11–14–96
Vol. 61 No. 221
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Federal Register

Thursday
November 14, 1996

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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

[Two Sessions]

WHEN: November 19, 1996 at 9:00 a.m.; and
December 10, 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
2313 Red River Street
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Reader Aids
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Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 6952 of November 8, 1996

National Farm-City Week, 1996

By the President of the United States of America

A Proclamation

In 1840 Daniel Webster said, ''when tillage begins, other arts follow. The farmers therefore are the founders of human civilization.'' We pause each year at this time to express our gratitude to American farmers and the millions of Americans working in agriculture-related jobs, and we recognize the importance of agriculture and the essential role that farmers play in our national life. Intertwined with our national history, culture, and economy, American farms continuously sustain us and people around the world with rich produce and crops. Thanks to the professionalism and care of American farmers, we enjoy an abundance of quality and affordable food.

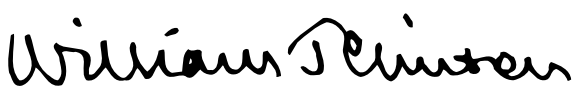
American agriculture is among our Nation's most vital industries, alone generating more than 15 percent of our gross domestic product. Bolstering our economy with a bounty of healthful foods, American agriculture supports more than 21 million jobs, and agriculture-related industries continue to expand, producing good, high-paying jobs and creating $1 trillion for the American economy each year.

The success of American agriculture is a testament to the benefits of farm-city partnerships that stretch all the way from the farmer to the consumer, with thousands of participants in between—researchers, extension agents, scientists, agribusiness companies, shippers, inspectors, processors, manufacturers, marketers and retailers, all helping to guarantee Americans a safe, abundant food supply. For more than 40 years, Americans have observed National Farm-City Week in celebration of these partnerships.

During National Farm-City Week, we celebrate Thanksgiving when Americans will gather around the dinner table to count our Nation's many blessings. Among them is America's agricultural richness and the collaboration between rural and urban communities that helps guarantee our rich quality of life.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 22 through November 28, 1996, as National Farm-City Week. I call upon all Americans, in rural and urban communities alike, to join in recognizing the accomplishments of our farmers and all the hardworking individuals who cooperate to produce an abundance of affordable, quality agricultural goods that strengthen and enrich our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth 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. 96–29391
Filed 11–13–96; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 6953 of November 11, 1996

National Family Caregivers Week, 1996

By the President of the United States of America

A Proclamation

At this special time each year, we give thanks for our many blessings. Among those blessings are the quiet but heartfelt contributions made on a daily basis by our Nation's caregivers, particularly on behalf of the elderly in our society.

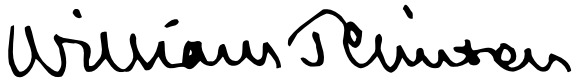
The true value of the role that caregivers play in the lives of America's families is immeasurable. Providing physical comfort and emotional reassurance, these strong and selfless people care for loved ones who can no longer care for themselves. The vast majority of caregivers are family members—often older relatives—and women provide most of the informal care that their families receive. Of the millions of people who provide informal care to older adults, over half are spouses or children. While many caregivers experience stress and frustration in fulfilling their caregiving responsibilities, and many sacrifice personal opportunities to care for a loved one, most regard the challenges of caregiving as a rewarding and satisfying experience.

By the year 2030, one in five Americans will be at least 65 years old, compared to one in eight today. In addition, the number of older Americans will double, from the present 34 million to about 69 million. At the same time that our population is aging, more older persons are suffering from chronic illnesses and face potentially disabling conditions. Moreover, individuals with lifelong disabilities are living longer and may require assistance in caring for themselves as they age. The overwhelming majority of older Americans would prefer to remain in their homes while growing older—even when no coordinated system of home- and community-based care is available. As a result, more Americans are becoming involved in caring for family members who want to age with dignity and respect.

This week, as we celebrate the contributions of caregivers to their families and communities, let us recognize the challenges these generous individuals must confront on a daily basis—challenges that include fulfilling multiple and often conflicting roles of caregiving for their aging relatives, caring for young children, and working outside their homes. Let us promote community programs and encourage workplace policies that help to lighten or share the burden of their caregiving responsibilities. And let us, as a Nation, recognize and commend the vital role they play in ensuring that older Americans age with grace, dignity, and a precious measure of independence.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 24 through November 30, 1996, as National Family Caregivers Week. I call upon Government officials, businesses, communities, volunteers, educators, and all the people of the United States to acknowledge the contributions made by caregivers this week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh 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. 96–29392
Filed 11–13–96; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–232–AD; Amendment 39–9811; AD 96–23–06]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, that requires replacement of certain hydraulic fuses of the landing gear with improved fuses. This amendment is prompted by results of extended testing, which revealed that the hydraulic fuses of the landing gear failed to operate due to movement of the end of the spring within the fuses over the end of the flange of the spool. The actions specified by this AD are intended to prevent such failure, which could result in external leakage in the brake lines downstream of the respective fuse and consequent loss of hydraulic fluid; this condition, if not corrected, could result in partial loss of the main hydraulic power supply.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Connie Beane, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2796; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes was published in the Federal Register on August 26, 1996 (61 FR 43689). That action proposed to require replacement of certain hydraulic fuses of the landing gear with improved fuses.

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

Request To Withdraw the Proposal

The commenter requests that the proposal be withdrawn because operators should already have accomplished the proposed replacement of hydraulic fuses by October 8, 1994, as specified in the Dornier 328 Airworthiness Limitations Document (ALD).

The FAA does not concur with the commenter's request to withdraw the proposal. The commenter has provided no evidence that the replacement has been accomplished on all affected airplanes. Further, even if the current U.S.-registered fleet may be in compliance with the requirements of the AD, the issuance of the rule is still necessary to ensure that any affected airplane that is imported and placed on the U.S. register in the future will be required to be in compliance as well. Issuance of this AD will ensure that the airplane is modified prior to the time it is permitted to operate in the U.S.

Conclusion

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

Cost Impact

The FAA estimates that 5 Dornier Model 328–100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $600, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 **[Amended]**

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

96–23–06 Dornier: Amendment 39–9811. Docket 95–NM–232–AD.

Applicability: Model 328–100 series airplanes; serial numbers 3005 through 3008 inclusive, 3010, 3011, and 3012; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent partial loss of the main hydraulic power supply due to loss of hydraulic fluid, accomplish the following:

(a) Within 90 days after the effective date of this AD, replace landing gear hydraulic fuses having part number ACM30488, MOD states 2 through 6, with MOD 7 fuses in accordance with Dornier Service Bulletin SB–328–32–048, dated August 11, 1994.

(b) As of the effective date of this AD, no person shall install a landing gear hydraulic fuse having part number ACM30488, MOD states 2 through 6, on any airplane.

(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, Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

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

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

(e) The replacement shall be done in accordance with Dornier Service Bulletin SB–328–32–048, dated August 11, 1994. 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 Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on November 1, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28692 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 96–NM–06–AD; Amendment 39–9809; AD 96–23–04]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–100 and –200 series airplanes, that requires replacement of the 250 volt-ampere (VA) rated static inverters with 410 VA or 500 VA rated static inverters, and an operational test of the standby electrical power system. This amendment is prompted by a report that accomplishment of a certain modification could result in overload of the static inverter on these airplanes. The actions specified by this AD are intended to prevent overload of the static inverter, which could result in the loss of the 115 volt alternating current (VAC) standby bus and the associated flight instruments when the airplane is operating on standby electrical power.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

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

FOR FURTHER INFORMATION CONTACT: Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2793; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–100 and –200 series airplanes was published in the Federal Register on June 7, 1996 (61 FR 29038). That action proposed to require replacement of the 250 VA rated static inverters with certain 410 VA or 500 VA-rated static inverters.

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Revise the Applicability of the Proposed Rule

The manufacturer requests that the applicability of the proposed rule be revised to specify that the only Model 737–100 and –200 series airplanes affected by the AD are those that are listed in Boeing Alert Service Bulletin 737–24A1113, dated February 29, 1996. The manufacturer indicates that it has reviewed the loading of the 115 VAC standby electrical power bus of the Model 737–100 and –200 series airplanes that were delivered with 250 VA static inverters and modified in accordance with Boeing Service Bulletin 737–24–1051. This review verified that the 115 VAC standby bus of some of the 250VA static inverters installed on airplanes that had been modified in accordance with Boeing Service Bulletin 737–24–1051 are less heavily loaded than others and, therefore, are not susceptible to the addressed unsafe condition. The commenter states that, for 21 of the airplanes specified in the applicability of the proposal, the currently-installed 250 VA static inverter is adequate and need not be replaced.

The FAA concurs. The FAA's initial assessment of the unsafe condition concluded that all Model 737–100 and –200 series airplanes equipped with 250

VA static inverters and modified in accordance with Boeing Service Bulletin 737–24–1051 were susceptible to overloading of the static inverters. Since issuance of the proposal, however, the FAA has reviewed the electrical load analysis conducted by the manufacturer and agrees that, for the 21 identified airplanes, the 250 VA static inverter does possess sufficient capacity to preclude the unsafe condition. The FAA finds that the airplanes listed in the effectivity listing of Boeing Alert Service Bulletin 737–24A1113, dated February 29, 1996, are the only ones subject to the unsafe condition addressed by this AD action. Accordingly, the applicability of this final rule has been revised to indicate this. Additionally, the cost impact information, discussed below, has been revised to clarify the number of affected airplanes.

Request To Allow Replacement With Any FAA-Approved Static Inverter

One commenter requests that paragraph (a) of the proposal be revised to allow any FAA-approved 410 VA-rated or 500 VA-rated static inverter to be used as a replacement part, instead of requiring the installation of specific static inverters by part number. This commenter considers that such a change to the proposed rule would alleviate the need for operators to obtain approvals for use of alternative methods of compliance in the event that a new static inverter with a new part number is developed in the future.

The FAA does not concur with the commenter's request. While other static inverters may be FAA-approved, the static inverters having the part numbers specified in this AD are the only 410 VA and 500 VA inverters that have been approved specifically for use in Boeing Model 737–100 and –200 series airplanes. These units have been demonstrated to be compatible with the electrical power system and the electromagnetic environment of those airplane models. The FAA must ensure that only these units, which have been tested for compatibility with the affected airplane models, be used to satisfy the requirements of this AD.

Request To Include Additional Maintenance Manual Reference

One commenter requests that paragraph (a) of the proposal be revised to indicate that the operational test of the standby electrical power system may be performed in accordance with Section 24–54–2, as well as Section 24–54–0, of the Model 737 Maintenance Manual. The commenter points out that, for some of the affected operators, the operational test is located in Section 24–54–2 instead of Section 24–54–0 (which was the only Section specified in the proposal).

The FAA concurs with the commenter's request and has revised paragraph (a) of this final rule accordingly.

The FAA also has revised paragraph (a) to include Boeing Alert Service Bulletin 737–24A1113 as an additional source of appropriate service instructions for accomplishing both the replacement of the static inverter and the operational test of the associated system.

Conclusion

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

Cost Impact

There are approximately 52 Boeing Model 737–100 and –200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1 airplane of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $10,500 per airplane. Based on these figures, the cost impact of the AD on the single affected U.S. operator is estimated to be $10,620.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–04 Boeing: Amendment 39–9809. Docket 96–NM–06–AD.

Applicability: Model 737–100 and –200 series airplanes; as listed in Boeing Alert Service Bulletin 737–24A1113, dated February 29, 1996; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. To prevent overload of the static inverter, which could result in the loss of the 115 VAC standby power and the associated flight instruments, accomplish the following:

(a) Within 10 months after the effective date of this AD, replace the 250 VA rated static inverters either with 500 VA-rated static inverters having Boeing part number (P/N) 60B40023–2, or with 410 VA-rated

static inverters having Jet Electronics and Technology P/N 3S2060DV109B1, in accordance with Boeing Alert Service Bulletin 737–24A1113, dated February 29, 1996; or in accordance with Section 20–10–111 of the Boeing 737 Airplane Maintenance Manual. Prior to further flight following the replacement, perform an operational test of the standby electrical power system in accordance with the service bulletin; or in accordance with Section 24–54–0 or 24–54–2 of the maintenance manual.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle 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, 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.

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

(d) Except as provided by paragraph (a) of this AD, the replacement and operational test shall be done in accordance with Boeing Alert Service Bulletin 737–24A1113, dated February 29, 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.

(e) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on October 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28689 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–221–AD; Amendment 39–9810; AD 96–23–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires repetitive inspections to detect cracks and/or corrosion of the girt bar support fitting at certain main entry doors (MED); and repair or replacement of the support fitting. This amendment also provides for various terminating actions for the repetitive inspections. This amendment is prompted by reports that, during scheduled deployment tests of main entry door slides, corrosion was found on the floor structure supports for the escape slides of the main deck entry doors on these airplanes. The actions specified by this AD are intended to prevent such corrosion, which could result in separation of the escape slide from the lower door sill during deployment, and subsequently prevent proper operation of the escape slides at the main entry doors during an emergency.

DATES: Effective December 16, 1996.

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

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

FOR FURTHER INFORMATION CONTACT: Robert Breneman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2776; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes was published in the Federal Register on February 8, 1995 (60 FR 7482). That action proposed to require repetitive detailed visual inspections to detect cracks and/or corrosion of the girt bar support fitting at MED's 1 through 5, inclusive; repair or replacement of the support fitting; and reinstallation of the threshold assembly. The action also proposed to require, under certain conditions, replacing the support fittings with new support fittings having new fasteners; refinishing uncorroded support fittings; and removing the corrosion and refinishing corroded support fittings. When accomplished, these latter actions will constitute terminating action for the repetitive visual inspections.

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

Support for the Proposal

One commenter supports the proposal.

Request for Clarification of Requirements for Different Configurations of Airplanes

One commenter requests that the proposed rule be revised to clarify the actions that are required for variously configured airplanes. The FAA has considered each of the commenter's requests, which are iterated below:

Doors With Escape Slide/Raft Not Installed or Deactivated

This commenter requests that the proposal clarify instructions for addressing airplanes having doors where an escape slide or slide/raft is not installed or is not being used for passenger egress, such as a deactivated door 3, at doors 4 and/or 5 of an airplane being operated in the ''combi'' configuration, or any door not used for passenger egress on a convertible. The commenter suggests that, for these airplanes, the proposed requirements of the rule be ''postponed'' until such time that any door was reactivated for passenger egress use.

The FAA concurs with the commenter's suggestion, and has added a NOTE in the final rule to indicate this.

Airplanes With Improved Door Fittings Installed

This commenter requests that the proposal be revised to indicate that airplanes on which support fittings have been replaced in accordance with Boeing Alert Service Bulletin 747–25A2831, dated August 29, 1991, require no further action at the replaced fitting locations.

The FAA concurs. The service bulletin mandated by this AD replaces Boeing Alert Service Bulletin 747–25A2831. The FAA has determined that the modifications specified in Alert Service Bulletin 747–25A2831 are acceptable for compliance with this AD. This AD requires no further action on fittings that were replaced or modified in accordance with that service bulletin. This final rule has been revised to

include a new paragraph (m), which clarifies this issue.

Airplanes With Main Entry Door (MED) 1 Fittings

This commenter states that proposed paragraph (b) should be more specific as to the requirements for certain airplanes with Main Entry Door 1. As proposed, that paragraph would require that, if no corrosion or cracking was found during the initial inspection, operators may accomplish either one of two actions:

1. install a new fitting with new fasteners and reinstall the threshold assembly with new corrosion-resistant fasteners; or

2. reinstall the threshold assembly with new corrosion-resistant fasteners and, thereafter, repetitively inspect the girt bar support fittings.

However, this commenter points out that for certain airplanes, line numbers 12 through 36, with MED 1 support fittings specified in Figure 3, Details II, III, or IV, of Boeing Service Bulletin 747–53A2378, the instructions in the service bulletin specify that these fittings can only be replaced (per item 1, above).

The FAA acknowledges that the commenter is correct with regard to these airplanes, and that the wording of the notice was not clear. By referring to Boeing Service Bulletin 747–53A2378, Revision 1, the FAA intended that operators follow the appropriate actions specified in it. The FAA intended that, based on the configuration of the airplane, operators would accomplish the actions that are applicable to their airplanes, as defined in the service bulletin. To make this eminently clearer, the FAA has revised paragraph (b) of the final rule to clarify that operators are to accomplish the action in accordance with the ''applicable instruction'' in the service bulletin; by doing so, operators will be directed to that portion of the service bulletin that contains the instructions applicable for their specific airplanes.

Different Configurations of Airplanes Have Different MED Numbers

This commenter requests that the proposal be revised to clarify the fact that:

- Model 747 airplanes that are not ''SP's'' have MED 1, 2, 3, 4, and 5;
- Model 747SP airplanes have MED 1, 2, 3, and 4.

However, MED 3 and 4 on the Model 747SP correspond in their configuration to MED 4 and 5 on the non-SP models. In light of this, the commenter requests that the proposed requirements of paragraph (e) be clarified to account for these various configurations.

Additionally, proposed paragraph (i), which relates to MED 3, should be revised to indicate that its requirements are applicable only to non-SP airplanes. In addition, the commenter points out that the referenced Boeing Service Bulletin makes this differentiation in its relevant instructions.

The FAA concurs and has revised paragraphs (e) and (i) of the final rule to specify the model and corresponding door number of those airplanes subject to the requirements of those paragraphs.

Airplanes With Different Configuration at MED 5

This commenter states that Boeing Service Bulletin 747–53A2378, Revision 1, does not address the configuration of some airplanes at MED 5 where the support fitting is more like that at MED 1 than at MED 2 and 4. The commenter states that the service bulletin is being revised to contain instructions that will address the access, inspection, removal, and replacement of this different type of MED 5 fitting. The commenter requests that the proposed rule be revised to contain those new instructions.

The FAA concurs that some additional procedures may be necessary for those airplanes. However, at this time, the revised service bulletin referred to by the commenter has not been approved and is not available. When it is available, the FAA may consider requests for approval of the use of it as an alternative method of compliance with the requirements of this AD, as provided by paragraph (n).

Request To Make AD Requirements Parallel To Service Bulletin Instructions

One commenter suggests that, if the requirements of the AD are identical to the instructions of the Boeing Service Bulletin 747–53A2378, Revision 1, then the AD should merely state this, instead of reiterating each requirement. Another commenter, the airframe manufacturer, requests that, if the intent of the proposed AD is to mandate the same actions described in that service bulletin, then the wording of certain portions of the proposal must be clarified.

In general, the FAA responds by stating that it did not intend for requirements of this AD to deviate significantly from the service bulletin instructions. However, certain portions of the AD, such as the initial compliance time and other items explained elsewhere in this preamble, do differ from the service bulletin. In light of this, a statement indicating that the ''AD is identical to the service bulletin'' would be incorrect. As for the suggested wording changes relative to this issue, each is discussed below:

Actions When Little Corrosion Is Found

The commenter requests that paragraph (d)(2)(ii) be clarified by reordering the required steps to match what is specified in the referenced service bulletin. As written, the proposed paragraph could be interpreted to mean that operators must first reinstall a repaired fitting, and then immediately follow that step by installing a new fitting [as specified in proposed paragraph (d)(2)(ii)(A)]. The commenter points out that, if the intent of the paragraph is to follow the logical sequence of steps as defined in the service bulletin, paragraph (d)(2)(ii) should be changed as follows:

(ii) If blend out of corrosion does not exceed 10 percent of original material thickness, accomplish either paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this AD:

(A) Install a new fitting with new fasteners, and reinstall threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by paragraph (d) of this AD. Or

(B) Install the repaired fitting with new fasteners and reinstall the threshold assembly with corrosion-resistant fasteners, in accordance with the service bulletin. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 6 years.

The FAA concurs. The intent of the requirements of that paragraph was that operators would follow the procedures specified in the referenced service bulletin. The FAA finds that the change in wording suggested by the commenter suggestion will help to clarify these instructions. The final rule has been revised accordingly.

Installing New Fasteners After Primer Application

The commenter points out that proposed paragraph (f) would require removal of the inspected fitting and reinstallation of it with a new coat of primer. Likewise, proposed paragraph (j) would require the removal of the inspected girt bar support angle, and reinstallation of it with a new coat of primer. However, the commenter requests that these paragraphs be clarified to state that when, the fitting or angle is reinstalled, new fasteners must be used. This is specified in the service bulletin, but is not called out precisely in the proposed rule; therefore, the commenter considers that operators may be unsure as to whether or not new fasteners must be used.

The FAA concurs that clarification is necessary. As stated previously, the intent of this AD is to parallel the

actions described in the service bulletin. In the particular case of proposed paragraphs (f) and (j), the FAA assumed that operators would use new fasteners when reinstalling the subject components since that action is specified in the instructions laid out in the service bulletin, and since those paragraphs state that the required actions are to be accomplished ''in accordance with'' that service bulletin. However, the FAA acknowledges that this may not be clear to affected operators. Therefore, the FAA has revised the two paragraphs to include a statement indicating the installation of new fasteners is a necessary part of the process of reinstalling the components.

Correct Terminology of Inspection Item

The commenter requests that proposed paragraph (i) be corrected to indicate that the inspection is required to be performed on the ''girt bar support angles,'' not the ''girt bar support fitting.'' The follow-on corrective actions specified in proposed paragraph (j) and (k) correctly refer to the ''support angles.''

The FAA acknowledges this error and has corrected the terminology in paragraph (i) accordingly.

Addressing Cracking at Support Angles

This commenter requests that proposed paragraph (k) be revised to clarify that the cracking that is to be addressed is any that is found ''common to the support angles.'' Additionally, proposed paragraph (l)(2)(i), which is a follow-on action to paragraph (k), should be revised to specify this same language. The commenter points out that this language is used in the referenced Boeing service bulletin and likewise should be used in the AD to avoid confusion for operators.

The FAA concurs, and has revised paragraph (k) and (l)(2)(i) of the final rule accordingly.

Inspections of the Support Angles Corner Castings

The commenter requests that paragraph (k) be clarified to include the instructions for addressing cracking that is found in the corner casting of the support angles during the inspection required by proposed paragraph (i). The commenter points out that special instructions are contained in the referenced Boeing service bulletin to address this cracking, but these instructions were not specified in the proposal. The service bulletin provides for repair of cracks found in corner castings, rather than the immediate installation of new angles and fasteners if such cracking is found, as would be required by the proposal. The commenter maintains that allowing operators to repair these cracks rather than replace the components would provide operators with time to obtain the replacement corner casting without having to ground the airplane. A repaired corner casting would be structurally acceptable, since it is not primary load carrying structure.

The FAA concurs that this repair action should be provided as an option to replacement in cases of cracking in the corner casting. However, the service bulletin does not sufficiently describe all of the actions that are necessary to repair the part. The FAA considers that cracked corner castings should be addressed on a case-by-case basis. Therefore, operators that prefer to repair a cracked corner casting, as an option to replacing it, should request an alternative method of compliance with this portion of the AD, as provided by paragraph (n). Paragraph (k)(2) of this final rule has been revised accordingly.

Requests To Extend the Compliance Time

Several commenters request that the proposal be revised to require operators to perform the initial visual inspections prior to an airplane accumulating 16 years of service or 18 months—rather than the proposed 15 months—after the effective date of the final rule, whichever is later:

1. One of these commenters states that the Corrosion Prevention and Control Program, which was mandated by AD 90–25–05 [amendment 39–6790, (55 FR 31401, November 27, 1990)], already requires inspections in this area at 18-month intervals. Allowing the proposed inspections to be accomplished at this same interval would reduce the economic burden on affected operators, since they would not have to special schedule airplanes for those inspections.

2. Another commenter states that some of the proposed inspections will necessarily require that the galley be removed from the airplanes. This removal activity is so extensive that it is normally accomplished at main base locations when airplanes are undergoing their regularly scheduled 18-month ''C'' check activity. By extending the proposed compliance time to correspond with this activity, operators would not be required to schedule special times for the accomplishment of this inspection, at considerable additional expense. Additionally, it will allow the inspections and any necessary installation or repair to be performed at a main maintenance base where special equipment and trained maintenance personnel will be available, if necessary.

3. Finally, another commenter points out that the lead time for obtaining some of the parts that may be necessitated by the proposed actions may take as long as 37 months; the proposed 15-month compliance time would make it very difficult to place a parts order in time to comply with the AD.

The FAA concurs that the compliance time may be extended to 18 months. In consideration of all of the factors raised by the commenters, as well as the demonstrated reliability and safety features of the Model 747, and the likelihood of having to perform an emergency evacuation during the compliance period, the FAA finds that extending the compliance time by a modest 3 additional months will have an insignificant effect on safety, while significantly reducing the burden on the affected operators.

Request To Shorten the Compliance Time

One commenter supports the proposal, but requests that it be revised to require operators to perform the initial visual inspections prior to an airplane accumulating 16 years of service or 6 months—rather than the proposed 15 months—after the effective date of the final rule, whichever is later. The commenter provided no technical justification for this request, but indicated that it was based on its general feeling that the proposed AD is vital to the safety and well-being of the traveling public. This commenter considers the problem addressed to be an extremely hazardous situation that could endanger the lives of both passengers and cabin crew.

The FAA does not concur with this commenter's request. While the FAA does not intend in any way to depreciate the commenter's statements relative to the unsafe condition, as discussed previously, the FAA is obligated to weigh many other factors in addition to safety when developing an appropriate compliance time. In the case of this AD, the FAA considered not only the safety implications, but normal maintenance schedules for timely accomplishment of the actions, parts availability, recommendations of the airframe manufacturer based on crack analysis and service reports, the reliability of the affected fleet, and the probability of an incident occurring that is associated with the problem addressed by the AD. In light of all of these factors, the FAA has determined that a reduction of the compliance time is not warranted.

Request To Clarify Replacement Requirements

One commenter requests that the proposal be revised to clarify that the replacement of fittings or fasteners is required only if cracking or corrosion is found. The commenter states that, as the proposal is written, if an inspection shows that no cracking or corrosion is present, an operator may accomplish one of two possible actions:

1. install a new fitting with new fasteners in the cracking location; or

2. reinstall corrosion-resistant fasteners in the threshold assembly and repeat the inspection thereafter every 6 years.

The commenter states that one could conclude from the wording of this second option that the operators would have to install corrosion-resistant fasteners every six years, regardless of whether or not corrosion was present. If this is not the FAA's intent, the commenter requests that this requirement be clarified.

The FAA concurs that clarification is necessary. It is not the FAA's intent that fasteners be replaced at every inspection, regardless of whether corrosion is present or not. The only time that the replacement must be accomplished is if corrosion is detected during the inspection. The FAA has added wording to the appropriate portions of the final rule to clarify this requirement.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will not increase the economic burden on any operator. Additionally, these changes do not increase the scope of the AD, and are a logical outgrowth of the notice that does not necessitate providing an additional opportunity for public comment.

Cost Impact

There are approximately 868 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 169 airplanes of U.S. registry will be affected by this AD.

The inspection of MED 1 will take approximately 81 work hours per door to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this required inspection on U.S. operators is estimated to be $4,860 per door.

The inspection of MED's 2, 4, and 5 (MED 2, 3, and 4 on Model 747 SP series airplanes) will take approximately 7 work hours per door to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this required inspection on U.S. operators is estimated to be $420 per door.

The inspection of MED 3 would take approximately 13 work hours per door to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this required inspection on U.S. operators is estimated to be $780 per door.

The replacement of both support fittings will take approximately 37 work hours per door to accomplish, at an average labor rate of $60 per work hour. Based on these figures the cost impact of the required replacement on U.S. operators is estimated to be $2,200 per door.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–05 Boeing: Amendment 39–9810. Docket 94–NM–221–AD.

Applicability: Model 747 series airplanes; line numbers 1 through 868 inclusive, excluding freighters and special freighters; certificated in any category.

Note 1: The requirements of this AD are not applicable to doors where an escape slide or slide/raft is not installed or is not used for passenger egress (such as a deactivated door 3, at doors 4 and/or 5 of an airplane being operated in the ''combi'' configuration, or any door not used for passenger egress on a convertible). The requirements of this rule become applicable at the time when an escape slide or slide/raft is installed on such doors, or when such doors are activated and/or converted for passenger use. The requirements also become applicable at the time an airplane operating in an all-cargo configuration is converted to a passenger or passenger/cargo configuration.

Note 2: 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 (n) 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 detect and correct corrosion on girt bar support fittings, which could result in separation of the escape slide from the lower door sill during deployment, and subsequently prevent operation of the escape slides at the main entry doors during an emergency, accomplish the following:

(a) For airplanes equipped with Main Entry Door (MED) 1: Prior to the accumulation of 16 years of service since date of manufacture of the airplane, or within 18 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking and/or corrosion of the girt bar support fitting at the left and right MED 1, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(b) If no cracking or corrosion is found during the inspection required by paragraph

(a) of this AD, prior to further flight, accomplish either paragraph (b)(1) or (b)(2) of this AD, in accordance with the applicable instructions specified in Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by paragraph (b) of this AD. Or

(2) Reinstall the threshold assembly with corrosion-resistant fasteners, in accordance with the service bulletin. Thereafter, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 6 years.

(c) If any cracking is found during the inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994. After these actions are accomplished, no further action is required by this paragraph.

(d) If any corrosion is found during the inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, accomplish either paragraph (d)(1) or (d)(2) of this AD, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph. Or

(2) Blend out corrosion in accordance with the service bulletin.

(i) If blend out of corrosion is beyond 10 percent of original thickness or any crack is found during accomplishment of the blend out procedures, install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(ii) If blend out of corrosion does not exceed 10 percent of original material thickness, accomplish either paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this AD:

(A) Install a new fitting with new fasteners, and reinstall threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph. Or

(B) Install the repaired fitting with new fasteners and reinstall the threshold assembly with corrosion-resistant fasteners, in accordance with the service bulletin. Thereafter, repeat the inspection, and corrective actions as necessary, required by paragraph (a) of this AD at intervals not to exceed 6 years.

