631

Applicant: Assistant Regional Director—Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The applicant requests amendment of his permit to include authorization to remove and reduce to possession specimens of the following plant species: *Arctostaphylos glandulosa* ssp. *crassifolia* (Del Mar manzanita); *Chorizanthe orcuttiana* (Orcutt's spineflower); *Delissea undulata* (plant, no common name); *Chamaesyce herbstii* (àkoko); *Chamaesyce rockii* (àkoko); *Cyanea acuminata* (haha); *Cyanea humboldtiana* (haha); *Cyanea longiflora* (haha); *Cyanea st.-johnii* (haha); *Cyanea koolauensis* (haha); *Cyanea longiflora* (haha); *Cyrtandra dentata* (haìwale);

Cyrtandra subumbellata (haìwale); *Cyrtandra viridiflora* (haìwale); *Delissea subcordata* (òha); *Eragrostis fosbergii* (plant, no common name); *Gardenia mannii* (nanu); *Laborida cyrtandrae* (kamakahala); *Lepidium arbuscula* (ànaunau); *Lobelia gaudichaudii* spp. *koolauensis* (plant, no common name); *Lobelia monostachya* (plant, no common name); *Melicope saint-johnii* (alani); *Myrsine juddii* (kolea); *Phyllostegia hirsuta* (plant, no common name); *Phyllostegia kaalaensis* (plant, no common name); *Pritchardia kaalea* (loulu); *Schiedea kealiae* (plant, no common name); *Trematolobelia singularis* (plant, no common name); *Viola oahuensis* (plant, no common name); *Achyranthes mutica* (plant, no common name); *Cenchrus agrimonioides* (kamanomano); *Cyanea grimesiana* spp. *grimesiana* (haha); *Cyperus trachysanthos* (puùkaà); *Euphorbia haeleeleana* (plant, no common name); *Isodendrion laurifolium* (aupaka); *Panicum niihauense* (lau èhu); *Phyllostegia parviflora* (plant, no common name); *Plantanthera holochila* (plant, no common name); *Sanicula purpurea* (plant, no common name); *Schiedea hookeri* (plant, no common name); *Schiedea kauaiensis* (plant, no common name); *Schiedea nuttallii* (plant, no common name); *Cyanea dunbarii* (haha); *Lysimachia maxima* (plant, no common name); *Schiedea sarmentosa* (plant, no common name); *Clermontia drepanomorpha* (òha wai); *Cyanea platyphylla* (haha); *Hibiscadelphus giffardianus* (hau kuahiwi); *Hibiscadelphus hualalaiensis* (hau kuahiwi); *Melicope zahlbruckneri* (alani); *Neraudia ovata* (plant, no common name); *Phyllostegia racemosa* (kiponapona); *Phyllostegia velutina* (plant, no common name); *Phyllostegia warshaueri* (plant, no common name); *Pleomele hawaiiensis* (hala pepe); *Pritchardia schattaueri* (loulu); *Sicyos alba* (ànunu); *Zanthoxylum dipetalum* var. *tomentosum* (aè); *Alsinidendron lychnoides* (kuawawaenohu); *Alsinidendron viscosum* (plant, no common name); *Cyanea remyi* (haha); *Cyrtandra cyaneoides* (mapele); *Hibiscus waimeae* ssp. *hannerae* (kokiòkeòkeò); *Delissea rivularis* (òha); *Hibiscadelphus woodii* (hau kuahiwi); *Kokia kauaiensis* (kokiò); *Labordia tinifolia* var. *wahiawaensis* (kamakahala); *Phyllostegia knudsenii* (plant, no common name); *Phyllostegia wawrana* (plant, no common name); *Pritchardia napaliensis* (loulu); *Pritchardia viscosa* (loulu); *Schiedea helleri* (plant, no common name); *Schiedea membranacea* (plant, no common name); *Schiedea stellarioides* (laulihilihi); *Viola kauaensis* var. *wahiawaensis* (nani waiàleàle); *Calystegia stebbinsii* (Stebbins' morning-glory); *Ceanothus roderickii* (Pine Hill ceanothus); *Fremontodendron californicum* ssp. *decumbens* (Pine Hill flannelbush); and *Galium californicum* ssp. *sierrae* (El Dorado bedstraw) throughout their range for recovery efforts in order to enhance their propagation and survival.

DATES: Written comments on these permit applications must be received on or before December 12, 1996.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Consultation and Conservation Planning, Ecological Services, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; FAX: 503–231–6243. Please refer to the respective permit number for each application when submitting comments. All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Mr. Bryon Holt, Division of consultation and conservation Planning, Portland, Oregon (see address above; telephone: 503–231–2063). Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to the address above. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: November 1, 1996.

Thomas J. Dwyer,

Regional Director, Region 1 Portland, Oregon.

[FR Doc. 96–28878 Filed 11–8–96; 8:45 am]

BILLING CODE 4310–55–P

Notice of Decision and Notice of Availability of the Record of Decision

SUMMARY: This notice advises the public of (1) the decision of the U.S. Fish and Wildlife Service (Service) with respect to acquiring water rights for the Lahontan Valley wetlands, Churchill County, Nevada; and (2) the availability of the Record of Decision (ROD) for the final Environmental Impact Statement (final EIS) for water rights acquisition for the Lahontan Valley Wetlands. The ROD was prepared in accordance with Council on Environmental Quality regulations (40 CFR 1505.2) and the Service's implementing procedures for the National Environmental Policy Act of 1969 (40 U.S.C. 1501 *et seq.*) The ROD documents the decision of the Service based on the information contained in the final EIS, which was filed with the Environmental Protection Agency on October 4, 1996. The Service has selected the Preferred Alternative (Alternative 5), as described in the final EIS and ROD, for implementation. Additional clarification regarding implementation of the water rights acquisition strategies of Alternative 5 was added to the ROD.

ADDRESS: To obtain a copy of the ROD or for further information, contact Dan Walsworth, Refuge Manager, Stillwater National Wildlife Refuge, P.O. Box 1236, Fallon, Nevada 89407, telephone (702) 423–5128.

The Selected Alternative: Based on review of the alternatives and their environmental consequences described in the Final EIS, the Service has selected Alternative 5, the Preferred Alternative. Implementation of Alternative 5 will minimize adverse impacts to the farming community while achieving the 25,000-acre wetland habitat objective and providing flexibility in the use of several water sources.

Alternatives Considered: The five alternatives considered were: (1) No Action Alternative, which includes the acquisition of 20,000 AF of water rights form within the Carson Division of the Newlands Project; (2) Proposed Action, which proposes the purchase of up to 122,000 AF of water rights; (3) Least Cost Alternative, which would result in the purchase of up to 100,000 AF of water rights; (4) Maximum Acquisition Alternative, which would result in up to 133,500 AF being purchased; and (5) the Service's Preferred Alternative, which would result in (a) the acquisition of up to 75,000 AF of water rights in the Carson Division, (b) leasing of water, (c) acquisition of water rights from the Middle Carson River corridor, (d) use of conserved U.S. Navy water as available, and (e) pumping of groundwater. Alternatives 2–5 each include the acquisition of 20,000 AF under the No Action Alternative and would provide an annual average of about 125,000 AF of water for wetlands protection.

Environmentally Preferred Alternative: The Service considers that Alternative 4 would best enhance and protect the natural environment and natural resources. It would result in the greatest benefit to wetland habitat and wetland-dependent wildlife by providing the highest quality wetland inflow through the exclusive use of irrigation-quality water and the non-use

of agricultural drainwater. Of the action alternatives, ecological integrity and health would be highest under Alternative 4 over the long term. Consequently, Alternative 4 has been identified as the environmentally preferred alternative.

Mitigation and Monitoring: Whereas Alternative 2 was put forth in the draft EIS as the Service's proposed course of action and would provide the wetlands with a more secure supply of higher quality water, Alternative 5 was selected for implementation in large part because it provides a broader approach by minimizing adverse impacts to farmland, the agricultural community, groundwater recharge, and related resources in the Carson Division. Adverse impacts will be minimized primarily by minimizing the purchase of Carson Division water rights. Of the action alternatives, Alternative 5 would have the least impact on these resources. By implementing Alternative 5, with the mitigation provisions identified in the ROD, all practicable means to avoid or minimize environmental harm have been adopted.

Potential mitigation measures were identified in the final EIS for reducing or avoiding adverse impacts to agriculture, groundwater recharge, and wildlife habitat. The ROD lists several of these mitigation measures that the Service has committed to undertake. The Service will implement the specified mitigation measures as part of the water rights acquisition program. The ROD also outlines a monitoring program to which the Service is committed. The Service will continue monitoring the acreage of wetland habitat. Once a long-term average of 25,000 acres of primary wetland habitat is being sustained and it is determined that this long-term average can be sustained, the Service will terminate water rights purchases.

The Decision: The decision of the Service is to implement Alternative 5, the Preferred Alternative. Implementation of Alternative 5, as described in Section 2.5.5 of the final EIS, and the mitigation and monitoring identified above, will take effect on December 19, 1996, 45 days after the signing of the ROD.

Dated: November 5, 1996.

Richard B. Moore,

Acting Regional Director, Pacific Region, Portland, Oregon.

[FR Doc. 96–28877 Filed 11–8–96; 8:45 am]

BILLING CODE 4310–55–M

Availability of a Draft Environmental Assessment on Permits for Control of Injurious Canada Geese and Request for Comments on Potential Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) announces the extension of the comment period for the Service's September 3, 1996, Federal Register publication from October 18 to November 22, 1996.

DATES: Written comments are requested by November 22, 1996.

ADDRESSES: Copies of the Draft Environmental Assessment can be obtained by writing to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square, Washington, DC 20240. Written comments can be sent to the same address.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION: The Service announced in the September 3, 1996, Federal Register (61 FR 46431) the availability of a Draft Environmental Assessment reviewing the existing regulations governing issuance of permits to control injurious Canada geese. The Assessment deals only with how permits are issued and does not address specific control measures used to control injury problems in the field. The Service's proposed action is to issue a blanket permit, which will be available only for the period of March 11 through August 31, to State Conservation Agencies and/or the U.S. Department of Agriculture on a State-specific basis. Three alternatives, including the proposed action, are considered.

Dated: November 6, 1996.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–28930 Filed 11–8–96; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[MT–020–1320–00, MTM 057934A, MTM 061685]

Notice of Intent to Plan; Montana

AGENCY: Bureau of Land Management (BLM), Montana, Miles City District, Interior.

ACTION: Notice of intent to conduct scoping and prepare an environmental analysis on the proposed lease tracts.

SUMMARY: On May 6, 1996, Decker Coal Company applied for Modification to Leases MTM 057934A and MTM 061685, for federal coal resources within the Powder River Coal Region. The land included in the application is located in Big Horn County, Montana and is described as follows:

MTM 057934A

T. 8 S., R. 40 E., P.M.M.
Sec 34: NW¼SW¼NE¼, SW¼NE¼NW¼, SE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼
T. 9 S., R. 40 E., P.M.M.
Sec. 3: W½SW¼NE¼, W½NW¼SE¼

MTM 061685

T. 8 S., R. 40 E., P.M.M.
Sec. 34: W½W½

Decker Coal Company has also expressed an interest in an additional 80 acres in T. 9 S., R. 40 E., Sec. 3, for ''future leasing and modification to lease MTM 057934A''.

The 320-acre lease application contains an estimated 8.3 million tons of coal to be added to the two leases.

An Environmental Analysis (EA) will be prepared to analyze the proposed lease of the federal coal resource and the reasonably foreseeable consequences of this action as well as the impacts of development of the coal. The scope of this EA will be expanded to include the additional 80 acres Decker Coal Mine has expressed interest in for future leasing.

This EA will comply with all applicable provisions of the National Environmental Policy Act of 1969 (NEPA) and all subsequent applicable regulations implementing this law (Council on Environmental Quality (CEQ) regulations, 40 CFR, Part 1500–1508) and Department of Interior requirements listed in the Departmental Manual 516 'Environmental Quality'. It will also comply with the guidance listed in the BLM's Environmental Handbook, H–1790–1, 10/88.

DATES: Any issues, concerns or comments regarding this proposal

should be submitted on or before December 20, 1996.

ADDRESSES: All submissions should be sent to the following address: Bureau of Land Management, Todd Christensen, Powder River Resource Area Manager, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 232–4331.

FOR FURTHER INFORMATION CONTACT: For additional information on the project contact Dan Benoit, Team Leader, Powder River Resource Area, 111 Garryowen Road, Miles City, Montana, 59301, telephone (406) 232–4331.

SUPPLEMENTARY INFORMATION: All interested parties including federal, state and local agencies are invited to participate in the environmental analysis scoping process. The scoping period will begin immediately and will end December 20, 1996.

The following issues and concerns have been identified:

Potential for social and economic impacts to the area;

Possible impacts to soils, vegetation, and agriculture;

Possible impacts to hydrologic resources;

Potential impacts to visual resource;

Cultural resources and traditional lifeway values.

The public is encouraged to present their ideas and views on these and other issues and concerns. All issues and concerns will be considered in the preparation of the environmental analysis.

The scoping process used to collect issues and concerns will involve two public meetings, one scheduled December 10, 1996 at 1:00 p.m. at the Dull Knife Memorial College, Studio Room, Lame Deer, Montana 59043, and one scheduled on December 11, 1996, at 1:00 p.m. at the Sheridan County Fulmer Public Library, Inner Circle Room, 335 West Alger Street, Sheridan, Wyoming 82801.

Todd S. Christensen,

Acting District Manager.

[FR Doc. 96–28876 Filed 11–8–96; 8:45 am]

BILLING CODE 4310–DN–P

LEGAL SERVICES CORPORATION

Grant Awards to Applicants for Funds to Provide Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 1997

AGENCY: Legal Services Corporation.

ACTION: Correction.

SUMMARY: In a notice published on October 29, 1996 (60 FR 55827), the Legal Services Corporation (LSC or Corporation) announced its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 1997. The following organization should have also been included.

Service area	Applicant name
OH–15	Ashtabula County Legal Assistance.

Date Issued: November 6, 1996.

Merceria L. Ludgood,

Deputy Director, Office of Program Operations.

[FR Doc. 96–28888 Filed 11–8–96; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The U.S. National Commission on Libraries and Information Science; Sunshine Act Meeting

TIME, DATE, AND PLACE:

December 12, 1996, 1:00 p.m.-5:00 p.m.
December 13, 1996, 9:00 a.m.-5:30 p.m.
December 14, 1996, 9:00 a.m.-1:00 p.m.

Dining Room A, Madison Building, Library of Congress, Washington, DC. 20540.

MATTERS TO BE DISCUSSED:

NCLIS administrative matters—review of minutes of July 1996 NCLIS meetings
Reports from NCLIS Chairperson and Executive Director
Discussion of transition from Library Services and Construction Act (LSCA) to Library Services and Technology Act (LSTA) and transfer of federal responsibility for library grant programs from the Department of Education to the new Institute of Museum and Library Services (IMLS)
Discussion of NCLIS statutory responsibility to provide general policy advice to the IMLS Director with respect to LSTA financial assistance and projects
Review of NCLIS project plans for an Assessment of Standards for the Creation, Dissemination, and Permanent Accessibility of Electronic Government Information Products
Discussion of proposals and decisions on activities regarding human resources in and for the information infrastructure
Status report on NCLIS management review
Discussion of:

- Outlook for 105th Congress.
- Proposal for national summit from White House Conference on Library and Information Services Taskforce (WHCLIST).
- MicroSoft Libraries Online Project.

Other matters

Portion Closed to the Public

10:00 a.m. to 12:00 p.m, December 12, 1996. To review staff support requirements.

To request further information or to make special arrangements for physically challenged persons, contact Barbara Whiteleather (202–606–9200) no later than one week in advance of the meeting.

Dated: November 6, 1996.

Peter R. Young,

NCLIS Executive Director.

[FR Doc. 96–29088 Filed 11–7–96; 2:47 pm]

BILLING CODE 7527–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 999–90003, General License London Ohio EA 96–041]

The Dial Corporation, London, OH, Order Imposing Civil Monetary Penalty

I

The Dial Corporation (Licensee) was authorized to use licensed materials by the Nuclear Regulatory Commission (NRC or Commission) pursuant to the general license provisions in 10 CFR Part 31. The Licensee possessed and used generally licensed industrial gauging devices containing nuclear materials, principally strontium-90 and americium-241.