(e) For airplanes equipped with Main Entry Doors (MED) 2, 4, and/or 5 (MED 2, 3, and/or 4 on Model 747SP series airplanes): Prior to the accumulation of 10 years of service since date of manufacture of the airplane, or within 18 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking and/or corrosion of the girt bar support fitting at the left and right MED 2, 4, and 5 (MED 2, 3, and 4 on Model 747SP series airplanes), in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(f) If no cracking or corrosion is found during the inspection required by paragraph (e) of this AD, prior to further flight, accomplish either paragraph (f)(1) or (f)(2) of this AD, in accordance with the applicable instructions in Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Remove the inspected fitting and reinstall it with a new coat of primer and new fasteners; and reinstall the threshold assembly with new corrosion-resistant fasteners; in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph. Or

(2) Reinstall the serrated plate assembly and the girt bar floor fitting with corrosion-resistant fasteners, in accordance with the service bulletin. Thereafter, repeat the inspection required by paragraph (e) of this AD at intervals not to exceed 6 years.

(g) If any cracking is found during the inspection required by paragraph (e) or (f)(2) of this AD, prior to further flight, install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994. After these actions are accomplished, no further action is required by this paragraph.

(h) If any corrosion is found during the inspection required by paragraph (e) or (f)(2) of this AD, prior to further flight, accomplish either paragraph (h)(1) or (h)(2) of this AD, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph. Or

(2) Blend out corrosion in accordance with the service bulletin.

(i) If blend out of corrosion is beyond 10 percent of original thickness or any crack is found during accomplishment of the blend out procedures, install a new fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(ii) If blend out of corrosion does not exceed 10 percent of original material thickness, install the repaired fitting with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(i) For airplanes equipped with Main Entry Door (MED) 3 (this paragraph does not apply to Model 747SP series airplanes): Prior to the accumulation of 16 years of service since date of manufacture of the airplane, or within 18 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking and/or corrosion of the girt bar support angles at the left and right MED 3, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(j) If no cracking or corrosion is found during the inspection required by paragraph (i) of this AD, prior to further flight, accomplish either paragraph (j)(1) or (j)(2) of this AD in accordance with the applicable instructions in Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Remove inspected angle and reinstall it with a new coat of primer and new fasteners; and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph. Or

(2) Reinstall the corner scuff plate and the threshold apron with corrosion-resistant fasteners, in accordance with the service bulletin. Thereafter, repeat the inspection required by paragraph (i) of this AD at intervals not to exceed 6 years.

(k) If any crack common to the support angles is found during the inspection required by paragraph (i) or (j)(2) of this AD, prior to further flight, accomplish the actions specified in paragraph (k)(1) or (k)(2), as applicable, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994:

(1) Install the new angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners. After these actions are accomplished, no further action is required by this paragraph of this AD.

(2) For any cracking found only in the corner casting as specified in the service bulletin, accomplish either paragraph (k)(2)(i) or (k)(2)(ii) prior to further flight:

(i) Replace the corner casting in accordance with the service bulletin. Or

(ii) Repair the cracked part in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Refer to paragraph (n) of this AD for the appropriate procedure for seeking such an approval. (This option is provided in order to give operators time to obtain a replacement corner casing without grounding an airplane.) This repair is considered temporary action only; replacement of the corner casting eventually must be accomplished in accordance with a schedule prescribed by the Manager, Seattle ACO.

(l) If any corrosion is found during the inspection required by paragraph (i) of this AD, prior to further flight, accomplish either paragraph (l)(1) or (l)(2) of this AD, in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994.

(1) Install the new angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are

accomplished, no further action is required by this paragraph. Or

(2) Blend out corrosion in accordance with the service bulletin.

(i) If blend out of corrosion is beyond 10 percent of original thickness, or if any crack common to the support angles is found during accomplishment of the blend out procedures, install the new angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(ii) If blend out of corrosion does not exceed 10 percent of original material thickness, install the repaired angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(m) Installation of a girt bar support fitting in accordance with Boeing Service Bulletin 747–25A2831, dated August 29, 1991, is considered acceptable for compliance with the requirements of this AD for each affected fitting location.

(n) 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 Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(o) 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.

(p) The actions shall be done in accordance with Boeing Service Bulletin 747–53A2378, Revision 1, dated March 10, 1994. 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.

(q) This amendment becomes effective on December 16, 1996.

Issued in Renton, Washington, on October 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28688 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–53–AD; Amendment 39–9812; AD 96–23–07]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, that requires visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions. This amendment is prompted by reports indicating that, due to improper torque tightening of the attach studs of the flap hinge fitting, fatigue cracks were found in the vertical leg of the rear spar lower cap of the wing. The actions specified by this AD are intended to prevent such fatigue cracking, which, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

ADDRESSES: The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5237; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes series airplanes was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 27, 1996 (61 FR 44002). That action proposed to require visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions.

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

Support for the Proposal

One commenter supports the proposed AD.

Discussion of Other Comments Received

During the development of the proposal for this AD action, the FAA sought input on the technical and economic aspects from the manufacturer, as well as from affected major U.S. operators through the Air Transport Association (ATA) of America. In the process of responding to these initial data-gathering inquiries, the ATA submitted input to the FAA that had come from its member operators. Some of this input was in the form of what appeared to be comments on what the operators presumed would be the proposed AD; these comments went beyond the technical data-gathering aspects of FAA's inquiries. Since it is not the FAA's policy to request that type of input prior to the issuance of a proposed rule, the FAA did not take those comments into consideration when it issued the NPRM for this AD action.

When the NPRM was published in the Federal Register on August 27, 1996, it contained specific language indicating that the FAA was requesting comments from the public on all aspects of the proposed AD. However, neither the ATA nor its member operators resubmitted their earlier (non-technical) comments in response to this request in the NPRM. In such a situation, commenters are advised to resubmit their comments to indicate to the FAA that their previous comments are still relevant to the rule as it actually was proposed. Regardless of the fact that these comments were not submitted to the FAA as part of the formal rulemaking process, the FAA has

decided to respond to them in this final rule, since the comments raise issues that may have continuing interest among other members of the affected public.

The following discussion presents the FAA's disposition of each of those comments:

Request To Increase Initial Threshold for Inspections

One U.S. operator requests that the threshold for conducting the initial inspection of airplanes that have accumulated more than 15,000 total landings be specified as ''6,000 cycles or 3 years,'' whichever is later. For these airplanes, the proposal specified a threshold of 1,800 landings after the effective date of the AD. The operator states that a later threshold will allow it to schedule the inspections of its affected fleet during regular maintenance intervals. Doing so will minimize the economic burden that this operator would face in terms of consequent downtime and flight schedule interruptions.

The FAA does not concur. The operator provided no technical justification for revising this threshold as requested. Failure of a spar cap is a significant safety issue, and the FAA has determined that the inspection thresholds, as proposed, are warranted, based on the effectiveness of the inspection procedure to detect cracks, and the rate of crack growth in the spar cap at the subject area.

Additionally, the FAA points out that the relevant service information has been available to operators since 1989 (the year that the original version of McDonnell Douglas MD–80 Service Bulletin 57–184 was issued). Operators have had since that time to become aware of the inspection and modification now required by this AD and to add those actions to their individual maintenance plans. In fact, the FAA has been advised that several operators have already done just that.

Further, the FAA does not consider it appropriate to include provisions in an AD that are applicable to a single operator's unique situation. However, paragraph (e) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if sufficient data are presented to justify such an adjustment.

Request for ''Credit'' if Actions Performed According to Earlier Service Bulletin

Another operator requests that ''credit'' be given to operators who have performed the inspection and/or modification in accordance with the original version of McDonnell Douglas MD–80 Service Bulletin 57–184, dated March 16, 1989. This operator previously accomplished the now-required actions before Revision 1 of that service bulletin was issued on December 22, 1994.

The FAA concurs. Although the proposal cited only Revision 1 of the service bulletin as the appropriate source for service instructions, the FAA finds that the instructions specified in the original version of the service bulletin are equivalent. Therefore, use of either service document is acceptable for compliance with the requirements of this AD. The final rule has been revised to specify this.

Request To ''Justify'' Mandating the Service Bulletin

One operator questions the FAA's actions in mandating the requirements of McDonnell Douglas MD–80 Service Bulletin 57–184. This operator points out that the service bulletin was the subject of review by the Service Action Requirements (SAR) committee meeting in August 1995. [NOTE: The SAR committee was formed as part of the actions that were originally initiated by the Airworthiness Assurance Working Group (AAWG), Model DC–9/MD–80 Task Group. This committee, comprised of representatives from operators, the manufacturer, and the FAA, conducts reviews of inspection and modification service bulletins that are applicable to aging Model DC–9/MD–80 series airplanes; subsequent to each review, the committee recommends to the FAA which of these service bulletins should be made mandatory in order to reduce the potential for major structural failure of the airplanes.] By a vote of 10 to 1, the committee rejected the need to mandate the bulletin. This operator is not aware of any change in airline experience that would warrant reversing the committee decision and making the service bulletin mandatory via an AD action.

The FAA responds to this comment by stating that, regardless of the outcome of the SAR committee meeting, the FAA is responsible for issuing AD actions at any time in order to correct unsafe conditions that have been identified in airplanes. The FAA considers the potential loss of a rear spar cap to be a significant safety issue warranting AD action. As for additional recent and relevant service experience to further justify this action, the FAA points out that, subsequent to the issuance of the NPRM, one affected operator found an additional crack in the same area that this AD requires to be inspected. In light of this, the FAA maintains that this AD is not only appropriate, but warranted.

Conclusion

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

Cost Impact

There are approximately 489 Model McDonnell Douglas Model DC–9–80 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 306 airplanes of U.S. registry will be affected by this AD, that it will take approximately 26 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $477,360, or $1,560 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–07 McDonnell Douglas: Amendment 39–9812. Docket 96–NM–53–AD.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) series airplanes and Model MD–88 airplanes, as listed in McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in the vertical leg of the rear spar lower cap of the wing, which could lead to reduced structural integrity of the wing, accomplish the following:

Note 2: Actions specified in this AD that have been performed prior to the effective date in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, dated March 16, 1989, are considered acceptable for compliance with the applicable requirement of this AD.

(a) Visual/Dye Penetrant Inspection and Ultrasonic Inspection. Perform visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For airplanes that have accumulated less than 8,000 total landings as of the effective date of this AD: Perform the inspection prior to the accumulation of 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 8,000 or more total landings but less than 10,000 total landings as of the effective date of this AD: Perform the inspection within 3,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 10,000 or more total landings but less than 15,000 total landings as of the effective date of this AD: Perform the inspection within 2,400 landings after the effective date of this AD.

(4) For airplanes that have accumulated 15,000 or more total landings as of the effective date of this AD: Perform the inspection within 1,800 landings after the effective date of this AD.

(b) Condition 1 (No Cracks). If no crack is detected during any inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994.

(1) *Condition 1, Option 1 (Terminating Action).* Prior to further flight, tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs of the flap hinge fitting constitutes terminating action for the repetitive inspection requirements of paragraph (b)(2) of this AD.

(2) *Condition 1, Option 2 (Repetitive Inspection).* Repeat the visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 landings until paragraph (b)(1) of this AD is accomplished.

(c) Condition 2 (Cracks). If any crack is detected during any inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, perform a high frequency eddy current inspection to confirm the existence of cracking, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. After this inspection, accomplish the requirements of either paragraph (c)(1), (c)(2), or (c)(3) of this AD, as applicable.

(1) *No Cracking Confirmed.* If no cracking is confirmed, accomplish the requirements of either paragraph (b)(1) [''Condition 1, Option 1 (Terminating Action)''] or (b)(2) [''Condition 1, Option 2 (Repetitive Inspection)''] of this AD.

(2) *Condition 2, Option 1 (Permanent Repair).* If any cracking is confirmed, prior to further flight, replace the entire spar cap or accomplish the permanent splice repair of the spar cap, and tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs constitutes terminating action for the repetitive inspection requirements of paragraph (c)(3) of this AD.

(3) *Condition 2, Option 2 (Temporary Repair).* If cracking is confirmed and it does not extend beyond the location limits and does not exceed the maximum permissible crack length of 2 inches, prior to further flight, accomplish the temporary repair modification of the spar cap in accordance with the service bulletin. Thereafter, repeat the eddy current inspection at intervals not to exceed 3,000 landings until paragraph (c)(2) of this AD is accomplished.

(i) If any crack progression is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, contact the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, telephone (310) 627–5237, fax (310) 627–5210, to establish the appropriate repair or replacement interval.

Note 3: Operators should note that, unlike the recommended compliance time of ''within 3,000 landings after discovery of cracking,'' which is specified in the service bulletin as the time for accomplishing the permanent splice repair or replacement of the spar cap, this AD requires that operators contact the FAA prior to further flight. The FAA finds that the repair/replacement interval should be established based on the crack progression. Where there are differences between the AD and the service bulletin in this regard, the AD prevails.

(ii) If any new crack is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, accomplish the permanent repair in accordance with the service bulletin.

(d) Reporting Requirement. Within 10 days after accomplishing the initial visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles ACO, 3229 East Spring Street, Long Beach California 90806–2425; telephone (310) 627–5237; fax (310) 627–5210. 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.

(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 4: 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.

(g) The actions shall be done in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28870 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 96–NM–40–AD; Amendment 39–9813; AD 96–23–08]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146 and Model Avro 146–RJ series airplanes, that requires repetitive tests of the integrity of the electrical circuit between the windshear computer and the flap position sensor, and repair of the electrical wiring, if necessary. This amendment also requires replacement of certain windshear computers with new computers, which, when accomplished, terminates the repetitive tests. This amendment is prompted by a report indicating that the existing windshear computer is not capable of detecting a signal indicating loss of flap position; this could result in the flightcrew following erroneous computer-generated guidance. The actions specified by this AD are intended to prevent the incapability of the windshear computer to detect the true flap position, which, if not corrected, could result in the inability of the flightcrew to avoid a windshear encounter, and consequent reduced controllability of the airplane.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 and Model Avro 146–RJ series airplanes was published in the Federal Register on August 26, 1996 (61 FR 43692). That action proposed to require repetitive tests of the integrity of the electrical circuit between the windshear computer and the flap position sensor, and repair of the electrical wiring, if necessary. That action also proposed to require replacement of existing windshear computers with new safe flight windshear computers.

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

The commenter supports the proposed rule.

Conclusion

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

Cost Impact

The FAA estimates that 41 British Aerospace Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $2,460, or $60 per airplane, per test cycle.

The FAA estimates that it will take approximately 4 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be $9,840, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–23–08 British Aerospace: Amendment 39–9813. Docket 96–NM–40–AD.

Applicability: Model BAe 146 and Model Avro 146–RJ series airplanes on which BAe Modification HCM40270A or HCM40270B (Safe Flight Windshear Computer) has been installed, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 inability of the flightcrew to avoid a windshear encounter and consequent reduced controllability of the airplane due to the inability of the windshear computer to detect the true flap position, accomplish the following:

(a) Within 300 landings or 60 days after the effective date of this AD, whichever occurs first: Perform a test of the integrity of the electrical circuit between the windshear computer and the flap position sensor, in accordance with Avro International Aerospace Alert Inspection Service Bulletin S.B. 34–A155, Revision 2, dated August 9, 1995. Repeat the test thereafter at intervals not to exceed 300 landings until the actions required by paragraph (c) of this AD are accomplished.

(b) If any test required by paragraph (a) of this AD fails, prior to further flight, repair the electrical wiring in accordance with Avro International Aerospace Alert Inspection Service Bulletin S.B. 34–A155, Revision 2, dated August 9, 1995. Thereafter, repeat the test required by paragraph (a) of this AD at intervals not to exceed 300 landings until the actions required by paragraph (c) of this AD are accomplished.

(c) Within 6 months after the effective date of this AD: Replace any Safe Flight windshear computer having part number 6508–2 or 6508–4 with a new Safe Flight windshear computer having part number 6508–5; and change the polarity of the polarizing keys; in accordance with British Aerospace Modification Service Bulletin SB.34–160–70548A, dated November 21, 1994. Accomplishment of these actions constitutes terminating action for the repetitive tests required by paragraph (a) of this AD.

(d) As of the effective date of this AD, no person shall install a Safe Flight windshear computer having part number 6508–2 or 6508–4 on any airplane.

(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, 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.

(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.

(g) The actions shall be done in accordance with Avro International Aerospace Alert Inspection Service Bulletin S.B. 34–A155, Revision 2, dated August 9, 1995; or British Aerospace Modification Service Bulletin SB.34–160–70548A, dated November 21, 1994; as applicable. Avro International Aerospace Alert Inspection Service Bulletin S.B.34–A155, Revision 2, dated August 9, 1995, contains the following list of specified effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 2	2	August 9, 1995.
3–5	1	September 10, 1993.

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 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division, Customer Support, Woodford Aerodrome, Woodford, Cheshire SK7 1QR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–28871 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–U

ARMS CONTROL AND DISARMAMENT AGENCY

22 CFR Part 601

Statement of Organization

AGENCY: Arms Control and Disarmament Agency.

ACTION: Final rule.

SUMMARY: The United States Arms Control and Disarmament Agency (ACDA) is updating, revising, and restating in its entirety the ACDA Statement of Organization. In addition to reflecting ACDA's current organization, the amended rule contains numerous editorial changes. This rule will have no substantive effect on the public.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Janice F. Busen, Office of the General Counsel, United States Arms Control and Disarmament Agency, Room 5635, 320 21st Street, NW., Washington, DC 20451, telephone (202) 647–3596.

SUPPLEMENTARY INFORMATION: Because this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b) notice and other public procedures are not required, and the rule is effective immediately on the specified date. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612 and, thus, is exempt from the provisions of that act.

Executive Order 12866 Determination

ACDA has determined that this rule is not a significant regulatory action

within the meaning of section 3(f) of that Executive Order.

Paperwork Reduction Act Statement

This rule is not subject to the provisions of the Paperwork Reduction Act because it does not contain any information collection requirements within the meaning of that Act.

Unfunded Mandates Act Determination

ACDA has determined that this rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532.

List of Subjects in 22 CFR Part 601

Organization and functions (Government agencies).

Chapter VI of Title 22 of the Code of Federal Regulations is amended by revising part 601 to read as follows:

PART 601—STATEMENT OF ORGANIZATION

Sec.

Authority: 5 U.S.C. 552(a)(1) and 22 U.S.C. Chapter 35.

§ 601.1 Purpose.

This part summarizes the mission and organization of the U.S. Arms Control and Disarmament Agency.

§ 601.2 Definitions.

(a) As used in this part, *Agency* or *ACDA* means the U.S. Arms Control and Disarmament Agency.

(b) As used in this part, *the Act* means the Arms Control and Disarmament Act, as amended (22 U.S.C. 2551 *et seq.*).

Subpart A—Agency Mission and Structure

§ 601.5 Mission.

(a) Through the Act, Congress and the President determined that the formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security could best be insured by a central organization charged by statute with primary responsibility for this field.

(b) Under the Act, the Agency is charged with providing the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and assessing the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

(c) The Agency also has the capacity for providing the essential scientific, economic, political, military, psychological, and technological information on which realistic arms control, nonproliferation, and disarmament policy must be based, and has the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

(1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.

(2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.

(3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.

(4) The preparation for, operation of, or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.

(5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

(d) The Agency works at the highest level of the United States Government and, under the direction of the Secretary of State, conducts United States participation in international arms control and disarmament negotiations. It does not normally hand down decisions or engage in regulatory activities affecting the general public, since its functions are principally in the advisory or diplomatic areas. Copies of publications resulting from the Agency's activities, such as its Annual Report, may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or requested directly from the U.S. Arms Control and Disarmament Agency, Office of Public Affairs, 320 21st Street NW., Washington, DC 20451.

§ 601.6 Agency structure.

(a) The Agency is headed by a Director, appointed by the President with the advice and consent of the Senate, who is responsible for the executive direction of the Agency. The Director is assisted by a Deputy Director, also appointed by the President with the advice and consent of the Senate, who acts for, and exercises the powers of, the Director during the Director's absence or disability or during a vacancy in said office.

(b) The Director of ACDA ranks with the Deputy Secretary of State and reports directly to the Secretary of State; the Deputy Director ranks with an Under Secretary of State. The Director of ACDA is the principal advisor to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament. The Director has direct access to the President as necessary. In addition, the Director has the authority and independence to deal directly with the heads of other agencies, such as the Department of Defense and the Department of Energy, on matters not falling within the jurisdiction of the Department of State.

(c) The Director is supported by a personal staff that includes the Counselor, Chief of Staff, Special Assistant, and Personal Secretary. Other entities included within the Office of the Director are: the Executive Secretary and Adviser for Internal Affairs, the Advanced Projects Office, the Chief Science Advisor, the Office of Military Affairs, the Office of the Inspector General, and the Equal Employment Opportunity Officer.

(d) The Agency has four Assistant Directors appointed by the President with the advice and consent of the Senate who rank with Assistant Secretaries of State. Each of these Assistant Directors heads a bureau, and it is through the bureaus that the Agency's program responsibilities are primarily discharged. The four current

bureaus are the Multilateral Affairs Bureau, the Strategic and Eurasian Affairs Bureau, the Nonproliferation and Regional Arms Control Bureau, and the Intelligence, Verification, and Information Management Bureau. Within the range of its program responsibilities, each bureau is responsible for generating policy proposals, and for working closely with other ACDA units and Government agencies. Other Agency units with staff or Agency-wide responsibilities are the Office of the Director, Office of the General Counsel, the Office of Congressional Affairs, the Office of Administration, the Office of Congressional Affairs, and the Office of Public Affairs.

Subpart B—Functional Statements

§ 601.10 Office of the Director.

(a) The Director of ACDA is the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament, and on their relationship to other aspects of overall national security policy. Under the direction of the President and the Secretary of State, the Director has primary responsibility within the Government for matters relating to arms control and disarmament and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation. The Director is responsible for the executive direction, operations, and coordination of all activities of the Agency and the Agency's relations with the Congress. The Director attends all meetings of the National Security Council that involve weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.

(b) The Deputy Director assists the Director in carrying out the Director's responsibilities as head of the Agency, and acts for and exercises the powers of the Director during the Director's absence or disability or during a vacancy in said office. The Deputy Director also has direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security and the Special Compartmental Intelligence Facility, and performs such other duties and exercises such other powers as the Director may prescribe.

(c) The Executive Secretary and Advisor for Internal Affairs (D/EX), on behalf of the Director, initiates and provides Agency liaison to the national security agencies, coordinates within ACDA and with other agencies to ensure appropriate ACDA representation of interagency deliberations and international summits, and the timely exchange of information. The Executive Secretary advises the Director and other Agency Principals on arms control and administrative policy options, the status of policy deliberations within the Agency, and the optimum methods and procedures to implement policy decisions. The Executive Secretary maintains the Director's formal record of communications regarding arms control policy deliberations and decisions.

(d) The Advanced Projects Office (D/AP) is ACDA's center for innovative concepts of arms control, nonproliferation, and disarmament. It conceives and develops new avenues to aspects of arms control, nonproliferation, and disarmament. Its projects build both on internally generated concepts and on ideas collected from government, academic, and non-governmental sources.

(e) The Chief Science Advisor (CSA) is the Director's special representative for matters of science and technology, and identifies promising technologies for monitoring arms control agreements.

(f) The Office of Military Affairs (D/M) is headed by the Senior Military Advisor who serves as the principal advisor to the ACDA Director on military matters, is the principal representative of the Director to the Office of the Secretary of Defense and the Joint Chiefs of Staff, and is the liaison between ACDA and United States military commanders and the ACDA focal point for military-to-military contacts on agency initiatives. The Senior Military Advisor evaluates arms control and nonproliferation proposals from a military perspective, and assesses their potential contributions to the national security of the United States.

(g) The Office of the Inspector General is headed by the Inspector General of the Agency who has the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended (5 U.S.C. app.). The Inspector General of the Agency utilizes personnel of the Office of the Inspector General of the Department of State in performing the duties of Inspector General of the Agency.

(h) The Equal Employment Opportunity (EEO) Officer has the primary responsibility for advising the Director of the Agency with respect to the preparation of the Agency's equal employment opportunity plans, procedures, regulations, reports, and other matters pertaining to the Agency's equal employment opportunity program, for evaluating the sufficiency of the total Agency program for equal employment opportunity, and when authorized by the Director of the Agency, for making changes in programs and procedures designed to eliminate discriminatory practices and to improve the Agency's program for equal employment opportunity. The EEO Officer maintains contact with the Office of Personnel Management, the Equal Employment Opportunity Commission, schools, and other related organizations.

§ 601.11 Multilateral Affairs Bureau (MA).

MA develops and implements policy, strategy, and tactics for issues under negotiation and discussion in multilateral arms control fora. It provides organizational support and staffing for U.S. delegations to the Conference on Disarmament (CD) in Geneva, in which the negotiations on a comprehensive ban on nuclear weapons testing (CTB) and on other issues related to nuclear weapons (e.g., fissile material cut-off) and conventional arms (e.g., transparency in armaments) are conducted, as well as for the First Committee of the UN General Assembly and the United Nations Disarmament Commission. The Bureau leads the U.S. effort to implement the Chemical Weapons Convention (CWC) through the CWC Preparatory Commission in The Hague, and will potentially serve as the U.S. Office of National Authority (ONA) upon entry into force of the CWC. In addition, the MA Bureau takes the leading policy role in formulating Agency positions in support of the implementation of the Treaty on Conventional Armed Forces in Europe (CFE) through the Joint Consultative Group (JCG), the Treaty on Open Skies through the Open Skies Consultative Commission (OSCC), and the CSCE Forum for Security Cooperation (FSC), all in Vienna. The Bureau is also responsible for development and implementation of policy within the U.S. relating to other international arms control agreements and negotiations, including the international effort to strengthen the Biological and Toxin Weapons Convention (BWC) by enhancing transparency and confidence in compliance, and other related diplomatic activities, such as the BW Trilateral dialogue between the U.S., UK and Russia. MA takes the Agency lead in supporting other international efforts such as the UN Special Commission (UNSCOM) for Iraq and peacekeeping initiatives. It also leads U.S.

Government efforts, both substantively and administratively, for multilateral treaty review conferences, with the exception of the Nuclear Non-proliferation Treaty (NPT). The Bureau assists in the formulation of Agency policy with regard to arms control in regions of the world outside Europe.

§ 601.12 Strategic and Eurasian Affairs Bureau (SEA).

SEA has principal responsibility within the Agency for the diplomatic, political, and technical aspects of negotiations and implementation of strategic and nuclear arms control agreements, particularly with respect to the new independent States of the former Soviet Union, and of policy initiatives to facilitate the denuclearization of Belarus, Kazakhstan, and Ukraine. Expansion of arms control efforts in the Eurasian region, including consideration of discussions with China on strategic stability, is also part of the Bureau's portfolio. Further, SEA has principal responsibility within the Agency for development and implementation of the Nunn-Lugar program, the Safeguards, Transparency and Irreversibility initiative (to ensure that nuclear warhead dismantlement is irreversible and transparent) and of defense conversion policy and programs related to the former Soviet Union and China. Other areas in which SEA has responsibility include: ballistic missile defense arms control, the Standing Consultative Commission (SCC), the Joint Compliance and Inspection Commission (JCIC), and the Special Verification Commission (SVC). SEA coordinates implementation of agreed policy, generates and analyzes proposals, and evaluates weapons systems and other questions relating to these negotiations. It also takes the leading role in formulating Agency positions on basic strategic and theater offensive arms control, ballistic missile defense arms control, nuclear warhead dismantlement initiatives and the storage and disposition of fissile material from dismantled nuclear warheads, and other strategic or global arms control and outer space policy issues that require high-level decision within the Government. SEA chairs the interagency backstopping committees for the JCIC, the SCC, the SVC, and the Bilateral Implementation Commission (BIC). The Bureau also provides technical expertise to teams implementing various elements of denuclearization, fissile material disposition, and related openness initiatives, as well as to defense conversion committees and relevant interagency working groups.

§ 601.13 Nonproliferation and Regional Arms Control Bureau (NP).

NP is responsible for representing the Agency in policy development, implementation, and international negotiations to halt the proliferation of nuclear/chemical/biological weapons and missiles, to control conventional arms and sensitive dual-use exports, and to foster regional arms control. It promotes United States interests in multilateral nonproliferation regimes, e.g., the Nuclear Non-proliferation Treaty, the Treaty of Tlatelolco, the Missile Technology Control Regime, Nuclear Suppliers Group, and the Australia Group. It provides technical and policy support for the International Atomic Energy Agency's safeguards and technical assistance efforts. NP also participates in the review of exports subject to nuclear/chemical/biological weapons and missile nonproliferation controls. It initiates and supports regional arms control measures and arrangements outside of Europe as well as conventional arms.

§ 601.14 Intelligence, Verification, and Information Management Bureau (IVI).

IVI has principal responsibility within the Agency for developing verification policy, compliance assessments and intelligence support. The Bureau provides research and technical analysis to the other ACDA bureaus; coordinates and integrates agency-wide perspectives on substantive compliance, verification and implementation issues; compiles, maintains, and analyzes all relevant arms control and nonproliferation data in support of agency requirements for compliance assessment and adjudication; establishes, manages and maintains all information systems within the Agency; and monitors and assures the availability of U.S. technical systems to implement existing treaties. IVI's responsibilities in the area of verification and compliance include analysis of the Comprehensive Test Ban Treaty, the Conventional Armed Forces in Europe (CFE), the Strategic Arms Reduction Treaties (START I and II), the Open Skies Treaty, and most recently, the Chemical Weapons Convention (CWC). These are in addition to the earlier Biological Weapons Convention (BWC), the Nuclear Non-proliferation Treaty (NPT), the U.S.-Soviet Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) Treaties, and the Intermediate-Range Nuclear Forces (INF) Treaty. In addition to treaty-specific responsibilities, the Bureau is also responsible for providing effective coordination of research and development on arms control, nonproliferation, and disarmament issues among the departments and agencies of the executive branch; participating in the development of government-wide requirements for arms control research and development and implementation to ensure responsiveness to policy requirements as well as fiscal accountability; providing the definitive repository for negotiations documents such as negotiating records and electronic treaty texts; publishing the Agency's annual report, *World Military Expenditures and Arms Transfers;* and providing economic analysis support to the Agency and to the interagency community for economic aspects of arms control and national security.

§ 601.15 Office of the General Counsel (GC).