II

An inspection of the Licensee's activities was conducted from January 22 to February 21, 1996. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. The inspection report was sent to Dial by letter dated March 12, 1996, and by letter, dated April 9, 1996, Dial responded to the apparent violation described in the inspection report. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated June 18, 1996. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

In its April 9, 1996 response to the inspection report, Dial admitted the violation had occurred. The Licensee responded to the Notice in a Reply to a Notice of Violation and an Answer to a Notice of Violation, both dated July 16, 1996. In the July 16, 1996 letters, the Licensee requested mitigation of the proposed civil penalty and alleged that the cover letter for the Notice was incorrect as to the Licensee's efforts to

locate the source and report its loss. The NRC's responses to those allegations are contained in the Appendix to this Order.

III

Historically, uncontrolled radioactive material has resulted in radiation exposure to members of the general public, contamination in scrap yards and foundries as a result of smelting activities, and environmental contamination. In order to emphasize the importance of adequate oversight and control of radioactive material, and after consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered* That:

The Licensee pay a civil penalty in the amount of $2,500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532–4351.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be: Whether, on the basis of the violation admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland this 31st day of October 1996.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluation and Conclusion

On June 18, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during an NRC inspection. The Dial Corporation (Licensee) responded to the inspection findings in a letter dated April 9, 1996. (The inspection report was mailed to the Licensee on March 12, 1996.) The Licensee replied to the Notice on July 16, 1996. In its April 9, 1996 letter, the Licensee admitted the violation. In the July 16, 1996 correspondence, the Licensee requested that the civil penalty be fully mitigated or reduced to $730. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

Restatement of Violation

10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device.

Contrary to the above, during the approximate period 1992 to October 1995, the licensee disposed of an NDC Systems gauge containing an americium-241 sealed source of nominally 200 millicuries and this disposal was not made to a person holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device and the exceptions in 10 CFR 31.5(c)(9) did not apply. (01013)

This is a Severity Level III violation (Supplement VI). Civil Penalty—$2,500.

NRC Evaluation of Licensee's Letter Dated July 16, 1996, ''Reply to a Notice of Violation''

As discussed in the NRC's June 18, 1996 letter transmitting the Notice, the NRC informed the Licensee that the application of the civil penalty assessment process resulted in no monetary penalty being assessed. That letter also informed the Licensee that notwithstanding the civil penalty assessment process, a penalty was proposed under the enforcement discretion provisions in Section VII.A.1(g) of the NRC Enforcement Policy. This discretionary factor permits the proposal of a civil penalty when NRC-licensed material is lost, unless the licensee identifies and reports the loss to the NRC. The June 18, 1996 letter also indicated that discretion was being exercised because licensed material was not controlled and was currently missing.

In its July 16, 1996 letter, ''Reply to a Notice of Violation,'' the Licensee indicates that it found part of the gauging device on October 25, 1995, initiated a prompt search for the americium-241 source on that same day, and reported the loss to the NRC on November 3, 1995 during a discussion with an NRC Inspector. However, during a November 2, 1995 discussion between the Licensee's Materials Manager and the NRC Inspector, the NRC was not informed that the Licensee had discovered the loss on October 25, 1995. Furthermore, during a November 3, 1995 discussion, it was only as the result of a direct question from the NRC Inspector about other NRC-licensed materials in the possession of the Licensee that the Materials Manager told the Inspector that the americium-241 source was missing. Since the inspector was not specifically informed that Dial had discovered the loss on October 25, 1995, the Inspector concluded that Dial had discovered the loss on November 3, 1995.

As to reporting, the Licensee contends that a report was made within the 30 day period permitted by 10 CFR 20.2201(a)(ii). However, 10 CFR 20.2201(a)(ii) is not the applicable requirement. Rather, 10 CFR 20.2201(a)(i) is applicable and requires that a licensee must *immediately* notify the NRC of any stolen, lost or missing material in a quantity of 1,000 times the limit specified in 10 CFR Part 20, Appendix C. The limit specified by 10 CFR Part 20, Appendix C, for americium-241 is 0.001 microcuries. In this case, the missing americium-241 source was nominally 200 millicuries which greatly exceeds the requirement for making an immediate report to the NRC. Therefore, the Licensee was required to notify the NRC *immediately* upon discovery that the americium-241 source was missing.

In view of this, the NRC staff has reconsidered the application of discretion under the enforcement discretion provisions in Section VII.A.1(g) of the NRC Enforcement Policy (NUREG–1600). Although not properly reported as required, the licensee did inform the NRC of the loss. Nonetheless, this case is particularly significant. The Licensee admits that a nominal 200 millicurie americium-241 source is missing from its London, Ohio facility. The Licensee does not know the circumstances of the loss, the ultimate disposition of the material, or the possibility of any individual exposures to radiation. With the source and its probe intact and the source shutter closed, the likelihood of significant radiation exposure to Dial staff or to members of the public is minimal. However, if the source is ruptured, or otherwise not intact, (e.g., the probe is shredded or melted down with scrap materials) significant facility and environmental contamination may occur with resultant internal and external

personnel radiation exposure. As a member of the group of transuranic elements, with alpha particle emissions, a physical half life of 458 years and an effective half-life in bone of about 140 years, unsealed and uncontrolled americium-241 is a significant internal radiation exposure hazard. Moreover, the fundamental cause of this incident was that the licensee possessed radioactive material and was not aware of it and did not control it.

In the view of the NRC staff, it is important to provide a strong message to licensees that it is not acceptable to possess radioactive material without appropriate controls. Given the quantity of licensed material that was lost, a civil penalty is warranted. Accordingly, pursuant to Section VII.A.1. of the Enforcement Policy, the NRC is exercising discretion by assessing a civil penalty to reflect the significance of not maintaining awareness of possession and not controlling the material.

Summary of Licensee's Request for Mitigation

The Dial Corporation (Dial) requests that the proposed civil penalty be mitigated for extenuating circumstances and as a Violation Involving Special Circumstances under NUREG–1600, Section VII.B.6. Dial indicates in its July 16, 1996, ''Answer to a Notice of Violation,'' that the loss of the source was an inadvertent, one-time occurrence, that the loss occurred as long ago as 1992, and the loss was of limited safety significance.

Dial also contends that it was unaware of the presence of the device from the time of the asset transfer (from Purex) which occurred in 1985 until the October 25, 1995 call from OSHA. Therefore, it could not be expected to have prevented the violation.

Dial contends further that since it has no intention of possessing any licensed material in the future, a civil penalty can have no deterrent effect, and that the NRC enforcement program or goals are not served by imposing a penalty.

Finally, Dial took exception to the amount of the proposed civil penalty, contending that the amount of the penalty exceeded the $730 that Dial estimated would be the cost to dispose of an americium-241 source.

NRC Evaluation of Licensee's Request for Mitigation

The NRC has reviewed the Licensee's request to mitigate the civil penalty pursuant to Section VII.B.6 of NUREG–1600, ''Violations Involving Special Circumstances.'' As previously noted, the loss of the americium-241 source has potential radiation safety consequences for Dial employees and the general public. The NRC has not identified any other extenuating or special circumstances in the NRC Enforcement Policy or in Dial's response that warrants mitigation of the civil penalty.

The Licensee contends that from the time the London, Ohio, facility was purchased in 1985 from The Purex Corporation, it was unaware that it possessed licensed material until it was contacted by the Occupational Safety and Health Administration (OSHA), on October 25, 1995, and could not have been reasonably expected to prevent the violation. This contention is not supported by the evidence. On May 21, 1991, NDC Systems, the manufacturer of the americium-241 gauge, repaired the device and on May 24, 1991, returned it to Dial at the London, Ohio, facility. Furthermore, NDC analyzed a leak test sample from the americium-241 source and provided Dial with a Leak Test Certificate, dated October 10, 1991. Therefore, it is reasonable to conclude that Dial was or should have been aware of the americium-241 gauge before OSHA contacted the London, Ohio, facility about radioactive materials on October 25, 1995.

The NRC disagrees with the Licensee's contention that a civil penalty can have no deterrent effect and that the NRC's enforcement program and goals are not served by imposing a civil penalty. A civil penalty imposed for lost or missing radioactive sources emphasizes the importance the NRC places on the control of licensed material. It encourages compliance in all licensees in a manner that deters future violations.

The Licensee stated that if a civil penalty must be imposed, a civil penalty of $730 would be realistic because it is the amount that Dial estimates it would cost for proper disposal of the americium-241 source. The Licensee based its estimate of $730 for disposal on the cost of disposing of two, nominally 25 millicurie (925 MBq) sources of strontium-90. The Licensee did not consider the added cost for disposing of a transuranic (americium-241).

The staff contacted both the device manufacturer and an NRC-licensed waste disposal broker. The manufacturer indicated that it would cost about $500 to have a device containing americium-241 returned for refurbishment. The waste broker estimated that it would cost approximately $5,000 to take the americium-241 source for disposal. Consideration was therefore given to increasing the civil penalty to reflect the cost of disposal. However, in consideration of your intent not to possess radioactive material in the future, the civil penalty was not increased.

NRC Conclusion

The NRC has concluded that this violation occurred as stated and has potential safety consequences. Consequently, the proposed civil penalty in the amount of $2,500 should be imposed. The NRC has also reconsidered the application of the enforcement discretion provisions in Section VII.A.1.(g) of the NRC Enforcement Policy. A $2,500 civil penalty is in accordance with the discretion authorized in Section VII.A.1. of the NRC Enforcement Policy.

[FR Doc. 96–28884 Filed 11–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–267]

Notice of Public Meeting With Public Service Company of Colorado on Decommissioning and License Termination of Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will hold a public meeting in Platteville, Colorado on December 3, 1996, to discuss information concerning the decommissioning and license termination of the Public Service Company of Colorado's Fort St. Vrain Nuclear (FSV) Generating Station facility near Platteville, Colorado.

The entire meeting will be open to the public, NRC staff, licensee, local officials and citizen groups to provide comments, present questions, and share information concerning the status of decommissioning at the FSV facility and the projected schedule for the termination of the license.

DATES AND ADDRESSES: The meeting will be held on December 3, 1996, at the Platteville Community Center located at 508 Reynolds Ave, Platteville, CO. The meeting will begin at 7:00 p.m. and will end at 8:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton L. Pittiglio, Project Manager, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T–7–F27, Washington, DC 20555–0001. Telephone (301) 415–6702.

Dated at Rockville, MD this 5th day of November 1996.

For the U.S. Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–28883 Filed 11–8–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 24b–1, SEC File No. 270–205, OMB Control No. 3235–0194.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995

(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is publishing the following summary of collection for public comment.

Rule 24b–1 (17 CFR 240.24b–1) requires a national securities exchange to keep and make available for public inspection a copy of its registration statement and exhibits filed with the Commission, along with any amendments thereto.

There are eight national securities exchanges that spend approximately one half hour each complying with this rule, for an aggregate total compliance burden of four hours per year. The staff estimates that the average cost per respondent is $63 per year, calculated as one half hour of clerical time ($7) plus copying ($12) plus storage ($44), resulting in a total cost of compliance for the respondents of $504.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W. Washington, DC 20549.

Dated: November 4, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–28444 Filed 11–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 22313; 812–10130]

Federated Investors, et al.; Notice of Application

November 4, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Arrow Funds; Automated Government Money Trust; Bayfunds; The Biltmore Funds; The Biltmore Municipal Funds; Blanchard Funds; Blanchard Precious Metals Fund, Inc.; Cash Trust Series, Inc.; Cash Trust Series II; DG Investor Series; Edward D. Jones & Co. Daily Passport Cash Trust; Excelsior Funds; Excelsior Funds, Inc.; Excelsior Institutional Trust; Excelsior Tax-Exempt Funds, Inc.; Federated Adjustable Rate U.S. Government Fund, Inc.; Federated American Leaders Fund, Inc.; Federated ARMs Fund; Federated Equity Funds; Federated Equity Income Fund, Inc.; Federated Fund for U.S. Government Securities, Inc.; Federated GNMA Trust; Federated Government Income Securities, Inc.; Federated Government Trust; Federated High Income Bond Fund, Inc.; Federated High Yield Trust; Federated Income Securities Trust; Federated Income Trust; Federated Index Trust; Federated Institutional Trust; Federated Insurance Series; Federated Investment Portfolios; Federated Investment Trust; Federated Master Trust; Federated Municipal Opportunities Fund, Inc.; Federated Municipal Securities Fund, Inc.; Federated Municipal Trust; Federated Short-Term Municipal Trust; Federated Short-Term U.S. Government Trust; Federated Stock and Bond Fund, Inc.; Federated Stock Trust; Federated Tax-Free Trust; Federated Total Return Series, Inc.; Federated U.S. Government Bond Fund; Federated U.S. Government Securities Fund: 1–3 Years; Federated U.S. Government Securities Fund: 2–5 Years; Federated U.S. Government Securities Fund: 5–10 Years; Federated Utility Fund, Inc.; First Priority Funds; Fixed Income Securities, Inc.; Fortress Utility Fund, Inc.; FTI Funds; Independence One Mutual Funds; Intermediate Municipal Trust; International Series, Inc.; Investment Series Funds, Inc.; Liberty U.S. Government Money Market Trust; Liquid Cash Trust; Managed Series Trust; Marketvest Funds; Marketvest Funds, Inc.; Marshall Funds, Inc.; Money Market Management, Inc.; Money Market Obligations Trust; Money Market Trust; Municipal Securities Income Trust; Newpoint Funds; 111 Corcoran Funds; Peachtree Funds; The Planters Funds; RIMCO Monument Funds; SouthTrust Vulcan Funds; Star Funds; The Starburst Funds; Tax-Free Instruments Trust; Tower Mutual Funds; Trust for Government Cash Reserves; Trust for Short-Term U.S. Government Securities; Trust for U.S. Treasury Obligations; Virtus Funds; Vision Group of Funds, Inc.; Wesmark Funds; World Investment Series, Inc. (collectively, the foregoing are the ''Funds''); Federated Investors (''Federated''); Federated Securities Corp.; Federated Administrative Services; Federated Services Company; and Edgewood Services, Inc.

RELEVANT ACT SECTIONS: Order of exemption requested pursuant to section 6(c) of the Act from sections 12(d)(1)(A) (ii) and (iii) of the Act, under sections 6(c) and 17(b) that would grant an exemption from section 17(a), and under rule 17d–1 to permit certain transactions in accordance with section 17(d) and rule 17d–1.

SUMMARY OF APPLICATION: The requested order would permit the Funds to purchase shares of affiliated Funds that are money market funds for cash management purposes.

FILING DATES: The application was filed on April 16, 1996, and amended on August 1, 1996. Applicants have agreed to file an amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested person may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 29, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, Federated Investors Tower, Pittsburgh, Pennsylvania 15222–3779.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or Alison E. Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Each Fund is a registered open-end management investment company. Some Funds consist of multiple series. Certain of the Funds are money market funds (the ''Money Market Funds'') that seek to maintain a net asset value of

$1.00 per share in reliance on rule 2a–7 under the Act. Funds other than the Money Market Funds are ''Fluctuating Funds.'' Applicants request that relief be extended to the Funds and all future registered investment companies for which any person controlling, controlled by, or under common control (as defined by section 2(a)(9) of the Act) (the ''Federated Control Group'') with Federated serves as investment adviser (the ''Federated Funds'') and all future registered investment companies that have the same investment adviser or investment advisers that are under common control for which any member of the Federated Control Group serves as principal underwriter or distributor and/or administrator (the ''Proprietary Funds'') [1] (the Federated and Proprietary Funds are also the ''Funds'').

2. Each Fund has, or may be expected to have, uninvested cash by the end of the trading day. Such cash may result from a variety of sources, including dividends or interest received from portfolio securities, securities transactions, liquidation of investment securities to meet anticipated redemptions and dividend payments, and new monies received from investors.

3. Applicants propose that the Funds, including the Money Market Funds, (the ''Investing Funds'') be able to invest their uninvested cash in Federated and/or Proprietary Money Market Funds (the ''Underlying Money Market Funds''), as appropriate. Specifically, (a) each Federated Fluctuating and Money Market Fund could purchase and sell shares of Federated Underlying Money Market Funds; (b) each Proprietary Fluctuating and Money Market Fund could purchase and sell shares of Federated Underlying Money Market Funds; (c) each Proprietary Fluctuating and Money Market Fund could purchase and sell shares of an Underlying Proprietary Money Market Fund within the same Proprietary Fund family or complex; and (d) each Federated and proprietary Underlying Money Market Fund could sell their shares to, and purchase their shares from, the Federated and Proprietary Funds.