The Office of the General Counsel (GC) is responsible for all matters of domestic and international law relevant to the work of the Agency. It provides advice and assistance in drafting and negotiating arms control treaties and agreements, and on questions regarding their approval by Congress, implementation, interpretation, ratification, and revision. GC lawyers regularly serve as the Legal Advisors to United States arms control negotiating delegations. The Office is also involved in the legal aspects of the nuclear weapons nonproliferation responsibilities of the Agency. It is responsible for legal matters relating to arms control policy formulation and Agency legislation, including drafting of such legislation. It handles the legal aspects of Agency policies and operations in the areas of personnel, security, ethics, equal employment opportunity, contracts, procurement, fiscal, and administrative matters. It also is responsible for responding to requests under the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a), and for reviewing documents for declassification.

§ 601.16 Office of Administration (A).

This Office is responsible for full administrative support to the Agency and to all of its components, including the negotiating staffs in Geneva, Switzerland, The Hague, Netherlands, and Vienna, Austria. This includes all personnel, budget, fiscal, supply, contracts, communications, and general administrative activities. The Office maintains regular liaison with the Office of Management and Budget, the Appropriations Committees of the Congress, the Department of State, the

General Services Administration, and other organizations providing services for the Agency. The Office is responsible for the security program of the Agency which includes physical, procedural, personnel, technical, and computer security, as well as investigative and counterintelligence functions. The Office conducts liaison with national security and federal investigative agencies.

§ 601.17 Office of Congressional Affairs (CA).

The Office of Congressional Affairs (CA) is responsible for the legislative and policy implications of all arms control, nonproliferation and disarmament proposals. This includes responsibility for Congressional liaison, coordination and representation. These activities include preparation for and attendance at Congressional briefings, consultations and hearings, including the Agency's biannual authorization request and annual appropriation request. The Office also assists in the preparation for visits by Members of Congress to our negotiating fora and is responsible for all Congressional inquiries. The status of proposed and existing arms control agreements, and the inter- and intra-agency coordination of arms control, nonproliferation, and disarmament congressional matters are also included in the liaison activity. Communication between the Agency and Congressional committees, Members and their staffs, formal and informal, are designed to keep Congress informed of our arms control, nonproliferation, and disarmament efforts. This process includes obtaining insights by CA for suggestions and initiatives within ACDA.

§ 601.18 Office of Public Affairs (PA).

This office carries out the Agency's legislative mandate for the dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament matters. It is responsible for all contacts with the media and prepares guidance as required on questions relating to the Agency's business. It collects, screens, and distributes information to Bureaus and Offices to keep the Agency's staff abreast of developments of interest and use in connection with carrying out their responsibilities. It also prepares publications and handles the participation at public speaking engagements by Agency officials.

Dated: October 24, 1996.

Mary Elizabeth Hoinkes,

General Counsel.

[FR Doc. 96–29169 Filed 11–13–96; 8:45 am]

BILLING CODE 6820–32–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4F4398/R2209A; FRL–5570–1]

RIN 2070–AB78

Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: EPA is amending the final rule issued on March 20, 1996 establishing an exemption from the requirement of a tolerance for dried fermentation solids and solubles of *myrothecium verrucaria* on all food crops and ornamental.

DATES: The effective date of this amendment is November 14, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4398/R2209A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4398/R2209A] . No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Cindy Schaffer, Product Manager (PM) Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. (703) 308–8272; e-mail: schaffer.cindy@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On March 20, 1996 (61 FR 11313)(FRL–5352–2), EPA issued a final rule adding § 180.1163 which established an exemption from the requirement of a tolerance for Killed *myrothecium varrucaria*. Inadvertently, § 180.1163 contained a restriction on the amount of *myrothecium varrucaria* that could be used per acre. This amendment removes that restriction.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the

contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

EPA has established a record for this rulemaking under docket number [PP 4F4398/R2209A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@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 rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), 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) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 1, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.1163—[Amended]

2. Section 180.1163 is amended by removing the phrase ''at a rate not to exceed 20 to 40 lbs/acre.''

[FR Doc. 96–29182 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5650–2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the St. Augusta Landfill/Engen Dump Site from the National Priorities List (NPL).

SUMMARY: The U.S. Environmental Protection Agency (US EPA) announces the deletion of the St. Augusta Landfill/Engen Dump Site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which US EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. US EPA and the State of Minnesota have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, US EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT:

Rita Garner at (312) 886–2440, Associate Remedial Project Manager, Superfund Division US EPA—Region 5, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Minnesota Pollution Control Agency, 520 Lafayette Rd., St. Paul, MN 55155–4194. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office.

The point of contact for the Regional Docket Office is Jan Pfundheller (H–7J), US EPA, Region 5, 77 W. Jackson Blvd., Chicago. IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the St. Augusta Landfill/Engen Dump Site, Stearns County, Minnesota. A Notice of Intent to Delete was published July 22, 1996 (61 FR 37876) for this site. The closing date for comments on the Notice of Intent to Delete was August 21, 1996. US EPA received no comments.

The US EPA identified sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Ground glass, Solids and sludges, Paper pulp waste, Ash and small amounts of cutting oils, Coolants, Solvents, Paints and cleaning compounds.

Dated: November 1, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region 5.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site ''St. Augusta Sanitary Landfill/Engen Dump, St. Augusta Township, Minnesota''.

[FR Doc. 96–29029 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[PP Docket No. 93–253; CC Docket No. 90–6; FCC 96–361]

Implementation of Section 309(j) of the Communications Act—Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts competitive bidding rules for mutually exclusive applications for cellular unserved Phase I and Phase II service areas. These rules result from the Commission's decision to use competitive bidding to select from among mutually exclusive applications. The Adoption of these rules will enable the Commission to complete the licensing of cellular unserved area licenses.

EFFECTIVE DATE: December 16, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas Horan, Wireless Telecommunications Bureau, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the *Ninth Report and Order* in PP Docket No. 93–253; CC Docket No. 90–6; FCC 96–361, adopted August 23, 1996 and released November 7, 1996. The complete text of the *Ninth Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Report and Order

Background

1. Initial cellular systems operators were given a five-year period during which to expand their systems within the geographic area in which they are licensees. Cellular unserved areas were created from the geographic area not covered by the licensee at the close of the five-year build-out period. We adopted an application processing scheme that has two phases for all cellular markets in which the five-year build-out period has expired or will expire in the future. Phase I is a one-time process that provides an opportunity for eligible parties to file competing applications for authority to operate a new cellular system in, or to expand an existing cellular system into, unserved areas as soon as these areas become available. Phase II is an ongoing process that allows eligible parties to apply for any unserved areas that may remain in a market after the Phase I process is complete.

Grouping of Licenses

2. Following adoption of these rules, all Phase I auction applicants, including those who previously filed FCC Form 464s, shall file a short-form application (FCC Form 175) prior to the filing deadline announced by Public Notice. The filing window for Phase I applications will open on the 31st day after the expiration of a market's five-year build-out period. For mutually exclusive Phase I applications that were filed prior to our new FCC Form 175 filing requirement, only the applicants who have timely-filed FCC Form 464 applications will be eligible to submit an FCC Form 175 and participate in the auction for these markets. The auction process will repeat itself approximately every six months until all of the Phase I licenses for which there are mutually exclusive applications have been auctioned. Applicants cannot file more than one Phase I initial application for any cellular market, and Phase I initial applications must not propose any de minimis or contract service area boundary extensions. Phase I licensees may file a single major modification application no later than 90 days after the grant of their Phase I initial application. This major modification application may propose de minimis or contract service area boundary extensions, or a non-contiguous Cellular Geographic Area (''CGSA'') provided that the non-contiguous CGSA meets the minimum coverage requirement of section 22.951 of the Commission's rules.

3. The start of the Phase II process is dependent on the resolution of the Phase I short-form filing deadline. If a Phase I initial application is granted for a market and channel block, Phase II applications for that market and channel block may be filed on or after the 121st day after the Phase I application is granted. If no Phase I initial applications are received, Phase II applications may be filed on or after the 32nd day after the expiration of the relevant five-year build-out period. Competing Phase II applications are subject to a 30-day filing window following a Phase II application's publication in a Public Notice. Phase II applicants should continue to submit an FCC Form 464A and an FCC Form 600 during the appropriate filing windows. For Phase II applications, we will require the FCC Form 600 prior to the FCC Form 175 in order to determine whether mutual exclusivity exists among applicants. Mutual exclusivity will be determined by comparing the technical information contained in each FCC Form 600 to determine whether any applicants are applying for the same specific cell sites in any given cellular unserved area. This differs from the Phase I process, because Phase I applicants are applying for the entire unserved area. Thus, mutual exclusivity may be determined by reviewing the FCC Form 464 application for Phase I licenses. If the Commission determines mutually exclusive Phase II initial applications have been received, these applicants will be required to file a short-form application (FCC Form 175) prior to the filing deadline specified in a Public Notice. The Phase II licenses for which there are mutually exclusive applications will be auctioned in either a separate Phase II auction or as part of a Phase I auction. The Wireless Telecommunications Bureau (''Bureau'') will issue a Public Notice describing the auction process for Phase II licenses prior to any Phase II auctions.

Competitive Bidding Design

4. For Cellular Unserved Phase I and Phase II service areas, we are electing to use a simultaneous multiple round auction, but we reserve the option to do this auction sequentially.

5. For the cellular unserved auctions, we will use a simultaneous stopping rule. Bidding will remain open on all licenses until bidding stops on every license. We intend to close the auction after one round passes in which no new valid bids or proactive activity rule waivers are submitted. The Commission, however, retains the discretion to keep the auction open even if no new valid bids and no proactive waivers are submitted. The Commission delegates to the Bureau the authority to exercise such discretion. In the event that the Bureau exercises this discretion, the effect would be the same as if a bidder had submitted a proactive waiver. In addition, the Commission will retain the discretion to declare after a certain number of rounds that the auction will end after some specified number of additional rounds and delegates to the Bureau the authority to exercise such discretion. If this option is used, we will accept bids only on licenses where the high bid had increased in at least one of the last three rounds.

Bidding Procedures

6. We intend to allow only remote bidding for the cellular unserved area licenses auction. Bidders will be able to submit bids from remote locations electronically using special bidding software, or via telephone. We have established a schedule of fees that participants in the competitive bidding process will be assessed for certain on-line computer services, bidding software, and for bidder information packages. By Public Notice, the Bureau will provide additional information to prospective bidders to acquaint them with bidding procedures.

Bid Increments

7. We will establish minimum bid increments for bidding in each round of the auction at a level of five percent of the high bid in the previous round. The Commission also retains the discretion to vary the minimum bid increments for individual licenses or groups of licenses at any time before or during the course of the auction, based on the number of bidders, bidding activity, and the aggregate high bid amounts and delegates to the Bureau the authority to exercise such discretion. The Bureau will announce by Public Notice prior to the auction the general guidelines for bid increments. Where a tie bid occurs, we will determine the high bidder by the order in which the Commission receives the bids.

Duration of Bidding Rounds

8. We will retain the discretion to establish the duration and frequency of bidding rounds (e.g., the number of bidding rounds per day and the length of each bidding round) by Public Notice before each auction and delegate to the Bureau the authority to exercise such discretion. The Bureau will announce any changes to the duration of or intervals between bidding rounds either by Public Notice prior to the auction, or announcement during the auction.

Activity Rules

9. The Commission will assign a ''bidding unit'' value to each cellular unserved license for the purpose of measuring bidding activity and eligibility. For the cellular unserved auction, each cellular unserved license will be assigned a uniform 5,000 bidding units. This amount will be equal to the upfront payment associated with each cellular unserved license. Licenses on which a bidder is the high bidder at the end of the bid withdrawal period in the previous round count against the maximum eligibility bidding limit. To preserve their maximum eligibility, bidders are required to maintain a certain level of bidding activity during each round of the auction. The auction is divided into three stages with increasing levels of bidding activity required in each stage of the auction. A bidder is considered active on a license in the current round if the bidder has submitted an acceptable bid for that license in the current round, or has the high bid for that license at the end of the bid withdrawal period in the previous round, in which case, the bidder does not need to bid on that license in the current round to be considered active on that license. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active.

10. We intend to establish the following minimum required activity levels for each stage of the auction: In each round of Stage One of the auction, a bidder who wishes to maintain its current eligibility is required to be active on licenses encompassing at least 60 percent of the bidding units for which it is currently eligible. Failure to maintain the requisite activity level will result in a reduction in the amount of bidding units upon which a bidder will be eligible to bid in the next round of bidding. During Stage One, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by five-thirds (5/3). Eligibility for each applicant in the first round of the auction is determined by the amount of the upfront payment received and the licenses identified in its short-form application. In each round of Stage Two, a bidder who wishes to maintain its current eligibility is required to be active on 80 percent of the bidding units for which it is eligible in the current round. During the second stage, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by five-fourths (5/4). In each round of Stage Three, a bidder who wishes to maintain its current eligibility is required to be active on licenses encompassing 95 percent of the bidding units for which it is eligible in the current round. In Stage Three, if activity in the current round is below 95 percent of current eligibility, eligibility in the next round will be calculated by multiplying the current round activity by twenty-nineteenths (20/19). The Commission, however, will retain the discretion to set and, by announcement before or during the auction, vary the required minimum activity levels (and associated eligibility calculations) for each auction stage, to control the pace of the auction and delegates to the Bureau the authority to exercise such discretion.

Stage Transitions

11. Stage transitions will be determined by the auction activity level. The ''auction activity level'' is the sum of the bidding units of licenses for which the high bid increased in the current round as a percentage of the total bidding units of all licenses offered in the auction. The cellular unserved auction will begin in Stage One and generally will move from Stage One to Stage Two when the auction activity level is below ten percent for three consecutive rounds in Stage One. The auction generally will move from Stage Two to Stage Three when the auction activity level is below five percent for three consecutive rounds in Stage Two. In no case can the auction revert to an earlier stage. The Commission will retain the discretion to determine and announce during the course of an auction when, and if, to move from one auction stage to the next, based on a variety of measures of bidder activity, including, but not limited to, the auction activity level as defined above, the percentage of licenses (measured in terms of bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Commission delegates to the Bureau the authority to exercise such discretion.

Activity Waivers

12. We will provide bidders five waivers of the above-described activity rule that may be used in any round during the course of the auction. If a bidder's activity level is below the required activity level, a waiver will be applied automatically.

A waiver will preserve current eligibility in the next round. An activity rule waiver applies to an entire round of bidding and not to a particular service area.

13. Bidders will be afforded an opportunity to override the automatic waiver mechanism when they place a bid if they intentionally wish to reduce their bidding eligibility and do not want to use a waiver to retain their eligibility at its current level. If a bidder overrides the automatic waiver mechanism, its eligibility will be permanently reduced (according to the formulas specified above), and it will not be permitted to regain its bidding eligibility from a previous round. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open. Bidders will have the option of entering an activity rule waiver proactively during the bid submission period. If a bidder submits a proactive waiver in a round in which no other bidding activity occurs, the auction will remain open.

14. The Commission will retain the discretion to issue additional waivers during the course of an auction for circumstances beyond a bidder's control and delegates to the Bureau the authority to exercise such discretion. The Bureau will also have the flexibility to adjust by Public Notice prior to an auction the number of waivers permitted, or to institute a rule that allows one waiver during a specified number of bidding rounds or during specified stages of the auction.

Pre-Auction Application Procedures

15. Before each scheduled auction for cellular unserved area licenses, the Bureau will release an initial Public Notice announcing the auction. This initial Public Notice will specify the license(s) to be auctioned, the time and place for the auction, and other important information concerning the procedures, terms, and conditions of the auctions. The initial Public Notice will also specify the filing deadline for short-form applications.

16. Potential bidders who currently have long-form applications (FCC Form 401 or FCC Form 600) on file for the cellular unserved area licenses being offered in the first auction will be required to submit a short-form application (FCC Form 175) by a date specified in the initial Public Notice to participate in the cellular unserved area auction. Those applicants who filed their applications on the FCC Form 401 will be required to resubmit their applications on an FCC Form 600, and we will waive the filing fee for the FCC Form 600. Those applicants will not have to repeat information which is contained on the FCC Form 401.

17. This requirement will provide current applicants with the opportunity to file their short-form applications electronically. The Bureau will provide detailed instructions on electronic filing in a Public Notice prior to the auction. For the first auction for cellular unserved area licenses, all other potential bidders will also be required to submit, either electronically or manually, a short-form application by the date specified in the Public Notice announcing the auction. If the Commission receives only one application that is acceptable for filing for a particular frequency block and there is thus no mutual exclusivity, the Bureau will cancel the auction for this license. Phase I applicants would then file a long-form application (FCC Form 600) by a date established by the Bureau. Phase II applicants would not file another long-form application (FCC Form 600, since one would already be on file.

Upfront Payments

18. We are establishing a uniform upfront payment amount of $5,000 per license. A bidder may file applications for every license being auctioned, but its upfront payment should reflect the maximum number of licenses it seeks to win.

19. Upfront payments will be due by a date specified by Public Notice, but generally not later than 14 days before a scheduled auction. To receive a bidder identification number, the applicant or its representative will be required to deposit with Mellon Bank, by cashiers' check or wire transfer, at least $5,000. During the auction, bidders will be required to provide their bidder identification numbers when submitting bids. The highest bidder for each license will be asked to sign a bid confirmation form. The upfront money will later be counted toward the down payment for the license. During the period that upfront payment deposits are held pending ultimate award of the license, the interest that accrues will be retained by the Government.

Down Payments

20. Winning bidders will be required to supplement their upfront payments to bring their total deposit with the Commission up to at least 20 percent of the final payment due for the license(s) won in that particular auction. If the upfront payment already tendered amounts to 20 percent or more of the winning bid, no additional deposit will be required. If the upfront payment on deposit is greater than 20 percent of the winning bid amount after deducting any bid withdrawal and default penalties due, the additional monies will be refunded. If a bidder has withdrawn a bid or defaulted but the amount of the payment cannot yet be determined, the bidder will be required to make a deposit of 20 percent of the amount bid on such licenses. When it becomes possible to calculate and assess the payments, any excess deposit will be refunded. Upfront payments will be applied to such deposits, and to bid withdrawal and default assessments due, before being applied toward the bidder's down payment on licenses the bidder has won.

21. The winning bidders will be required to submit the required down payment by cashier's check or wire transfer to Mellon bank by a date to be specified by Public Notice, generally within five business days following the close of bidding. The Commission will hold the down payment until the high bidder has been awarded the license and has paid the remaining balance due on the license.

Full Payment

22. Long-form applications (FCC Form 600) will be due from successful Phase I bidders within ten (10) business days after they have been notified of their winning bidder status, including those applicants who have an FCC Form 401 currently on file who are required to refile on FCC Form 600. Thus, FCC Form 600 applications will be due from all successful Phase I bidders on the same date. If a filing fee is required, the general rules governing the submission of fees will apply except for applicants who currently have FCC Form 401 applications on file. Once we have reviewed a long-form application and have made an initial determination that the applicant is qualified, we will release a Public Notice that the long-form applications have been accepted. This Public Notice will trigger the filing window for petitions to deny. After resolution of petitions to deny, the Commission will later release a Public Notice announcing that the Commission is prepared to award licenses. Applicants will be required to submit full payment for the license(s) within five days of the release of this Public Notice. If the Commission denies all

petitions to deny, and is otherwise satisfied that the applicant is qualified, the Commission will grant the license generally within ten (10) business days after receiving full payment.

23. Phase I or Phase II applicants with long-form applications (FCC Form 401 or FCC Form 600) currently on file will be permitted to make both minor and major modifications to their FCC Form 600 applications, including ownership changes or changes in the identification of parties to bidding consortia on or before the date of the auction. Other applicants will not be permitted to make any major modifications to their applications, including ownership changes or changes in the identification of parties to bidding consortia. Prospective bidders in a Phase I auction should be aware that their single major modification application permits them to bid for a license to cover all unserved areas in that particular market. Phase II applicants are limited to bidding for the ability to serve only the areas described in the technical parameters shown in their FCC Form 600 application and do not hold any rights to any unserved area not covered in this application.

Bid Withdrawal, Default, and Disqualification

24. Any bidder who withdraws a high bid during an auction before the Commission declares bidding closed, or defaults by failing to remit the required down payment within the prescribed time, would be required to reimburse the Commission in the amount of the difference between its high bid and the amount of the winning bid the next time the license is offered by the Commission, if the subsequent winning bid is lower. After bidding closes, we will apply § 1.2104(g)(2) of the Commission's rules to assess a defaulting auction winner an additional payment of three percent of the subsequent winning bid or three percent of the amount of the defaulting bid, whichever is less. The additional three percent payment is designed to encourage bidders who wish to withdraw their bids to do so before bidding ceases. We will hold deposits made by defaulting or disqualified auction winners until full payment is made. Entities that obtain their licenses through the auction process will forfeit all monies paid to the Commission if their licenses are revoked or canceled.

25. In the event an auction winner defaults or is otherwise disqualified after an auction is closed, the Commission must exercise our discretion to decide whether to hold a new auction or offer the license to the second highest bidder. In the unlikely event that there is more than one bid withdrawal on the same license, we will hold each withdrawing bidder responsible for the difference between its withdrawn bid and the amount of the winning bid the next time the license is offered by the Commission.

Transfer Disclosure Provisions

26. We conclude that the transfer disclosure requirements of § 1.2111(a) should apply to all cellular radiotelephone licenses for unserved areas obtained through the competitive bidding process. Licensees transferring their licenses within three years after the initial unserved area license grant will be required to file, together with their transfer applications, the associated contracts for sale, option agreements, management agreements, and all other documents disclosing the total consideration received in return for the transfer of their licenses.

Performance Requirements

27. We will not adopt additional performance requirements for the cellular unserved area licenses beyond those already provided in the service rules for all auctionable services.

Rules Prohibiting Collusion

28. We will subject cellular unserved area licensees to the rules prohibiting collusion embodied in §§ 1.2107(d) and 1.2105(c) of the Commission's rules. Bidders will be required by § 1.2105(a)(2) to identify on their short-form applications all parties with whom they have entered into any consortium arrangements, joint ventures, partnerships, or other agreements or understandings that relate to the competitive bidding process. Bidders will be required to certify that they have not entered and will not enter into any explicit or implicit agreements, arrangements or understandings with any parties, other than those identified, regarding the amount of their bid, bidding strategies, or the particular properties on which they will or will not bid. In light of our decision to apply § 1.2105 to mutually exclusive cellular radiotelephone applicants for unserved areas, we are modifying § 22.949(c) which currently provides that settlements among all applicants with mutually exclusive applications (full settlements) for unserved areas must be filed no later than fifteen (15) days before the competitive bidding procedure is scheduled to take place. To provide consistency with auction rules for other services, § 22.949(c) will now reflect that full settlements must be filed no later than the deadline for the short-form application (FCC Form 175).

29. Although applicants may not make major modifications to their short-form applications, a single member of a bidding consortium may withdraw from a consortium only in a particular RSA or MSA(s), but otherwise remain in the consortium for purposes of bidding on all other markets specified on the short-form application. However, such arrangements to assign the member's interests in particular licenses to other consortium members after the auction must be disclosed on an original or amended short-form application, and a request to transfer or assign the license also must be filed in conjunction with the long-form application.

30. Section 1.2107(d) provides that, as an exhibit to the long-form application, the applicant must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnership or other agreement or arrangement it had entered into relating to the competitive bidding process prior to the time the bidding was completed. The rule provides that such agreements must have been entered into prior to the filing of the short-form application. Section 1.2105(c), however, provides an exception to that prohibition for bidders who have not filed short-form applications for licenses in any of the same geographic license areas because of the low risk of anticompetitive conduct among those bidders. Those bidders may enter into such discussions, consortia, or arrangements, or add equity partners, during the course of an auction provided that such changes do not result in a change of control of the applicant. We will also permit communications among bidders concerning matters unrelated to the license auctions, except for communications resulting in a transfer of control of the applicant.

Designated Entities

31. We believe it is unnecessary to create special provisions for designated entities in the auctions for cellular unserved area radiotelephone licenses. Unlike broadband PCS, which is a new service that attracts many entrepreneurs to the wireless telecommunications arena, unserved area licenses in the cellular radiotelephone service are highly specialized licenses that are valued mainly by a discrete group of entrepreneurs. In addition, because cellular unserved area radiotelephone service, characterized by small geographic areas that were not covered by the initial cellular licensee during the five-year build-out period, is not a capital-intensive service, we expect that designated entities who are interested in

participating in provision of the service will more easily access the capital needed to participate in the auction.

Procedural Matters

32. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, the Commission's final analysis for the *Ninth Report and Order* is as follows:

33. *Need for and purpose of the action.* As a result of new statutory authority, the Commission may utilize competitive bidding mechanisms in the grant of certain initial licenses. The Commission published an Initial Regulatory Flexibility Analysis (IRFA) within the *Notice of Proposed Rule Making,* Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93–253, 58 FR 53489 (Oct. 15, 1993), 8 FCC Rcd 7635 (1993) (*Auctions NPRM*) and published a Final Regulatory Flexibility Analysis within the *Competitive Bidding Second Report and Order,* Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93–253, 59 FR 22980 (May 4, 1994), 9 FCC Rcd 2348 (1994) (*Competitive Bidding Second Report and Order*). As noted in that previous final analysis, this proceeding will establish a system of competitive bidding for choosing among certain applications for initial licenses.

34. *Issues raised in response to the IRFA.* The IRFA in PP Docket No. 93–253 noted that the proposals under consideration in the *Auctions NPRM* included the possibility of new reporting and recordkeeping requirements for a number of small business entities. No commenters responded specifically to the issues raised in the IRFA. We have made some modifications to the proposed requirements as appropriate.

35. *Significant alternatives considered and rejected.* All significant alternatives have been addressed in the *Competitive Bidding Second Report and Order.*

36. With respect to the *Ninth Report and Order,* a Final Regulatory Flexibility Analysis (FRFA), in compliance with 5 U.S.C. 801, is provided as follows:

Final Regulatory Flexibility Analysis

37. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Auctions NPRM. The Commission sought written public comments on the proposals in the *Auctions NPRM* including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Order conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104–131, 110 Stat. 847 (1996).

A. Need for and Objective of the Rules

38. This Report and Order adopts final auction rules that will enable the Commission to complete the licensing of unserved areas in the cellular radiotelephonic service. Initial cellular operators were given a five-year period during which to expand their systems within Metropolitan Service Areas (MSAs) and Rural Statistical Areas (RSAs) in which they are licensees. The Commission adopted an application processing approach that has two phases for all cellular markets in which the five-year period has expired or will expire in the future. The Commission now adopts competitive bidding as the appropriate method to award licenses from among mutually exclusive applications for unserved areas filed after July 26, 1993, in light of the competitive bidding authority contained in the Omnibus Budget Reconciliation Act of 1993. In adopting these rules for the provision of cellular service in unserved areas, the Commission's objectives are to: (1) foster the creation of a seamless and integrated nationwide cellular service, so that subscribers can receive high quality cellular service throughout the nation, and (2) make cellular service available to the public as expeditiously as possible.

B. Summary of Issues Raised by Public Comment on the Initial Regulatory Flexibility Analysis

39. The Commission included an Initial Regulatory Flexibility Analysis (IRFA) within the Auctions NPRM and published a Final Regulatory Flexibility Analysis (FRFA) in the *Competitive Bidding Second Report and Order,* the initiating document for this item. There were no specific comments in response to the IRFA or the FRFA. With respect to comments received in response to the *Auctions NPRM* from the initiating proceeding, the majority of comments that related to cellular unserved areas focused on whether auctions should be used for pending applications or whether the Commission should use lotteries to award those licenses. This issue was resolved in the *Competitive Bidding Second Report and Order* in which the Commission determined that unless specifically excluded, licenses for the Public Mobile Radio Service, including unserved area licenses, should be awarded through competitive bidding. The *Competitive Bidding Second Report and Order* also prescribed general rules and procedures, including a broad menu of competitive bidding methods, to be used for all auctionable services.

C. Projected Reporting, Recordkeeping and Other Compliance Requirements of the Rules

40. *Authorizing use of simultaneous multiple round auctions.*

The Commission is adopting a rule which will permit cellular unserved areas to be auctioned using a simultaneous multiple round auction. This type of auction has the advantage of providing bidders full flexibility to bid for any license as more information becomes available during the course of the auction. A simultaneous multiple round auction will allow remote access to bidding software, auction information, bid submission and results. This will make it easier for small business operators to participate in an auction without leaving their places of business. Also, it will make information concerning the status of the auction easier to access, which will reduce the administrative burden on participants in the auction.

Short Form Applications Required

41. Applicants for Phase I licenses were required to file an FCC Form 464 within 31 days after the expiration of the five-year build-out period of the authorized system(s) on the channel block requested in the market containing the unserved area. The adopted auction rules require all Phase I auction applicants to file a short-form application (FCC Form 175) prior to the filing deadline announced by Public Notice. The short-form applications require applicants to provide information required by § 1.2105(a)(2) of the Commission's Rules. The short-form applications are used to determine if there is mutual exclusivity for a license.

42. Also, potential bidders who currently have long-form applications (FCC Form 401 or FCC Form 600) on file for the cellular unserved area licenses will be required to submit a short-form application (FCC Form 175) by a date specified in the initial Public Notice to participate in the cellular unserved auction.

43. The Commission does not believe requiring all applicants to file a short-form application is burdensome because the information requirement is not substantial. Submitting a short-form application may be beneficial by providing the applicants with the opportunity to file their short-forms electronically. Those applicants who file their applications electronically will have the option of bidding in the auction either electronically or

telephonically. The Commission is moving toward electronic filing of short-forms applications to streamline the administrative process for auction participants.

Upfront Payment

44. The Commission is adopting a rule requiring each auction participant to make an upfront payment in the amount of $5,000 per license prior to the beginning of an auction. An upfront payment provides some degree of assurance that only serious, qualified bidders will participate in the auction and serves as a deterrent to the filing of speculative applications which would delay the provision of cellular service to the public. Upfront payments will be due by a date specified by Public Notice. The upfront money will later be counted toward the down payment for the license. Bidders who do not make the winning bid will be refunded their upfront payment minus any applicable bid withdrawal or default payments. The upfront payment procedures should keep the auction process simple and keep the costs down for entrepreneurs who wish to bid on only a few licenses.

D. Description and Estimate of Small Entities Subject to the Rules

45. The Commission has not developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. Since the Regulatory Flexibility Act amendments were not enacted until after the record in this proceeding was closed, the Commission was unable to request information regarding the number of small cellular businesses and is unable at this time to determine the precise number of cellular firms which are small businesses.