4. Federated is a Delaware business trust. The subsidiaries of affiliates of Federated which presently serve as an investment adviser or subadviser to one or more of the Federated Funds or Proprietary Funds are: Federated Administrative Services, Federated Advisers, Federated Global Research Corp., Federated Investment Counseling, Federated Management, Federated Research, Federated Research Corp., and Passport Research Ltd. In addition, certain Proprietary Funds may have other investment advisers. (Collectively, the investment advisers to the Funds and any future investment adviser or subadviser to any of the funds seeking to rely on the requested order are the ''Advisers''.) Federated Securities Corp. (''FSC'') and Edgewood Services, Inc. presently serve as the principal underwriters and distributors for all of the Funds, except for Edward D. Jones & Co. Daily Passport Cash Trust, for which Edward D. Jones & Co., L.P., serves as the principal distributor, and FSC serves as the distributor.

5. In calculating its advisory fees, each Investing Fund will exclude any assets invested in an Underlying Money Market Fund. Thus, the shareholders of the Investing Funds would not be subject to the imposition of duplicative advisory fees. No sales charge, contingent deferred sales charge, 12b–1 fee, or any other underwriting or distribution fee will be charged by the Money Market Funds or by any underwriter, with respect to purchases of shares of such Underlying Money Market Funds made with Uninvested Cash, or upon the redemption of shares of such Underlying Money Market Funds. To the extent that both the Investing Fund and the Underlying Money Market Fund may charge a service fee (as defined by conduct rule 2830(b)(9) of the National Association of Securities Dealers (''NASD'') rules), the assets relating to an Investing Fund's investment in an Underlying Money Market Fund will not be subject to duplicative service fees (*i.e.*, service fees will not be charged on both levels).

Applicants' Legal Analysis

A. Sections 6(c) and 12(d)(1)

1. Sections 12(d)(1)(A) (ii) and (iii) of the Act prohibit any registered investment company (the ''acquiring company'') or any company or companies controlled by such acquiring company to purchase any security issued by any other investment company (the ''acquired company'') if such purchase will result in the acquiring company or companies it controls owning in the aggregate (a) securities issued by the acquired company with an aggregate value in excess of 5% of the acquiring company's total assets or (b) securities issued by the acquired company and all other investment companies with an aggregate value in excess of 10% of the value of the acquiring company's total assets.

2. Under the proposed transactions, the number or value of the shares of the Underlying Money Market Funds held by an Investing Fund may exceed the percentage restrictions set forth in sections 12(d)(1)(A) (ii) and (iii) within the following limitations: (a) each Investing Fund will be permitted to invest uninvested cash in, and hold shares of, an Underlying Money Market Fund only to the extent that such Investing Fund's aggregate investment in such Underlying Money Market Fund does not exceed the greater of 5% of such Investing Fund's total assets, or $2.5 million or (b) under certain circumstances, described below, an Investing Fund may invest and hold up to 25% of its total net assets in such Underlying Money Market Fund(s).[2] Accordingly, applicants seek an exemption from the provisions of section 12(d)(1) to the extent necessary to implement the proposed transactions.

3. Section 6(c) permits the SEC to exempt any person or transaction from any provision of the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies of the Act. For the reasons provided below, applicants argue that the requested order meets the section 6(c) standards.

4. Applicants state that by investing in high quality, short-term instruments in compliance with rule 2a–7 under the Act, the Underlying Money Market Funds provide highly liquid and safe investments for the Investing Funds. Further, the Investing Funds will be able to further diversify their holdings and will be afforded increased investment opportunities. Applicants state that shareholders of the Underlying Money Market Funds would benefit by the absence of variable costs associated with shares purchased by the Investing Funds since the additional cash received by the Uninvested Money Market Funds will generally result in the Underlying Money Market Funds purchasing larger denominated instruments, rather than separate money market instruments. Furthermore, applicants state that without the requested relief, applicants would be disadvantaged by increased administrative burdens resulting from the fragmentation of assets for cash

[1] In the Proprietary Funds, a third party not otherwise affiliated with Federated (such as a bank) typically serves as investment adviser while a member of the Federated Control Group serves as principal underwriter/distributor and administrator.

[2] Applicants state that they recognize that rule 2a–7 imposes special diversification requirements on money market funds but are not requesting relief from this rule.

investments and the resulting potential for error.

5. Applicants believe that there are situations in which the Funds might have as much as 25% of assets in uninvested cash. For example, new Funds may have large amounts of uninvested cash until an asset base has been established. Applicants state that the convenience of investing assets in a single Underlying Money Market Fund would save the Investing Fund the administrative burden and expense of selecting multiple Underlying Money Market Funds during periods when Uninvested Cash would exceed the limitation of the greater of $2.5 million or 5% of total net assets.

6. In addition, certain of the Money Market Funds seek to provide their shareholders with income exempt from regular federal income tax and state taxes (''State Funds''). In the case of the State Funds, the supply of potential acceptable investments can vary greatly depending on various market conditions. Seasonal fluctuations in the demand for and supply of municipal securities in particular states can, at times, create difficulties for the State Funds seeking to be fully invested in the municipal securities of particular states. As a result, the State Funds may be forced to hold large amounts of uninvested cash in unaffiliated State Funds. Applicants state that allowing the State Funds to invest uninvested cash in affiliated State Funds would provide yield or fee advantages over making such investments in unaffiliated funds.

7. Applicants state that section 12(d)(1) is intended to protect an investment company's shareholders against (a) undue influence over portfolio management through the threat of large-scale redemptions, loss of advisory fees to the adviser, and the disruption of orderly management of the investment company through the maintenance of large cash balances to meet potential redemptions, (b) the acquisition of voting control of the company, and (c) the layering of sales charges, advisory fees, and administrative costs. Applicants state that each of the Underlying Money Market Funds will be managed specifically to maintain a highly liquid portfolio and that, accordingly, there will be no need to maintain any special reserves or balances to meet redemptions by Investing Funds. Further, since the proposed transactions will be in compliance with sections 12(d)(1)(A)(i) and 12(d)(1)(B) of the Act (which will serve to limit any single Investing Fund's ownership of shares in a specific Underlying Money Market Fund to 3% of such Underlying Money Market Fund's total outstanding voting stock), no Investing Fund will be a position to exercise voting control over any of the Underlying Money Market Funds. Finally, there will be no sales charges, rule 12b-1 fees, or other distribution fees charged in connection with the purchase and sale of shares of the Underlying Money Market Funds. In addition, applicants state that there will be no duplicative service or advisory fees. For these reasons, applicants believe none of the perceived abuses meant to be addressed by section 12(d)(1) is created by the proposed transactions.

B. Sections 17(a) and 17(b)

1. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any investment adviser of the investment company and any person directly or indirectly controlling, or under common control with, such investment company. Under section 2(a)(3), the Advisers, as investment adviser of each of the Funds, is an affiliated person of each Fund. Further, because the Federated Funds share a common investment adviser and board of directors, the Federated Funds may be deemed to be an affiliated person of each other Federated Fund. In addition, Proprietary Funds within the same investment complex (where the Funds have the same or affiliated investment advisers and identical board of directors/trustees) may be deemed to be affiliated persons of each other. Furthermore, certain of the Proprietary Funds have boards of directors/trustees and officers that are composed of the same individuals (or very nearly so) that comprise the boards of directors/trustees of and serve as officers to the Federated Funds. As such, these Proprietary Funds may be deemed to be affiliated persons of the Federated Funds.

2. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of that company. The sale by the Underlying Money Market Funds of their shares to the Investing Funds could be deemed to be a principal transaction between affiliated persons that is prohibited under section 17(a). Therefore, applicants request an order to permit the Underlying Money Market Funds to sell their shares to the Investing Funds.

3. Section 17(b) permits the SEC to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned. Section 17(b) could be interpreted to exempt only a single transaction. However, the Commission, under section 6(c) of the Act, may exempt a series of transactions that otherwise would be prohibited by section 17(a). For the reasons stated below, applicants believe that the terms of the proposed transactions meet the standards of section 6(c) and 17(b).

4. Applicants state that the terms of the proposed transactions are fair because the consideration paid and received for the sale and redemption of shares of the Underlying Money Market will be based on the net asset value per share of such Funds. In addition, the purchase of shares of the Underlying Money Market Funds by the Investing Funds will be effected in accordance with each Investing Fund's investment restrictions and policies as set forth in its registration statement.

C. Section 17(d) and Rule 17d-1

1. Section 17(d) of the Act and rule 17d-1 thereunder prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. Applicants contend that because each Investing Fund may be purchasing shares of the Underlying Money Market Funds, each Adviser may manage the assets of both an Investing Fund and an underlying Money Market Fund, and/or each Underlying Money Market Fund may be selling its shares to another Fund, the proposed transactions may be deemed a joint enterprise for the purposes of section 17(d) and rule 17d-1.

2. Rule 17d–1 permits the SEC to approve a proposed joint transaction. In determining whether to approve a transaction, the SEC is to consider whether the proposed transaction is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation of the investment companies is on a basis different from or less advantageous than that of the other participants. For the reasons stated below, applicants believe that the requested relief meets these standards.

3. Applicants believe that the proposed transactions would be beneficial to each participant and that there is no basis on which to believe that any participant would benefit to a greater extent than any other. Moreover, applicants state that the Advisers will not receive any increased advisory fees under the proposed transactions and

instead will receive less advisory fees than they would otherwise have earned if the uninvested cash of the Investing Funds were invested directly in money market instruments rather than in the Underlying Money Market Funds. Further, applicants submit that each Investing Fund will participate on a basis that is not different from nor less advantageous than any other Investing Fund.

Applicants' Conditions

Applicants agree that any order of the SEC granting the requested relief will be subject to the following conditions:

1. The shares of the Underlying Money Market Funds sold to and redeemed from the Investing Funds will not be subject to a sales load, redemption fee, or a distribution fee under a plan adopted in accordance with rule 12b-1. To the extent that both the Investing Fund and the Underlying Money Market Fund may charge a service fee (as defined by conduct rule 2830(b)(9) of the NASD rules), the assets relating to the Investing Fund's investment will not be subject to duplicative service fees.

2. In calculating its advisory fees, an Investing Fund will exclude any assets invested in an Underlying Money Market Fund.

3. The Underlying Money Market Funds shall not acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

4. Investment in shares of the Underlying Money Market Fund will be in accordance with each Investing Fund's respective investment restrictions and will be consistent with each Investing Fund's policies as set forth in its prospectuses and statements of additional information.

5. Unless an Investing Fund complies with conditions 6 and 7, each Investing Fund will be permitted to invest Uninvested Cash in, and hold shares of, a single Underlying Money Market Fund so long as such Investing Fund's aggregated investment in such Underlying Money Market Fund does not exceed the greater of 5% of such Investing Fund's total net assets or $2.5 million.

6. An Investing Fund may exceed the limitation described in condition 5 and be subject to the limitation described in condition 8 only if a majority of the directors or trustees of the Investing Fund are not ''interested persons,'' as defined in section 2(a)(19) of the Act.

7. An Investing Fund may exceed the limitation described in condition 5 and be subject to the limitation described in condition 8 only if the Investing Fund, the Underlying Money Market Funds, and any future fund that may rely on the order are advised by the same Adviser, or a person controlling, controlled by, or under common control with the Investing Fund's Adviser.

8. To the extent that an Investing Fund meets all conditions, including conditions 6 and 7, an Investing Fund will be permitted to invest uninvested cash in, and hold shares of, the Underlying Money Market Funds so long as the Investing Fund's aggregate investment in the Underlying Money Market Funds does not exceed 25% of the Investing Fund's total net assets.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–28843 Filed 11–8–96; 8:45 am]

BILLING CODE 8010–01–M

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of November 11, 1996.

A closed meeting will be held on Thursday, November 14, 1996, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, November 14, 1996, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: November 6, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–29045 Filed 11–7–96; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; Computer Matching Program (SSA/Department of the Treasury (Treasury) Cash Transactions Files)—Match Number 1060

AGENCY: Social Security Administration.

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966–5138, or writing to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program and Integrity Reviews as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503) amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the Federal Government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (P. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are

matched with other Federal, State or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the Data Integrity Boards' approval of the match agreements;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that this computer matching program complies with the requirements of the Privacy Act, as amended.

Dated: November 1, 1996.

Shirley S. Chater,

Commissioner of Social Security.

Notice of Computer Matching Program, Department of the Treasury (Treasury) Cash Transaction Files With the Social Security Administration (SSA) Supplemental Security Income Record (SSR)

A. Participating Agencies

SSA and Treasury.

B. Purpose of the Matching Program

The purpose of this new matching operation is to establish conditions and procedures for Treasury disclosure of certain cash transaction report information useful to SSA in verifying eligibility and payment amounts in the supplemental security income (SSI) program which provides benefits under title XVI of the Social Security Act (the Act) to individuals with income and resources below levels established by law and regulations.

C. Authority for Conducting the Matching Program

Sections 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 1383(e)(1)(B) and (f)) and 31 U.S.C. 5311 *et seq.* (the Currency and Foreign Transactions Reporting Act of 1970 or ''Bank Secrecy Act'').

D. Categories of Records and Individuals Covered by the Matching Program

SSA will provide Treasury with a finder file, extracted from its SSR, containing names and other identifying information of individuals who receive SSI payments. This information will be matched with Treasury files contained in Treasury's currency and banking retrieval system and a reply file of matched records will be furnished to SSA. Upon receipt of Treasury's reply file, SSA will match identifying information from the Treasury file with SSA's records to ensure that the data pertain to the relevant SSI recipients.

E. Inclusive Dates of the Match

The matching program shall become effective 40 days after a copy of the agreement, as approved by the Agency's respective Data Integrity Boards, is sent to Congress and the Office of Management and Budget (OMB) (or later if OMB objects to some or all of the agreement), or 30 days after publication of this notice in the Federal Register, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 96–28882 Filed 11–8–96; 8:45 am]

BILLING CODE 4190–29–P

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974; New System of Records

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), the Tennessee Valley Authority (TVA) is publishing a notice of the existence and character of a new system of records entitled TVA–37 ''United States Tennessee Valley Authority Police Records.''

FOR FURTHER INFORMATION CONTACT: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street, (WR 4Q-C), Chattanooga, Tennessee 37402–2801, TVA telephone: (423) 751–2523 or fax (423) 751–3400.

TVA–37

SYSTEM NAME:

U.S. TVA Police Records, (TVA–37).

SYSTEM LOCATION:

Tennessee Valley Authority, U.S. TVA Police, 400 West Summit Hill Drive, SPT 5A, Knoxville, Tennessee 37902–1499. Duplicate copies of certain documents may also be located in the field offices of the various U.S. TVA Police Districts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who relate in any manner to official U.S. TVA Police investigations into incidents or events occurring within the jurisdiction of TVA, including but not limited to suspects, victims, witnesses, close relatives, medical personnel, and associates who have relevant information to an investigation.

B. Individuals who are the subject of unsolicited information or who offer unsolicited information, and law enforcement personnel who request assistance and/or make inquiries concerning records.

C. Individuals including, but not limited to, current or former employees; current or former contractor and subcontractor personnel; visitors and other individuals that have or are seeking to obtain business or other relations with TVA; individuals who have requested and/or have been granted access to TVA buildings or property, or secured areas within a building or property.

D. Individuals who are the subject of research studies including, but not limited to, crime profiles, scholarly journals, and news media references.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to case investigation reports on all forms of incidents or events, visitor and employee registers, TVA forms authorizing access for individuals into TVA buildings or secured areas within a building, and historical information on an individual's building access or denial of access; U.S. TVA Police Uniform Incident Reports (UIRs) on incidents or events; visitor and employee registers, TVA forms, or permits authorizing access for individuals into TVA buildings, property, or secured areas within buildings or property, and historical information on an individual's access or denial of access within buildings or property; the U.S. TVA Police confrontational data base; permit applications under the Archaeological Resources Protection Act (ARPA); risk, security, emergency preparedness, and fire protection assessments conducted by the U.S. TVA Police on facilities, property, or officials; research studies, scholarly journal articles, textbooks, training materials, and news media references of interest to U.S. TVA Police personnel; an index of all detected trends, patterns, profiles and methods of operation of known and unknown criminals whose records are maintained in the system; an index of the names, address, and contact telephone numbers

of professional individuals and organizations who are in a position to furnish assistance to the U.S. TVA Police; an index of public record sources for historical, statistical, geographic, and demographic data; and an alphabetical name index of all individuals whose records are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd; 5 U.S.C. 552a; and 28 U.S.C. 534.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To the appropriate official agency (whether Federal, State, or local) where there is an indication of a violation or potential violation of law (whether criminal, civil, or regulatory in nature).

In litigation where TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, information may be disclosed to respond to process issued under color of authority of a court of competent jurisdiction.

To provide information to a Federal, State, or local entity in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter, or in connection with any other matter properly within the jurisdiction of such other agency and related to its responsibilities to prosecute, investigate, regulate, and administrate, or other responsibilities.

To any Federal, State, local or foreign Government agency directly engaged in the criminal justice process where access is directly related to a law enforcement function of the recipient agency in connection with the tracking, identification, and apprehension of persons believed to be engaged in criminal activity.

To an organization or individual in both the public or private sector pursuant to an appropriate legal proceeding or if deemed necessary, to elicit information or cooperation from the recipient for use by TVA in the performance of an authorized activity.

To an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy and to the extent the information is relevant to the protection of life or property.

To the news media and general public where there exists a legitimate public interest such as obtaining public or media assistance in the tracking, identifying, and apprehending of persons believed to be engaged in repeated acts of criminal behavior; notifying the public and/or media of arrests; protecting the public from imminent threat to life or property where necessary; and disseminating information to the public and/or media to obtain cooperation with research, evaluation, and statistical programs.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decisionmakers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To appropriately respond to congressional inquiries on behalf of constituents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in locked file cabinets, either in hard copy or on microfilm at the U.S. TVA Police offices in Knoxville, Tennessee. The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. In addition, some of the information is stored in computerized data storage devices at the U.S. TVA Police offices in Knoxville, Tennessee. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on computer printed listings.

RETRIEVABILITY:

On-line computer access to U.S. TVA Police files is achieved by using the following search descriptors:

A. The names of individuals, their birth dates, physical descriptions, social security numbers, and other identification numbers, such as Uniform Incident Report numbers.

B. As previously described, summary variables contained on Uniform Incident Reports submitted to the U.S. TVA Police.

C. Key word citations to research studies, scholarly journals, textbooks, training materials, and news media references.

SAFEGUARDS:

Records are maintained in restricted areas and are accessed only by U.S. TVA Police employees. Security is provided by a comprehensive program of physical, administrative, personnel, and computer system safeguards. Access to and use of records is limited to authorized U.S. TVA Police personnel and to other authorized officials and employees of TVA on a need-to-know basis. Sensitive or classified information in electronic form is encrypted prior to transmission to ensure confidentiality, security, and to prevent interception and interpretation.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules. U.S. TVA Police will conduct periodic review to determine if these records are historical and should be placed in permanent files after established retention periods and administrative needs of the U.S. TVA Police have elapsed. As deemed necessary, certain records may be subject to restricted examinations by 44 U.S.C. 2104.

SYSTEM MANAGER(S) AND ADDRESS:

Robert L. Thompson, U.S. TVA Police, Tennessee Valley Authority, 400 West Summit Hill Drive, SPT 5A, Knoxville, Tennessee 37902–1499.

NOTIFICATION PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD ACCESS PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD SOURCE CATEGORIES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3); (d); (e)(1), (e)(G), (H), and (I) and (f) of 5 U.S.C. 552a (Section 3 of the Privacy Act of 1974) pursuant to 5 U.S.C. 552a (k)(2) and TVA regulations at 18 CFR 1301.24. This system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), and (g) pursuant to 5 U.S.C. 552(j)(2)

and TVA regulations at 18 CFR 1301.24.)

William S. Moore,

Senior Manager, Administrative Services.

[FR Doc. 96–28904 Filed 11–8–96; 8:45 am]

BILLING CODE 8120–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee for Building Products and Related Materials (ISAC 9)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Industry Sector Advisory Committee for Building Products and Related Materials (ISAC 9) will hold a meeting on November 21, 1996 from 10:00 a.m. to 2:30 p.m. The meeting will be open to the public from 1:00 p.m. to 2:30 p.m. and closed to the public from 10:00 a.m. to 1:00 p.m.

DATES: The meeting is scheduled for November 21, 1996, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce in Room H–6029, located at 14th Street and Constitution Avenue, NW., Washington, DC, unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Patrick MacAuley, Department of Commerce, 14th St. and Constitution Ave., NW., Washington, DC 20230, (202) 482–0134 or Suzanna Kang, Office of the United States Trade Representative, 600 17th St. NW., Washington, DC 20508, (202) 395–6120.

SUPPLEMENTARY INFORMATION: The ISAC 9 will hold a meeting on November 21, 1996 from 10:00 a.m. to 2:30 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 10:00 a.m. to 1:00 p.m. The meeting will be open to the public and press from 1:00 p.m. to 2:30 p.m. when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

Phyllis Shearer Jones,

Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.

[FR Doc. 96–28889 Filed 11–8–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 96–061]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) will meet to discuss various issues relating to commercial and recreational boat safety. The meeting is open to the public.

DATES: The meeting of NAVSAC will be held on Saturday, December 14, 1996, from 8 a.m. to 5 p.m., Sunday, December 15, 1996, from 9 a.m. to 5 p.m. and Monday, December 16, 1996, from 8 a.m. to 12 noon. Written material and requests to make oral presentations should reach the Coast Guard on or before December 2, 1996.

ADDRESSES: The meeting will be held at the Adams Mark Hotel, 2900 Briarpark Drive, Houston, TX 77042. Written material and requests to make oral presentations should be sent to Margie G. Hegy, Commandant (G–MOV–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Executive Director, telephone (202) 267–0415 or Diane Appleby, Executive Secretary, telephone (202) 267–0352, fax (202) 267–4826.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Report on Port State Control and Implementation of PTP in the Port of Houston.

(2) Update on the Coast Guard's Vessel Traffic Services program.

(3) Meeting of Prevention Through People Committee and follow up report to Council.

(4) Meeting of Barge Lighting Committee to continue review of adequacy of barge lighting and follow up report to Council with recommendation for resolution.

(5) Meeting of Vessel Traffic Services Committee to discuss marine community information needs and follow up report to Council.

(6) Meeting of Aids to Navigation Committee to discuss the role of electronic navigational aids and their impact on traditional aids and follow up report to Council.

Procedural

All sessions are open to the public. At the Chairperson's discretion, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations at the meeting should notify the Executive Director no later than December 2, 1996. Written material for distribution at the meeting should reach the Coast Guard no later than December 2, 1996. If a person submitting material would like a copy distributed to each member of the Council or Committee in advance of the meeting, that person should submit 25 copies to the Executive Director no later than November 25, 1996.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meeting, contact Diane Appleby as soon as possible.

Dated: November 5, 1996.

G.N. Naccara,

Captain, U.S. Coast Guard, Director of Field Activities, Marine Safety and Environmental Protection.

[FR Doc. 96–28902 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

Environmental Impact Statement; Montgomery County, Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public than an environmental impact statement will be prepared for a proposed project in Montgomery County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. James Scapellato, Division Administrator, Federal Highway Administration, 249 Cumberland Bend

Drive, Nashville, TN 37228, Telephone (615)736–5394.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a partial access-controlled four-land divided facility from State Route 13 at the existing Cumberland Heights Drive intersection to the State Route 76/North Parkway interchange west of Liberty Church Road in Montgomery County, Tennessee. The proposed State Route 374 would be primarily on new location and will be approximately 10.8–12.2 kilometers (6.7–7.6 miles) in length, depending upon the choice of proposed alternative. Improvements to the corridor are considered necessary to provide for both present and projected traffic needs.

Options under consideration include: (1) Taking no action and (2) constructing a partial access-controlled four-lane divided facility on primarily new location. There are two major build alternatives being proposed.

Letters describing the proposed action and soliciting comments were sent to appropriate federal, state, and local agencies on September 23, 1996. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The Draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address above.

(Catalogue of Federal Domestic assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding state and local clearinghouse review of federal and federally assisted programs and projects apply to this program.)

Issued On: October 30, 1996.

James E. Scapellato,

Division Administrator Tennessee Division, Nashville, Tennessee.

[FR Doc. 96–28862 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

[Docket No. M–O25]

Request for Public Comment on the Causes of Diversion of Cargo from U.S. East Coast Ports

AGENCY: Maritime Administration, United States Department of Transportation.

ACTION: Notification of open docket for public comment.

SUMMARY: On July 24, 1996, as part of a plan to help sustain long-term growth of the Port of New York/New Jersey, the Department of Transportation announced its intention to study the causes of cargo diversion from U.S. East Coast ports (i.e., the transhipment of U.S. waterborne imports and exports through nearby foreign ports) and to recommend any additional measures that are needed to enhance the international competitiveness of our East Coast ports.

Information is requested on the impact of the following domestic and foreign factors affecting the diversion of cargo from U.S. East Coast ports: shipper and carrier routing preferences; shifting international trade patterns; constraints on the U.S. transportation infrastructure; federal, state and local laws and regulations; port charges and other transportation-related fees; ''Global Alliances'' of ocean carriers and their impact on port calls and port rotations; landside and waterside interface problems and intermodal factors; aggressive port marketing initiatives; direct and indirect subsidies for port and intermodal infrastructure; and any other factors that impact on the flow of cargo through U.S. East Coast ports. Data on the volume, value and composition of diverted cargo, as well as any other information related to the subject, are also being sought.

The Department is also soliciting comments on measures that are needed to enhance the international competitiveness of our East Coast ports through the 21st Century.

DATES: Comments should be received by December 27,1996. Comments that are received after that date will be considered to the extent possible.

ADDRESSES: To facilitate review, four copies of comments should be sent to: Secretary, Maritime Administration, Room 7210 United States Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Telefax number (202) 366–9206.

FOR FURTHER INFORMATION CONTACT: Bruce J. Carlton, Associate Administrator for Policy, International Trade and Marketing, (202) 366–5772.

By Order of the Maritime Administrator.

Dated: November 6, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96–28921 Filed 11–9–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

Denial of Petition for a Defect Investigation

This notice sets forth the reason for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30162(a)(2) (formerly section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended).

By letter dated June 26, 1996, Randall H. Mierzejewski of Manchester, New Hampshire, petitioned the Administrator of NHTSA for an investigation of seat belts in 1988 Subaru 4x4 DL Station Wagons.

NHTSA is the government agency authorized, under Chapter 301 of Title 49 of the United States Code, to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when investigations indicate that they contain serious safety-related defects in design, construction or performance. Based upon the results of an investigation, the agency may seek a recall when such defects appear in a group of vehicles and are related to motor vehicle safety. The agency cannot act on isolated problems or disputes between individual owners and manufacturers.

NHTSA is also authorized under Chapter 301 to order manufacturers to recall and repair vehicles or items of motor vehicle equipment that do not comply with all applicable Federal motor vehicle safety standards at the time of their manufacture. However, inasmuch as the petitioner is alleging a problem relating to a rollover accident that occurred in November 1995 on a 1988 model year vehicle, i.e., several years after the vehicle's manufacture and first purchase, NHTSA did not treat the petitioner's request as a petition for an investigation of a possible noncompliance with a Federal motor vehicle safety standard.

Rather, the agency treated the request as a petition to commence an investigation that could result in an order to recall 1988 Subaru DL Station Wagons to remedy an alleged safety-related defect. While the petitioner lists

several alleged causes of the rollover, the only specific defect the petitioner alleges is the failure of the safety belt system to hold the occupant in a rollover. Consequently, the agency focused on that alleged defect in processing the petition.

NHTSA's Office of Defects Investigation searched its computerized database for all complaints relating to the safety belt system on model year 1987 through 1989 Subaru vehicles. The complaint descriptions were examined for any problem relating to failure of the safety belt system to restrain the occupant in a vehicle accident. The search yielded only six complaints, four of which were on 1988 Subaru GL models (sedan and wagon styles) and the other two of which were on DL model wagons, one for model year 1987 and another for model year 1989.

Of these six complaints, four had incident dates prior to the end of calendar year 1991. The remaining two were dated June and December 1995. The DL model complaints had incident dates of June 1990 and November 1991. Three out of the six complaints were allegedly accident related and four injuries resulted. The injuries have not been confirmed to be the result of a safety belt malfunction.

In order to gauge the severity of the issue, the six Subaru complaints were compared with those on 14 other similar models for the model years 1987 through 1989. All complaint rates are based on number of complaints versus the vehicle population. The database showed that the Subaru GL/DL models had lower ''failure to restrain'' complaint rates than did many other models. The rates varied from 5.39 to 0.64, with an average rate of 2.47 complaints per 100,000 vehicles. The Subaru GL/DL complaint rate for model years 1987 through 1989 was 1.71.

The Office of Defects Investigation also searched its databases for any recalls, past or present investigations, and any service bulletins relating to the alleged defect on 1988 Subaru vehicles and found none.

Based on the information available at this time, the fact that the Subaru ''failure to restrain'' complaint rate is lower than that of other similar models (i.e., Toyota Tercel, Honda Civic, Ford Escort and Toyota Camry), and the petitioner's failure to specify any particular problem with respect to the design or construction of the subject safety belt system, the agency has determined that it would not be appropriate to devote agency resources to an investigation. For the above reasons, the petition is hereby denied.

Authority: 49 U.S.C. 30162(a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 1, 1996.

Michael B. Brownlee,

Associate Administrator for Safety Assurance.

[FR Doc. 96–28901 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–59–P

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., November 20, 1996, Corporation's Washington, D.C. office, 400 7th Street, S.W., Suite 5424, Washington, D.C. 20590 via conference call. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; New Business; and Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than November 18, 1996, Marc C. Owen, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on October 30, 1996.

Marc C. Owen,

Advisory Board Liaison.

[FR Doc. 96–28839 Filed 11–8–96; 8:45 am]

BILLING CODE 4910–61–M

Surface Transportation Board

[STB Finance Docket No. 33131]

Dallas, Garland and Northeastern Railroad—Trackage Rights Exemption—The Kansas City Southern Railway Company

The Kansas City Southern Railway Company (KCS) has agreed to grant local trackage rights to the Dallas, Garland and Northeastern Railroad (DGNO) over tracks in Dallas, TX, from milepost 210.5 (STA 3521 + 45), in Garland, TX, to milepost 220.28 (STA 3006 + 89), in Tennison, TX, and from the point of switch at KCS's connection with the Browder yard at milepost 5 + 2677.87 (STA 423 + 35.2) to milepost 8+4886 (STA 290 + 77.87) on the trackage commonly known as the Hale Cememt Spur.

The transaction was scheduled to be consummated on October 10, 1996.

The trackage rights will improve the efficiency of operations in the West Dallas area and increase the satisfaction of shippers located on the Hale Cement Spur.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33131, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Jay M. Nadlman, Esq., The Kansas City Southern Railway Company, 114 West Eleventh Street, Kansas City, MO 64105.

Decided: November 5, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–28886 Filed 11–8–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33245]

Southern Pacific Transportation Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to Southern Pacific Transportation Company (SP) over three rail segments that total approximately 85.6 miles of contiguous rail lines located in Oakland and in the vicinity of Oakland, CA, as follows: (1) The Canyon Subdivision between Magnolia Tower (MP 5.80) and Niles Junction (MP 30.90); (2) the Canyon Subdivision between Stockton (MP 91.50) and Haggin Yard (Sacramento) (MP 139.80);

and (3) the San Jose Subdivision between Niles Junction (MP 0.00) and Milpitas (MP 12.20). The transaction was expected to be consummated on November 4, 1996, or as soon as possible after November 2, 1996, the effective date of the exemption.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33245, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423 and served on: James V. Dolan, Vice President-Law, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: November 4, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–28887 Filed 11–8–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33244]

Union Pacific Railroad Company—Trackage Rights Exemption—Southern Pacific Transportation Company

Southern Pacific Transportation Company (SP) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over six rail segments that total approximately 108 miles of contiguous rail lines located in Oakland and in the vicinity of Oakland, CA, as follows: (1) the Coast Line between Oakland (MP 3.9) and Newark (MP 30.6); (2) the Hayward Line between Elmhurst (MP 13.4) and Niles (MP 29.2); (3) the Milpitas Line between Niles (MP 29.2 and Milpitas (MP 40.7); (4) the Tracy Line between Newark (MP 37.2) and Niles Junction (MP 43.0); (5) the Fresno Line between Stockton (MP 90.9) and Elvas (MP 136.2); and (6) the Sacramento Line between Sacramento (MP 88.9) and Elvas (MP 91.8).[1] The transaction was expected to be consummated on November 4, 1996, or as soon as possible after November 2, 1996, the effective date of the exemption.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33244, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Robert T. Opal, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: November 4, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–28885 Filed 11–08–96; 8:45 am]

BILLING CODE 4915–00–P

[1] UP has confirmed that the Hayward Line is between Elmhurst and Niles (rather than Niles Junction), the Milpitas Line is between Niles (rather than Niles Junction) and Milpitas, and the six rail segments total approximately 108 miles (rather than 107.8 miles).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–274–81]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–274–81 (TD 8067), Accounting for Long-Term Contracts (§ 1.451–3).