46. The size data provided by the SBA does not enable the Commission to make a meaningful estimate of the number of cellular providers which are small entities because it combines all radiotelephone companies with 500 or more employees. We therefore used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all 12 of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. We assume, for purposes of our evaluations and conclusions in this FRFA, that all of the current cellular licensees are small entities, as that term is defined by the SBA. Although there are 1,758 cellular licenses, we do not know the exact number of cellular licensees, because a cellular licensee may own several licenses.

E. Steps Taken to Minimize the Burdens on Small Entities

47. The rules adopted in the *Ninth Report and Order* are designed to minimize burdens on small businesses who may participate in the competitive bidding process. By adopting a simultaneous multiple round design for cellular unserved area auctions, but reserving discretion to use an alternative competitive bidding design, the Commission adds flexibility to its process for awarding licenses. The Commission intends to allow only remote bidding. Bidders will be able to submit bids from remote locations electronically using special bidding software, or via telephone. One advantage of simultaneous multiple round auctions is that they can make it possible for bidders to participate from their own places of business.

F. Significant Alternatives Considered and Rejected

48. In 1994, the Commission established procedures to ensure that licenses awarded by auction were disseminated to a wide variety of applicants, including small businesses, but left the decision whether and how to use special provisions to the subsequent Reports and Orders designating specific competitive bidding rules for a particular service. For cellular unserved area radiotelephone licenses, the Commission considered and rejected creating special provisions for designated entities such as small businesses. The Commission believed that creating special provisions was unnecessary. Unlike licenses for new wireless telecommunications services such as PCS which attract numerous entrepreneurs and existing licensees from other services, cellular unserved area licenses are highly specialized licenses within limited geographic boundaries that are valued mainly by a discrete group of entities (most of whom are already providing cellular service in adjacent areas). In addition, the Commission anticipates that few markets will attract significant bids. Cellular unserved areas typically are small geographic areas, which most likely would entail smaller build-out costs as compared to other wireless telecommunications services. As a result, the Commission expects that small businesses who are interested in participating in provision of this service may more easily access the capital needed to participate in the auction.

G. Commission's Outreach Efforts to Learn of and Respond to the Views of Small Entities Pursuant to 5 U.S.C. 609

49. Because the petitions and comments were filed in this proceeding prior to the enactment of the 1996 Regulatory Flexibility Act amendments, the Commission did not seek specific comments regarding small entities' views of these rules being adopted. In the overall proceeding in which this item was adopted, however, the Commission sought comment on how the Commission could achieve the objectives of the Omnibus Budget Reconciliation Act of 1993 related to designated entities such as small businesses.

H. Report to Congress

50. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this *Report and Order,* in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 4 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the Federal Register.

51. Accordingly, *it is ordered* that, pursuant to the authority of Sections 4(I), 303(r), 309(j), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(I), 303(r), 309(j), and 332, this *Ninth Report and Order* is adopted and Part 22 of the Commission's Rules IS AMENDED as set forth below.

52. *It is further ordered* that the rule amendments set forth below *will become effective* December 16, 1996.

List of Subjects in 47 CFR Part 22

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 22 of title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for Part 22 is revised to read as follows:

Authority: Sections 4, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 309 and 332, unless otherwise noted.

2. Section 22.943 is amended by adding paragraph (b)(3) to read as follows:

§ 22.943 Limitations on assignments and transfers of cellular authorizations.

* * * * *

(b) * * *

(3) An applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission's Rules, 47 CFR chapter I) of a license within three years of receiving a new license through a competitive bidding procedure must, together with its application for transfer of control or assignment, file with the Commission a statement indicating that its license was obtained through competitive bidding. Such applicant must also file with the Commission the other documents and information set forth in § 1.2111 of this chapter.

* * * * *

3. Section 22.949 is amended by revising paragraph (c) to read as follows:

§ 22.949 Unserved area licensing process.

* * * * *

(c) Settlements among some, but not all, applicants with mutually exclusive applications for unserved areas (partial settlements) are prohibited. Settlements among all applicants with mutually exclusive applications (full settlements) are allowed and must be filed no later than the date that the FCC Form 175 (short-form) is filed.

* * * * *

4. New §§ 22.960 through 22.967 are added to Part 22, Subpart H, to read as follows:

§ 22.960 Cellular unserved area radiotelephone licenses subject to competitive bidding.

Mutually exclusive initial applications for cellular unserved area Phase I and Phase II licenses filed after July 26, 1993, are subject to competitive bidding procedures. The general competitive bidding procedures found in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 22.961 Competitive bidding design for cellular unserved area radiotelephone licensing.

The Commission will employ a simultaneous multiple round auction design when choosing from among mutually exclusive initial applications to provide cellular unserved area radiotelephone service, unless otherwise specified by the Wireless Telecommunications Bureau before the auction.

§ 22.962 Competitive bidding mechanisms.

(a) *Grouping.* All cellular unserved area Phase I and Phase II licenses will be auctioned simultaneously, unless the Wireless Telecommunications Bureau announces, by Public Notice prior to the auction, an alternative auction scheme.

(b) *Minimum bid increments.* The Wireless Telecommunications Bureau will, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms.

(c) *Stopping rules.* The Wireless Telecommunications Bureau will establish stopping rules before or during multiple round auctions in order to terminate an auction within a reasonable time.

(d) *Activity rules.* The Wireless Telecommunications Bureau will establish activity rules which require a minimum amount of bidding activity. In the event that the Wireless Telecommunications Bureau establishes an activity rule in connection with a simultaneous multiple round auction, each bidder will be entitled to request and will be automatically granted a certain number of waivers of such rule during the auction.

§ 22.963 Withdrawal, default and disqualification payments.

(a) During the course of an auction conducted pursuant to § 22.961, the Commission will impose payments on bidders who withdraw high bids during the course of an auction, who default on payments due after an auction closes, or who are disqualified.

(b) *Bid withdrawal prior to close of auction.* A bidder who withdraws a high bid during the course of an auction will be subject to a payment equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission. No withdrawal payment would be assessed if the subsequent winning bid exceeds the withdrawn bid. This payment amount will be deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission.

(c) *Default or disqualification after close of auction.* If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the payment in paragraph (a) of this section plus an additional penalty equal to three (3) percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder's bid amount, the 3 percent payment will be calculated based on the defaulting bidder's bid amount. These amounts will be deducted from any upfront payments or down payments that the defaulting or disqualified bidder has deposited with the Commission.

§ 22.964 Bidding application (FCC Form 175).

All applicants who wish to participate in competitive bidding for cellular unserved area radiotelephone licenses must submit applications on FCC Form 175 pursuant to § 1.2105 of this chapter. The Wireless Telecommunications Bureau will issue a Public Notice announcing the availability of cellular unserved area Phase I and Phase II licenses and, in the event that mutually exclusive applications are filed, the date of the auction for those licenses. This Public Notice will specify the date on or before which applicants intending to participate in a cellular unserved area radiotelephone service auction must file their applications in order to be eligible for that auction, and it will contain information necessary for completion of the application as well as other important information such as the materials which must accompany the short form, any upfront payment that will need to be submitted, and the location where the application must be filed.

§ 22.965 Submission of upfront payments and down payments.

(a) Each bidder in the cellular unserved radiotelephone service auction(s) will be required to pay the Commission, immediately prior to the auction, by cashier's check or by wire, at least $5,000 in order to get a bidder identification number. The upfront money will later be counted toward the full payment of the license.

(b) Each winning bidder in the cellular unserved radiotelephone service auction(s) will be required to make a down payment to the Commission's lock-box bank in an amount sufficient to bring its total deposits up to 20 percent of its winning bid within five business days after the close of the auction, or by a date specified by Public Notice. The remainder of the full payment for the license shall be paid within 5 days following the release of a Public Notice that will indicate that the Commission is prepared to award the license(s). The Commission will grant the license generally within ten (10) business days after receiving full payment.

§ 22.966 Long-form applications.

Each winning bidder will be required to submit a long-form application on

FCC Form 600 within ten (10) business days after being notified by Public Notice that it is the winning bidder. Applications on FCC Form 600 shall be submitted pursuant to the procedures set forth in § 1.2107 of this chapter and any associated Public Notices.

§ 22.967 License grant, denial, default, and disqualification.

(a) Each winning bidder will be required to pay the balance of its winning bid in a lump sum payment within five (5) business days following Public Notice that the Commission is prepared to award the license. The Commission will grant the license generally within ten (10) business days after receipt of full and timely payment of the winning bid amount.

(b) A bidder who withdraws its bid subsequent to the close of bidding, defaults on a payment due, or is disqualified, will be subject to the payments specified in § 22.963 or §§ 1.2104(g) and 1.2109 of this chapter, as applicable.

[FR Doc. 96–29054 Filed 11–13–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–9; RM–8736]

Radio Broadcasting Services; Ukiah, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 246A to Ukiah, California, as that community's fourth local FM transmission service, in response to a petition for rule making filed by LifeTalk Broadcasting Association. *See* 61 FR 6335, February 20, 1996. Coordinates used for Channel 246A at Ukiah are North Latitude 39–09–00 and West Latitude 123–12–30. With this action, the proceeding is terminated.

DATES: Effective December 16, 1996. The window period for filing applications for Channel 246A at Ukiah, California, will open on December 16, 1996, and close on January 16, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 246A at Ukiah, California, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–9, adopted September 20, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 246A at Ukiah.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–29077 Filed 11–13–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–153; RM–8804]

Radio Broadcasting Services; Batesville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 258A to Batesville, Arkansas, as that community's second local FM transmission service, in response to a petition filed by Arkansas Radio Broadcasters. *See* 61 FR 46430, September 3, 1996. Coordinates used for Channel 258A at Batesville, Arkansas, are North Latitude 35–50–28 and West Longitude 91–34–45. With this action, the proceeding is terminated.

DATES: Effective December 16, 1996. The window period for filing applications for Channel 258A at Batesville, Arkansas, will open on December 16, 1996, and close on January 16, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 258A at Batesville, Arkansas, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–153, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Channel 258A at Batesville.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96–29084 Filed 11–13–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–131; RM–8810]

Radio Broadcasting Services; El Dorado, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 268A to El Dorado, Arkansas, as that community's fifth local FM transmission service, in response to a petition filed by Arkansas Radio Broadcasters. *See* 61 FR 31084, June 19, 1996. Coordinates used for Channel 268A at El Dorado, Arkansas, are North Latitude 33–10–27 and West Longitude 92–38–55. With this action, the proceeding is terminated.

DATES: Effective December 16, 1996. The window period for filing applications for Channel 268A at El Dorado, Arkansas, will open on December 16, 1996, and close on January 16, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 268A at El Dorado, Arkansas, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–131, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Channel 268A at El Dorado.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96–29083 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 110696A]

Atlantic Tuna Fisheries; Adjustments

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

ACTION: Fishery reopening.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) General category quota, as adjusted, has not been reached. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for all areas until the remaining General category quota is determined to be reached. Closure of the fishery will be strictly enforced. Subsequent to this closure, the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. This action is being taken to extend scientific data collection on certain size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

EFFECTIVE DATE: The General category fishery for large medium and giant ABT will open for all areas beginning Friday, November 8, 1996, at 1 a.m. local time and remain open until the remaining General category quota is projected to be reached. Upon that determination, NMFS will publish a notification of closure in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301–713–2347, or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities.

NMFS previously adjusted the General category October subquota to 60 mt for all areas outside the New York Bight and announced a closure date of October 2, 1996 (61 FR 50765, September 27, 1996). NMFS subsequently adjusted the General category October subquota by transferring 30 mt from the Incidental longline category under the authority of implementing regulations at 50 CFR 285.22(f) (61 FR 53677, October 15, 1996). Thus, the October General category quota was adjusted to 90 mt, with an additional 10 mt reserved for the New York Bight. Since the quota adjustment, NMFS has reopened the General category fishery for areas outside the New York Bight for 1 day on three occasions (61 FR 53677, October 15, 1996, 61 FR 55119, October 24, 1996, and 61 FR 55926, October 30, 1996) and for 3 days in early November (61 FR 57340, November 6, 1996). Due to various reasons, such as weather and fishing success, the full 90 mt October General category quota still has not been taken. Therefore NMFS reopens the General category fishery for large medium and giant ABT for all areas beginning November 8, 1996; the General category fishery will remain open until the General category quota is projected to be taken.

Fishermen are advised that closure of the ABT fishery may be effected without advanced notice, and that closure of the fishery will be strictly enforced. Therefore, fishermen are encouraged to call the Highly Migratory Species (HMS) Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713–1279 and (508) 281–9305. As always, NMFS encourages fishing vessel operators to check with the weather service regarding unsafe conditions and to use sound judgement in determining whether or not to go fishing.

The New York Bight set-aside is not affected by this action and the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. However, during the reopening, beginning November 8, 1996, large medium and giant ABT harvested and landed in the New York Bight area will not be counted against the New York Bight set-aside quota, but will be counted against the remaining quota for the General category fishery.

Analysis of landings data for 1992–95 indicate that total landings for the Incidental Longline categories for November and December have been small. Additionally, the purse seiners have stopped fishing for ABT prior to the 251 mt Purse Seine category quota being taken. Therefore, given the above

information, and since landings are monitored daily, the reopening of the General category is not expected to result in the total 1996 ABT quota being exceeded.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: November 7, 1996.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–29110 Filed 11–7–96; 4:40 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 61, No. 221
Thursday, November 14, 1996

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 20

Export Reporting for Meat and Meat Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Department of Agriculture (USDA) is soliciting comments and views on a proposal by the Secretary of Agriculture to require reporting of export sales of meat (including poultry meat) and meat products. The proposal responds to a recommendation by the USDA Advisory Committee on Agricultural Concentration. Under the proposal, firms involved in exporting meat products could be required to report detailed information on these sales to the Department on a weekly basis. Compiled data would be made available to all market participants, giving farm-level producers and others timely access to information that many view as necessary to anticipate and plan for changing market conditions. The intent is to provide broad access to export sales information and to thereby improve efficiency in livestock and poultry markets.

DATES: Comments in response to the advance notice should be received on or before January 13, 1997 to be assured of consideration.

ADDRESSES: Comments should be sent to: Export Sales Reporting Branch, Trade and Economic Analysis Division, Room 5959—Stop 1025, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250–1025. All written comments received will be available for public inspection at the above address during business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas B. McDonald, Jr., Chief, Export Sales Reporting Branch, Trade and Economic Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, (202) 720–3273; fax (202) 690–3275.

SUPPLEMENTARY INFORMATION:

Background

The Advisory Committee on Agricultural Concentration (the Committee), formed by the Secretary of Agriculture to investigate concentration in the livestock, poultry, and rail sectors, presented its findings and recommendations on June 6, 1996. Among its findings was a strong endorsement of the view that widely accessible, timely, and accurate information is a vital component of a well-functioning, competitive marketplace.

The Committee made several recommendations in the area of market information, suggesting improvements that the Department should consider in the collection and dissemination of information on the livestock and poultry sectors. The recommendations focused on enhancing the quality, breadth, and timeliness of information on supply and demand for livestock and poultry, including information on trade.

With regard to exports, the Committee suggested timely reporting of volume and price data on all sales to foreign markets of meat and meat products, including beef, veal, pork, lamb, chicken, and turkey. Specific recommendations dealt with the timing of the reports (within a week following the week of the export sale) and with report content: chilled, frozen, and aggregate total tonnage exported; tonnage of carcasses and each primal cut by USDA grade where applicable; tonnage of variety meats and processed meats; and country destinations for variety meats, processed meats, and boxed primals, by quality grade when applicable.

The Committee's recommendations for improvements in market information are, in part, a response to the changing structure of the livestock and poultry sectors and changes in the types of transactions within these sectors. These changes have contributed to concerns about gaps and inequities in information flows to producers. Increasingly, the sectors are comprised of numerous producer-sellers at the farm level and a small group of highly concentrated buyers, including packers, processors, and integrators. Beyond these first-buyers or handlers are wholesalers, exporters, retailers, and, ultimately, domestic and foreign consumers.

Many producer-sellers of cattle, hogs, sheep, and poultry contend that they have far less access than do their first-buyers—the packers, processors, and integrators—to current market signals that reflect final demand by consumers. The result, they claim, is an imbalance in market power, as well as slower, more erratic, and less accurate adjustments in market prices, production practices, and marketing strategies as producers try to plan ahead to provide a product with the characteristics desired by consumers.

The argument, supported by economic theory, is that when producers or other participants lack adequate and up-to-date information, the market is less efficient than it could be in recognizing and responding to changing consumer preferences. Inefficiencies in markets typically raise costs, which are ultimately passed on to consumers in the form of higher food costs, or are passed back to producers in terms of lower prices. Inefficiencies can also translate into a loss of market share as U.S. consumers shift to alternative products or as foreign consumers shift to other products or other suppliers.

Among the information gaps that may impede efficient decisionmaking by producers and others is the lack of timely data on export sales. Exports represent a growing source of demand in an otherwise slow-growing domestic market for meat. In the past, the gathering and dissemination of information about demand for livestock and poultry products focused mainly on domestic consumption. For the most part, the United States was a net importer of meat. However, market-opening agreements, changes within the meat industries, new technologies, and global supply-demand developments have combined to significantly expand export opportunities for high-quality U.S. meats over the last 10 years. As a result, the United States is now a net meat exporter.

Export markets account for a rapidly increasing share of U.S. beef, pork, and poultry production. In the mid-1980's, exports accounted for less than 2

percent of annual production of both beef and pork, and less than 4 percent of poultry production. In 1996, exports are forecast to account for 8 percent of beef production, 6 percent of pork production, and 17 percent of poultry production. These shares are expected to increase further in 1997. On a value basis, total 1995 exports of red meats (including variety meats) and poultry meats exceeded $6 billion and generated a trade surplus of nearly $4 billion.

Among the reasons for the rapid expansion in exports are increased U.S. industry competitiveness, processing and technological advances that allow fresh and frozen products to be transported long distances at affordable prices, and high income growth in many markets. In Asia, especially, rising incomes have stimulated strong demand for meat and meat products.

However, many in the industry perceive the trade information currently available on meats as failing to keep pace with the increasingly important role that exports play in U.S. livestock and poultry markets. According to this view, the data fail to provide the depth, quality, and timeliness needed to anticipate market conditions and plan production and marketing decisions.

At present, U.S. Customs data on meat export shipments are compiled and released by the U.S. Bureau of the Census. These statistics are released 6–10 weeks following the actual shipments and do not report sales for future delivery. Although this reporting process for official U.S. trade data documents past export activity and may be used to discern trends that have emerged in the marketplace, the data lack timeliness and provide no information on forward sales. Market impacts are most likely to occur when sales are first contracted and well before the product is finally shipped. As a result, even instantaneous reporting of shipment data—unlikely in the immediate future—would provide only a marginally better indicator of current and future demand and prices.

Description of the Proposal

Based on the recommendations of the Advisory Committee on Agricultural Concentration and the perceived need within segments of the meat industry for accurate, comprehensive, and timely data on exports, the Department is reviewing statutory authorities and possible methods for collecting this type of information.

One of the tools currently available to the Secretary of Agriculture for collecting export data is Section 602 of the Agricultural Trade Act of 1978, as amended. Under this section, exporters are now required to report information pertaining to the export sale of certain specified agricultural commodities, such as wheat and corn, as well as other agricultural commodities that may be designated by the Secretary. These reporting requirements are implemented through the Export Sales Reporting Program of the Foreign Agricultural Service under regulations codified in 7 CFR Part 20.

Individual firm reports collected under this program are confidential by law and are released to the public in compilation form each week following the week of reporting.

Reporting under 7 CFR Part 20 is mandatory. Any person who knowingly fails to report shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both.

To add meat and meat products to the Export Sales Reporting Program as now structured and administered, the following guidelines would apply:

- The reporting week would be Friday through Thursday. The marketing year would be January 1–December 31.
- Individuals and firms would be required to report on a weekly basis the quantity sold to foreign buyers, the marketing year of shipment, and the country of destination. Information on prices is not collected under the Export Sales Reporting Program.

Among the questions that would have to be addressed in implementing such a reporting program for meats are the units of measure to be used (pounds, metric tons, etc.), the specific products to be included, whether reporting should be separate for fresh/chilled versus frozen product, and the extent of the breakdowns for individual meat cuts and USDA grades.

Adding meat and meat products to the current Export Sales Reporting Program would provide more timely and comprehensive data on export sales. Public availability of this data would reduce perceived inequities in access to important market information among different segments of the industry. Similarly, this information could presumably improve market efficiency by assisting producers and others, including the government, in making well-informed, timely, and accurate decisions relating to the orderly flow of meat and meat products in domestic and export markets.

In addition to presumed benefits, the costs and the reporting burden to the private sector, as well as costs to the government, must be among the primary considerations in implementing this or any similar proposal. It is estimated that between 75 and 125 private firms may be regularly involved in the sale of meat for export. Many of these firms are small businesses. USDA estimates that the annual paperwork burden on these firms will total approximately 7,000 hours. Annual costs to the Federal Government for collecting, processing, and disseminating export sales data on meat and meat products on a weekly basis are estimated at approximately $400,000.

Although the Export Sales Reporting Program is one alternative for implementing this proposal, similar data on meat exports could also be collected under other authorities. For example, 7 U.S.C. 2204 authorizes the Secretary of Agriculture to procure information concerning agriculture through various methods, including the collection of statistics. Most of this collection is conducted on a voluntary basis.

A voluntary program would be preferred by many of those who export meat and who might otherwise be faced with a mandatory requirement for weekly reporting of export sales. However, other sectors of the meat industry have expressed serious reservations about reliance on voluntary reporting in a concentrated industry where relatively few firms account for the large majority of sales. These parties contend that the dominant firms already have sufficient information on export demand and therefore lack the incentive to comply with a voluntary program, rendering such a program unreliable. The concern is that if even a few of the larger firms involved in exports did not fully and consistently cooperate, the resulting data would not be useful for accurately assessing foreign demand and current and future market conditions.

Issues for Public Comment

USDA is considering the implementation of a program that would provide timely and comprehensive data on U.S. export sales of meat (including poultry meat) and meat products. If implemented under the authority of Section 602 of the Agricultural Trade Act of 1978, such a program would require all private firms involved in U.S. export sales of meat and meat products to report all such sales on a weekly basis.

Accordingly, USDA is seeking comments on the benefits, costs, and methods of collecting meat export sales information. If comments confirm the need for this information but indicate substantial problems or concerns regarding mandatory reporting, alternative approaches will be considered. The aim of any approach

should be to ensure (1) that the benefits of the additional information would justify the costs, and (2) that the best and most useful information is obtained in a manner that maximizes its value to industry participants and minimizes the burden of collection and reporting.

Interested persons are encouraged to comment on the following issues relating to this proposal:

- The extent to which lack of timely export sales information represents a problem for the meat industry or those within the industry.
- The extent to which the Secretary of Agriculture's proposal, based on the recommendation of the Advisory Committee on Agricultural Concentration, responds to the identified problems.
- The proper role of the Federal Government in collecting and reporting export sales information on meat and meat products.
- The benefits and costs of the proposal, including benefits and costs of mandatory reporting by private firms.
- The benefits and costs of possible alternative approaches, including approaches that may include voluntary reporting or other methods of achieving the identified goals.

Interested persons are also invited to comment on the following specific considerations involved in implementing an export sales reporting program for meat and meat products:

- The frequency of reporting and the reporting period to be covered.
- The information to be reported, such as the meats and meat products to be included, the breakdown of cuts and grades, and the units of measure for reporting (pounds, metric tons, etc.).
- The relative benefits and costs of requiring firms to report all export sales to all country destinations, versus reporting only sales above a specified threshold volume and/or only sales to specified leading markets for individual meats.
- The specific need, if any, for price information in addition to export sales volumes.
- The way the data should be compiled, summarized, and reported to the public by USDA.

USDA welcomes comments on these and any related issues.

Signed at Washington, DC, November 6, 1996.

August Schumacher, Jr.,

Administrator, Foreign Agricultural Service.

[FR Doc. 96–29105 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–10–P

Agricultural Marketing Service

7 CFR Part 58

RIN # 0581–AB43

[DA–96–10]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Increase in Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service proposes to increase the fees charged for services provided under the dairy inspection and grading program. The program is a voluntary, user-fee program conducted under the authority of the Agricultural Marketing Act of 1946, as amended. The proposed increases would result in a fee of $47.00 per hour for continuous resident services and $52.00 per hour for nonresident services between the hours of 6:00 a.m. and 6:00 p.m. The fee for nonresident services between the hours of 6:00 p.m. and 6:00 a.m. would be $57.20 per hour. These proposed fees represent an increase of four dollars per hour. The fees are being increased to cover the costs of recent salary increases and locality adjustments, the costs necessary to maintain adequate levels of service during changing production and purchasing patterns within the dairy industry, the continued full funding for standardization activities, and other operating costs.

DATES: Comments must be received by December 16, 1996.

ADDRESSES: Comments should be sent to: Office of the Director, USDA/AMS/Dairy Division, Room 2968–S, P.O. Box 96456, Washington, D.C. 20090–6456. Comments received will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Branch, Room 2750—South Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 720–9381.

SUPPLEMENTARY INFORMATION: This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations or policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

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

There are more than 600 users of Dairy Grading Branch's inspection and grading services. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.601). This rule will raise the fee charged to businesses for voluntary inspection services and grading services for dairy and related products. Even though the fee will be raised, the increase is approximately 8.6 percent and will not significantly affect these entities. These businesses are under no obligation to use these services, and any decision on their part to discontinue the use of the services would not prevent them from marketing their products. The Agricultural Marketing Service (AMS) estimates that overall this rule will yield an additional $272,000 during fiscal year 1997. The proposed rule reflects certain fee increases needed to recover the cost of inspection and grading services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946.

The Agricultural Marketing Service (AMS) has determined that this action will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601).

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide Federal dairy grading and inspection services that facilitate marketing and help consumers obtain the quality of dairy products they desire. The Act provides that reasonable fees be collected from the users of the services to cover, as nearly as practicable, the cost of maintaining the program.

Since the costs of the grading program are covered entirely by user fees, it is essential that fees be increased when necessary to cover the cost of maintaining a financially self-supporting program. The last fee increase under this program became effective on October 1, 1995. Since that time, Congress increased the salaries of Federal employees by 2.9 percent as of January 7, 1996, which included locality pay. Also, there have been normal increases in other nonpay operating costs that include utilities, office space

and reimbursable travel. In addition, recent congressional action may result in additional salary increases of 3.0 percent in 1997. Although the program's operating reserves were adequate to cover the January 7, 1996, salary increase, this will not be the case for 1997 salary increases, and a fee increase is needed.

The grading program fees need to be increased to cover the costs associated with maintaining adequate levels of service during shifting production patterns within the dairy industry. The industry changes include plant consolidations, geographical shifts of dairy production areas, and changes in the types of dairy products being manufactured and offered for inspection and grading services. To minimize the necessary fee increase, the Department has initiated cost-reduction efforts which include the reduction of staff and program overhead.

Proposed Changes

This rule proposes the following changes in the regulations implementing the dairy inspection and grading program:

1. Increase the hourly fee for nonresident services from $48.00 to $52.00 for services performed between 6:00 a.m. and 6:00 p.m. The nonresident hourly rate is charged to users who request an inspector or grader for particular dates and amounts of time to perform specific grading and inspection activities. These users of nonresident services are charged for the amount of time required to perform the task and undertake related travel plus travel costs.

2. Increase the hourly fee for continuous resident services from $43.00 to $47.00. The resident hourly rate is charged to those who are using grading and inspection services performed by an inspector or grader assigned to a plant on a continuous, year-round resident basis.

Timing of Fee Increase

It is contemplated that the proposed fee increases would be implemented on an expedited basis in order to minimize the period of revenue shortfall. Accordingly, it is anticipated that the fee increases, if adopted, would become effective upon publication, or very soon after publication, of the final rule in the Federal Register and that delaying the effective date of the final rule until 30 days after publication in the Federal Register would not occur. An approximate effective date would be January 5, 1997.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 58 be amended as follows:

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

1. The authority citation for Part 58 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

Subpart A—[Amended]

2. In subpart A, § 58.43 is revised to read as follows:

§ 58.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in §§ 58.38 through 58.46, charges shall be made for inspection, grading, and sampling service at the hourly rate of $52.00 for service performed between 6:00 a.m. and 6:00 p.m. and $57.20 for service performed between 6:00 p.m. and 6:00 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports and the travel time of the inspector or grader in connection with the performance of the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

3. Section 58.45 is revised to read as follows:

§ 58.45 Fees for continuous resident services.

Irrespective of the fees and charges provided in §§ 58.39 and 58.43, charges for the inspector(s) and grader(s) assigned to a continuous resident program shall be made at the rate of $47.00 per hour for services performed during the assigned tour of duty. Charges for service performed in excess of the assigned tour of duty shall be made at a rate of 1½ times the rate stated in this section.

Dated: November 6, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–29106 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 33

RIN 3150—AF54

Specific Domestic Licenses of Broad Scope for Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations governing specific licenses of broad scope for byproduct material to clarify the regulatory and health and safety basis of current licensing practices and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs. Currently, the regulations do not contain a clear description of the duties and responsibilities of management, the Radiation Safety Officer (RSO) or the Radiation Safety Committee (RSC). In addition to various ongoing staff efforts regarding the possible need for clarification of requirements for broad scope licensees, consideration of changes to the regulations was also a recommendation of the Incident Investigation Team reviewing a recent incident involving ingestion of phosphorus-32 at a broad scope facility. The NRC is evaluating, for possible codification in its regulations, existing regulations and appropriate requirements derived from prior guidance and license standard review plans with reference to: management oversight of broad-scope licensed programs; the role of the RSO; the responsibilities of the RSC; supervision; the qualifications of the authorized user; the use of audits and inventory requirements; and security and control of licensed material. The NRC is seeking comments and suggestions on possible revisions.

DATES: Comment period expires February 12, 1997. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Send written comments and suggestions to: Secretary, Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Service Branch. Hand-deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:45 a.m. and 4:15 p.m., Federal workdays.