DATES: Written comments should be received on or before January 13, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Accounting for Long-Term Contracts.

OMB Number: 1545–0736.

Regulation Project Number: LR–274–81 (Final).

Abstract: These recordkeeping requirements are necessary to determine whether the taxpayer properly allocates indirect contract costs to extended period long-term contracts under the regulations. The information will be used to verify the taxpayer's allocations of indirect costs and to ensure compliance with the cost-accounting principles of section 1.451–3 of the regulations.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 10 hours, 1 minute.

Estimated Total Annual Burden Hours: 10,010.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the

request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 6, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–28927 Filed 11–8–96; 8:45 am]

BILLING CODE 4830–01–U

[CO–18–90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, CO–18–90 (TD 8531), Final Regulations Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards (§§ 1.382–4, and 1.382–2T).

DATES: Written comments should be received on or before January 13, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Final Regulations Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1120.

Regulation Project Number: CO–18–90 (final).

Abstract: These final regulations provide rules for the treatment of options under Internal Revenue Code Section 382 for purposes of determining whether a corporation undergoes an ownership change. The regulation allows for certain elections for corporations whose stock is subject to options.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 75,150.

Estimated Time Per Respondent: 2 hours, 56 minutes.

Estimated Total Annual Burden Hours: 220,575.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 4, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–28928 Filed 11–8–96; 8:45 am]

BILLING CODE 4830–01–U

[IA–7–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–7–88 (TD 8379), Excise Tax Relating to Gain or Other Income Realized By Any Person on Receipt of Greenmail (§§ 155.6011–1, 155.6001–1, 155.6081–1, and 155.6161–1).

DATES: Written comments should be received on or before January 13, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Excise Tax Relating to Gain or Other Income Realized By Any Person on Receipt of Greenmail.

OMB Number: 1545–1049.

Regulation Project Number: IA–7–88 (final).

Abstract: The regulations provide rules relating to the manner and method of reporting and paying the nondeductible 50 percent excise tax imposed by section 5881 of the Internal Revenue Code with respect to the receipt of greenmail. The reporting requirements will be used to verify that the excise tax imposed under section

5881 is properly reported and timely paid.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Individuals and business or other for- profit organizations.

Estimated Number of Respondents: 4.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 6, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–28929 Filed 11–8–96; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

TIME AND DATE: 8:00 a.m., Wednesday, November 13, 1996.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The Board meeting will be closed to the public.

MATTER TO BE CONSIDERED:

- Review of commercial and financial issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Barbara Arnold 301–564–3354.

Dated: November 6, 1996.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 96–29018 Filed 11–7–96; 11:25 am]

BILLING CODE 8720–01–M

Federal Register

Tuesday
November 12, 1996

Part II

Environmental Protection Agency

40 CFR Parts 86 and 89

Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Compression-Ignition Engines at or Above 37 Kilowatts: Provisions for Replacement Compression-Ignition Engines and the Use of On-Highway Compression-Ignition Engines in Nonroad Vehicles; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 86 and 89

[FRL–5645–4]

RIN 2060–AG78

Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Compression-Ignition Engines at or Above 37 Kilowatts: Provisions for Replacement Compression-Ignition Engines and the Use of On-Highway Compression-Ignition Engines in Nonroad Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This rulemaking amends the regulations applicable to compression-ignition nonroad engines at or above 37 kilowatts (kW) to address two disruptive situations that have arisen regarding the implementation of regulations applicable to these nonroad engines. No air quality impact is expected from these amendments.

These amendments will allow nonroad vehicle manufacturers to use certified on-highway engines in nonroad vehicles that are constructed from on-highway vehicles or that must use public roads between job sites. These amendments also will allow engine manufacturers to provide uncertified replacement engines to repower pre-regulation nonroad equipment when that equipment experiences major engine failure.

DATES: This final rule is effective January 13, 1997 unless adverse or critical comments are received by December 12, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: EPA Air Docket (LE–131), Attention: Docket Number A–96–37, room M–1500, 401 M Street, SW., Washington, DC 20460 (telephone 202–260–7548, fax 202–260–4400). Please contact the individual listed below before submitting comments.

Materials relevant to this rulemaking are contained in the docket listed above and may be reviewed at that location from 8:00 a.m. until 5:30 p.m. Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for photocopying.

FOR FURTHER INFORMATION CONTACT: John Guy, Office of Mobile Sources, Engine Programs and Compliance Division (6403J), 401 M Street SW., Washington, DC 20460, 202–233–9276.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Entities potentially regulated by this action are those which manufacture and use compression ignition engines of 37 kW or greater. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Manufacturers and users of compression ignition engines of 37 kW or greater.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your product is regulated by this action, you should carefully examine the applicability criteria in § 89.1 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular product, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Obtaining Copies of the Regulatory Language

Electronic Copies of Rulemaking Documents

Electronic copies of the preamble and the regulatory text of this rulemaking are available via the Internet on the Office of Mobile Sources (OMS) Home Page (http://www.epa.gov/OMSWWW/). Users can find Nonroad Engines and Vehicles information and documents through the following path once they have accessed the OMS Home Page: ''Nonroad Engines and Vehicles,'' ''Large Engines''. Electronic copies of the preamble and the regulatory text of this rulemaking are also available on the Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network Bulletin Board System (TTN BBS). Users are able to access and download TTN BBS files on their first call. After logging onto TTN BBS, to navigate through the BBS to the files of interest, the user must enter the appropriate command at each of a series of menus. The steps required to access information on this rulemaking are listed below. The service is free, except for the cost of the phone call.

TTN BBS: 919–541–5742 (1,200–14,400 bps, no parity, eight data bits, one stop bit). Voice help: 919–541–5384 Internet address: TELNET ttnbbs.rtpnc.epa.gov Off-line: Mondays from 8:00–12:00 Noon ET.

1. Technology Transfer Network Top Menu: GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)
2. TTN TECHNICAL INFORMATION AREAS: OMS—Mobile Sources Information
3. OMS BBS===MAIN MENU FILE TRANSFERS: Rulemaking & Reporting
4. RULEMAKING PACKAGES: Nonroad
5. Nonroad Rulemaking Area: File Area #2 . . . Nonroad Engines
6. Nonroad engines

At this stage, the system will list all available nonroad engine files. To download a file, select a transfer protocol which will match the terminal software on your computer, then set your own software to receive the file using that same protocol.

If unfamiliar with handling compressed (i.e., ZIP'd) files, go to the TTN topmenu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit TTN BBS with the <G>oodbye command.

III. Table of Contents

IV. Statutory Authority and Background

A. Statutory Authority

Authority for the actions in this notice is granted to EPA by sections 202, 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301 of the Clean Air Act as amended (42 U.S.C. 7521, 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7547, 7549, 7550, and 7601(a).

B. Background

EPA promulgated final regulations applicable to nonroad compression-ignition engines at or above 37 kilowatts (kW) (large CI engines) on June 17, 1994 (59 FR 31306). These regulations are being phased in based on engine power. New engines greater than or equal to 130 kW and less than or equal to 560 kW were subject to the requirements beginning on January 1, 1996. The other implementation dates are January 1, 1997 for new engines greater than or equal to 75 kW and less than 130 kW; January 1, 1998 for new engines greater than or equal to 37 kW and less than 75 kW; and January 1, 2000 for new engines greater than 560 kW.

The rule, at 40 CFR 89.1003(a)(1)(i), prohibits nonroad engine manufacturers from introducing into commerce any nonroad engine to which emission requirements are applicable unless the engine is covered by a certificate of conformity issued by EPA under the regulations for nonroad engines. The rule also prohibits vehicle or equipment manufacturers from introducing into commerce any nonroad vehicle or equipment unless the engine in the vehicle or equipment is certified to the applicable nonroad emission requirements.[1] (40 CFR 89.1003(a)(6) and (b)(4)).

Since the first implementation date, two unintended side effects of the rule's prohibitions have become evident which pose hardships for vehicle and/or engine manufacturers. The first concerns some nonroad vehicle manufacturers that have indicated a need to use certified on-highway engines in nonroad vehicles. This includes those vehicles that must use public roads between job sites and nonroad vehicles built from on-highway trucks that can not be obtained with certified nonroad engines. The second side effect involves the inability of engine manufacturers to provide replacement engines to repower pre-regulation nonroad equipment when that equipment experiences major engine failure. The amendments in this package will alleviate both problems.

V. Use of On-highway Engines in Nonroad Vehicles

A. Discussion

As the phase-in date for each category of large CI engines passes, the existing regulations take effect to prohibit engine manufacturers from introducing into commerce uncertified nonroad large CI engines of that category. The regulations also prohibit nonroad vehicle manufacturers from installing engines to which regulations are applicable in their vehicles unless the engines have been certified by EPA to meet the nonroad emission standards. The rationale for the prohibition applicable to vehicle manufacturers is given in the preamble to the final rule:

> Without a requirement that certified engines be used, nonroad vehicle and equipment manufacturers would be free to use uncertified engines thus undermining the environmental and public health benefits of the nonroad * * * engine * * * program. 59 FR 31324.

Several manufacturers of mobile construction equipment, such as mobile excavators and cranes, have written EPA individually for permission to use certified on-highway engines to propel vehicles that are, by definition, nonroad vehicles but nevertheless must travel significant mileage on public roads between job sites. One applicant indicated that some purchasers of its equipment drive as much as 30,000 miles per year. Based on the submittals of these manufacturers, these vehicles benefit from certain performance and/or safety features, notably engine braking devices, which are available on on-highway engines, but are not typically available on non-road engines.

Another firm, which converts on-highway trucks into dedicated nonroad agricultural chemical applicators has asked for relief from the requirement to install certified non-road engines so that it does not have to remove and dispose of the certified on-highway engines that come with the base trucks it purchases and then replace them with certified nonroad engines.

In separate letters to each applicant, EPA's Office of Mobile Sources and Office of Enforcement and Compliance Assurance stated that EPA would exercise enforcement discretion and granted permission to use on-highway engines through December 31, 1997 subject to certain specific conditions. EPA is incorporating those conditions in this rulemaking. EPA's permission letters indicated EPA's intention to amend the rules and explained that:

> * * * your company, although not using a certified nonroad engine as required, would still be using a certified engine, albeit a certified on-highway engine. We do not believe that the environmental and public health benefits of the nonroad engine program would be undermined by your use of certified on-highway engines which require greater technological innovation to meet applicable standards.

The incoming letters and EPA's responses are available in the docket.

The Agency believes that nonroad vehicles should be equipped with nonroad engines but believes flexibility is appropriate for vehicles that: (1) must frequently operate on-highway in cases where suitable non-road engines are not available; or (2) are derived from on-highway vehicles which are not available with suitable nonroad engines. Therefore, we are amending the rule to permit the use of on-highway engines in cases like those above, provided that certified nonroad engines with appropriate performance or safety characteristics are not available or are not available in the base on-highway vehicle (for vehicle conversions).

In the Notice of Proposed Rulemaking for the large CI rule (58 FR 28809, May 17, 1993), EPA proposed that engine manufacturers be allowed to use the transient on-highway test as an alternative test procedure to certify nonroad engines. This would have allowed certified on-highway engines to also obtain nonroad certification and would effectively have eliminated the problems faced by the specialty vehicle manufacturers described above. However, comments and data received from industry during the comment period indicated that the ability of the on-highway test cycle to predict nonroad NO_X emissions was uncertain. Therefore, the provision was not finalized.

Today's action does not attempt to make assertions about the ability of the on-highway engine test procedure to yield comparable NO_X results to the nonroad test procedure. Nor does it provide any sort of automatic nonroad certification for on-highway engines. What it does do is establish provisions to use on-highway engines in situations where nonroad vehicles are either derived from motor vehicles or are operated like motor vehicles and therefore require features associated with motor vehicle engines. Many of the vehicles, such as cranes and excavators, covered under the permission letters mentioned above are designed to be driven on public roads but are considered nonroad vehicles because their size or weight exceeds the thresholds that EPA uses to separate motor vehicles from nonroad vehicles. They often have smaller ''sibling'' vehicles that fit within EPA's motor vehicle criteria and are *required* to use motor vehicle engines. Because of the way these nonroad vehicles are operated, it seems appropriate that they be allowed to have engines that were tested on the on-highway cycle and meet the on-highway standards. Many

[1] The regulations also prohibit, in the case of any person, the importation of engines after the applicable implementation date for the engine, or vehicles or equipment containing such engine, unless the engine is covered by a certificate of conformity. 40 CFR 89.1003(a)(1)(ii).

of these vehicles are equipped with two engines, one for propulsion around and between job sites and one to power the craning or excavating features of the vehicle. The propulsion engine is generally shut off once the vehicle is positioned at the job site. In such vehicles, it is only the propulsion engine which would be permitted to be an on-highway engine.

EPA does not believe that allowing these vehicles to use certified on-highway engines will have a detrimental effect on emissions. Although EPA is not asserting that engines tested using the on-highway test would meet the same level of emissions if tested using the nonroad test, EPA believes that, given the current standards for on-highway heavy duty engines which require substantially greater technological innovation than current nonroad standards, and given the general uses of the engines, discussed above, emissions of such engines are unlikely to be higher for such equipment in-use than they would be if certified nonroad engines were used.

B. Regulatory Approach

The Agency is implementing the desired changes by amending the existing Prohibited Acts section at 40 CFR 89.1003. The amendments alter the strict language which prohibits the use of engines other than certified nonroad engines in nonroad vehicles to permit the use of certified on-highway engines under the circumstances outlined above. Although EPA believes that nonroad equipment manufacturers are generally required to use engines certified to nonroad standards pursuant to Section 213 of the Act, EPA believes that the Act does give EPA the flexibility to permit nonroad equipment manufacturers to use certified on-highway engines in this instance.

To facilitate the conversion of on-highway vehicles to nonroad vehicles having nonroad engines, we are providing that nonroad engines may be installed in on-highway vehicles where the original vehicle manufacturer obtains a written statement from a secondary manufacturer that such vehicles will be converted to nonroad vehicles before title is transferred to an ultimate purchaser. We are also providing that on-highway engines may be used in nonroad vehicles in the event that a state requires their use under a waiver granted by EPA pursuant to section 209(e) of the Clean Air Act.

VI. Use of Uncertified Engines for Replacement of Failed Engines in Older Equipment

A. Discussion

As indicated above, the Large CI rule prohibits the introduction into commerce of any new nonroad engines subject to these regulations unless the engines are certified by EPA. According to a letter received from the Engine Manufacturers Association, this prohibition poses a hardship to engine manufacturers and their customers when equipment produced before the applicable effective date of the Large CI rule, and therefore equipped with uncertified engines, experiences catastrophic engine failures.[2] In such cases, particularly for newer pieces of equipment still under warranty, engine manufacturers desire to be able to provide an entire new engine. However, certified engines that will fit are often not available for reasons discussed below.

Under current regulations, an equipment owner who experiences a major engine failure with an uncertified engine is limited to the following options. It can:

(1) Obtain a new, uncertified engine from a manufacturer's or distributor's inventory. Regulations at 40 CFR 89.1003(b)(4) provide that:

> Nonroad vehicle and engine manufacturers may continue to use noncertified nonroad engines built prior to the effective date until noncertified engine inventories are depleted; however, stockpiling of noncertified nonroad engines will be considered a violation of this section.

EPA does not regard engines inventoried beyond the end of a model year for reasonable anticipated warranty needs to be ''stockpiled''. However, because of the manufacturers' understandable desire to avoid inventory costs, this option would not likely be able to supply significant numbers of replacement engines. Manufacturers have indicated to EPA that their supplies of pre-regulation engines to which the January 1, 1996 phase-in date is applicable, are virtually all gone.

(2) Obtain a used or remanufactured engine.

There are numerous entities engaged in remanufacturing nonroad engines in the U.S. The larger remanufacturers have distributors located around the country and have told EPA that they can sometimes provide next day service of certain of the more common nonroad engines. EPA has no restrictions on the installation of used or remanufactured engines in equipment that predates the relevant effective date of the Large CI rule.

(3) Repair the individual engine using a ''short block.''

In this case, a new cylinder block with pistons, connecting rods, crankshaft and timing gear (a ''short block'') serves as a repair part. EPA has a long standing policy, well known to industry, that a short block is not a new engine and will not result in a new engine when combined with the used components from the original engine.[3]

(4) Replace with a new, certified engine.

In this case, a new certified engine is installed in place of the uncertified engine. This is the most desirable option from the Agency's point of view, however in many cases certified engines will not fit in equipment that may have been designed around uncertified engines. Many engines certified to meet the nonroad standards are equipped with additional or different components which impact the external dimensions of or connections to the engines and therefore limit their abilities to fit in engine compartments of older equipment.