FOR FURTHER INFORMATION CONTACT: Patricia K. Holahan, Ph.D., Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–8125, e-mail PKH@NRC.GOV.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations for specific licenses of broad scope for byproduct material are codified in 10 CFR Part 33. This part was initially published on June 26, 1965, and became effective on August 8, 1965. Its provisions are applicable to licenses for multiple quantities and types of byproduct material. There are three types of broad scope licenses, currently described in Part 33, that authorize the receipt, acquisition, ownership, possession, use, transfer, and import of byproduct material for purposes authorized by the Atomic Energy Act, as amended. A ''Type A specific license of broad scope'' usually authorizes quantities in the multicurie range for radionuclides with a range of atomic numbers. The possession limit for a ''Type B specific license of broad scope'' for a single radionuclide is the quantity specified in Column I of Schedule A to Part 33. If two or more radionuclides are possessed, a sum of the ratios test is performed to determine possession quantities. Similarly, the possession limit for a ''Type C specific license of broad scope'' for a single radionuclide is the quantity specified in Column II of Schedule A to Part 33. In general, the possession limits are progressively smaller as the Type changes from A to B to C.

Each type of specific license of broad scope has a condition regarding individuals who may use or directly supervise other individuals who use byproduct material. Material possessed under a Type A specific license of broad scope may only be used by, or under the direct supervision of, individuals approved by the licensee's RSC. Material possessed under a Type B specific license of broad scope may only be used by, or under the direct supervision of, individuals approved by the licensee's RSO. Material possessed under a Type C specific license of broad scope may only be used by, or under the direct supervision of, individuals who satisfy the education and training requirements specified in 10 CFR 33.15.

In practice, Part 33 reduces the administrative burden for both licensees and the Commission without reducing safety standards or lessening the licensing requirements for training, experience, facilities, and equipment. Both the NRC and the licensee benefit from the reduction in license amendments that might otherwise be needed to change authorized radionuclides, quantities, or names of individuals who may use, or supervise the use of, byproduct material. The provisions of Part 33 recognize that certain licensees, who conduct varied and large-scale activities with licensed material under oversight by persons with extensive training and experience in radiation safety, do not require the same degree of regulatory oversight as do licensees who perform similar or less complex activities with licensed material, but have less comprehensive radiation safety programs. Part 33 does not prescribe requirements for a radiation safety program to meet the specific needs of the licensed facility and activities. Rather, broad scope licensees develop an application addressing general requirements specified for each type of specific license of broad scope and submit this program description for the NRC to review. The commitments made by the license applicant, upon approval by the NRC, become conditions of the license by reference.

The NRC has issued guidance for preparation of applications of broad scope (Regulatory Guide 10.5, ''Applications for Licenses of Broad Scope'') to provide acceptable methods to ensure that licensed activities will be conducted in a safe manner. In the approximately 30 years since Part 33 was issued, this guidance was revised to address many issues that are not explicitly set forth in the regulation. For example:

(1) There is no requirement for management oversight of the radiation program, including audits and specification of the responsibilities and duties of the RSC or the RSO;

(2) There are no requirements in Part 33 for inventory and accountability of byproduct material in use;

(3) Although these licensees may approve users and new uses of byproduct material, there is no provision to permit a specific licensee to make certain types of changes to the radiation program as described in the application (such as changing dosimetry vendors) without an amendment of the conditions of the license; and

(4) There is no requirement specifying either a single location of use or multiple locations of use. Government agencies and corporations with similar operations at multiple locations have sought to reduce their administrative burden and regulatory costs by centralizing their radiation safety functions and consolidating multiple single site licenses.

The NRC is considering the need to codify, as requirements, some of the licensing guidance and practices, to provide a clearer regulatory basis for evaluating whether to issue or deny licenses of broad scope and provide a clear regulatory framework within which licensees must operate.

In 1993, an internal senior management review of NRC's existing medical use regulatory program, considered needed improvements in the medical licensing and inspection programs. Additionally, the review determined that many of the significant problems identified in medical programs are a consequence of licensee management and RSO failures. The report recommended that current NRC requirements and guidance on the responsibilities of RSOs, at all materials facilities, should be examined with consideration given to a performance-based rule. Draft NUREG–1516, [1] ''Management of Radioactive Material Safety Programs at Medical Facilities,'' was published in January 1995 for comment, in part to address this recommendation. This report describes a systematic approach for effectively managing radiation safety programs at medical facilities. It should be noted that other types of broad scope facilities such as manufacturers and research and development facilities are also being considered in this process.

Generally, the current program governing the regulation of specific licenses of broad scope for byproduct material has worked well to provide for public health and safety from these licensed activities. For the three-year period from 1993–96 there were only 38 events involving these licenses that resulted in some type of enforcement action. However, the majority of these events involved loss of control of the radioactive material, release of material in excess of the limits in 10 CFR 20, or contamination outside of the work area. These types of events, which could potentially result in doses to the public from radioactive material in unrestricted areas, are often the result of weak controls by either the RSO or RSC.

The NRC is currently developing a new materials licensing process. To proceed with the implementation of the new process, the NRC staff recommended certain actions for Commission approval. These included

[1] A free single copy of draft NUREG–1516 may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, ATTN: Distribution and Mail Services Section, Room P–130A, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

the development of a standard license condition, for broad scope licensees, that is functionally equivalent to 10 CFR 50.59, for nuclear power reactor licensees. This would allow licensees to make certain types of changes to their program after review and approval by the RSC without the need for a specific license amendment, provided that the change does not alter radiation safety performance, but is only a change in the methods to achieve that performance. This process is now being considered as part of this advance notice of proposed rulemaking.

The possible need for clarification of requirements for broad scope licensees is also supported by two recent events, of a similar nature, involving phosphorus-32 (P–32) internal contamination of individuals at large biomedical research facilities. P–32 is widely used in research institutions, as are many other radionuclides. Although both of these events involved P–32, the inherent issues of control of licensed material and management of radiation safety programs extend to all facilities using licensed material. The NRC dispatched an Augmented Inspection Team to investigate the circumstances surrounding the first incident, and an Incident Investigation Team to investigate the contamination incident at the second facility. The teams found, among other things, that regulatory requirements and guidance for the application of security and control of relatively small quantities of unsealed byproduct material are inconsistent, and that the roles and responsibilities of RSOs, RSCs and management are not clearly specified.

Weak management oversight of the radiation protection program was also identified as a contributing factor in one of these internal contamination events. The licensee did not use a process of management review and self-assessment (audits) to look for weaknesses in its program, and to take appropriate remedial actions. Although Part 33 requires the establishment of an RSC and the appointment of an RSO, it does not provide broad scope licensees with a clear description of the duties and responsibilities of the RSO or the RSC. Therefore, the NRC is evaluating, for possible codification in Part 33, existing regulations and appropriate requirements derived from prior guidance and license standard review plans, with reference to: management oversight of broad scope licensed programs; the role of the RSO; the responsibilities of the RSC; supervision; the qualifications of the authorized user; the use of audits and inventory control; and security and control of licensed material.

II. Requests for Comments on General Considerations

The NRC has identified some areas, within Part 33, that could be modified or deleted, and is seeking comments on these as well as any other issues offered for consideration of this part. A major issue is whether the regulations should be performance-based or include some of the existing licensing guidance as specific requirements. A revised performance-based rule would clarify the objectives the licensee must include within its program, but details, as to one method acceptable to the NRC staff to meet those objectives, would continue to be provided in guidance documents, such as draft Regulatory Guide DG–0005, ''Applications for Licenses of Broad Scope'' (second proposed Revision 2 to Regulatory Guide 10.5) issued for public comment on October 1994.

The purpose of describing these preliminary issues and posing certain questions is to illustrate aspects of NRC's evaluation of Part 33 to date, and to request public comment on the completeness of this evaluation and whether the proposed changes pose any serious implementation problems. Commenters are invited to make additional suggestions. In addition to specific questions, draft rule language is provided, for comment, that reflects many of the identified issues.

1. Should the Responsibilities of Licensee Management for the Radiation Safety Program Be Specified in Part 33?

The team reviewing one of the internal contamination incidents identified weak management oversight of the Radiation Protection Program. The licensee did not use a process of management review and self-assessment (audits) to look for weaknesses in its program and to take appropriate remedial actions. Draft NUREG–1516, ''Management of Radioactive Material Safety Programs at Medical Facilities,'' discusses the importance of the role of an institution's executive management including selecting the RSO, determining adequate resources for the program, using contractual services, conducting audits, and establishing the roles of authorized users and supervised individuals. Draft Regulatory Guide DG–0005, ''Applications for Licenses of Broad Scope'' (second proposed Revision 2 to Regulatory Guide 10.5) recommends that a license application for a Type A license of broad scope include an organization chart depicting the management structure, reporting paths, and flow of authority. NRC is soliciting comment on the mechanism for, and extent to which, requirements defining management responsibilities for oversight of radiation safety programs should be included in Part 33.

2. Should the NRC Incorporate Requirements for the Duties and Responsibilities of the RSO and the RSC?

Part 33 provides broad scope licensees with neither a detailed description of the duties and responsibilities of the RSO or of the RSC nor with specific qualifications of the RSO. The RSO for a broad scope license must be sufficiently qualified to manage the day-to-day operations of the radiation safety program. Depending on the size and scope of the program, the necessary qualifications may vary for different licensees. Draft NUREG–1516 describes a systematic approach for effectively managing radiation safety programs at medical facilities by defining and emphasizing the roles of the institution's executive management, RSC, and RSO. Draft Regulatory Guide DG–0005 suggests that an application for a Type A license should include a statement of the authority of the RSC to oversee the licensed program and its responsibility for control and direction of the radiation safety program and the RSO. The NRC is soliciting public comments on the need for specific requirements delineating the roles and responsibilities of the RSC and the RSO and the establishment of minimum training and experience criteria for the RSO.

3. Should Specific Minimum Training and Experience Criteria for Authorized Users Be Incorporated Into Part 33?

Currently, the requirements in § 33.15 for issuance of a Type C specific license of broad scope include specific training and experience criteria for individuals using byproduct material. There are no specific training and experience criteria stated in the requirements for the issuance of other types of broad scope licenses. However, Appendix J of draft Regulatory Guide DG–0005 provides guidance for elements of a broad scope training program for authorized users as well as for supervised individuals. The guidance does allow the licensee the flexibility to develop a program commensurate with potential radiological health protection problems but suggests that the training for authorized users for nonmedical use should be at least equivalent to that currently specified in § 33.15(b)(1) and (2). The NRC is soliciting comment on whether training and experience criteria

should be incorporated into the regulations or be addressed in guidance documents.

4. Should the NRC Incorporate Specific Requirements for Inventory and Accountability of Byproduct Material in Use, or Modify Its Existing Guidance?

The team reviewing one of the internal contamination incidents found that regulatory guidance for the security and control of small quantities of unsealed byproduct material was inconsistent. Consequently, NRC staff committed to review existing regulations, guidance, and license standard review plans, with reference to the security and control of radioactive materials, as well as the establishment of restricted, unrestricted, and controlled areas. Additionally, NRC inspectors have identified some broad scope licensees who do not adequately account for sealed sources (e.g., PuBe sources). The NRC is soliciting comments as to codification, in the regulations, of requirements regarding accounting for, and inventory of, radioactive materials.

5. Should the NRC Consider the Risks Associated With Internal Exposure Pathways (e.g., Ingestion, Inhalation, Absorption) Separate From Those Associated With External Radiation?

The two recent events discussed in the background section both dealt with ingestion of radioactive material in contrast to external exposure. In some cases, it appears that, because of the greater uncertainties associated with dose estimates for internal exposure than external, the public, some workers, and some licensees consider that greater protective measures are necessary to minimize exposures from internal pathways. Although the Commission recognizes that there may be greater uncertainties with the estimation of internal exposure, the revision of 10 CFR Part 20 assumes that internal and external exposure are equivalent in terms of risk. This is the underlying basis behind the total effective dose equivalent (TEDE). The NRC is soliciting comments on whether the risks from internal exposure should be considered separately from the risks from external exposure.

6. Are There Other Specific Aspects of the Draft Regulatory Guide DG–0005 That Should Be Codified in Part 33?

In October 1994, draft Regulatory Guide DG–0005 (second proposed Revision 2 to Regulatory Guide 10.5) was issued for public comment. This revision is substantially more comprehensive than previous guidance in identifying the information needed to complete NRC Form 313 when applying for a license of broad scope for byproduct material. It includes such aspects of the radiation safety program as administrative procedures, material inventory and accountability, audits and appraisals, safety evaluations, and exposure control. There are currently no specific requirements in 10 CFR Part 33 addressing these topics, or additional topics discussed in the guidance. The NRC is soliciting comments on which, if any, aspects of the draft regulatory guidance for broad scope facilities should be codified in the regulations.

7. Should Broad Scope Licensees Be Allowed To Make Changes in Their Radiation Safety Program Similar to Those Authorized for Production and Utilization Facilities in § 50.59?

There are no specific regulations governing changes to the radiation safety program for broad scope licensees. In contrast, medical use licensees may make minor changes in their radiation safety procedures described in an application for license, renewal, or amendment, that are not potentially important to safety, pursuant to § 35.31. Nuclear power reactor licensees may make changes in the facility or procedures as described in the safety analysis report (SAR) or conduct tests or experiments not described in the SAR, without prior Commission approval, unless the proposed change, test, or experiment involves a change in the technical specifications of the license or an unreviewed safety question. The licensee must maintain a written safety evaluation of the change. Although an unreviewed safety question, as defined in § 50.2, is not applicable to materials licensees, § 36.53(c) for irradiator licensees, allows licensees to revise operating and emergency procedures, provided, in part that any changes should not reduce the safety of the facility. The NRC is soliciting comments on allowing broad scope licensees to have the flexibility to make changes to their radiation safety program as is afforded to irradiator and nuclear power licensees.

8. Should the Different Types of Broad Scope Licenses Currently in Part 33 (Types A, B, and C) Be Deleted and Replaced With a Single Type?

The current NRC regulation 10 CFR Part 33, ''Specific Domestic Licenses of Broad Scope for Byproduct Material,'' provides for three distinct types of licenses of broad scope (i.e., Type A, Type B, and Type C), which are defined in § 33.11. There is no difference in the fees associated with each of the three types of broad scope license, for a specific category of license (e.g., manufacturer, research and development, medical, etc.). As the majority (approximately 240) of NRC licenses of broad scope are Type A, NRC is considering the elimination of Types B and C. The activities previously authorized as a Type B or C license of broad scope (approximately 60 licenses) would be conducted under a specific license of limited scope or the licensee could modify its program to meet the requirements for a Type A specific license of broad scope and commit to the necessary program oversight and use of a RSC. The NRC is soliciting comments on whether to eliminate Types B and C specific licenses of broad scope.

9. Should a Category for ''Master Materials Licenses'' Be Incorporated Into Part 33 With the Respective Necessary Requirements?

The NRC currently has issued a single ''master materials license'' to each of three federal departments, the U.S. Navy, Air Force, and Department of Agriculture. A ''master material license'' authorizes a single entity to issue permits for its facilities at multiple sites in multiple regions. The NRC does not review or approve new users and/or locations before use, and does not inspect each of the permitted facilities under the routine inspection frequency for that type of facility. Unlike NRC inspection of other multi-site broad scope licenses, the NRC inspects a sample of master materials facilities each year. These licensees are inspected less frequently because they conduct inspections of their permittees. These licensees are not permitted to authorize releases of byproduct material to the environment nor grant exemptions to NRC's regulations, without prior NRC approval. To date, the master materials program has worked well and could serve as a model for external regulation of some DOE activities. The scope of authority and conditions in this type of license and the requirements imposed on these licensees have not been subjected to the public comment process. The NRC is considering whether specific requirements for issuance of a master materials license should be codified in Part 33. The draft language includes a definition for a master materials license, but does not include any distinct requirements. The NRC is soliciting comments on this issue.

10. Should Requirements for ''Multi-Site Facilities'' Be Codified in Part 33 or Should This Be Defined Only in 10 CFR Part 30?

A multi-site license is one that includes two or more locations of use identified in the license, such as: (1) stand-alone facilities that would otherwise be licensed individually; or (2) satellite facilities that are not located within the principal job site, and for which NRC licensed material use is ongoing (excluding temporary job sites, broad scope licensees, or mobile nuclear medicine services). A multi-site facility may also include those licensees for which the addresses of use are geographically separated and which may each be under the direction of the same or different RSO(s). Regardless of the number of sites authorized under one license or the geographic distance between sites, the adequacy of the overall radiation safety management structure must be reviewed by the licensee and the NRC to ensure safe operations at each site.

Although there are many aspects of a multi-site license that require licensee commitments similar to those made by broad scope licensees, they may not meet all the criteria in 10 CFR 33.13 for issuance of a Type A specific license of broad scope. For example, a multi-site licensee must have a management structure to ensure adequate control and conduct of the program, but may not have the expertise or need for the degree of flexibility given to broad scope licensees. Therefore, although some multi-site licensees may meet the requirements for a broad scope license, many would continue to be limited specific licenses. The NRC is soliciting comments on whether a separate category for multi-site licenses should be included within Part 33 with commensurate requirements for licensing, or if a multi-site license should be defined in Part 30 with specific requirements, as necessary, for management controls.

11. What Balance Should Be Maintained Between a Performance-Based and a Prescriptive Approach to Regulating Broad Scope Licensees?

The Commission is considering improvements to increase efficiency and the need to revise regulations to be more risk-informed and performance-based rather than prescriptive. Currently, many of NRC's regulations are a combination of performance-based and prescriptive. The occupational dose limits specified in § 20.1201 and the requirement for a radiation protection program pursuant to § 20.1101, are examples of performance-based regulations, whereas the requirements for training for radiographers specified in § 34.31 is an example of a prescriptive regulation. The staff considers that a risk-informed, performance-based regulatory approach should have at least four key elements: (1) There are measurable or calculable parameters to monitor licensee performance; (2) objective criteria are established to assess performance; (3) licensee has the flexibility to determine how to meet established performance criteria; and (4) failure to meet a performance criterion will not have an intolerable outcome. The NRC is specifically soliciting comments associated with those provisions where a performance-based approach would be satisfactory to accomplish the purposes of the Atomic Energy Act of 1974, as amended, and where more prescriptive requirements are necessary to provide appropriate safety.

III. Request for Regulatory Analysis Information

If a change of requirements is needed, the NRC will prepare a regulatory analysis to support any proposed or final rule. The analysis will examine the costs and benefits of regulatory alternatives available to the Commission.

The NRC requests public comment on costs and benefits, normal business practices, new trends, and other information that should be considered in the regulatory analysis. Comments may be submitted as indicated in the **ADDRESSES** heading.

IV. Specific Examples of Possible Regulatory Language

The NRC's review of Part 33 was discussed at the All-Agreement State meeting in October 1995. At that time, representatives from the State of Illinois indicated that they were reviewing their existing regulations for broad scope licenses and provided draft language to the NRC. Therefore, the NRC, in partnership with the State of Illinois, has developed language that may be applicable to a revision of Part 33. This draft text reflects many of the issues as described. The NRC solicits comments on the following draft text, including the extent to which the text addresses the issues described. The NRC also solicits suggestions of alternative text that would address these issues.

List of Subjects in 10 CFR Part 33

Byproduct material, Criminal penalties, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

1. The authority citation for part 33 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. A new § 33.2 is added to read as follows:

§ 33.2 Definitions.

Authorized user means an individual specifically named and authorized by the Radiation Safety Committee to use licensed material.

Management means the chief executive officer (or equivalent) or that person's delegate or delegates.

Radiation Safety Committee means a committee responsible for the development and administration of a licensee's radiation safety program, including responsibility for approval of all proposals for radionuclide use and users.

Radiation Safety Officer means the individual, identified on the license, responsible for the day-to-day operation of the licensee's radiation safety program.

3. A new § 33.5 is added to read as follows:

§ 33.5 Records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

4. Section 33.11 is revised to read as follows:

§ 33.11 Types of specific licenses of broad scope.

(a) A ''specific license of broad scope'' is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of any byproduct material in the quantities specified in the license, for

purposes authorized by the Act. A broad scope license authorizes a wide scope of radionuclides for a diversity of uses and allows licensees to name their own users and areas of use.

(b) A ''master materials license'' is a specific license of broad scope authorized by and issued by the Commission for multisite, to include multiregional, materials (byproduct) licensees. This special type of broad license authorizes a single entity, to issue permits, authorize uses, conduct enforcement, and perform oversight inspections or audits for facilities at multiple sites in multiple regions, including broad scope permits, such that NRC does not review or approve new users and/or locations prior to approval, and does not inspect the permitted facilities under the routine inspection frequency for that type of facility.

5. Section 33.12 is revised to read as follows:

§ 33.12 Applications for license, amendment, or renewal.

Applications for a new license, an amendment, or a renewal of a specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in §§ 30.32 and 30.33 of this chapter;

(b) The applicant has engaged in a reasonable range and number of activities involving the use of byproduct materials under a specific license of limited scope;

(c) The applicant's previous performance as a licensee demonstrates an ability to maintain a program in compliance with the Commission's regulations;

(d) The licensee designates a Radiation Safety Officer meeting the requirements of § 33.21(b) responsible for implementing the radiation safety program;

(e) The licensee establishes a Radiation Safety Committee meeting the requirements of § 33.22(a);

(f) The applicant establishes and submits a description of an adequate management structure and oversight, as well as the mechanisms used to ensure control over licensed activities;

(g) The applicant establishes administrative controls and provisions relating to organization and management reviews that are necessary to ensure safe operations; and

(h) The applicant establishes, implements, and maintains written policies and procedures, reviewed and approved by the Radiation Safety Committee, adequate for:

(1) Authorizing the procurement of byproduct material only in accordance with approved permits;

(2) Receiving and safely opening packages of byproduct material;

(3) Maintaining inventory control and records of transfers of byproduct material;

(4) Storing and using byproduct material safely;

(5) Requiring notification of the Radiation Safety Officer of emergencies involving byproduct material;

(6) Establishing frequencies for performing radiation surveys as required by §§ 20.1501 and 20.1906(b) of this chapter, or by the conditions of the license;

(7) Performing calibrations of survey instruments and other equipment used to demonstrate compliance with the regulations of this chapter, if those calibrations are to be performed in-house;

(8) Performing tests for leakage or contamination of sealed sources, if those tests are to be performed by the licensee;

(9) Disposing of byproduct material in accordance with the requirements of subpart K, §§ 20.2001 through 20.2007 of this chapter.

(10) Providing or supervising the provision of radiation safety training to personnel prior to their working in or frequenting areas where byproduct material is used or stored;

(11) Conducting radiation safety evaluations of proposed authorized users of byproduct material, including training and experience and proposed uses;

(12) Conducting radiation safety evaluations of proposed uses of radioactivity, including an evaluation of the facilities and equipment;

(13) Establishing criteria used to determine if a location formerly authorized under the broad scope license may be released for unrestricted use, including the performance of monitoring, acceptable decontamination levels, and documentation of such results; and

(14) Reporting and investigating overexposures; accidents; spills; losses or thefts; unauthorized receipts, uses, transfers or disposal of byproduct material; and other deviations from radiation safety practices as approved by the Radiation Safety Officer, the Radiation Safety Committee, or the Commission, and implementing corrective actions as necessary.

6. Section 33.17 is revised to read as follows:

§ 33.17 Requirements of specific licenses of broad scope.

Persons granted a specific license of broad scope shall meet the following requirements:

(a) Unless specifically authorized pursuant to other parts of this chapter, persons licensed under this part shall not:

(1) Conduct tracer studies in the environment involving direct release of byproduct material;

(2) Conduct activities for which a specific license issued by the Commission under parts 32, 34, 35, 36, or 39 of this chapter is required; or

(3) Add or cause the addition of byproduct material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee in accordance with the following:

(1) Byproduct material for non-human use will be used only by, or under the supervision of, individuals whose qualifications have been reviewed and approved in accordance with the licensee's established procedures, and

(2) Byproduct material for medical use will be used only by, or under the supervision of, individuals who meet the applicable training and experience criteria specified in subpart J, §§ 35.900 through 35.981 of this chapter.

(c) The licensee's management shall notify the Commission, in writing, no later than 30 days after a Radiation Safety Officer permanently discontinues performance of duties as the Radiation Safety Officer under the license, or the name or mailing address of the licensee, as it appears on the license, changes.

(d) The licensee's management shall apply for and must receive a license amendment:

(1) Before naming a permanent Radiation Safety Officer;

(2) Before it orders byproduct material in excess of the amount, or radionuclide or form different than authorized on the license; and

(3) Before it adds to or changes the address or addresses of use identified in the application or on the license.

7. Sections 33.21 and 33.23 are redesignated as §§ 33.61 and 33.63, respectively under the undesignated center heading ''Violations'', and new §§ 33.21, 33.22, and 33.23 are added to read as follows:

§ 33.21 Radiation Safety Officer.

(a) A licensee shall appoint a Radiation Safety Officer responsible for implementing the radiation safety program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's byproduct material program.

(b) At a minimum, the Radiation Safety Officer shall have an academic degree in physical or biological science or engineering, specific training in radiation health sciences and at least 5 years experience with a broad spectrum of radioactive material related to the types, quantities, and uses of the licensee's program.

(c) The Radiation Safety Officer shall:

(1) Ensure the implementation of written policies and procedures as specified in § 33.12 (g) and (h);

(2) Assist the Radiation Safety Committee in the performance of its duties, including the provision of necessary reports to the Committee to enable the Committee to conduct the reviews required by § 33.17(f);

(3) Report to management once each year on the byproduct material program; and

(4) Keep a copy of all records and reports required by the Commission's regulations in 10 CFR Chapter 1, a copy of 10 CFR Chapter 1, a copy of each licensing request and license and amendments, and the written policy and procedures required by the regulations of this chapter.

§ 33.22 Radiation Safety Committee.

Each licensee shall establish a Radiation Safety Committee to oversee the use of byproduct material.

(a) The Radiation Safety Committee shall meet the following administrative requirements:

(1) Membership shall consist of the Radiation Safety Officer; at least one user authorized by the Radiation Safety Committee from each of the departments, groups, or activities that will use byproduct materials permitted by the license; and at least one representative of management who is neither an authorized user nor a Radiation Safety Officer. For medical broad scope licensees, the Radiation Safety Committee should also include a representative of the nursing service and an authorized user for each type of medical use permitted by the license;

(2) The Committee shall meet four times a year at intervals not to exceed 4 months;

(3) Minutes shall be prepared for each meeting. Each member of the Committee shall be provided with a copy of the meeting minutes before the next meeting, and the Committee shall retain one copy of the meeting minutes for 5 years from the meeting date; and

(4) To establish a quorum and to conduct business, at least one-half of the Committee membership must be in attendance, and shall include, at a minimum, the management's representative, an authorized user and the Radiation Safety Officer.

(b) To oversee the use of licensed material, the Radiation Safety Committee shall:

(1) Ensure the radiation protection programs meet the requirements of § 20.1101 of this chapter;

(2) Ensure the implementation of written policies and procedures, as specified in § 33.12 (g) and (h), include:

(i) Review of the training and experience of, and approval or disapproval of, the application of any individual who seeks approval as an authorized user;

(ii) Review, on the basis of radiation safety, and approval or disapproval of, each proposed use of byproduct material, including periodic reevaluations of approved uses;

(iii) Review and approve radiation safety program changes on the basis of safety;

(iv) Review, with the assistance of the Radiation Safety Officer, the records of individual monitoring results of all individuals for whom monitoring was required pursuant to § 20.1502 of this Chapter;

(v) Review, with the assistance of the Radiation Safety Officer, all incidents or reports made to the Commission involving byproduct material with respect to cause and subsequent actions taken; and

(vi) Establish investigational levels for occupational doses that, when exceeded, require investigations and considerations of action by the Radiation Safety Officer; and

(3) Review annually, with the assistance of the Radiation Safety Officer, the radiation safety program.

§ 33.23 Statements of authority and responsibilities.

(a) A licensee shall provide the Radiation Safety Officer and the Radiation Safety Committee sufficient authority, organizational freedom, and management prerogative, to:

(1) Identify radiation safety problems;

(2) Terminate any activity, involving byproduct material, in which health and safety may be compromised to an unacceptable level, immediately, without consulting licensee management;

(3) Approve or disapprove all proposals for byproduct material use prior to procurement of material;

(4) Initiate, recommend, or provide corrective actions; and

(5) Verify implementation of corrective actions.

(b) A licensee shall establish and state in writing the authorities, duties, responsibilities, and radiation safety activities of the Radiation Safety Officer and the Radiation Safety Committee, and retain the current edition of these statements as a record until the Commission terminates the license.

8. A new § 33.25 is added to read as follows:

§ 33.25 Supervision.

(a) A licensee that permits the receipt, possession, use, or transfer of byproduct material by an individual under the supervision of an authorized user shall:

(1) Instruct the supervised individual in the principles of radiation safety appropriate to that individual's use of byproduct material;

(2) Require the supervised individual to follow the instructions of the supervising authorized user, follow the written radiation safety procedures established by the licensee, and comply with the regulations of this chapter and the license conditions with respect to the use of byproduct material; and

(b) A licensee that permits the receipt, possession, use, or transfer of byproduct material by an individual under the supervision of an authorized user is responsible for the acts and omissions of the supervised individual.

9. A new § 33.59 is added under the undesignated center heading ''Specific Licenses of Broad Scope'' to read as follows:

§ 33.59 Radiation safety program changes.

(a) The holder of a specific license of broad scope for byproduct material may make changes in the facility or procedures as described in the license application, after review and approval by the Radiation Safety Committee, without prior Commission approval, unless the proposed change involves a change in a specific license condition or is less restrictive than the regulations.

(b)(1) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section until the license has been renewed or terminated. The record must include the effective date of the change, a copy of the old and new facility or procedure, the reason for the change, a summary of radiation safety matters that were considered before making the change, and the signatures of the Radiation Safety Officer, Radiation

Safety Committee chairman, and the management representative.

(2) The licensee shall submit a report within 30 days of the effective date of the change, containing a brief description of any changes, including the reason for the change and a summary of the radiation safety matters that were considered for each.

(c) A licensee who desires to make a change that modifies an existing license condition shall submit an application for amendment to its license pursuant to § 30.38 of this chapter.

Dated at Rockville, Maryland, this 6th day of November, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–28998 Filed 11–13–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–24–AD]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 214B, 214B–1 and 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214B, 214B–1, and 214ST series helicopters, that currently establishes a retirement life of 40,000 high-power events for the lower planetary spider (spider). This action would require changing the method of calculating the retirement life for the spider from high-power events to a maximum accumulated Retirement Index Number (RIN) of 80,000 and would make this RIN applicable to an additional part numbered spider. This proposal is prompted by fatigue analyses and tests that show certain spiders fail sooner than originally anticipated because of the unanticipated higher number of external load lifts and takeoffs (torque events) performed with those spiders in addition to the time-in-service (TIS) accrued under other operating conditions. The actions specified by the proposed AD are intended to prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter.

DATES: Comments must be received by January 13, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–24–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. 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 Bell Helicopter Textron, Inc., P.O. Box 482, Ft. Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5959.

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 should 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 No. 94–SW–24–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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–24–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On August 13, 1993, the FAA issued AD 93–05–02, Amendment 39–8608 (58 FR 45833, August 31, 1993), to require changing the method of calculating the retirement life for the spider, part number (P/N) 214–040–080–101, from flight hours to high-power events calculated using the number of takeoffs and external load lifts. That action was prompted by reports of four failures of the spider, two of which were detected during the 2,500 hour TIS overhaul inspection. The other two failures occurred in flight. The requirements of that AD are intended to prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter.

Since the issuance of that AD, BHTI has issued BHTI Information Letter GEN–94–54, dated April 15, 1994, Subject: Retirement Index Number (RIN) For Cycle Lifed Components, which introduces a different method of accounting for fatigue damage on components that have shortened service lives as a result of frequent torque events. Additionally, BHTI has issued BHTI Alert Service Bulletin (ASB) 214–94–53, which is applicable to the Model 214B helicopters, and ASB 214ST–94–68, which is applicable to the Model 214ST helicopters, both of which are dated November 7, 1994 and describe procedures for converting flight hours and total number of torque events into a RIN for the spider, P/N 214–040–080–001 and –101. Although ASB 214–94–53 does not state that it applies to Model 214B–1 helicopters, this was an oversight by the manufacturer. That ASB was intended to apply to both Model 214B and 214B–1 helicopters. Additionally, P/N 214–040–080–001 was omitted from the existing AD, and is included in the applicability portion of this AD.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 214B, 214B–1, and 214ST helicopters of the same type design, the proposed AD would supersede AD 93–05–02 to require creation of a component history card using the RIN system, and a system for tracking increases to the accumulated RIN, and establish a maximum accumulated RIN for the spider of 80,000.

The FAA estimates that 11 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately (1) 48 work hours to replace a spider affected by the new

method of determining the retirement life required by this AD; (2) 2 work hours per helicopter to create the component history card or equivalent record (record), and (3) 10 work hours per helicopter to maintain the record each year, and that the average labor rate is $60 per work hour. Required parts would cost approximately $10,920 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $28,220 for the first year and $27,120 for each subsequent year. These costs assume replacement of the spider in one-sixth of the fleet each year, creation and maintenance of the records for all the fleet the first year, and creation of one-sixth of the fleet's records and maintenance of the records for all the fleet each subsequent year.

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 39–8608 (58 FR 45833, August 31, 1993) by adding a new airworthiness directive (AD), to read as follows:

Bell Helicopter Textron, Inc. (BHTI): Docket No. 94–SW–24–AD. Supersedes AD 93–05–02, Amendment 39–8608.

Applicability: Model 214B and 214B–1 helicopters, with lower planetary spider (spider), part number (P/N) 214–040–080–001 or –101, and Model 214ST series helicopters, with spider, P/N 214–040–080–101, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 25 hours time-in-service (TIS) after the effective date of this AD, unless accomplished previously.

To prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter, accomplish the following:

(a) Create a component history card for the main transmission upper planetary spider (spider), part number (P/N) 214–040–080–001 or –101.

(b) For Model 214B and 214B–1 helicopters with spider, P/N 214–040–080–001, determine and record the accumulated Retirement Index Number (RIN) as follows:

(1) If the number of takeoffs and the number of external load lifts conducted with this spider are known, record one (1) RIN for each takeoff and one RIN for each external load lift.

(2) If either the number of takeoffs or the number of external load lifts conducted with this spider are unknown, record twenty-four (24) RIN for each hour TIS.

(3) If either the number of takeoffs or the number of external load lifts conducted with this spider are unknown, or the hours TIS are unknown, record twenty-one thousand, six hundred (21,600) RIN for each calendar year TIS. Prorate the number of RIN, based on the number of calendar day, for a portion of a year.

(c) For Model 214B, 214B–1, and 214ST helicopters with spider, P/N 214–040–080–101, determine and record the accumulated RIN by multiplying the high-power events by two (2).

Note 2: BHTI Alert Service Bulletin (ASB) No. 214–94–53, which is applicable to Model 214B and 214B–1 helicopters, and ASB No. 214ST–94–68, which is applicable to Model 214ST helicopters, both dated November 7, 1994, pertain to this subject.

(d) After complying with paragraphs (a) and (b) or (c) of this AD, during each operation thereafter, maintain a count of the number and type of external load lifts and the number of takeoffs performed, and at the end of each day's operations, increase the accumulated RIN on the component history card as follows:

(1) For the Model 214B and 214B–1 helicopters:

(i) Increase the RIN by 1 for each takeoff.

(ii) Increase the RIN by 1 for each external load lift, or increase the RIN by 2 for each external load lift operation in which the load is picked up at a higher elevation and released at a lower elevation, and the difference in elevation between the pickup point and the release point is 200 feet or greater.

(2) For the Model 214ST helicopter:

(i) Increase the RIN by 2 for each takeoff.

(ii) Increase the RIN by 2 for each external load lift operation, or increase the RIN by 4 for each external load lift operation in which the load is picked up at a higher elevation and released at a lower elevation, and the difference in elevation between the pickup point and the release point is 200 feet or greater.

(e) Remove the spider, P/N 214–0400–080–001 or –101 from service on or before attaining an accumulated RIN of 80,000. The spider is no longer retired based upon flight hours. This AD revises the Airworthiness Limitations Section of the maintenance manual by establishing a new retirement life for the spider of 80,000 RIN.

(f) 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, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(g) 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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on November 5, 1996.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–29102 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–SW–36–AD]

Airworthiness Directives; Bell Helicopter Textron, a Division of Textron Canada Ltd. Model 206L, L–1, L–3, and L4 Helicopters

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 Bell Helicopter Textron, A Division of Textron Canada Ltd. (BHTC) Model 206L, L–1, L–3, and L–4 helicopters. This proposal would require creation of a component history card using a Retirement Index Number (RIN) system, establishing a system for tracking increases to the accumulated RIN, and a maximum accumulated RIN for certain main rotor masts (masts) and main rotor trunnions (trunnions). This proposal is prompted by fatigue analyses and tests that show certain masts and trunnions fail sooner than originally anticipated because of the unanticipated higher number of external load lifts and takeoffs (torque events) performed with those masts and trunnions in addition to the time-in-service (TIS) accrued under other operating conditions. The actions specified by the proposed AD are intended to prevent fatigue failure of the mast or trunnion, which could result in loss of the main rotor system and subsequent loss of control of the helicopter.

DATES: Comments must be received by January 13, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–36–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. 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 Bell Helicopter Textron, A Division of Textron Canada Ltd. 12,800 Rue de L'Avenir, Mirabel, Quebec, Canada J7J1R4, ATTN: Product Support Engineering Light Helicopters. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Jurgen Priester, Aerospace Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5159, fax (817) 222–5959.

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 should 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 No. 95–SW36–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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–36–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to BHTC Model 206L, 206L–1, 206–L–3, and 206L–4 helicopters. This proposal would require, within the next 100 hours TIS, creation of a component history card using the RIN system for certain masts and trunnions; and establishing a system for tracking increases to the accumulated RIN. The proposal also establishes a retirement life for trunnions, based solely on a RIN of 24,000 and a mast retirement life based on a maximum RIN of 44,000 or a maximum number of flight hours, whichever occurs first. Fatigue analyses and tests by the manufacturer show that certain masts and trunnions fail sooner than originally anticipated because of the unanticipated high number of external load lifts and takeoffs (torque events) performed with those masts and trunnions in addition to the TIS accrued under other operating conditions. This condition, if not corrected, could result in fatigue failure of the mast or trunnion, which could result in loss of the main rotor system and subsequent loss of control of the helicopter.

Bell Helicopter Textron, Inc., the previous type certificate holder, has issued Alert Service Bulletin (ASB) 206L–94–99, Revision A, dated May 1, 1995, which specifies creation of a component history card within the next 100 hours TIS for Model 206L, 206L–1, 206L–3, and 206L–4 helicopters. The ASB also describes an alternate retirement life of a maximum accumulated RIN of 24,000 for the trunnion, part number (P/N) 206–011–120–103, and an alternate retirement life for the mast of a maximum accumulated RIN of 44,000 or a maximum number of hours TIS, whichever occurs first, as follows: 1,200 hours TIS for masts, P/N 206–040–535–001; 1,800 hours TIS for masts, P/N 206–040–535–005; 5,000 hours TIS for masts, P/N 206–040–535–101; and 5,000 hours TIS for masts, P/N 206–040–535–105.

This helicopter model 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 Canada Airworthiness Authority has kept the FAA informed of the situation described above. The FAA has examined the findings of the Canada Airworthiness Authority, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTC Model 206L, 206L–1, 206L–3, and 206L–4 helicopters of the same type design registered in the United States, the proposed AD would require creation of a component history card using the RIN system, establishing a system for tracking increases to the accumulated RIN, and a maximum accumulated RIN for the trunnion of 24,000 and a maximum accumulated RIN of 44,000 or a maximum number of hours TIS, whichever occurs first, for the mast as follows: 1,200 hours TIS for mast, P/N 206–040–535–001; 1,800

hours TIS for mast, P/N 206–040–535–005; 5,000 hours TIS for mast, P/N 206–040–535–101; and 5,000 hours TIS for mast, P/N 206–040–535–105, before they must be retired. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 711 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately (1) 8 work hours per helicopter to replace the mast and 10 work hours per helicopter to replace the trunnion due to the new method of determining the retirement life required by this AD; (2) 2 work hours per helicopter to create the component history card or equivalent record (record); (3) 10 work hours per helicopter to maintain the record each year, and that the average labor rate is $60 per work hour. Required parts would cost approximately $9,538 per mast and $2,083 per trunnion. Based on these figures, the total cost impact of the proposed AD on U.S. operators for the first year is estimated to be $2,016,989, and each subsequent year to be $1,945,889. These costs assume creation and maintenance of the records for all the fleet the first year, replacement of the mast and trunnion in one-sixth of the fleet each year, and creation of new records for that one-sixth of the fleet and maintenance of the records for all the fleet each subsequent year.

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.

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

Bell Helicopter Textron, a Division of Textron Canada Ltd.: Docket No. 95–SW–36–AD.

Applicability: Model 206L, 206L–1, 206L–3, and 206L–4 helicopters, with main rotor mast (mast), part number (P/N) 206–040–535–001, –005, –101, or –105, installed, or main rotor trunnion (trunnion), P/N 206–011–120–103, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

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

To prevent fatigue failure of the mast or trunnion, which could result in loss of the main rotor system and subsequent loss of control of the helicopter, accomplish the following:

(a) Create a component history card or an equivalent record for the affected mast and trunnion.

(b) Determine the accumulated Retirement Index Number (RIN) to date based on the number of takeoffs and external load lifts (torque events) for parts in service in accordance with paragraphs 1 and 2 of the Accomplishment Instructions of Bell Helicopter Textron, Inc. Alert Service Bulletin (ASB) No. 206L–94–99, Revision A, dated May 1, 1995. Record this accumulated RIN on the component history card.

(c) After complying with paragraphs (a) and (b) of this AD, during each operation thereafter, maintain a count of the number of external load lifts and the number of takeoffs performed and at the end of each day's operations, increase the accumulated RIN on the component history cards as follows:

(1) For the trunnion,

(i) Increase the RIN for the Model 206, 206L–1, and 206L–3 helicopters by 1 for each torque event.

(ii) Increase the RIN for the Model 206L–4 helicopters by 2 for each torque event.

(2) For the mast, increase the RIN for the Model 206L, 206L–1, 206L–3, and 206L–4 helicopters by 1 for each torque event.

(d) Remove the trunnion from service on or before attaining the maximum accumulated RIN in accordance with Table 1 of the Accomplishment Instructions of Bell Helicopter Textron, Inc. ASB No. 206L–94–99, Revision A, dated May 1, 1995.

(e) Remove the mast from service on or before attaining the maximum accumulated RIN or the flight hour service life limit, whichever occurs first, in accordance with Table 2 of the Accomplishment Instructions of Bell Helicopter Textron, Inc. ASB No. 206L–94–99, Revision A, dated May 1, 1995.

(f) 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, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

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

(g) 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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on November 5, 1996.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–29103 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 94–SW–25–AD]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness

directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters, that currently establishes a mandatory retirement life of 50,000 high-power events for the main rotor mast (mast). This action would require changing the retirement life for the mast from high-power events to a maximum accumulated Retirement Index Number (RIN) of 140,000 and apply this RIN to an additional part numbered mast. This proposal is prompted by fatigue analyses and tests that show certain masts fail sooner than originally anticipated because of an unanticipated high number of takeoffs and external load lifts in addition to the deterioration in strength that occurs under other operating conditions. The actions specified by the proposed AD are intended to prevent fatigue failure of the mast, which could result in failure of the main rotor system and subsequent loss of control of the helicopter.

DATES: Comments must be received by January 13, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–25–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. 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 Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5959.

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 should 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 No. 94–SW–25–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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–25–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On July 13, 1994, the FAA issued AD 94–15–04, Amendment 39–8975, (59 FR 37155, July 21, 1994), to require changing the method of calculating the retirement life for the mast, part number (P/N) 214–040–090–109, from flight hours to high-power events calculated using the number of takeoffs and external load lifts (torque events). That action was prompted by fatigue analysis and retesting that showed certain masts fail sooner than originally anticipated because of an unanticipated high number of takeoffs and external load lifts performed with those masts in addition to the anticipated deterioration in strength that occurs under other operating conditions. The requirements of that AD are intended to prevent fatigue failure of the mast, which could result in failure of the main rotor system and subsequent loss of control of the helicopter.

Since the issuance of that AD, BHTI has issued BHTI Information Letter GEN–94–54, dated April 15, 1994, Subject: Retirement Index Number (RIN) For Cycle Lifed Components, which introduces a different method of accounting for fatigue damage on components that have shortened service lives as a result of frequent torque events. Additionally, BHTI has issued BHTI Alert Service Bulletin (ASB) 214ST–94–67, dated November 7, 1994, which is applicable to Model 214ST helicopters, which describes procedures for creation of a component history card within the next 25 hours time-in-service (TIS) for the Model 214ST helicopters. The ASB also describes an alternate retirement life of a maximum RIN count of 140,000 for the Model 214ST mast. Finally, the ASB includes an additional P/N for the main rotor mast which was not included in the existing AD.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 214ST helicopters of the same type design, the proposed AD would supersede AD 94–15–04 to require creation of a component history card using RIN counts, and establish a retirement life of a maximum accumulated RIN for the masts of 140,000.

The FAA estimates that nine helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately (1) 48 work hours per helicopter to replace the mast; (2) 2 work hours per helicopter to create the component history card or equivalent record (record); and (3) 10 work hours per helicopter to maintain the record each year, and that the average labor rate is $60 per work hour. Required parts would cost approximately $17,267 per mast. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $36,700 for the first year and $35,800 for each subsequent year. These costs assume replacement of the mast in one-sixth of the fleet each year, creation and maintenance of the records for all the fleet the first year, and creation of one-sixth of the fleet's records and maintenance of the records for all the fleet each subsequent year.

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 39–8975 (59 FR 37155, July 21, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Bell Helicopter Textron, Inc. (BHTI): Docket No. 94–SW–25AD. Supersedes AD 94–15–04, Amendment 39–8975.

Applicability: Model 214ST helicopter with main rotor mast (mast), part number (P/N) 214–040–090–109 or P/N 214–040–090–121, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 25 hours time-in-service (TIS) after the effective date of this AD, unless accomplished previously.

To prevent fatigue failure of the mast, which could result in failure of the main rotor system and subsequent loss of control of the helicopter, accomplish the following:

(a) Create a component history card or an equivalent record for the affected mast.

(b) Determine and record the accumulated Retirement Index Number (RIN) to date on the mast as follows:

(1) For operators with mast, P/N 214–040–090–109, multiply the takeoffs and external load lifts (high-power events) total to date by 2.8 (round up the result to the next whole number).

(2) For operators with mast, P/N 214–040–090–121, multiply the factored flight hour total to date by 14 (round up the result to the next whole number).

(3) Record on the component history card the accumulated RIN.

Note 2: BHTI Alert Service Bulletin (ASB) No. 214ST–94–67, dated November 7, 1994, pertains to this subject.

(c) After complying with paragraphs (a) and (b) of this AD, during each operation thereafter, maintain a count of the number and type of external load lifts and the number of takeoffs performed, and at the end of each day's operations, increase the accumulated RIN on the component history card as follows:

(1) Increase the RIN by 2 for each takeoff.

(2) Increase the RIN by 2 for each external load lift operation; or, increase the RIN by 4 for each external load lift operation in which the load is picked up at a higher elevation and released at a lower elevation, and the difference in elevation between the pickup point and the release point is 200 feet or greater.

(d) Remove the mast, P/N 214–040–090–109 or –121, from service on or before attaining an accumulated RIN of 140,000. The mast is no longer retired based upon flight hours. This AD revises the Airworthiness Limitations Section of the maintenance manual by establishing a new retirement life for the mast of 140,000 RIN.

(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, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on November 5, 1996.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–29104 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Supplement to California Plan; Extension of Comment Period

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

ACTION: Extension of comment period.

SUMMARY: On September 13, 1996, OSHA published a notice requesting comments on the California State standard on hazard communication, which incorporates Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (61 FR 48443). OSHA requested that comments be filed by November 12, 1996. OSHA has received a number of requests for extension of the comment period. In response to these requests, OSHA is extending the comment period for two weeks, until November 26, 1996.

DATES: Written comments and requests for an informal hearing may be filed with the OSHA Docket Office by November 26, 1996.

ADDRESSES: Comments should be submitted in quadruplicate to Docket T–032, Docket Office, Room N–2625, U.S. Department of Labor, OSHA, 200 Constitution Avenue, N.W., Washington, DC 20210. Comments under 10 pages long may be sent by telefax to the Docket Office at 202–219–55046 but must be followed by a mailed submission in quadruplicate. Written submissions must clearly identify the issues which are addressed and the position taken with respect to each issue. The State will be given an opportunity to respond to the public comments. Interested persons may request an informal hearing concerning OSHA's consideration of the plan change. Such requests also must be received on or before November 26, 1996 and should be submitted in quadruplicate to the Docket Office, Docket T–032, at the address noted above.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, DC 20210. Telephone: (202) 219–8148.

SUPPLEMENTARY INFORMATION: States with approved occupational safety and health plans under section 18 of the Occupational Safety and Health Act of

1970 (29 U.S.C. 667) are required to enforce standards which are at least as effective as those promulgated and enforced by Federal OSHA. In addition, any standards which are applicable to products which are distributed or used in interstate commerce must be required by compelling local conditions and must not unduly burden interstate commerce. States may enforce their standards under authority of State law while they are under review by Federal OSHA.

OSHA is reviewing the California hazard communication standard, which incorporates the Safe Drinking Water and Toxic Enforcement Act. Public comment is being sought by OSHA on the following issues.

1. Whether the California standard and its enforcement are ''at least as effective'' as the corresponding Federal standard and enforcement.

2. Whether the California standard:

(a) Is applicable to products which are distributed or used in interstate commerce;

(b) If so, whether it is required by compelling local conditions; and

(c) Unduly burdens interstate commerce.

OSHA has received a number of requests for a 30 or 60 day extension of the original 60-day comment period. The Statement of Managers' in the 1997 Omnibus Spending Bill and Immigration Agreement directed OSHA '' * * * to expedite its review and approval or rejection of California's hazard communication/proposition 65 standard, and to provide a report to the Appropriations Committees on this matter, by no later than January 1, 1997.'' In light of this Congressional direction, OSHA is granting the request for an extension, but for a more limited period of two additional weeks, until November 26, 1996.

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

Signed this 8th day of November, 1996 in Washington, D.C.

Joseph A. Dear,

Assistant Secretary.

[FR Doc. 96–29288 Filed 11–13–96; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

46 CFR Part 67

[CGD 96–060]

Vessel Documentation: Combined Builder's Certification and Manufacturer's Certificate of Origin, Submission of Hull Identification Number (HIN) for Documentation of Recreational Vessels, and Issuance of Temporary Certificates of Documentation

AGENCY: Coast Guard, DOT.

ACTION: Notice of request for comments.

SUMMARY: The Coast Guard seeks information that may be useful in determining the benefits for the following: Combining the Builder's Certification and Manufacturer's Certificate of Origin; proposing to require submission of the Hull Identification Number for documentation of recreational vessels; and issuing temporary Certificates of Documentation. This information will be useful in evaluating alternative approaches, especially where these proposals will assist in law enforcement, preventing fraud, and increasing customer satisfaction.

DATES: Comments must be received on or before January 13, 1997.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 96–060), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this notice of request for comments. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m., and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Michael Antonellis, National Maritime Center, U.S. Coast Guard, 4200 Wilson Blvd., Suite 510, Arlington, VA 22203–1804, telephone (703) 235–8447.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this request by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this inquiry (CGC 96–060) and the specific section of this document to which each comment or question applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period.

Background and Purpose

In recent years, the Coast Guard has received numerous inquiries from its customers concerning various alternatives to help reduce the opportunity for fraud, to facilitate the documentation process and to allow vessel owners to operate while waiting for issuance of the permanent Certificate of Documentation (COD). The Coast Guard is considering the following three ideas to address some of the concerns: (1) Combining the Builder's Certification and the Manufacturer's Certification of Origin; (2) publishing a notice of proposed rulemaking to require submission of the Hull Identification Number (HIN) for Documentation of Recreational Vessels; and (3) issuing temporary CODs.

Discussion

The Coast Guard seeks information that may be useful when it considers how to revise and/or implement procedures pertaining to the documentation of vessels. This information will be useful in evaluating alternative approaches to help deter fraud, increase the ability to track vessels for enforcement purposes, and improve customer satisfaction by allowing vessel owners to operate while waiting for issuance of the permanent COD. Any rulemaking that results from this notice would be considered part of the Coast Guard's ongoing review of its existing regulations under Section 610 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 610)

The first idea for public comment is, combining the Builder's Certification (Form CG–1261) and the Manufacturer's Certificate of Origin (MCO) will reduce the opportunity for fraud. Form CG–1261 is required to provide build and title evidence for documentation. The MCO is required to title a vessel in a State. Each form collects slightly different information. Currently, most manufacturers will issue both forms for each vessel built, thus giving the purchaser the opportunity to either

obtain documentation or obtain a State title for the vessel.

Certain vessel owners have used the MCO to obtain a State title and Form CG–1261 to obtain a permanent COD. These vessel owners have then recorded one vessel loan as a lien against the State title, and obtained a second loan which is recorded at the National Vessel Documentation Center (NVDC). The financial institutions making the loans are unaware of the dual registration. In other cases, unscrupulous owners sell the vessel to different people, using the State title for one transfer and the permanent COD for the other.

Because the States collect more information than the Coast Guard needs there could be a slight increase in the Coast Guard's information collection budget. The benefits of combining the forms may be found to outweigh this factor, and by helping to prevent fraud, there may be a greater willingness for banks to make vessel loans.

In the past, the Coast Guard has been reluctant to combine the two forms. However, a combined form could be made a requirement for an approved State titling system which would allow creation of preferred mortgages on State titled vessels.

The second idea, requiring submission of the HIN for documentation of recreational vessels, could facilitate the tracking of vessels for law enforcement purposes. The HINs are required for recreational vessels under the provisions of 33 CFR part 181. The original purpose of the HIN was to provide a mechanism for vessel recall if a safety defect was discovered. In recent years, the use of the HIN has been expanded so that it now is a primary means of tracking vessels for law enforcement purposes.

Even though every vessel manufactured for recreational purposes after a certain date is required to have a HIN, vessel documentation customers have never been required to provide the HIN to the Coast Guard as a part of the documentation process. Requiring submission of the HIN, under the authority of 46 U.S.C. 12103(d), could help to deter fraud and prevent vessels from being documented more than once.

The third idea is for the Coast Guard to issue temporary CODs. In recent years, our customers have required that the Coast Guard issue temporary CODs so that owners of pleasure boats could use them while waiting for issuance of the permanent CODs. The Coast Guard has refused citing the absence of direct statutory authority to issue temporary CODs. In the past, proponents for temporary CODs cited 46 U.S.C. 12102(b) as authority for temporary documents. The Coast Guard is prepared to reconsider its statutory authority if there is sufficient interest and a practical solution to the issue.

For example, a temporary COD could be a form filled out by the applicant and mailed with the rest of the paperwork. That form could be validated by a seal or other means and mailed back immediately. In the long-term, the Coast Guard might seek to have qualified persons issue the temporary CODs in a manner similar to the way in which car dealers act for the State in issuing temporary license plates. The temporary CODs could be valid for 60 or 90 days, or until revoked by the Coast Guard. The United States is one of the very few nations which does not issue any kind of temporary CODs. The minimal coasts associated with this service might be recovered through user fees.

Dated: November 6, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–29196 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–141; RM–8835]

Radio Broadcasting Services; Lupton, Michigan

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: Action in this document denies a proposal filed by Bible Baptist Church requesting the allotment of Channel 272A at Lupton, Michigan, and reservation of the Channel for noncommercial educational use. *See* 61 FR 42229, August 14, 1996. Bible Baptist Church failed to provide sufficient information to establish that Lupton, Michigan, qualifies as a community for allotment purposes. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96–141, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C.

The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–29082 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–220; RM–8893]

Radio Broadcasting Services; Sturgis, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by JoeMyers Productions, Inc., proposing the allotment of Channel 289A at Sturgis, Kentucky, as the community's first local aural transmission service. Channel 289A can be allotted to Sturgis in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.4 kilometers (0.8 miles) southwest to avoid a short-spacing to the licensed site of Station WYNG–FM, Channel 287B, Evansville, Indiana. The coordinates for Channel 289A at Sturgis are North Latitude 37–32–16 and West Longitude 87–59–35.

DATES: Comments must be filed on or before December 23, 1996, and reply comments on or before January 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, L.L.P, 1776 K Street, N.W., Suite 200, Washington, D.C. 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–220, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available

for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–29079 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–219, RM–8881]

Radio Broadcasting Services; Temple and Taylor, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Stellar Communications, Inc., licensee of Station KKIK(FM), Channel 282C2, Temple, Texas, proposing the reallotment of Channel 282C2 from Temple to Taylor, Texas, and the modification of Station KKIK(FM)'s license to specify Taylor as its community of license. Channel 282C2 can be allotted to Taylor in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.4 kilometers (4.0 miles) southwest to accommodate Stellar's desired site. The coordinates for Channel 282C2 at Taylor are 30–31–18 and 97–26–40. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 282C2 at Taylor, or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before December 23, 1996, and reply comments on or before January 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Andrew S. Kersting, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Rosslyn, Virginia 22209–3801 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–219, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–29078 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–218, RM–8912]

Radio Broadcasting Services; Windsor, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Vixon Valley Broadcasting seeking the allotment of Channel 294A to Windsor, New York, as the community's first local aural transmission service. Channel 294A can be allotted to Windsor with a site restriction of 11.6 kilometers (7.2 miles) east, at coordinates 42–03–04 North Latitude and 75–30–18 West Longitude, to avoid a short-spacing to Station WPCX, Channel 295B, Auburn, New York. Canadian concurrence in the allotment is required since the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before December 23, 1996, and reply comments on or before January 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Vixon Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–218, adopted October 25, 1996, and released November 1, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–29076 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–43, Notice 3]

International Regulatory Harmonization, Motor Vehicle Safety; Motor Vehicles and Motor Vehicle Engines and the Environment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public workshop on a process for the assessment of functional equivalence of regulatory requirements; request for comments.

SUMMARY: This document announces a public workshop to discuss a proposed step-by-step process for determining functional equivalence of U.S. and other international regulatory requirements, and the implications of the process for possible rulemaking actions. This document also seeks comments from a broad spectrum of participants on the proposed process. The purpose of the workshop is to present and explain the recommended process for determining functional equivalence to all attendees. In addition, the agency wishes to obtain input on the flow and logic of the process, and to have an exchange of views among participants regarding the ability of the process to not only preserve the established levels of safety, but to also potentially lead to higher levels. The information gathered at this meeting will assist the agency in deciding its future course of action regarding international harmonization, specifically functional equivalence as outlined in the globally harmonized research agenda agreed upon at the May 1996 15th International Technical Conference on the Enhanced Safety of Vehicles (ESV) in Melbourne, Australia. The agency will soon be issuing a Notice of Proposed Rulemaking addressing the procedures for filing petitions requesting a determination of Functional Equivalence.

DATES: The public workshop will be held on Thursday, January 16, 1997, and will begin at 9:00 a.m.

Those wishing to participate in the workshop should contact Mr. Francis J. Turpin, at the address and telephone number listed below, by January 6, 1997.

Written comments: Written comments to be addressed during the workshop may be submitted to the agency and must be received no later than January 6, 1997.

All written comments and statements on the subjects discussed at the meeting must be received by the agency no later than January 31, 1997.

ADDRESSES: The public meeting will be held in Room 6200 of the Nassif Building, 400 Seventh St, S.W., Washington, D.C.

Written comments should refer to above-referenced docket and notice number, and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street S.W., Washington, D.C. 20590. Docket room hours are from 9:00 a.m. to 4 p.m. Monday through Friday. It is requested, but not required, that 10 copies of the comments and attachments, if any, be submitted. However, submissions containing information for which confidential treatment is requested should be submitted with three copies to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street S.W., Washington, D.C. 20590. Seven additional copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section.

FOR FURTHER INFORMATION CONTACT: Mr. Francis J. Turpin, Director, Office of International Harmonization, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Washington, D.C. 20590. Tel:(202)–366–2107, and Fax:(202)–366–2106.