From the manufacturers' point of view, all of the current options described above have limitations. The manufacturers point to a long standing industry practice of being able to provide complete, new replacement engines expeditiously when catastrophic engine failures occur, particularly when those failures affect equipment in the first few years of use and even more particularly when it may still be under warranty. Many of these engines are used in highly specialized agricultural or construction equipment. Timely repairs can be crucial when the broken engine is in an agricultural combine and crops are waiting to be harvested. Because of the diversity of nonroad products using large CI engines, replacement or rental nonroad equipment is generally not as readily available as it is with on-highway equipment.

As manufacturers have exhausted their supply of preregulation engines they have begun to furnish short blocks for engine repairs. They have indicated to EPA that the need to repair an engine using a short block leads to delays and extra costs that would not occur if the old, broken engine could simply be exchanged for a new uncertified engine. They argue that the short block option

[2] Letter from EMA to Mr. Chester J. France of EPA dated February 13, 1996. Available in the docket.

[3] Letters of December 11, 1989 and April 6, 1990 from Charles N. Freed, EPA to Mitsubishi Motors America, Inc. Copies located in docket.

requires greater skills and facilities and more time to complete than an engine swap and produces an engine that is not a factory-tested and adjusted unit. From an air quality standpoint, they argue that an entire new uncertified engine might be better than an old engine repaired with a new short block or replaced with a remanufactured engine.

Manufacturers have indicated that the number of nonroad engines that would be subject to replacement each year is far less than one percent of annual production. Manufacturers are often still producing uncertified complete engines for export, are willing to produce small quantities for replacement purposes, and desire to be able to sell them (or provide them under warranty) for replacement purposes. We note that the California Air Resources Board, in its regulation of large nonroad diesel engines permits the introduction into commerce of uncertified engines for replacement purposes up through January 1, 2000.

To address industry's concerns and minimize disruption to equipment operators accustomed to replacement engines, the Agency is amending the regulations to permit the sale of uncertified replacement engines in those cases where a new, certified engine is not available with appropriate physical or performance characteristics to repower the vehicle. The Agency believes that if a certified engine is available with sufficient torque and horsepower that will fit in the vehicle, then the certified engine should be used.

The amended regulations will permit a nonroad engine in a piece of equipment that predates the applicable implementation date of the Large CI rule to be replaced with a new, uncertified engine.

Given the small percentage of uncertified engines that will likely require replacement, the fact that some of those will get replaced with certified engines and the issue that a new replacement engine is likely to be at least as clean as a remanufactured engine or an engine repaired with a short block as currently allowed, we do not believe that permitting the use of uncertified replacement engines will pose an environmental threat or reduce the environmental benefit of the Large CI rule.

B. Regulatory Approach

As with the use of on-highway engines in nonroad vehicles, the Agency is implementing this provision through amendments to the Prohibited Acts section at 40 CFR 89.1003. As suggested by the Engine Manufacturers Association, EPA is requiring that any uncertified large C.I. engine produced for replacement purposes be clearly labeled as such and that such label include a warning that any use of the engine in a motor vehicle or post-regulation nonroad vehicle constitutes a violation of the Act subject to civil penalty. As further suggested by EMA, EPA is requiring that the manufacturer retain documentation that it took a failed engine from the customer in exchange for each uncertified replacement engine that was sold.

VII. Final Action

EPA is publishing this rule without prior proposal because EPA views these amendments as noncontroversial and anticipates no adverse comments. However, in the event that adverse or critical comments are filed, EPA has prepared a Notice of Proposed Rulemaking (NPRM) proposing the same amendments. This NPRM is contained in a separate document in this Federal Register publication. The direct final action will be effective January 13, 1997 unless adverse or critical comments are received by December 12, 1996. If EPA receives adverse or critical comments on either the revisions discussed in Section V or those discussed in Section VI, the revisions described in that section will be withdrawn. If adverse or critical comments are received on the revisions described in both sections, then both sections will be withdrawn before the effective date. In case of the withdrawal of all or part of this action, the withdrawal will be announced by a subsequent Federal Register document. All public comments will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not implement a second comment period on this action. Any parties interested in commenting on this rule should do so at this time. If no adverse comments are received, the public is advised that the rule will be effective January 13, 1997.

VIII. Cost Effectiveness

This rulemaking alters an existing provision by allowing nonroad vehicle manufacturers to have greater flexibility in their choice of engines under certain circumstances. It also permits nonroad engine manufacturers to sell engines that the original rule would not permit. Therefore, because this rulemaking alters an existing provision, and that alteration provides regulatory relief, there are no additional costs to original equipment manufacturers associated with this specific final action.

The costs and emission reductions associated with the Large CI rule were developed for the June 17, 1994 final rulemaking. We do not believe the change being implemented today affects the costs and emission reductions published as part of that rulemaking.

IX. Administrative Requirements

A. Administrative Designation

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Reporting and Recordkeeping Requirements

This proposed rulemaking does not change the information collection requirements submitted to and approved by OMB in association with the Large CI final rulemaking (59 FR 31306, June 17, 1994).

C. Impact on Small Entities

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. This rule will not have a significant adverse economic impact on a substantial number of small businesses. This rulemaking will provide regulatory relief to both large and small volume engine and equipment manufacturers by permitting greater flexibility in engine choices in vehicles. It will not have a substantial impact on such entities. The provisions in this rulemaking will not have a significant impact on businesses that manufacture, rebuild, distribute, or sell

automotive parts, nor those involved in automotive service and repair, as the revisions simply permit a long-standing business practice to continue.

D. 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).

E. Unfunded Mandates Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, or $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 action proposed today 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.

List of Subjects

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 89

Environmental protection, Administrative practice and procedure, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: October 28, 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 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

2. Section 86.090–5 is amended by adding paragraph (a)(3) to read as follows:

§ 86.090–5 General standards; increase in emissions; unsafe conditions.

(a) * * *

(3) Notwithstanding paragraphs (a) (1) and (2) of this section, a light or heavy duty motor vehicle equipped with an engine certified to the nonroad provision of 40 CFR part 89 may be sold, offered for sale or otherwise introduced into commerce by a motor vehicle manufacturer to a secondary manufacturer if the motor vehicle manufacturer obtains written assurance from the secondary manufacturer that such vehicle will be converted to a nonroad vehicle or to a piece of nonroad equipment, as defined in 40 CFR part 89, before title is transferred to an ultimate purchaser. Failure of the secondary manufacturer to convert such vehicles to nonroad vehicles or equipment prior to transfer to an ultimate purchaser shall be considered a violation of section 203(a) (1) and (3) of the Clean Air Act.

* * * * *

PART 89—CONTROL OF EMISSIONS FROM NEW AND IN-USE NONROAD ENGINES

1. The authority citation for part 89 continues to read as follows:

Authority: Sections 202, 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7547, 7549, 7550, and 7601(a).

2. Section 89.1003 is amended by revising paragraphs (a)(6) and (b)(4) and adding paragraphs (b)(5), (b)(6), and (b)(7) to read as follows:

§ 89.1003 Prohibited acts.

(a) * * *

(6) For a manufacturer of nonroad vehicles or equipment to distribute in commerce, sell, offer for sale, or introduce into commerce a nonroad vehicle or piece of equipment, manufactured on or after the implementation date applicable to engines in such vehicle or equipment under § 89.102–96(a), which contains an engine not covered by a certificate of conformity.

(b) * * *

(4) Certified nonroad engines shall be used in all vehicles and equipment manufactured on or after the applicable dates in § 89.102–96(a) that are self-propelled, portable, transportable, or are intended to be propelled while performing their function unless the manufacturer of the vehicle or equipment can prove that the vehicle or equipment will be used in a manner consistent with paragraph (2) of the definition of nonroad engine in § 89.2. Nonroad vehicle and equipment manufacturers may continue to use noncertified nonroad engines built prior to the effective date until noncertified engine inventories are depleted; however, stockpiling of noncertified nonroad engines will be considered a violation of this section.

(5) A manufacturer of nonroad vehicles may install an engine certified to the motor vehicle requirements of 40 CFR part 86 in a nonroad vehicle or equipment where:

(i) The subject nonroad vehicle or equipment is designed for travel on public streets and highways to get from one job site to another; and

(ii) The engine serves to propel the vehicle or equipment when it is operated on public roads; and

(iii) There is no adjustment outside of the manufacturer's specifications or removal or rendering inoperative of devices or elements of design installed on or in the engine by the original engine manufacturer for purposes of emission control or any other action that may be considered tampering under section 203 of the Clean Air Act or paragraph (a)(3) of this section; and

(iv) A certified nonroad engine is not available with appropriate physical or performance characteristics; or

(v) A state requires the use of an on-highway engine pursuant to a waiver granted by EPA under section 209(e) of the Clean Air Act.

(6) A manufacturer that produces nonroad vehicles or equipment by performing modifications to complete or incomplete motor vehicles may retain the motor vehicle engine in such vehicle or equipment provided that:

(i) The engine is certified to the motor vehicle requirements of 40 CFR part 86; and

(ii) The on-highway vehicle is not available from its manufacturer with a certified nonroad engine having appropriate performance characteristics; and

(iii) There is no adjustment outside of the manufacturer's specifications or removal or rendering inoperative of devices or elements of design installed on or in the engine or vehicle by the original engine or vehicle manufacturer for purposes of emission control, or any other action that may be considered tampering under section 203 of the Clean Air Act or paragraph (a)(3) of this section.

(7) A new nonroad engine, intended solely to replace an engine in a piece of nonroad equipment manufactured prior to the applicable implementation date in § 89.102–96(a), shall not be subject to the prohibitions of paragraph (a)(1) of this section or the requirements of § 89.105–96 and paragraph (b)(4) of this section provided that:

(i) The engine manufacturer has ascertained that no engine produced by itself or the manufacturer of the engine that is being replaced, if different, and certified to the requirements of this subpart, is available with the appropriate physical or performance characteristics to repower the equipment; and

(ii) The engine manufacturer or its agent takes ownership and possession of the old engine in partial exchange for the replacement engine; and

(iii) The replacement engine is clearly labeled with the following language, or similar alternate language approved by the Administrator: THIS ENGINE DOES NOT COMPLY WITH FEDERAL NONROAD OR ON-HIGHWAY EMISSION REQUIREMENTS. SALE OR INSTALLATION OF THIS ENGINE FOR ANY PURPOSE OTHER THAN AS A REPLACEMENT ENGINE IN A NONROAD VEHICLE OR PIECE OF NONROAD EQUIPMENT BUILT BEFORE JANUARY 1, [INSERT APPROPRIATE YEAR] IS A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

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Part III

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4098–N–02]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers. Request: April 1, 1996 through June 30, 1996.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), the Department (HUD) is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-second in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of Section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone 202–708–3055; TTY: (202) 708–3259. (These are not toll-free numbers.)

For information concerning a particular waiver action, about which public notice is provided in this document, contact the person whose name and address is set out, for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989, the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by the Department. Section 106 of the Act (Section 7(q)(3)) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3), provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that the Department has approved, by publishing a notice in the Federal Register. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD (56 FR 16337, April 22, 1991). This is the twenty-second notice of its kind to be published under Section 106. This notice updates HUD's waiver-grant activity from April 1, 1996 through June 30, 1996. The document also contains three (3) waivers that were granted October 5, 1995, December 1, 1995, and February 21, 1996, that have not previously been published in the Federal Register.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 17.44(d)(1) (involving the waiver of a provision in 24 CFR part 17) would come early in the sequence, while waivers in the Section 8 and Section 202 programs (24 CFR chapter VIII) would be among the last matters listed. Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 811.105(b) and § 811.107(a) would appear sequentially in the listing under § 811.105(b).) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should the Department receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occur between July 1, 1996 through September 30, 1996.

Accordingly, information about approved waiver requests pertaining to regulations of the Department is provided in the Appendix that follows this notice.

Dated: November 4, 1996.

Henry G. Cisneros,

Secretary.

Appendix— Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development, April 1, 1996 Through June 30, 1996

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For item 1, waivers granted for 24 CFR part 17, contact: John P. Opitz, Assistant General Counsel for Training and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10246, Washington, DC 20410, Phone: (202) 708–0622; hearing and speech-impaired individuals may call HUD's TTY toll free number at 1–800–877–8391.

1. Regulation: 24 CFR 17.44(d)(1)

Project/Activity: Payment of claims under the Military Personnel and Civilian Employees' Claims Act to HUD Headquarters employees for damage to motor vehicles as a result of mechanical or structural failures in the Headquarters parking garage.

Nature of Requirement: HUD's regulation at 24 CFR 17.44(d)(1) precludes payment by HUD of claims under the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 3721 *et seq.* (the Act) for damages to an employee-owned automobile used for travel to and from his/her duty station unless there had been prior specific authorization from the employee's supervisor that the use of the automobile was advantageous to the Government. The Act, however, authorizes Executive Branch agencies to pay up to $40,000 to settle claims of agency employees for service related damages or destruction of personal property. The Act provides agency heads with discretion to make such payments and requires a determination that the possession of the property was reasonable or useful under the circumstances.

Granted by: Henry G. Cisneros, Secretary.

Date Granted: June 13, 1996.

Reasons Granted: This waiver is for the purpose of facilitating payment to HUD employees whose automobiles have been damaged by malfunctioning equipment or leaks of damaging substances in the HUD Headquarters parking garage. HUD's regulation at 24 CFR 17.44(d)(1) is intended to preclude the payment of claims for damages incurred while commuting, but this regulation also unreasonably precludes the payment of claims to employees for damage to, or loss of, their automobiles for damages which occur in the HUD Headquarters parking garage as the result of equipment failures or leaks of damaging substances.

For items 2 through 34, waivers granted for Public Law 102–368 and 24 CFR parts 91, 92,

570, 572, 574, and 576, contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW., Room 7152, Washington, DC 20410–7000, Telephone: (202) 708–2565.

2. Regulation: Public Law 102–368

Project/Activity: Iberia Parish, Louisiana requested a waiver of the two-year deadline to commit funds; the second allocation of disaster funds for the Parrish.

Nature of Requirement: Under the FY 1993 HOME Program disaster fund program, each participating jurisdiction had 24 months to commit FY 1993 disaster funds.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 1996.

Reasons Waived: The Assistant Secretary found that the waiver would facilitate the obligation and use of the funds and would not be inconsistent with the overall purpose of the regulation. Because of the Parish's staffing constraints and schedule to commit funds within a three-month period, the waiver was granted.

3. Regulation: 24 CFR 91.402

Project/Activity: The Orange County Consortium of New York requested a waiver of 24 CFR 91.402 of the Consolidated Plan to allow the City of Newburgh, which is a member of the Orange County Consortium, until FY 1999 to complete the transition of the City, aligning the start of the program year with the Consortium.

Nature of Requirement: The regulations at 24 CFR 91.402 state that all units of local government that are members of the consortium must be on the same program year for CDBG, HOME, Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with Aids (HOPWA).

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 17, 1996.

Reasons Waived: The Assistant Secretary found good cause to grant the waiver of the regulations that require that all consortium members must have the same program start dates.

4. Regulation: 24 CFR 91.402

Project/Activity: The Contra Costa County Consortium of California requested a waiver of 24 CFR 91.402(b) of the Consolidated Plan regulations to allow the Consortium until FY 1998 to complete the transition of aligning the start of the program year for all its Consortium members.

Nature of Requirement: The regulations at 24 CFR 91.402(b) state that all units of local government that are members of the consortium must be on the same program year for CDBG, HOME, Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with Aids (HOPWA).

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The Assistant Secretary found good cause to grant the waiver of the regulations that require that all Consortium members must have the same program start dates.

5. Regulation: 24 CFR 92.2

Project/Activity: Spokane, Washington requested a waiver of the HOME definition of a project.

Nature of Requirement: Under the HOME Program, a project can only include more than one site if the sites are within a four-block area of one another.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The imposition of the four-block standard as the definition of a project under the HOME program would adversely affect the purposes of the National Affordable Housing Act. The waiver will allow the sponsoring CHDO to treat the multiple sites as one project and thus reduce its administrative burden.

6. Regulation: 24 CFR 92.2

Project/Activity: The State of Oregon, on behalf of the Oregon Department of Housing and Community Development, requested a waiver of 24 CFR 92.2 regulations that establish the composition of Community Housing Development Organization (CHDO) Boards.

Nature of Requirement: 24 CFR 92.2 requires that no more than one-third of the CHDO Board members be public officials. HUD considers any employee of the participating jurisdiction to be a public official.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: A determination was made that undue hardship would result from the imposition of the definition of a public official under the regulations which would adversely affect the purposes of the Act.