SUPPLEMENTARY INFORMATION: On July 10 and 11, 1996, NHTSA held a public meeting to seek comments on the recommendations made by U.S. and European automotive industry for actions by U.S. and European Union governments concerning (1) the international harmonization of motor vehicle safety and environmental regulation, (2) the intergovernmental regulatory process necessary to achieve such harmonization, and (3) the coordination of vehicle safety and environmental research. During the meeting NHTSA also sought comments on the International Harmonization Research Agenda (IHRA) priority items set forth at the 15th ESV Conference, which included functional equivalence. NHTSA specifically requested input on what a step-by-step process for determining functional equivalence might be. NHTSA also extended the deadline for receiving comments until October 1, 1996, to provide all interested parties enough time to comment on all aspects of the issues addressed at the meeting. Based on the responses received from industry, consumer and advocacy groups, and other interested parties, NHTSA designed a process that it believes to be responsive to all major issues presented on functional equivalence and foremost, the considerations of preserving the highest levels of safety and/or the upgrade of existing standards to achieve the same.

On November 14, 1996, a meeting of the IHRA committee will be held in Geneva to discuss the progress of each research item outlined in the international research agreement. During the meeting, the proposed flowchart will be shared with committee members and comments will be requested.

For a detailed summary of supplementary materials, please refer to notices 1 and 2 of this docket.[1] In addition, the docket includes a transcript of the July 10 and 11 public meeting referenced above.

I. Comments Received on Functional Equivalence

Since the July 1996 public meeting, the agency received comments covering a wide range of International Harmonization topics. A summary of comments addressing functional equivalence can be found in the docket.

II. Step-by-Step Process for Functional Equivalence Determination

After reviewing all comments submitted under notices 1 and 2, NHTSA has developed a suggested flowchart outlining its vision of a functional equivalence process. A copy of the flowchart can be found in Appendix I to this notice. Additionally, NHTSA plans to issue a Notice of Proposed Rulemaking concerning the procedure to be followed for the submission of petitions for functional equivalence.

In general, the flowchart suggests that two regulations will be considered

[1] (61 F.R. 30657, June 17, 1996)

candidates for a determination that they are functionally equivalent when all three of the following screening guidelines are met:

1. The two regulations have mandatory requirements designed to meet a particular safety objective (i.e., have the same intent);

2. The test procedures, test devices, test conditions, and performance criteria are at least similar if not necessarily identical. However, the alternative regulation does not violate the underlying basis of the original regulation, and the minor differences do not cause to have a negative impact on safety;

3. The safety impact in terms of vehicle safety performance under both regulations can be demonstrated to be equivalent using objective test procedures and scientific analyses of test and other data. Any standard determined to be equivalent or more stringent than another would be considered to be functionally equivalent to the latter; and

4. The above steps would be followed by rulemaking proceeding.

Public Workshop

All interested persons and organizations are invited to attend the workshop. To assist interested parties to prepare for the workshop, the agency has developed a preliminary outline, shown below, of major topics to be discussed at the meeting. Any additional agenda items of interest could be included by making a request to the agency at the address given in the notice.

A. Purpose

The agency is holding a workshop instead of its typical, legislative-type public meeting in order to facilitate the interactive exchange and development of ideas among all participants. The purpose is to present and discuss the proposed process for determining functional equivalence. NHTSA hopes that through an interactive discussion, an evaluation of the recommended process' ability to preserve or improve the existing levels of safety, and the implications of the process for possible rulemaking can be made.[2]

B. Preliminary Outline of Topics for Public Workshop

1. Overview and a brief summary of comments on functional equivalence.

2. Discussion of the suggested screening guidelines and the proposed flowchart of a process for the determination of functional equivalence.

3. Summary of the workshop.

The agency intends to conduct the meeting informally. The presiding official will first give a brief overview of the workshop, followed by a presentation and a discussion of all suggested screening guidelines and all steps of the flowchart outlining the proposed process for determining functional equivalence. As each step is presented, the participants will be asked for comments and input. In addition, at the end of the workshop, there will be a period of interactive discussion and a summary of all conclusions reached and all recommendations made during the workshop. Also, at any point during the workshop, and upon request, the presiding official, will allow participants to ask questions or provide comments. When commenting, participants should approach the microphone and state their name and affiliation for the record. All participants are asked to be succinct. Participants may also submit written questions to the presiding official to be considered for response by particular participants or presenters.

The agency will provide an overhead projector, a slide projector and a TV–VCR system. Persons planning to use other visual aids during the workshop should please indicate to the agency their requirements. A copy of any charts, slides and other materials presented must be provided to the agency for the docket at the end of the workshop.

Comments

The agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address and follow the same requirements specified above in section **ADDRESSES.**

No comment may exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to a comment without regard to the 15-page limit. All comments that are submitted within two weeks after the date of the public workshop will be included in the public record of the workshop. Those persons who desire to be notified upon receipt of their written comments in the Docket Section should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receipt, the docket supervisor will return the postcard by mail.

A verbatim transcript of the meeting will be prepared by NHTSA and placed in the docket as soon as possible after the meeting.

Issued on November 8, 1996.

Francis J. Turpin,

Director, Office of International Harmonization.

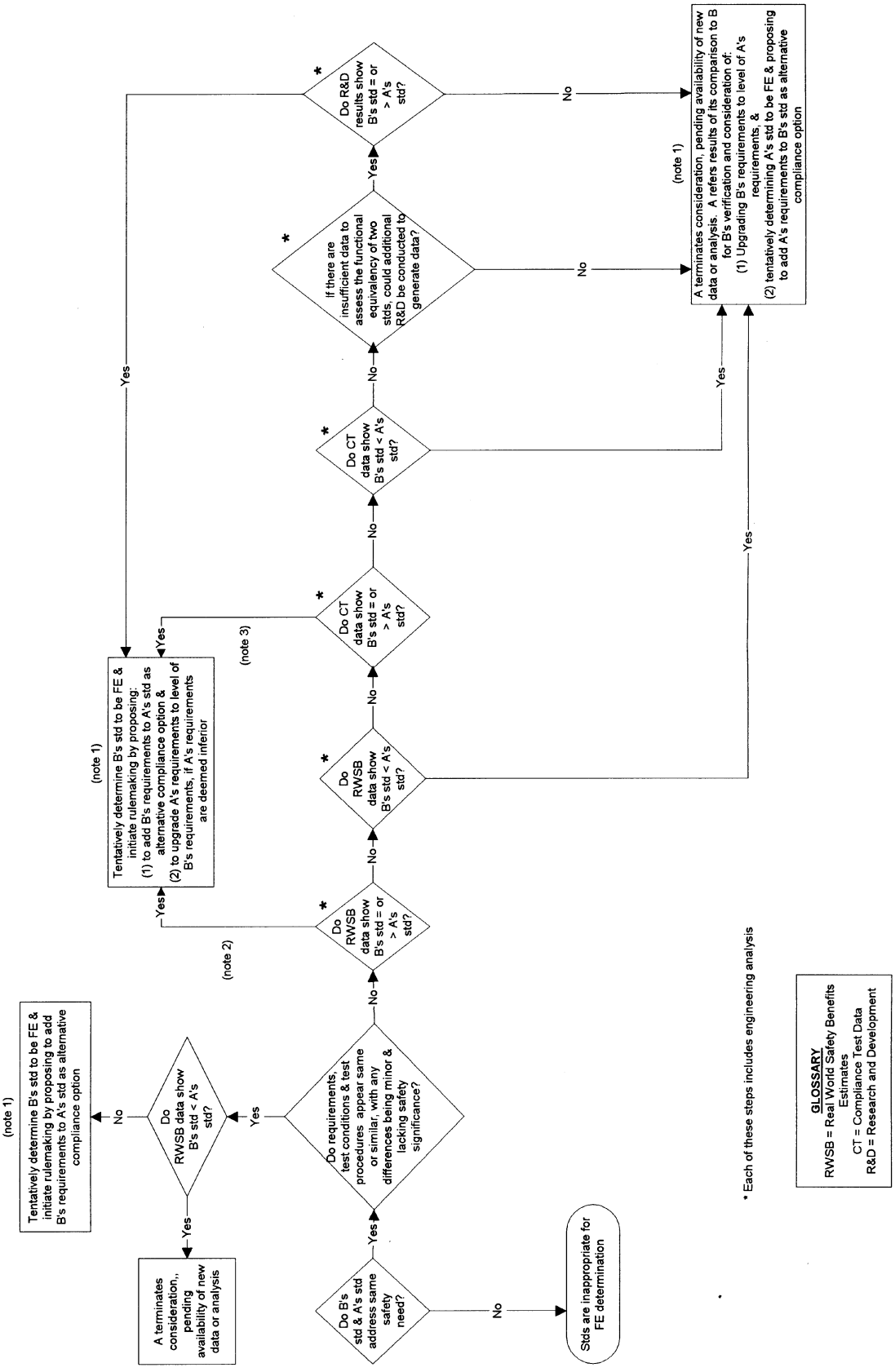
BILLING CODE 4910–59–P

[2] If NHTSA tentatively concluded that a foreign standard is functionally equivalent to a Federal Motor Vehicle Safety Standard (FMVSS), the agency would initiate a rulemaking proceeding to amend the FMVSS. The proceedings would be conducted in accordance with the agency's authorizing legislation concerning vehicle safety (49 U.S.C. 3010 et seq.) and the Administrative Procedure Act.

Appendix I

DETERMINATION OF FUNCTIONAL EQUIVALENCE

GENERIC PROCESS FOR USE BY COUNTRY A IN ASSESSING COUNTRY B'S STANDARD



Explanation of Flowchart

Ultimate Goal

The ultimate goal in comparing standards addressing a particular problem is assessing the real world performance of the covered vehicles or equipment in reducing fatalities and injuries. The most reliable basis for making that assessment is fatality and injury data directly drawn from actual crashes. Accordingly, the countries involved in making functional equivalence determinations should make appropriate efforts to assure the availability of such data.

Guiding Principles

Best Available Evidence

Country A should base its FE determinations on the best available evidence. If available, estimates of real world safety benefits based on fatality and injury data directly drawn from actual crashes are the best evidence. If such data are not available, then estimates based on other information, such as compliance test data, may be used, although increased caution needs to be exercised in making judgment based on those estimates. If sufficient crash data regarding real world safety benefits are available, and a comparison of those benefits shows that the Country B standard is less beneficial than the Country A standard, Country A could avoid wasting resources making comparisons on the basis of less definitive types of evidence.

Sufficiency of Evidence

Many types of data are available for a comparison of two standards. Often there is an abundance of one type of data and little or no data from other sources. If insufficient data are available, and such data either cannot be generated through engineering analysis (e.g., real world safety benefits estimates), or conducting additional research and development is not cost effective, then Country A should immediately stop consideration of such data and consider the other available data instead.

The horizontal path through the flowchart is intended to illustrate the sources of data that will be considered and a rough idea of the priority they will receive. Each step branches independently to the tentative determination of functional equivalency by its ''yes'' path. This may seem to preclude later steps once any ''yes'' path is encountered. In practice, however, all data sources will be considered to the extent that they are available before a determination of functional equivalency is made.

Best Practices

Country A should pursue a ''best practices'' policy, i.e., Country A should propose to upgrade its standards when it concludes that a Country B standard offers greater benefits than its counterpart Country A standard.

Conservatism

Country A should place priority on preserving the safety benefits of its standards. Country A can best preserve those benefits by being conservative in reaching any conclusion that Country B standard is FE to its counterpart Country A standard.

Reciprocity

Country A should take steps to encourage reciprocity by Country B. When Country A's comparison of standards indicates that one of its standards has benefits equal to or greater than its counterpart Country B standard, Country A should forward the results of that comparison to Country B and request consideration be given by Country B to determining that the Country A standard is FE to its counterpart Country B standard.

Notes

1. Instead of issuing a proposal to amend its standard by adding the alternative of complying with Country B's standard, Country A may decide to propose seeking to harmonize its standard with the foreign standard. This approach would enable Country A to maintain a single set of requirements and test procedures in its standard, thereby minimizing any effect on its enforcement resources.

2. There may be circumstantial differences, such as special environmental conditions, driver demographics, driver behavior, occupant behavior (e.g., level of safety belt use), road conditions, size distribution of vehicle fleet (e.g., proportion of big versus small vehicles and disparity between extremes), that could influence real world safety benefits. These differences may result in a particular standard having a safety record in one political jurisdiction that does not translate to the other jurisdiction.

3. Differences from model to model and manufacturer to manufacturer in margins of compliance may confound efforts to assess the relative stringency of two standards.

[FR Doc. 96–29213 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961105310–6310–01; I.D. 102396A]

RIN 0648–AJ31

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 17

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 17 to the Northeast Multispecies Fishery Management Plan (FMP). This framework would implement a measure to restore unused days-at-sea (DAS) to vessels recorded under the DAS effort-control program as having fished less than one-sixth of their Amendment 7 allocation during the months of May and June 1996. The intended effect of this rule is to provide vessels with their full Amendment 7 allocation of DAS.

DATES: Comments must be received on or before November 25, 1996.

ADDRESSES: Comments on the proposed rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Multispecies Framework Adjustment 17.''

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: Amendment 5 (59 FR 9872, March 1, 1994) to the FMP established an effort-reduction program based primarily on reductions in DAS allocated to fishing vessels, with exceptions for certain classes of vessels. Under Amendment 5, the annual allocation of DAS was based on a multispecies fishing year that started on May 1. Amendment 7 (61 FR 27710, May 31, 1996), which became effective on July 1, 1996, eliminated most exceptions to the DAS program and accelerated the reductions in DAS for vessels already under the effort-control program. During the developmental stages of Amendment 7, when it became clear that the New England Fishery Management Council (Council) would be unable to submit the amendment in time for it to be

implemented before the start of the new fishing year, the Council agreed to prorate DAS to adjust for the gap between the start of the fishing year and the implementation date of the revised allocations. The preamble of the proposed rule for Amendment 7 (61 FR 8540), published on March 5, 1996, stated that ''DAS will be prorated to account for a full fishing year beginning May 1, 1996, through April 30, 1997.''

Comment from industry, received after the close of the proposed rule comment period, reflected that some members misconstrued how DAS prorations would be applied to different vessel groups upon implementation of Amendment 7. Vessel owners fishing under the DAS program in May and June believed that proration of DAS was meant to apply specifically to vessels that were exempt from the DAS program prior to Amendment 7 and that Amendment 5 call-in system vessels were to have their DAS in the months of May and June subtracted from their total Amendment 7 allocation. Because of this confusion and the resulting consequence that several vessels did not fish their full allotment of prorated DAS in the months of May and June, DAS vessel owners appealed to the Council to provide the full-year allocation pending verification of their lack of fishing activity.

In response to this concern, the Council submitted this proposed framework, which would restore unused DAS (up to one-sixth of the full-year allocation) to vessels enrolled in the call-in system in May and June 1996, that did not record more than one-sixth of their full-year allocation. In its submission, the Council specifically excluded vessels that were exempt from the DAS call-in requirement prior to Amendment 7. The Council asserted that since these vessels were not monitored before July 1, the vessel owners had no reason to believe that days not fished in May and June would be credited to their allocation. The Council argued that it would place an unacceptable burden on previously exempt vessel owners to demonstrate, and NMFS to review, a verification of groundfish activity during this 2-month period.

The analysis shows that 698 vessels held Amendment 5 DAS permits on June 30, 1996 (the last day that the Amendment 5 regulations were in effect), and were allocated a total of 95,715 DAS for the period May 1, 1996, through April 30, 1997 (Amendment 7). Of this number of vessels, 77 percent fished less than the prorated allocation of DAS (from May 1 through June 30) and 23 percent fished greater than or equal to their prorated allocation. For vessels fishing under DAS prior to implementation of Amendment 7, the result of approving this framework and restoring DAS is that the total number of DAS allocated under Amendment 7 in its first year of implementation will increase by 1.5 percent or less. This difference is negligible and would have no effect on the analysis conducted for Amendment 7. In fact, this difference is expected to dissipate during the remainder of the fishing year as the smaller vessels become constrained by winter weather.

Vessels holding a 1996 Amendment 5 northeast multispecies permit in the Individual, Fleet, or Combination Vessel categories were automatically assigned to categories and sent a permit upon implementation of Amendment 7. With this new permit, vessels were also sent an Amendment 7 application so that, if they choose to, they could request a change in permit category, provided that the application was completed and sent to the Regional Administrator by August 15, 1996. Because of this ability to change permit categories, the restoration of DAS will be calculated based on the permit category held by the vessel on August 16, 1996.

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The proposed rule would restore unused days-at-sea (DAS) for the months of May and June 1996, to fishing vessels that were enrolled in the DAS program under Amendment 5 to the FMP that did not record more than one-sixth of their 1996 fishing year allotment of DAS under Amendment 7.

Restoring DAS to the approximately 537 vessels that did not use one-sixth of their allotment under Amendment 7 in May and June 1996 would reestablish the original 1996 fishing year allocation for these vessels and was taken into account in analyses supporting Amendment 7 itself. Therefore, no new analysis is needed. The proposed action is unlikely to materially reduce or increase annual revenues beyond the analysis contained in Amendment 7 or increase production and compliance costs, and would not force small entities to cease business operations.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 7, 1996.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

2. In § 648.82, paragraphs (b)(1)(i), (b)(2)(i), (b)(5)(i) and (b)(7)(i) are revised and paragraph (j) is added to read as follows:

§ 648.82 Effort-control program for limited access vessels.

* * * * *

(b) * * *

(1) * * *

(i) *DAS allocation*. A vessel fishing under the Individual DAS category shall be allocated 65 percent of its initial 1994 allocation baseline, as established under Amendment 5 to the NE Multispecies FMP, multiplied by the proration factor of 0.833 for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 50 percent of its initial allocation baseline for the 1997 fishing year and beyond, as calculated under paragraph (d)(1) of this section.

* * * * *

(2) * * *

(i) *DAS allocation*. A vessel fishing under the Fleet DAS category shall be allocated 116 DAS (139 DAS multiplied by the proration factor of 0.833) for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 88 DAS for the 1997 fishing year and beyond.

* * * * *

(5) * * *

(i) *DAS allocation*. A vessel fishing under the Combination Vessel category shall be allocated 65 percent of its initial 1994 allocation baseline, as established under Amendment 5 to the NE Multispecies FMP, multiplied by the proration factor of 0.833 for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 50 percent of its initial allocation baseline for the 1997 fishing year and beyond, as calculated under paragraph (d)(1) of this section.

* * * * *

(7) * * *

(i) *DAS allocation*. A vessel fishing under the Large Mesh Fleet DAS category shall be allocated 129 DAS (155 DAS multiplied by the proration factor of 0.833) for the 1996 fishing year, unless a vessel qualifies for a restoration of DAS under paragraph (j) of this section, and 120 DAS for the 1997 fishing year, and beyond. To be eligible to fish under the Large Mesh Fleet DAS category, a vessel while fishing under this category must fish with gillnet gear with a minimum mesh size of 7–inch (17.78–cm) diamond mesh or trawl gear with a minimum mesh size of 8–inch (20.32–cm) diamond mesh, as described under § 648.80(a)(2)(ii), (b)(2)(ii), and (c)(2)(ii).

* * * * *

(j) *Restoration of unused DAS*. Vessels that held valid 1996 Amendment 5 NE multispecies permits in the Individual, Fleet or Combination Vessel categories are eligible for restoration of unused DAS if DAS fished during May and June 1996 was less than 1/6th of their 1996 Amendment 7 allocation. Restoration of DAS will be based on the NE multispecies permit category held on August 16, 1996. These vessels will be automatically credited with DAS equal to the difference between the proration reduction and their DAS fished during May and June 1996, as recorded in the NMFS call-in system specified at § 648.10(c) (or on other verifiable evidence of days spent fishing for multispecies). If the number of DAS fished during this time period exceeded the proration reduction amount, those days will not be subtracted from a vessel's 1996 allocation.

[FR Doc. 96–29172 Filed 11–8–96; 12:51 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 221
Thursday, November 14, 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.

AFRICAN DEVELOPMENT FOUNDATION

Sunshine Act Meeting; Board of Directors Meeting

TIME: 2:00–3:00 p.m. and 8:30–12:00 noon.

PLACE: ADF Headquarters.

DATE: Monday, November 18, 1996 and Tuesday, November 19, 1996.

STATUS: Open.

Agenda

Monday, November 18, 1996

2:00 p.m.—Chairman's Report
3:00 p.m.—President's Report
5:00 p.m.—Adjournment

Tuesday, November 19, 1996

8:30 a.m.—President's Report, Continued
12:00 noon—Adjournment

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

William R. Ford,

President.

[FR Doc. 96–29369 Filed 11–12–96; 3:32 pm]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Request for Extension of a Currently Approved Information Collection

AGENCY: Office of the Secretary, Office of Chief Information Officer, United States Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces USDA's intention to request an extension of an information collection currently approved in support of customer satisfaction surveys. Executive Order 12862 requires agencies and departments to identify and survey its ''customers to determine the kind and quality of services they want and their level of satisfaction with existing service,'' and to ''survey frontline employees on barriers to, and ideas for, matching the best in business'' as part of the process of becoming customer focused. USDA is requesting generic approval to conduct a number of customer satisfaction surveys over the next 3 years.

DATES: Comments on this notice should be received on or before January 17, 1997 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Larry K. Roberson, Department Clearance Office, Office of the Chief Information Officer, USDA, Mail Stop 7602, Washington, D.C. 20250: Telephone (202) 720–6204.

SUPPLEMENTARY INFORMATION:

Title: Customer Survey Activities.

OMB Control Number: 0505–0020.

Type of Request: Extension of a currently approved information collection.

Abstract: Executive Order 12862 requires Federal Departments to establish and implement customer service standards. This ''Generic Clearance'' encompasses all information collection activities within USDA that will be conducted in order to satisfy the requirements of the Executive Order.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 15 minutes per response.

Respondents: Individuals or households; State or local government; Farms; business or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations.

Estimated number of Respondents: 200,000.

Estimated number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 50,000 hours.

Comments regarding: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques should be sent to Larry Roberson at the above address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on November 7, 1996.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 96–29108 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–01–M

Submission for OMB Review; Comment Request

November 8, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 10503 *and* to Department Clearance Officer, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

- Agricultural Marketing Service

Title: Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida.

Summary: Information collected under Marketing Order 905 includes background statements for committee members, crop prospects, and requests for special purpose shipments.

Need and Use of the Information: The Citrus Administrative Committee needs specific information from handlers to monitor compliance, to develop a seasonal marketing policy and annual report, and statistics. This information

will assist in ensuring effective and fair regulations.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 1,176.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Weekly; Annually.

Total Burden Hours: 204.

Larry Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 96–29192 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–01–M

Food Safety and Inspection Service

[Docket No. 96–038N]

Codex Alimentarius: Meeting of the General Principles Committee of the Codex Alimentarius Commission

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA); the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS); and the Environmental Protection Agency (EPA) are sponsoring a public meeting on November 18, 1996. The purpose of this meeting is to provide information and receive public comments on agenda items to be discussed at the Twelfth Session of the General Principles Committee of the Codex Alimentarius Commission, which will be held in Paris, France, November 25–28, 1996.

DATES: The public meeting is scheduled for Monday, November 18, 1996, from 1:00 p.m. to 3:00 p.m.

ADDRESSES: The public meeting will be held in Room 107–A, Jamie L. Whitten Building, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Director, U.S. Codex Office, FSIS, Room 311, West End Court, 1255 22nd Street, NW, Washington, DC 20057. Telephone (202) 418–8852; Fax: (202) 418–8865.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and informatively labeled. In the United States, USDA, FDA, and EPA manage and carry out U.S. Codex.

The General Principles Committee of the Codex Alimentarius Commission was established to deal with procedural and general matters referred to it by the Codex Alimentarius Commission. Such matters have included the establishment of the general principles which define the purpose and scope of Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards, and the development of guidelines for Codex committees.

Issues To Be Discussed at the Public Meeting

The following specific issues will be discussed during the November 18, 1996, public meeting:

1. Adoption of the Agenda
2. Matters referred to the General Principles Committee of the Codex Alimentarius Commission by the Codex Alimentarius Commission and other Codex Committees
3. Risk Analysis: Definitions, Procedures, and Principles
4. Review of the Rules of Procedure
5. Review of the Acceptance Procedure for Codex Standards in the perspective of the World Trade Organization's Sanitary and Phyto-Sanitary and Technical Barriers to Trade Agreements
6. Review of the Status of Codes, Guidelines, and related texts
7. Review of the Elaboration Procedure
8. Revision of the Procedural Manual:
   (a) Guidelines for Codex Committees
   (b) Criteria for the Establishment of Work Priorities: Integration of strategic planning
   (c) Unified format of Codex documents for electronic data exchange
   (d) Relations between Commodity Committees and General Subject Committees
   (e) Other Aspects
9. Consumer Participation in Codex Work

Done at Washington, DC on November 8, 1996.

Thomas J. Billy,

Administrator.

[FR Doc. 96–29310 Filed 11–12–96; 12:43 pm]

BILLING CODE 3410–DM–P

Forest Service

Extension of Currently Approved Information Collection for Fuelwood and Post Assessment in Selected States

AGENCY: Forest Service, USDA.

ACTION: Notice of intent; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intent to request an extension of a currently approved information collection. The Forest Service surveys a selected number of residential households and logging contractors to determine the quantities and types of trees cut for fuelwood and fence posts in a given year. This information is used to project demands for renewable resources on State and national forests as a source for fuelwood and fence posts. The information also helps the Forest Service allocate personnel and other resources to help meet these demands.

DATES: Comments must be received in writing on or before January 13, 1997.

ADDRESSES: All comments should be addressed to: Dennis May, Forest Inventory and Analysis, North Central Forest Experiment Station, Forest Service, USDA, 1992 Folwell Ave., St. Paul, MN 55108.

FOR FURTHER INFORMATION CONTACT: Dennis May, North Central Forest Experiment Station, at (612) 649–5132.

SUPPLEMENTARY INFORMATION:

Description of Information Collection

The following describes the information collection to be extended:

Title: Residential Fuelwood and Post Assessment, Any State, Year.

OMB Number: 0596–0009.

Expiration Date of Approval: February 28, 1997.

Type of Request: Extension of a previously approved information collection.

Abstract: The collected information is used to evaluate the use, by residential households and logging contractors, of renewable resources on State and national forests for fuelwood and fence posts. This information will help the agency project future demands for renewable resources to meet fuelwood and fence post needs. The information collection supports requirements outlined in the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1600) as amended by the Energy Security Act of 1980 (42 U.S.C. 8701).

The Forest Inventory and Analysis Work Units at the Northeastern, North

Central, Southern, and Intermountain Experiment Stations of the Forest Service will collect information from a sampling of residential and logging contractors located within the geographical areas of the Stations. The collected information includes the quantities and types of trees cut for fuelwood and fence posts in a given year. To collect the information, the agency will conduct a survey using telephone interview techniques and the standardized questionnaire, Residential Fuelwood and Post Assessment, Any State, Year, OMB No. 0596–0009.

Data gathered in this information collection is not available from other sources.

Estimate of Burden: .07 hours.

Type of Respondents: Residential households and logging contractors.

Estimated Number of Respondents: 2,940.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 206 hours.

The agency invites comments on the following: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) 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; (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 the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: November 7, 1996.

Mark A. Reimers,

Acting Chief.

[FR Doc. 96–29210 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–11–P

Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Notice of adoption of internal directives; request for comment.

SUMMARY: After nearly 20 years experience in forest planning under the National Forest Management Act, many of the Forest Service's planning and analytical needs have changed. Some of the planning direction issued in the Forest Service Manual and Forest Service Handbook to guide agency employees has become out-of-date, overly prescriptive, and/or burdensome. Therefore, the Forest Service has found it necessary to issue certain amendments to Forest Service Manual Chapter 1920, Land and Resource Management Planning; chapter 3 of Forest Service Handbook 1909.12, Land and Resource Management Planning; and chapter 40 of Forest Service Handbook 2409.13, Timber Resource Planning Handbook. There was an immediate need to issue these amendments because numerous national forests have begun or will soon begin revising their initial forest plans and because there is a need to have consistent interpretation and application of the direction by Regional and Forest-level personnel. The Forest Service welcomes public comment on these amendments and will take comments under advisement to determine if any further revisions are needed.

EFFECTIVE DATE: Amendment Numbers 1900–96–2 and 1909.12–96–2 were issued and became effective on August 14, 1996, and amendment 2409.13–96–2 was issued and became effective on August 15, 1996.

ADDRESSES: Single copies of these amendments are available without charge by writing to the Director, Land Management Planning, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090.

FOR FURTHER INFORMATION CONTACT: Jonathan Stephens, Land Management Planning Staff, (202) 205–0948.

SUPPLEMENTARY INFORMATION: Forest Service Manual (FSM) Chapter 1920 and Forest Service Handbook (FSH) 1909.12 contain Forest Service policy, practice, and procedures to guide agency personnel in complying with the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 and the implementing regulations found at 36 CFR part 219. Forest Service Manual Chapter 1920 provides broad planning direction for line and primary staff officers and establishes specific responsibility for preparing forest plans and implementing, monitoring, and changing forest plans. Forest Service Handbook 1909.12 provides detailed procedural direction and technical guidance for carrying out the law, regulations, and the broad direction found in the FSM.

The major changes that have been made in FSM 1920 and FSH 1909.12 relate to the implementation of benchmark analysis. The subject amendment to FSM 1920 revised only section 1922 as adopted March 11, 1991. This section addresses how to implement benchmark analysis as called for under 36 CFR 219.12 of the Land and Resource Management Planning regulations. Amendment 1900–96–2 removed requirements that have become obsolete—such as mandating the use of FORPLAN, now an outdated computer model. The amendment also removed prescriptive internal agency direction on what benchmarks to analyze in forest plans. The agency will continue to follow 36 CFR 219.12 in preparing benchmark analysis for forest planning. In addition, the amendment to FSM 1920 removed the requirement for timber sale projections for the year 2030. The year 2030 was the fifth decade following the initial forest plan approvals; now that the agency is revising those forest plans, the text has been revised to no longer refer to a fixed year.