7. Regulation: 24 CFR 92.2

Project/Activity: Columbus, Ohio requested a waiver of the HOME definition of a project.

Nature of Requirement: Under the HOME Program, a project can only include more than one site if the sites are within a four-block area of one another.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The imposition of the four-block standard as the definition of project under the HOME program would adversely affect the purposes of the National Affordable Housing Act. The waiver will allow the City of Columbus to designate its scattered sites as a single HOME project.

8. Regulation: 24 CFR 92.251

Project/Activity: The State of Indiana requested a waiver to permit rehabilitation which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

Nature of Requirement: 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS) and provides other minimum standards for substantial rehabilitation and new construction.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

9. Regulation: 24 CFR 92.251

Project/Activity: The State of Oregon requested a waiver to permit a rehabilitation project which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

Nature of Requirement: 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS) and provides other minimum standards for substantial rehabilitation and new construction.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The waiver was granted to allow the State to provide emergency repairs to housing damaged by a flood which was declared a disaster on February 9, 1996. The waiver will allow a quicker response to flood victims to stabilize the damaged properties.

10. Regulation: 24 CFR 92.251

Project/Activity: The State of Illinois requested a waiver to permit rehabilitation which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

Nature of Requirement: 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS) and provides other minimum standards for substantial rehabilitation and new construction.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

11. Regulation: 24 CFR 92.251

Project/Activity: The State of Idaho requested a waiver to permit rehabilitation

which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

Nature of Requirement: 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS) and provides other minimum standards for substantial rehabilitation and new construction.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

12. Regulation: 24 CFR 92.254(c)(3)

Project/Activity: Iowa City, Iowa requested a waiver of requirements that the terms of the lease must be equal to the affordability period, which is five years for this project.

Nature of Requirement: The regulations at 24 CFR 92.254(c)(3) of the HOME program require that the purchase and/or rehabilitation of a manufactured housing unit qualifies for affordable housing only, if at the time of project completion, the unit is located on land that is held in a fee-simple title, land trust, or long term ground lease with a term at least equal to that of the project's affordability period.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The Assistant Secretary found that because Iowa City was a college town, it was standard operating procedure to offer no more than a one-year lease. Therefore, the imposition of the HOME rules would present a substantial obstacle to delivering affordable housing and the waiver was granted.

13. Regulation: 24 CFR 92.257

Project/Activity: The State of Indiana requested a waiver of the HOME regulations at 24 CFR 92.257 to allow the City of Albany to loan St. Elizabeth's Regional Maternity Center HOME monies to rehabilitate two rental housing units.

Nature of Requirement: The regulations at 24 CFR 92.257 provide that HOME funds may not be provided to primarily religious organizations, such as churches, for any activity including secular activities. The regulations further provide that HOME funds may not be used to rehabilitate or construct housing by primarily religious organizations or to assist primarily religious organizations in acquiring housing.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 5, 1996.

Reasons Waived: The Assistant Secretary found good cause to grant the waiver because the loan agreement for the project requires the religious entity to operate the project in accordance with 24 CFR 570.200(j)(2) of the CDBG regulations regarding the rehabilitation of buildings owned by primarily religious entities, for the applicable affordability period defined in 24 CFR part 92.

14. Regulation: 24 CFR 92.258

Project/Activity: Baltimore County, Maryland requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the County's program would create an undue hardship for Baltimore County and its potential homeowners, and adversely affect the purposes of the Act.

15. Regulation: 24 CFR 92.258

Project/Activity: The City of Fort Worth, Texas requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Fort Worth and its potential homeowners, and adversely affect the purposes of the Act.

16. Regulation: 24 CFR 92.258

Project/Activity: The City of San Antonio, Texas requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of San Antonio and its potential homeowners, and adversely affect the purposes of the Act.

17. Regulation: 24 CFR 92.258

Project/Activity: The City of Dallas, Texas requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Dallas and its potential homeowners, and adversely affect the purposes of the Act.

18. Regulation: 24 CFR 92.258

Project/Activity: The City of Indianapolis, Indiana requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Indianapolis and its potential homeowners, and adversely affect the purposes of the Act.

19. Regulation: 24 CFR 92.258

Project/Activity: The Delaware County Consortium requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: The application of § 92.258 of the HOME regulations to the County's program would create an undue hardship for the Delaware County Consortium and its potential homeowners, and adversely affect the purposes of the Act.

20. Regulation: 24 CFR 570.208(a)(3)

Project/Activity: The City of Santa Monica, California requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3) to permit the City to provide CDBG funds to a private, non-profit limited equity housing cooperative formed by the tenants of the Mountain View Mobile Home Inn for use in purchasing the mobile home park from the private corporation that is now the owner.

Nature of Requirement: The regulations at 24 CFR 570.208(a)(3) require, as a general rule, that CDBG-assisted housing structures

principally benefit low- and moderate-income households.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 30, 1996.

Reasons Waived: The application of the regulations would create undue hardship and adversely affect the purposes of the Act because if the housing cooperative is not able to purchase this property, the availability and affordability of these housing units to low- and moderate-income persons could be lost. This would negatively impact both the stability of the neighborhood and the income mix of residents in the neighborhood.

21. Regulation: 24 CFR 570.208(a)(3)

Project/Activity: Lake County, Indiana requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3).

Nature of Requirement: The regulations at 24 CFR 570.208(a)(3) require, as a general rule, that CDBG-assisted housing structures principally benefit low- and moderate-income households.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 24, 1996.

Reasons Waived: The application of the regulations would impair the financial feasibility of a low- and moderate-income home ownership program done in three phases.

22. Regulation: 24 CFR 570.606(c)(2) and 42 U.S.C. 5304(d)(2) (iii) and (iv)

Project/Activity: The State of Florida requested a waiver of relocation requirements for a joint buyout project with FEMA. The waiver will eliminate the disparity in the number of months rental assistance must be provided to displaced low- and moderate-income persons.

Nature of Requirement: The regulations at 24 CFR 570.606(c)(2) and 42 U.S.C. 5304(d)(2) (iii) and (iv) require that localities that displace families offer 60 months of comparable housing payments to low- and moderate-income families.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 1996.

Reasons Waived: The waiver will result in low- and moderate- income families receiving 42 months of comparable housing payments for the joint FEMA/HUD project. The State received the waiver to help it avoid excessive administrative difficulties for local governments and to equalize the treatment of families affected by the project.

23. Regulation: 24 CFR 572.115(a)(1)

Project/Activity: The Urban Redevelopment Authority of Pittsburgh, Pennsylvania requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

Nature of Requirement: The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: April 16, 1996.

Reasons Waived: Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

24. Regulation: 24 CFR 572.115(a)(1)

Project/Activity: The New York City Housing Authority of New York requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

Nature of Requirement: The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

25. Regulation: 24 CFR 572.115(a)(1)

Project/Activity: Mennonite Housing Services of Wichita, Kansas requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

Nature of Requirement: The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property transfer deadline for one year.

26. Regulation: 24 CFR 572.115(a)(1)

Project/Activity: The City of Tucson, Arizona requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

Nature of Requirement: The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 27, 1996.

Reasons Waived: Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

27. Regulation: 24 CFR 574.310(b)(1)

Project/Activity: The Minnesota Department of Health, on behalf of the Metropolitan Council Housing and Redevelopment Authority, the project sponsor, requested a waiver that will permit it to use Section 8 Housing Quality Standards.

Nature of Requirement: The regulations at 24 CFR 574.310(b)(1)) require grantees and project sponsors to carry out rental assistance programs in compliance with all applicable State and local codes.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 17, 1996.

Reasons Waived: The application of the regulations would create undue hardship and adversely affect the purposes of the Act because the substitution is consistent with the AIDS Housing Opportunity Act at Section 859, 42 U.S.C. 12908, which required that rental assistance under the HOPWA program, to the extent practicable, provide housing in the manner provided under Section 8 of the Housing Act of 1937.

28. Regulation: 24 CFR 574.320(a)(2)

Project/Activity: The Key West Housing Authority in Florida requested a waiver of the HOPWA regulations at 24 CFR 574.320(a)(2) to permit one of its project sponsors to establish rental standards for rental assistance at a rate that exceeds HUD's Section 8 fair market rent.

Nature of Requirement: The regulations at 24 CFR 574.320(a)(2) require that grantees and project sponsors establish rental standards for rental assistance that are no more than the published Section 8 fair market rent.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 1996.

Reasons Waived: The application of the regulations would create undue hardship and adversely affect the purposes of the Act because the current fair market rates are below the actual market rents in the area, making it impossible for the HOPWA grantee and sponsor to procure rental units for eligible persons living with HIV/AIDS.

29. Regulation: 24 CFR 576.21

Project/Activity: The City of Fall River, Massachusetts requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services

may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

30. Regulation: 24 CFR 576.21

Project/Activity: The City of Miami, Florida requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

31. Regulation: 24 CFR 576.21

Project/Activity: The City of Lancaster, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

32. Regulation: 24 CFR 576.21

Project/Activity: The State of Wisconsin requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

33. Regulation: 24 CFR 576.21

Project/Activity: Albany, New York requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: June 17, 1996.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

34. Regulation: 24 CFR 576.55(a)(2)(ii)

Project/Activity: The Borough of State College, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.55(a)(2)(ii).

Nature of Requirement: The Stewart B. McKinney Homeless Assistance Act requires that each State recipient spend all of its grant amount within 24 months of the date on which the State made the grant amounts available to the State recipient.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning and Development.

Date Granted: May 3, 1996.

Reasons Waived: The Borough received a waiver of the 24-month ESG expenditure deadline because it needed to expand the shelter and provide the necessary facilities to accommodate homeless families and handicapped individuals. Therefore, the homeless population would suffer undue hardship without the renovation and expansion monies from the ESG needed for the expansion and renovation of this facility.

For items 35 through 38, waivers granted for 24 CFR parts 220 and 811, contact: Mr. James B. Mitchell, Director, Financial Services Division, U.S. Department of Housing and Urban Development, 470 L' Enfant Plaza East, Suite 3119, Washington, D.C. 20024, Phone: (202) 755–7450 x125; hearing and speech-impaired individuals may call HUD's TTY toll-free number at 1–800–877–8391.

35. Regulation: 24 CFR 811.106(d) and 811.107(d) of the 1977 Regulations, and 811.107(b), 811.114(b)(3), 811.114(d), and 811.115(b) of the 1979 Regulations

Project/Activity: The Elkhart, Indiana HFA refunding of bonds which financed an uninsured Section 8 assisted project, Stratford Commons, HUD Project No. IN36–0053–0044.

Nature of Requirement: The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: April 2, 1996.

Reasons Waived: The part 811 regulations cited above prohibited refundings and required that excess reserve balances be used for project purposes. The issuer has requested HUD permission to release excess reserve balances from the 1979 Trust Indenture for use in paying transaction costs of this McKinney Act refunding and generating funds for Project repairs and maintenance.

36. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b); 24 CFR 220.751 and 220.760

Project/Activity: The White Plains, New York refunding of bonds which financed a Section 8 assisted project, Armory Plaza Apartments, FHA No. 012–32230.

Nature of Requirement: The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: April 29, 1996.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the HFA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 31, 1995. Refunding bonds have been priced to an average yield of 6.75%. The tax-exempt refunding bond issue of $3,995,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 9% at the call date in 1996 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 9% to 7.2%, thus reducing FHA mortgage insurance risk, and provide $128,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

37. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b); 24 CFR 220.751 and 220.760

Project Activity: The White Plains, New York refunding of bonds which financed a Section 8 assisted project, Battle Hill Apartments, FHA No. 012–57286.

Nature of Requirement: The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: April 29, 1996.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the HFA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 31, 1995. Refunding bonds have been priced to an average yield of 6.75%. The tax-exempt refunding bond issue of $3,360,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11% at the call date in 1996 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 9.8% to 7.2%, thus reducing FHA mortgage insurance risk, and provide $83,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

38. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b)

Project/Activity: The Utica, New York Housing Authority refunding of bonds which financed a Section 8 assisted project, Steinhorst Elderly Apartments, FHA No. 013–35077.

Nature of Requirement: The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: May 10, 1996.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on January 31, 1996. Refunding bonds have been priced to an average yield of 6.90%. The tax-exempt refunding bond issue of $3,510,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.5% at the call date in 1997 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 10.48 to 7.25%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

For items 39 through 41, waivers granted for 24 CFR part 913, contact: Mary Ann Russ, Deputy Assistant Secretary for Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4204, Washington, DC 20410, (202) 708–1380 (This is not a toll-free number), Hearing- and speech-impaired persons may call HUD's TTY toll-free number at 1–800–877–8391.

39. Regulation: 24 CFR 913.107(a)

Project/Activity: A request was made by the Housing Authority of Anniston (HAA) of Anniston, AL, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated; or the minimum rent as set by the housing authority.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 10, 1996.

Reason Waived: HHA has had a sustained vacancy problem for several years. The establishment of ceiling rents will enable HHA to address its vacancy problem by improving its marketability to potential applicants.

40. Regulation: 24 CFR 913.107(a)

Project/Activity: A request was made by the Stevenson Housing Authority (SHA), Stevenson, AL, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated; or the minimum rent set by the housing authority.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 15, 1996.

Reason Waived: SHA has experienced turnover due to residents leaving when their rents begin to exceed those on the private market. The establishment of ceiling rents will enable SHA to keep working and rent paying residents.

41. Regulation: 24 CFR 913.107(a)

Project/Activity: A request was made by the Woonsocket Housing Authority (WHA) of Woonsocket, Rhode Island, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated; or the minimum rent set by the housing authority.

Granted by: Kevin Emanual Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 23, 1996.

Reason Waived: The establishment of ceiling rents will permit WHA to retain higher-income working families. The inclusion of working families will establish role models in their developments. It will also serve as an incentive for residents to find employment without the fear of dramatic rental increases.

For items 42 through 44, waivers granted for 24 CFR part 950, contact: Mr. Dom Nessi, Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room B–133, Washington, D.C. 20410, (202) 755–0032.

42. Regulation: 24 CFR 950.325

Project/Activity: Establishment of ceiling rents for Absentee Shawnee Housing Authority, Caddo Tribal Housing Authority, and Sac and Fox Housing Authority of Kansas.

Nature of the Requirement: Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

Granted by: Kevin Emanual Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: July 19, 1996.

Reason Waived: This waiver was requested and granted to allow the Housing Authorities cited above to establish ceiling rents for their low rent program in accordance with PIH Notices 89–21 and 95–68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

43. Regulation: 24 CFR 950.325

Project/Activity: Establishment of ceiling rents for Chehalis Tribal Housing Authority.

Nature of the Requirement: Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

Granted by: Kevin Emanual Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: July 19, 1996.

Reason Waived: This waiver was requested and granted to allow the Chehalis Tribal Housing Authority to establish ceiling rents for their low rent program in accordance with PIH Notices 89–21 and 95–68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

44. Regulation: 24 CFR 950.325

Project/Activity: Establishment of ceiling rents for Kickapoo Housing Authority.

Nature of the Requirement: Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

Granted by: Kevin Emanual Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: July 19, 1996.

Reason Waived: This waiver was requested and granted to allow the Kickapoo Housing Authority to establish ceiling rents for their low rent program in accordance with PIH Notices 89–21 and 95–68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

For items 45 through 48, waivers granted for 24 CFR parts 961 and 964, contact: Gloria J. Cousar, Deputy Assistant Secretary, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 7th Street, SW., Room 4126, Washington, DC 20410–5000, (202) 619–8702.

45. Regulation: 24 CFR Part 961

Project/Activity: Kingsport Housing Authority (KHA), Kingsport, Tennessee.

Nature of Requirement: 24 CFR part 961 prohibits the use of Public Housing Drug Elimination Program (PHDEP) grant funds for the purchase of a vehicle.

Granted by: Kevin Emanuel Marchman, Deputy Assistant Secretary, Distressed and Troubled Housing.

Date Granted: February 21, 1996.

Reason Waived: The housing authority stated it intends to use a vehicle to support a variety of drug elimination activities. The authority has shown good cause and demonstrated compliance with applicable regulatory requirements and it was found there was good cause to grant a waiver of 24 CFR part 961 to purchase a vehicle.

46. Regulation: 24 CFR Part 961

Project/Activity: Housing Authority of the City of Bainbridge, Georgia.

Nature of Requirement: Waiver of 24 CFR part 961 to extend the term of the grant through June 30, 1996, and to reprogram PHDEP funds.

Granted by: Michael B. Janis, General Deputy Assistant Secretary.

Date Granted: December 1, 1995.

Reason Waived: To extend PHDEP grant #GA06DEP0640192 and reprogram PHDEP funds. The authority has shown good cause and demonstrated compliance with applicable regulatory requirements and it was found there was good cause to grant a waiver of 24 CFR part 961.

47. Regulation: 24 CFR 961.10(b)(6)

Project/Activity: Richmond Redevelopment and Housing Authority.

Nature of Requirement: 24 CFR 961.10(b)(6) limits drug prevention, intervention and treatment programs to reduce the use of drugs.

Granted by: Michael B. Janis, General Deputy Assistant Secretary.

Date Granted: October 5, 1995.

Reason Waived: To facilitate drug prevention, intervention and treatment efforts, to include outreach to community resources and youth activities, and facilitate bringing these resources onto the premises, or providing resident referrals to treatment programs or transportation to out-patient treatment programs away from the premises.

48. Regulation: 24 CFR 964.215(b)

Project/Activity: Public Housing Resident Management Program, Technical Assistance Grant Neighborhood Residents at Work, Inc. (GAO6RMA0020193).

Nature of Requirement: Waiver of 24 CFR 964.215(b) to extend the term of the grant through May 31, 1997.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: July 1, 1996.

Reason Waived: The Housing Authority of Savannah requested waiver of the FY 1993 Public Housing Resident Management Program, Technical Assistance Grant for the Neighborhoods at Work, Inc., (NWI). The request is made to permit NWI to expend the remainder of its FY 1993 grant funds.

For items 49 through 59, waivers granted for 24 CFR part 966, 982, and 990, contact: Mary Ann Russ, Deputy Assistant Secretary, Office of Public and Assisted Housing Operations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4226, Washington, DC 20410, (202) 708–1842 (This is not a toll-free number), Hearing- and speech-impaired persons may call HUD's TTY toll-free number at 1–800–877–8391.

49. Regulation: 24 CFR 966.4(e)

Project/Activity: A request was made by Vivienda Administracion De Vivienda Publica, San Juan, PR, to assign eligible families to dwelling units requiring minor repairs.

Nature of Requirement: A public housing agency is obligated under 24 CFR 966.4, to maintain dwelling units and projects in decent, safe and sanitary condition; comply with requirements of applicable building codes, housing codes, and Departmental rules materially affecting health and safety; and make necessary repairs to dwelling units. HUD expects that prior to assigning eligible families to dwellings, the public housing agency would make every effort to ensure that units are fully ready for occupancy and comply with the aforementioned lease provisions.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 4, 1996.

Reason Waived: The Administracion De Vivienda Publica has had problems of vandalism, illegal occupation of dwellings, and drug-related criminal activity in many units that are currently vacant awaiting repairs prior to resident occupancy. By assigning families to these dwellings when they initially become vacant, these problems can be minimized. Due to the unique and unusual circumstances experienced by this agency, the provisions of 24 CFR 966.4(e) were waived. Material deficiencies in units should be corrected within a reasonable period following occupancy by a family.

50. Regulation: 24 CFR 982.153(b)(11)

Project/Activity: Housing Authority of Washington County, Oregon; Section 8 Certificate Program.

Nature of Requirement: The regulations provide that the housing agency (HA) must inspect the unit at least annually during the assisted tenancy to insure that the unit continues to meet the Section 8 housing quality standards (HQS).

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 30, 1996.

Reason Waived: A family member suffers from obsessive compulsive disorder. If HQS inspections are conducted by an HA inspector, the family member could suffer a fatal panic attack. This waiver allows the HA to delegate to a family member the responsibility to annually inspect the unit.

51. Regulation: 24 CFR 982.303(b)

Project/Activity: The Massachusetts Executive Office of Communities and Development; Section 8 Certificate Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 1996.

Reason Waived: The certificate-holder faced special problems in locating a unit as a result of a medical condition. This waiver allows the family additional time to find an accessible unit.

52. Regulation: 24 CFR 982.303(b)

Project/Activity: Department of Housing Services of Washington County, Oregon; Section 8 Certificate Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 1996.

Reason Waived: The certificate-holder was disabled by a serious illness for two months

which limited the family's ability to locate a unit. This waiver allows the family additional time to find a unit.

53. Regulation: 24 CFR 982.303(b)

Project/Activity: Department of Housing Services of Washington County, Oregon; Section 8 Certificate Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 1996.

Reason Waived: A disabled family was able to find a suitable unit, but the request for lease approval could not be submitted before the maximum certificate term had been reached. Because of the difficulty in locating a suitable unit due to their disabilities, this waiver allows the family to complete the paperwork on the unit.

54. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Voucher Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 1996.

Reason Waived: This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to special problems. This waiver allows the family additional time to find suitable housing.

55. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Voucher Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 1996.

Reason Waived: This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to medical problems. This waiver allows the family additional time to find suitable housing.

56. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 27, 1996.

Reason Waived: The certificate-holder underwent surgery and required bed rest during recovery which limited the certificate-holder's ability to search for a unit before the certificate term expired. This waiver allows the family additional time to find suitable housing.

57. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Certificate Program.

Nature of Requirement: The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

Granted by: Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 27, 1996.

Reason Waived: This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to a serious illness. This waiver allows the certificate-holder additional time to find suitable housing.

58. Regulation: 24 CFR 990.109(b)(3)(iv)

Project/Activity: Oglesby Housing Authority, TX. A request was made to use the HA's actual occupancy rate and recalculate its operating subsidy eligibility.

Nature of Requirement: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 6, 1996.

Reason Waived: The HA was allowed to use its actual occupancy percentage of 64% for its fiscal year ending June 30, 1996, because of low operating reserves.

59. Regulation: 24 CFR 990.109(b)(3)(iv)

Project/Activity: Waynoka Housing Authority, OK. A request was made to use the HA's actual occupancy rate and recalculate its operating subsidy eligibility.

Nature of Requirement: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 1996.

Reason Waived: The HA was allowed to use its actual occupancy percentage of 83% for its fiscal year ending December 30, 1996, because of considerable fluctuation in the agency's occupancy rate.

[FR Doc. 96–28841 Filed 11–8–96; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Tuesday
November 12, 1996

Part IV

Federal Emergency Management Agency

Changes to the Hotel and Motel Fire Safety Act National Master List; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Changes to the Hotel and Motel Fire Safety Act National Master List

AGENCY: United States Fire Administration, FEMA.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations that meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

EFFECTIVE DATE: December 12, 1996.

ADDRESSES: Comments on the master list are invited and may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, D.C. 20472, (fax) (202) 646–4536. To be added to the National Master List, or to make any other change to the list, please see **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: John Ottoson, Fire Management Programs Branch, United States Fire Administration, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1272.

SUPPLEMENTARY INFORMATION: Acting under the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2201 note, the United States Fire Administration has worked with each State to compile a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines under the Act. FEMA published the national master list in the Federal Register on Friday, June 21, 1996, 61 FR 32036–32256.

Parties wishing to be added to the National Master List, or to make any other change, should contact the State office or official responsible for compiling listings of properties which comply with the Hotel and Motel Fire Safety Act. A list of State contacts was published in 61 FR 32032, also on June 21, 1996. If the published list is unavailable to you, the State Fire Marshal's office can direct you to the appropriate office.

The Hotel and Motel Fire Safety Act of 1990 National Master List is now accessible electronically. The National Master List Web Site is located at: http://www.usfa/fema.gov/hotel/index.htm

Visitors to this web site will be able to search, view, download and print all or part of the National Master List by State, city, or hotel chain. The site also provides visitors with other information related to the Hotel and Motel Fire Safety Act. Instructions on gaining access to this information are available as the visitor enters the site.

Periodically FEMA will update and redistribute the national master list to incorporate additions and corrections/changes to the list, and deletions from the list, that are received from the State offices. Each update contains or may contain three categories: ''Additions;'' ''Corrections/changes;'' and ''Deletions.'' For the purposes of the updates, the three categories mean and include the following:

''Additions'' are either names of properties submitted by a State but inadvertently omitted from the initial master list or names of properties submitted by a State after publication of the initial master list;

''Corrections/changes'' are corrections to property names, addresses or telephone numbers previously published or changes to previously published information directed by the State, such as changes of address or telephone numbers, or spelling corrections; and

''Deletions'' are entries previously submitted by a State and published in the national master list or an update to the national master list, but subsequently removed from the list at the direction of the State.

Copies of the national master list and its updates may be obtained by writing to the Government Printing Office, Superintendent of Documents, Washington, DC 20402–9325. When requesting copies please refer to stock number 069–001–00049–1.

Dated: November 5, 1996.

John P. Carey,

General Counsel.

The update to the national master list for the month of October 1996 follows:

THE HOTEL AND MOTEL FIRE SAFETY ACT OF 1990 NATIONAL MASTER LIST 10/18/96 UPDATE

Index—property name	PO Box/Rt No and street address	City	State/Zip	Phone
Additions				
California:				
CA1476—Montecito-Sequoia Lodge	858 8000 General's Highway	Kings Canyon	CA 93633	(209) 565–3388
CA1475—Oxnard Hilton Inn	600 Esplanada Dr.	Oxnard	CA 93030	(805) 485–9666
CA1478—Whaler's Inn	2411 Price St.	Pismo Beach	CA 93449	(805) 773–2411
CA1479—Mission Valley Travelodge	1201 Hotel Circle So	San Diego	CA 92108	(619) 297–2271
CA1477—Kensington Park Hotel	450 Post St.	San Francisco	CA 94102	(415) 788–6400
Dictrict of Columbia:				
DC0057—Doubletree Guest Suites	2500 Pennsylvania Ave. NW	Washington	DC 20037	(202) 333–8060
DC0055—Holiday Inn Franklin Square	1155 14th St. NW	Washington	DC 20011	(202) 737–1200
DC0056—Howard Johnson Premier Hotel	2601 Virginia Ave. NW	Washington	DC 20037	(202) 965–2700
DC0054—River Inn	924 25th St	Washington	DC 20037	(202) 337–7600
Minnesota:				
MN0303—Rodeway Inn Milaca	215 10th Ave SE	Milaca	MN 56353	(320) 983–2660
Mississippi:				
MS0111—Diamondhead Resort	103 Live Oak Drive	Diamondhead	MS 39525	(888) 707–1300
MS0112—Holiday Inn—Waveland	404 Hwy 90	Waveland	MS 39576	(601) 467–9261
Oklahoma:				
OK0118—Comfort Inn & Suites	4240 I–40 W. Service Road	Oklahoma City	OK 73108	(405) 943–4400
Pennsylvania:				
PA0441—Wyndham Garden Hotel—Pittsburgh Airport.	One Wyndham Cir	Pittsburgh	PA 15275	(412) 695–0002
Virginia:				
VA0655—Embassy Suites—Alexandria	1900 Diagonal Road	Alexandria	VA 22314	(703) 684–5900
VA0656—Arlington Hilton Hotel	950 North Stafford St	Arlington	VA 22203	(703) 528–6000

THE HOTEL AND MOTEL FIRE SAFETY ACT OF 1990 NATIONAL MASTER LIST 10/18/96 UPDATE—Continued

Index—property name	PO Box/Rt No and street address	City	State/Zip	Phone
VA0658—Skyline Resort Motel	622 S Royal Ave	Front Royal	VA 22630	(540) 635–5354
VA0657—Rodeway Inn Petersburg	2151 Jamestown Drive	Petersburg	VA 23803	(804) 732–1646
West Virginia:				
WV0237—Coffman's Motel	Rt. 82 E.	Birch River	WV 26610	(304) 649–2297
WV0235—Hampton Inn	1515 Johnson Ave.	Bridgeport	WV 26330	(304) 842–9300
WV0234—Colonial Inn	4644 Rt. 60 E.	Huntington	WV 25705	(304) 736–3466
WV0233—Travelers Motel	4530 Rt. 60 E.	Huntington	WV 25705	(304) 736–9039
WV0236—Best Western	Putnam Village Dr.	Hurricane	WV 25521	(304) 755–8341
WV0238—Four Seasons Lodge	Rts. 39/55 Marlinton Rd.	Richwood	WV 26261	(304) 846–4605
WV0239—Mountain State Motel	Rt. 41	Summersville	WV 26651	(304) 872–2702
WV0240—Sleep Inn	801 Industrial Dr.	Summersville	WV 26651	(304) 872–4500
Corrections/Changes				
California:				
CA0177—Orange County Airport Hilton	18800 MacArthur Blvd.	Irvine	CA 92612	(714) 833–9999
CA0967—Holiday Inn Northeast	5321 Date Ave.	Sacramento	CA 95841	(916) 338–5800
District of Columbia:				
DC0005—Holiday Inn on the Hill	415 New Jersey Ave. NW	Washington	DC 20001	(202) 638–1616
Minnesota:				
MN0292—Hampton Inn Eagan	3000 Eagandale Place	Eagan	MN 55121	(612) 688–3343
Pennsylvania:				
PA0327—Radisson Hotel Philadelphia, NE	2400 Old Lincoln Hwy.	Trevose	PA 190536894	(215) 638–8300
West Virginia:				
WV0219—Sleep Inn	115 Tolley Dr.	Clarksburg	WV 26301	(304) 842–1919
WV0076—Econo Lodge	Rt. 339 E.	Elkins	WV 26241	(304) 636–5311
WV0127—Super 8 Motel	Rt. 219 & 250	Elkins	WV 26421	(304) 636–6500
WV0158—Summersville Motor Inn	Old Rt. 19	MT. Nebo	WV 26679	(304) 872–5151
WV0146—Comfort Inn	903 Industrial Dr. N.	Summersville	WV 26651	(304) 872–6500
Deletions				
Minnesota:				
MN0297—Bloomington Fairfield Inn	2401 E. 80th St.	Bloomington	MN 55420	(612) 858–8780
MN0287—Hampton Inn Eagan	3000 Eagandale Place	Egan	MN 55121	(612) 688–3343

[FR Doc. 96–28903 Filed 11–8–96; 8:45 am]

BILLING CODE 6718–08–U

Federal Register

Tuesday
November 12, 1996

Part V

The President

Executive Order 13024—Amending Executive Order 12015, Relating to Competitive Appointments of Students Who Have Completed Approved Career-Related Work Study Programs

Federal Register
Vol. 61, No. 219
Tuesday, November 12, 1996

Presidential Documents

Title 3—

The President

Executive Order 13024 of November 7, 1996

Amending Executive Order 12015, Relating to Competitive Appointments of Students Who Have Completed Approved Career-Related Work Study Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

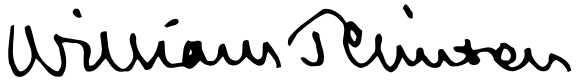
Section 1. Executive Order 12015 of October 26, 1977, is amended as follows:

(a) in section 2 by striking ''career or career-conditional'' both times it appears and inserting in lieu thereof ''term, career, or career-conditional'';

(b) by redesignating section 4 as section 5; and

(c) by inserting after section 3 the following new section:

''Sec. 4. Students converted to term appointment under section 2 may subsequently be converted noncompetitively to a career or career-conditional appointment before the term appointment expires.''



THE WHITE HOUSE,
November 7, 1996.

[FR Doc. 96–29109
Filed 11–8–96; 8:45 am]
Billing code 3195–01–P

Federal Register

Tuesday
November 12, 1996

Part VI

The President

Proclamation 6951—To Extend Nondiscriminatory Treatment (Most-Favored-Nation Treatment) to the Products of Romania

Federal Register
Vol. 61, No. 219
Tuesday, November 12, 1996

Presidential Documents

Title 3—

The President

Proclamation 6951 of November 7, 1996

To Extend Nondiscriminatory Treatment (Most-Favored-Nation Treatment) to the Products of Romania

By the President of the United States of America

A Proclamation

Pursuant to section 2 of Public Law 104–171, and having due regard for the findings of the Congress in section 1 of said Law, I hereby determine that Title IV of the Trade Act of 1974 (19 U.S.C. 2431–2441), should no longer apply to Romania.

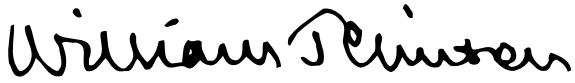
NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to section 2 of Public Law 104–171, do proclaim that:

(1) Nondiscriminatory treatment (most-favored-nation treatment) shall be extended to the products of Romania, which will no longer be subject to Title IV of the Trade Act of 1974.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The extension of nondiscriminatory treatment to the products of Romania shall be effective as of the date of publication of this proclamation in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, 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.



[FR Doc. 96–29148
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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.

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1996. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1996. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments were promulgated during the period October 1, 1995 to September 30, 1996. The CFR volume issued October 1, 1995 should be retained.