The amendment to FSH 2409.13, Timber Resource Planning Handbook, removed prescriptive language in Chapter 40 that relates to development of the timber sale schedule. This direction is superfluous since 36 CFR 219.16 requires a timber sale schedule for each planning alternative.

While these amendments are not in the agency's baseline for reducing internal directives by 50 percent as directed by Executive Order 12861, these amendments are very much consistent with the purposes of that order in that they remove obsolete or burdensome requirements.

The Forest Service welcomes any comment that interested persons or groups wish to make and will consider whether any additional changes are necessary based on comments received.

Environmental Impact

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes or instructions.'' Based on consideration of the nature and scope of this policy, the Forest Service has determined that this policy falls within this category of actions and that no extraordinary circumstances exist which would require preparation

of an environmental assessment or environmental impact statement.

Controlling Paperwork Burdens on the Public

This internal directive does not establish or revise any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR 1320 do not apply.

Regulatory Impact

This notice has been reviewed under USDA procedures pursuant to Executive Order 12866 on Regulatory Planning and Review, and it has been determined that this notice is not significant as defined by the Executive Order.

These directive revisions remove burdensome, unnecessary, and obsolete guidance to Forest Service employees on conducting benchmark analysis in the forest plan revision process. The result is a savings in time and money with no diminution in the quality and usefulness of planning data. Benchmark analysis still must be performed. However, planning teams will now rely directly on the requirements of the planning rule. The net result is to provide planning teams more flexibility to tailor analysis to address issues associated with forest plan revisions in the most cost effective and relevant manner. These revisions to agency planning direction will not have an annual effect on the economy of $100 million nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This internal agency guidance will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients of such programs.

Moreover, this policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), and it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. The effect of this directive is to remove out-of-date and burdensome analytical requirements in land and resource management planning. It has no effect on small entities or their ability to obtain, understand, or respond to planning data.

No Takings Implications

This notice concerns planning activities engaged in by the Forest Service involving National Forest lands and is thus exempt from consideration for takings implications under Section 2(c)(4) of Executive Order 12630 and Section II(B)(4) of the Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Department has assessed the effect of this rule on State, local, and tribal governments and the private sector. This policy does not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Dated: October 1, 1996.

Mark A. Reimers,

Acting Chief.

[FR Doc. 96–29211 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Membership of the Departmental Performance Review Board

AGENCY: Department of Commerce.

ACTION: Notice of membership of Departmental Performance Review Board.

SUMMARY: In accordance with 5 U.S.C., 4313(c)(4), DOC announces the appointment of persons to serve as members of the Departmental Performance Review Board (DPRB). The DPRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and serves as the higher level review for executives who report to an appointing authority. Such reviews are conducted only at the executive's request. The appointment of these members to the DPRB will be for periods of 24 months.

EFFECTIVE DATE: The effective date of service of appointees to the Departmental Performance Review Board is October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Deborah Jefferson, Executive Resources Program Manager, Office of Human Resources Management, Office of the Director, 14th and Constitution, Washington, D.C. 20230, (202) 482–8075.

SUPPLEMENTARY INFORMATION: The names, position titles, and type of appointment of the members of the DPRB are set forth below by organization:

General Counsel

Paul L. Joffe, Deputy General Counsel (NC)
Barbara S. Fredericks, Assistant General Counsel for Administration (C)

Economics and Statistics Administration

Paul London, Deputy Under Secretary for Economic Affairs (NC)
James K. White, Executive Director, ESA, (C)
Bryant Benton, Deputy Director, Bureau of the Census (C)
Arnold A. Jackson, Associate Director for Information Technology, Bureau of the Census (C)
Nancy Potok, Comptroller, Bureau of the Census (C)
Betty Barker, Deputy Director, Bureau of Economic Analysis (C)

Technology Administration

James Albus, Chief, Intelligent Systems Division, Manufacturing Engineering Laboratory, NIST (C)
Karl Bell, Deputy Director for Administration, NIST (C)
William Ott, Deputy Director, Physics Laboratory, NIST (C)
Rosalie Ruegg, Director, Economic Assessment Office, Advanced Technology Program, NIST (C)
Henry C. Waters, Director of Strategic Planning and Marketing, NTIS (C)

National Telecommunications and Information Administration

Shirl G. Kinney, Deputy Assistant Secretary for Administration (C)

Economic Development Administration

Awilda R. Marquez, General Counsel (NC)
Charles R. Sawyer, Midwestern Regional Director (C)

International Trade Administration

Barbara Stafford, Deputy Assistant Secretary for Antidumping and Countervailing Enforcement Group I, Import Administration (NC)
Henry Misisco, Director, Office of Automotive Affairs, Trade Development (C)
J. Hayden Boyd, Director, Office of Consumer Goods, Trade Development (C)
Charles M. Ludolph, Director, Office of European Union and Regional Affairs, Market Access and Compliance (C)

Tong S. Chung, Director, Advocacy Center, Trade Development (NC)
W. Dawn Busby, Director, Office of Export Trading Company Affairs, Trade Development (NC)
Dan McLaughlin, Deputy Assistant Secretary for Domestic Operations, U.S. and Foreign Commercial Service (NC)

National Oceanic and Atmospheric Administration

Diana H. Josephson, Deputy Under Secretary for Oceans and Atmosphere (NC)
Susan B. Fruchter, Counselor to the Under Secretary, Office of Policy and Strategic Planning (NC)
William B. Wheeler, Director, Office of Legislative Affairs (NC)
Margaret F. Hayes, Assistant General Counsel for Fisheries, Office of the General Counsel (C)
Lois J. Gajdys, Chief, Management and Budget, National Weather Service (C)
Nancy Foster, Deputy Assistant Administrator, National Marine Fisheries Service (C)
Alan R. Thomas, Acting, Assistant Administrator, Office of Oceanic and Atmospheric Research (C)
Stewart S. Remer, Director for Human Resources Management, Office of Finance and Administration (C)

Patent and Trademark Office

Robert M. Anderson, Deputy Assistant Commissioner for Trademarks (C)
Janice A. Howell, Director of Electronic and Optical Systems and Devices (C)

Bureau of Export Administration

Frank W. Deliberti, Deputy Assistant Secretary for Export Enforcement (C)
Robert F. Kugelman, Director of Administration (C)

Dated: November 7, 1996.

Elizabeth W. Stroud,

Executive Secretary, DPRB.

[FR Doc. 96–29197 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–BS–M

International Trade Administration

[A–583–810]

Chrome-Plated Lug Nuts From Taiwan; Final Results of Antidumping Duty Administrative Review and Termination in Part

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

ACTION: Notice of final results of antidumping duty administrative review and termination in part.

SUMMARY: On July 8, 1996, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on chrome-plated lug nuts from Taiwan. The review covers 18 manufactures/exporters and the period September 1, 1994, through August 31, 1995. Based on our analysis of the comments received, the dumping margins have changed from those presented in the preliminary results.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, Office of AD/CVD Enforcement, Import Administration Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4195 or 482–3814, respectively.

Applicable Statute and Regulations

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

Background

On July 8, 1996, the Department published the preliminary results (61 FR 35724) of its administrative review of the antidumping duty order on chrome-plated lug nuts from Taiwan (September 20, 1991, 56 FR 47737). The Department has now completed this administrative review in accordance with section 751 of the Act.

Scope of the Review

The merchandise covered by this review is one-piece and two-piece chrome-plated lug nuts, finished or unfinished, which are more than 1 1/16 inches (17.45 millimeters) in height and which have a hexagonal (hex) size of at least 3/4 inches (19.05 millimeters) but not over one inch (25.4 millimeters), plus or minus 1/16 of an inch (1.59 mm). The term ''unfinished'' refers to unplated and/or unassembled chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Zinc-plate lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not in the scope of this review. Chrome-plated lock nuts are also not in the scope of this review.

During the period of review, chrome-plated lug nuts were provided for under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and Customs purposes, our written description of the scope of this review is dispositive. This review covers the following firms: Gourmet Equipment (Taiwan) Corporation (Gourmet), Buxton International Corporation (Buxton), Chu Fong Metallic Electric Co., Transcend International, Kuang Hong Industries Inc., San Chien Industrial Works, Ltd, Everspring Plastic Corporation, Anmax Industrial Co., Ltd., Gingen Metal Corp., Golwinate Associates, Inc., Hwen Hsin Enterprises Co., Ltd., Kwan How Enterprises Co., Ltd., Kwan Ta Enterprises Co., Ltd., San Shing Hardware Works Co., Trade Union International Inc./Top Line, Uniauto, Inc., Wing Tang Electrical Manufacturing Company and Multigrand Industries Inc. and the period September 1, 1994, through August 31, 1995. Buxton and Uniauto are related firms and responded as one firm, Buxton/Uniauto.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received timely comments from the petitioner, Consolidated International Automotive, and rebuttal comments from Buxton and Gourmet.

Comment

Petitioner believes that the Department should apply the more adverse facts available (FA) rate of 10.67 percent to Buxton/Uniauto and Gourmet. Petitioner points out that these respondents have failed to provide questionnaire responses that can be reconciled with audited financial statements in prior reviews, and have also failed to do so in this review. Petitioner argues that respondents should not be rewarded for ongoing deficiencies with lower rate, particularly in light of the need for the Department to ensure accurate responses.

Petitioner states that the Department adheres to one of two guidelines when applying facts available to a respondent that substantially cooperates, but fails to provide all the information requested in a timely manner or in the form requested. The Department either applies the highest rate ever applicable to the firm or the highest calculated rate in the review for the same merchandise and country. *See Allied-Aerospace Co.* v. *United States,* 995 F.2d 1185, 1188 (Fed. Cir. 1993) Petitioner states that the

statute provides discretion for the Department to determine which guideline to use for FA and cites to *United States* v. *Zenith Radio Corp*., 64 C.C.P.A. 130, 142–144, 562 F.2d 1209, 1219–22 (Fed. Cir. 1977). Further, the petitioner notes that the Department is entitled to great deference if there is substantial evidence in the record supporting the Department's choice. *See Industria Fundicao Tupy* v. *United States*, Slip Op. 96–113 (CIT, July 22, 1996).

Petitioner argues that the Department is not bound by prior practice and may depart from its practice as long as it provides a reasonable explanation for the change. *See Citrosuco Paulista, SA* v. *United States*, 12 CIT 1196, 1209–1210, 704 F. Supp. 1075, 1088 (CIT 1988). Petitioner argues that by applying an adverse margin, the Department would be achieving the goal of the statute which is to determine the current margins as accurately as possible. *See Rhone Poulenc* v. *United States*, 899 F.2d at 1191 (Fed Cir. 67–68)

Both respondents argue that they have cooperated and will continue to cooperate with the Department to the best of their abilities. They state that the petitioner has provided no new information or legal argument to cause the Department to change its long standing practice of refusing to apply adverse margins to cooperative respondents.

Department's Position

Buxton/Uniauto and Gourmet provided responses to our questionnaires; however, none of the information was usable. While planning for verification of these two firms, the Department received submissions from each firm stating that a verification would produce the same results as in previous reviews where the Department was unable to reconcile the data Gourmet and Buxton/Uniauto submitted in their responses to their audited financial statements (*see* Buxton/Uniauto and Gourmet submissions dated March 28, 1996, and May 1, 1996, respectively). Reliance on the accounting system used for the preparation of the audited financial statements is a key and vital part of the Department's determination that a company's sales and constructed value data are credible. Section 776(a)(2)(D) of the Act states that the Department ''shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title'' if an interested party or any other person provides information but the information cannot be verified. Because Buxton/Uniauto and Gourmet admit their submissions are unreconcilable to their respective audited financial statements, they are perforce unverifiable. Therefore we have determined to apply facts available to Gourmet and Buxton/Uniauto.

Even though these firms submitted responses to our request for information, they submitted information that they knew could not be verified. Indeed, both firms acknowledged that the responses submitted for this POR were no more verifiable than similar responses submitted in previous reviews. While both firms have participated in several antidumping administrative reviews and are thoroughly familiar with the Department's requirements, they have failed to comply with the Department's standards. We believe these respondents have had sufficient notice of the Department's requirements for verifiable submissions and ample opportunity to provide information that is amenable to verification. Yet these respondents have continued to provide unusable data. Therefore, in accordance with 776(b), we determine that respondents have failed to cooperate by not acting to the best of their ability, and thus we are using an adverse inference in our application of facts available. In these finals results, we have used the highest calculated margin for any firm in any segment of this proceeding, 10.67 percent, as the rate for Gourmet and Buxton/Uniauto.

Section 776(b) of the Act authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. The statute also provides that the facts otherwise available may be based on secondary information. Because information from prior proceedings constitutes secondary information, section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) which accompanied the URAA, provides that corroborate means simply that the Department will satisfy itself that the secondary information to be used has probative value.

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see, e.g., Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review* (61 FR 6812, February 22, 1996), where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). No such circumstances exist in this case which would cause the Department to disregard a prior margin. In this case, we have used the highest rate from any prior segment of the proceeding, 10.67 percent. This rate was calculated in the *Amendment to the Final Determination of Sales at Less Than Fair Value* (56 FR 47737, September 20, 1991), covering the period May 1, 1990 through October 31, 1990.

Final Results of Review

As a result of this review, we have determined that the following margins exist for the period September 1, 1994, through August 31, 1995.

Manufacturer exporter	Percent margin
Gourmet Equipment (Taiwan) Corporation	10.67
Buxton International/Uniauto	10.67
Chu Fong Metallic Electric Co	6.93
Transcend International	10.67
San Chien Industrial Works, Ltd	10.67
Anmax Industrial Co., Ltd	10.67
Everspring Plastic Corp	6.93
Gingen Metal Corp	6.93
Goldwinate Associates, Inc	6.93
Hwen Hsin Enterprises Co., Ltd	10.67
Kwan How enterprises Co., Ltd	6.93
Kwan Ta Enterprises Co., Ltd	6.93
Kuang Hong Industries Ltd	6.93
Multigrand Industries Inc	6.93
San Shing Hardware Works Co., Ltd	10.67
Trade Union International Inc./Top Line	10.67
Uniauto, Inc	10.67

Manufacturer exporter	Percent margin
Wing Tang Electrical Manufacturing Company	10.67

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions concerning all respondents directly to the U.S. Customs Service.

Further, the following cash deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed firms will be the rates initiated above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original investigation, the cash deposit rate will be 6.93%, the all others rate established in the LTFV investigation.

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

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

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

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

Dated: November 4, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29090 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea; Final Results of Antidumping Duty Administrative Review and Notice of Revocation in Part

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

ACTION: Notice of final results of antidumping duty administrative review and notice of revocation in part.

SUMMARY: On July 9, 1996, the Department of Commerce (the Department) published the preliminary results of administrative review, intent to revoke in part, and termination in part of the antidumping duty order on polyethylene terephthalate (PET) film, sheet, and strip from the Republic of Korea. The review covers three manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1994 through May 31, 1995.

As a result of comments we received, the dumping margins have changed from those we presented in our preliminary results.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or John Kugelman, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4475 or 0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 1996 (61 FR 36032), the Department published the preliminary results of administrative review, notice of intent to revoke in part, and termination in part of the antidumping duty order on PET film from the Republic of Korea (56 FR 25669, June 5, 1991).

Also, on July 9, 1996, we terminated the review with respect to Cheil Synthetics Inc. (Cheil) because we revoked the order with respect to Cheil on June 25, 1996.

This review covers three manufacturers/exporters of the subject merchandise to the United States: Kolon Industries (Kolon), SKC Limited (SKC), and STC Corporation (STC), and the period June 1, 1994 through May 31, 1995.

We are revoking the order for Kolon because Kolon has sold the subject merchandise at not less than normal value (NV) in this review and for at least three consecutive periods.

On the basis of no sales at less than NV for a period of three consecutive years, and the lack of any indication that such sales are likely in the future, the Department concludes that Kolan is not likely to sell the merchandise at less than NV in the future. Kolon has also submitted a certification that it will not sell at less than NV in the future and an agreement for immediate reinstatement, in accordance with 19 CFR 353.25(b). Therefore, the Department is revoking the order with respect to Kolon.

The Department has concluded this review in accordance with section 751 of the Tariff Act of 1930, as amended.

Scope of the Review

Imports covered by this review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer or more than 0.00001 inches (0.254 micrometers) thick. Roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex has also been ruled as not within the scope of the order.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of the product coverage.

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

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless

otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Analysis of Comments Received

We invited interested parties to comment on the preliminary results of this administrative review. We received timely comments from each of the three respondents.

Comment 1

Kolon contends that the Department should revoke the order with respect to Kolon based on the company having three consecutive years of *de minimis* margins. Kolon notes that it has provided a statement agreeing to immediate reinstatement of the order if the Department determines that Kolon sells merchandise at less than value (HV) subsequent to revocation.

Kolon further contends that in litigation involving the first review period (November 30, 1990–May 31, 1992) the Department has agreed to recalculate margins for Kolon using its current tax-adjustment methodology. Kolon argues that if the recalculated margins for the first review period *de minimis*, the Department should neither require nor rely upon a statement from Kolon agreeing to possible reinstatements in the order, since Kolon would never have been found to have sold the subject merchandise at less than NV.

Department's Position

We agree with Kolon that its tentative revocation should be made final based upon its having three consecutive years of zero or *de minimis* margins, and our determination that it is not likely that Kolon will in the future sell the merchandise at less than NV. Since we are issuing these final results prior to completion of litigation of the first review, a statement from Kolon, pursuant to 19 CFR 353.25(b)(2), is required.

Comment 2

SKC argues that B-grade film is a by-product of PET film rather than a co-product, and, therefore, the Department's reallocation of manufacturing costs between A-grade and B-grade film is contrary to Department practice and unreasonably overstates SKC's B-grade film costs. SKC asserts that as a by-product, B-grade film should not bear the same cost as A-grade film because B-grade film cannot be used by SKC's normal PET film customers. SKC contends that the Department's allocation of costs to B-grade film should reflect the economic value of the products manufactured.

SKC also claims that the Department's reallocation of manufacturing costs based on physical measures is inconsistent with the Department's treatment of jointly produced products in other cases. SKC notes that in the *Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand*, 60 FR 29533, 29560 (June 5, 1995) (*Pineapple Fruit from Thailand*) the Department did not use physical measures to allocate joint products but rather used an allocation methodology that recognized the significantly different economic values of the products. SKC also cites to *Elemental Sulphur from Canada; Final Results of Antidumping Finding Administrative Review*, 61 FR 8239, 8241–8243 (March 4, 1996), (*Sulphur*), and *Oil Country Tubular Goods from Argentina, Final Determination of Sales at Less Than Fair Value*, 60 FR 33539, 33547 (June 28, 1995), *OCTG from Argentina*, as two additional cases where the Department did not use physical measures to allocate costs.

SKC contends that these cases demonstrate that the Department has consistently rejected the use of physical allocation methodologies in cases where the one joint product has a significantly lower economic value than the other product. Based on the dissimilarity of A-grade and B-grade film, SKC asserts that the Department's joint allocation of costs between these two products is economically unreasonable. SKC contends that it reported costs for A-grade and B-grade film in accordance with widely accepted accounting principles; therefore, the Department should follow its well-established practice of using a company's normal accounting system unless that system results in an unreasonable allocation of costs.

SKC further argues that the Department's methodology of allocating yield losses equally between A-grade an B-grade film produces absurd results because that methodology allocates expenses associated with one type of scrap (B-grade film) to another type of scrap (PET film that is not saleable). SKC also contends that the physical defects inherent in B-grade film compel SKC to (1) sell B-grade film for non-PET film applications, and (2) assign B-grade film a lower value than A-grade film. Moreover, SKC asserts that the Department's decision to allocate yield losses equally between A-grade and B-grade film conflicts with the model-match and cost test methodologies employed in this review. SKC notes that for model-match purposes, the Department restricted comparisons of U.S. B-grade film to home market sales of B-grade film. SKC asserts that the Department cannot ignore differences between A-grade and B-grade film for purposes of its cost analysis.

Finally, SKC asserts that the Department should accept its cost methodology even if the Department determines that B-grade film is a co-product rather than a by-product of A-grade film. SKC asserts that its cost system is consistent with the decision in *Ipsco Inc.* v. *United States*, 965 F. 2d. 1056 (Fed. Cir. 1992) (*Ipsco Appeal*), because unlike the allocation methodology reversed in *Ipsco Appeal*, SKC does not rely upon sales value to allocate costs.

Department's Position

We disagree with SKC. As we explained in the final results for the second and third reviews of this order, we determine that A-grade and B-grade PET film have identical production costs, and accordingly, we continue to rely on an equal cost methodology for A-grade and B-grade film in this final determination. (*See Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea; Final Results of Review and Tentative Revocation in Part*, 61 FR 35177, 35182–83, July 5, 1996) (*Final Results of Second and Third Reviews*). Moreover, as noted in the *Final Results of Second and Third Reviews*, the Court of International Trade (CIT) has determined that our allocation of SKC's production costs between A-grade and B-grade film is reasonable. (*See E.I. DuPont de Nemours & Co., Inc. et al.* v. *United States*, 932 F. Supp. 296 (CIT 1996).)

As explained in the *Final Results of Second and Third Reviews*, we do not consider B-grade film to be a by-product because A-grade and B-grade film undergo an identical production process that involves an equal amount of material and fabrication expenses. The only difference in the resulting A-grade and B-grade film is that at the end of the manufacturing process a quality inspection is performed during which some of the film is classified as high quality A-grade product, while other film is classified as lower quality B-grade film. Accounting literature identifies by-products as separate and distinct products, not grades of the same product. (*See Final Results of Second and Third Reviews*, 35182.)

We continue to maintain that SKC's reliance on *Sulphur*, *Pineapple Fruit from Thailand*, and *OCTG from Argentina* is misplaced. Those cases

concerned the appropriate cost methodology for products manufactured from a joint production process.

SKC has mischaracterized the continuous production process of PET film as joint processing. A joint production process occurs when ''two or more products result simultaneously from the use of one raw material as production takes place.'' (*see Management Accountants' Handbook*, Keeler, et. al., Fourth Edition at 11:1.) A joint production process produces two distinct products and the essential point of a joint production process is that ''the raw material, labor, and overhead costs prior to the initial split-off can be allocated to the final product only in some arbitrary, although necessary, manner.'' *Id*. The identification of different grades of merchandise does not transform the manufacturing process into a joint production process which would require the allocation of costs. In this case, since production records clearly identify the amount of yield losses for each specific type of PET film, out allocation of yield losses to the films bearing those losses is reasonable, not arbitrary.

Moreover, in none of the cases cited by SKC were both products within the scope of the same antidumping order. The PET film production process produces two finished products, both of which are saleable, and both of which are PET film products covered by the order. B-grade PET film (like A-grade film) is sold as PET film and consumed as PET film. By contrast, the resulting joint products or by-products in the cases cited by SKC were of a different class or kind of merchandise than the products that the manufacturer set out to produce, and included both products covered by antidumping duty orders and products not covered by orders. Pineapple shells, cores, and ends are made into pineapple juice, which is not of the same class or kind as pineapple fruit. Natural gas was not of the same class or kind as elemental sulphur, nor were secondary OCTG products of the same class or kind as OCTG. In addition, we note that in the ordinary course of business SKC treats methanol, and not B-grade film, as the by-product of the PET film production process.

SKC's reported costs are not consistent with *Ipsco Appeal* simply because SKC has not allocated costs based on sales value. *Ipsco Appeal* involved the Department's use of an appropriate methodology for allocating costs between two grades of steel pipe, which were distinguishable on the basis of quality. *Ipsco Appeal*, 965 F.2d at 1058. The same production inputs for materials, labor, and overhead went into the manufacturing lot that yielded both grades of pipe. *Id*. Given these facts, in our final determination, we allocated production costs equally between those two grades of pipe. We reasoned that because they were produced at the same time. on the same production lines, and following the identical manufacturing process, the two grades of pipe in fact had identical production costs. *Id*. The Federal Circuit ruled that this methodology was consistent with the antidumping statute. As discussed above and in the *Final Results of Second and Third Reviews*, the same reasoning applies to A-grade and B-grade films and supports our determination that an equal cost methodology is appropriate to calculate costs of A-grade and B-grade film.

Finally, SKC's argument that matching A-grade and B-grade film to identical merchandise necessitates that each of these models have a unique cost is without merit. Two products that are not ''identical'' for model-match purposes may indeed have the same costs.

Comment 3

SKC contends that the computer program used to calculate its dumping margin contains a flaw in the product matching portion of the program. SKC contends that the program erroneously references the U.S. product code rather than the home market product code. SKC asserts that this error results in matches of U.S. products to dissimilar comparison products.

Department's Position

We agree with SKC. In these final results we have amended our calculations, and have used the home market code in the product matching portion of the program.

Comment 4

STC asserts that the Department's computer program failed to match certain U.S. sales to normal values in the 90/60-day window period. STC asserts that the computer program incorrectly matched these sales to constructed value instead of to a contemporaneous home market sale that occurred within the 90/60-day window.

Department's Position

We agree with STC. In these final results, we searched for a contemporaneous home market sale within the 90/60-day window before using constructed value.

Comment 5

STC asserts that in its preliminary calculations, the Department inconsistently calculated and applied the DV profit rate. STC contends that the Department calculated profit across a home market cost of production that included the sum of the cost of manufacturing (COM), general and administrative expenses (GNA) and interest expenses. STC notes that the Department applied profit to a COP that included the COM, GNA, indirect selling expenses reported by STC, and direct selling expenses reported by STC. STC argues that the Department should apply the CV profit rate on the same allocation basis as it was calculated.

Department's Position

We agree. In these final results we have applied the CV profit rate in the same allocation basis as we calculated it, and have allocated profit across the sum of COM, GNA and interest expenses.

Final Results of Review and Revocation in Part

Upon review of the comments submitted, the Department has determined that the following margins exist:

Company	Margin (percent)
Kolon	0.14
SKC	0.70
STC	4.95

Based upon the information submitted by Kolon during this review and the second and third administrative reviews, we determine that Kolon has met the requirements for revocation set forth in § 353.25(a)(2) and § 353.25(b) of the Department's regulations. Kolon has demonstrated three consecutive years of sales at not less than normal value and has submitted the certifications required under 19 CFR 353.25(b). The Department conducted a verification of Kolon as required under 19 CFR 353.25(c)(2)(ii).

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. Price and NV may vary from the percentages stated above. The Department will issue appraisement instructions concerning each respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1)

The cash deposit rate for the reviewed firms will be the rates indicated above except for Kolon; because we are revoking the order with respect to Kolon, no cash deposit will be required for Kolon; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 4.82 percent, the all-others rate established in the LTFV investigation.

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

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

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

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

Dated: November 6, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29091 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DS–M

[C–412–811]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Final Results of Countervailing Duty Administrative Review

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

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

SUMMARY: On May 6, 1996, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom for the period January 1, 1994, through December 31, 1994 (61 FR 20238). The Department has now completed this administrative review in accordance with § 751(a) of the Tariff Act of 1930, as amended. For information on the net subsidy for each reviewed company, and for all non-reviewed companies, please see the *Final Results of Review* section of this notice. We will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Final Results of Review* section of this notice.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie Brown or Christopher Cassel, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to § 355.22(a) of the Department's *Interim Regulations,* this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. *See Antidumping and Countervailing Duties: Interim regulations; request for comments,* 60 FR 25130, 25139 (May 11, 1995) (*Interim Regulations*). Accordingly, this review covers United Engineering Steels Limited (UES) and British Steel plc (BS plc). BS plc stated that it did not produce or export the subject merchandise during the period of review (POR). Therefore, BS plc has not been assigned an individual company rate for this administrative review. This review also covers the period January 1, 1994, through December 31, 1994, and fourteen programs.

Since the publication of the preliminary results on May 6, 1996 (61 FR 20238), the following events have occurred. We invited interested parties to comment on the preliminary results. On June 5, 1996, case briefs were submitted by UES, producer of the subject merchandise which exported hot-rolled lead and bismuth carbon steel products to the United States during the POR (respondent), the Government of the United Kingdom (UK Government) and Inland Steel Bar Company (petitioner). On June 12, 1996, rebuttal briefs were submitted by respondent and petitioner. At the request of respondent, the Department held a public hearing on June 28, 1996.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). References to the *Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments,* 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the URAA. *See Advance Notice of Proposed Rulemaking and Request for Public Comments,* 60 FR 80 (January 3, 1995).

Scope of the Review

Imports covered by this review are hot-rolled bars and rods of non-alloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent or more of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the *Harmonized Tariff Schedule of the United States* (HTSUS) Chapter 72, note 1(f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead or 0.1 percent or more of bismuth, tellarium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings

7213.20.00.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80. Although the HTSUS subheadings are provided for convenience and for Customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Programs

I. Programs Conferring Subsidies

Allocation of Subsidies From British Steel Corporation to UES

UES is a joint venture company formed in 1986 by the government-owned British Steel Corporation (BSC) and Guest, Keen & Nettlefolds (GKN), a private company. In return for shares in UES, BSC contributed a major portion of its Special Steels Business and GKN contributed its Brymbo Steel Works and its forging business. BSC was subsequently privatized in 1988 and now bears the name BS plc.

In the preliminary results of this review, we followed the methodology described in the *Restructuring* section of the *General Issues Appendix* appended to the *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Austria* (58 FR 37217, 37268–69) (*General Issues Appendix* or *Certain Steel*). Accordingly, we allocated to UES a portion of the subsidies previously bestowed on BSC under the following programs:

A. Equity Infusions
B. Regional Development Grant Program
C. National Loan Fund (NLF) Loan Cancellation
D. European Coal and Steel Community (ECSC) Article 54 Loans/Interest Rebates

For a complete explanation of the methodology used to allocate subsidies from BSC to UES, *see Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Preliminary Results of Administrative Review,* 61 FR 20238, 20239–41 (May 6, 1996).

The Court of Appeals for the Federal Circuit (CAFC) has recently issued a ruling supporting our determination that subsidies are not necessarily extinguished as a result of the sale of an enterprise in an arm's length transaction. *Saarstahl, AG* v. *United States,* 78 F.3d 1539 (Fed. Cir. 1996) (*Saarstahl*). Litigation, however, continues with regard to certain aspects of our privatization methodology.

Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings from the preliminary results. Accordingly, the net subsidies for each program remain unchanged from the preliminary results and are as follows: 1.49 percent *ad valorem* for equity infusions, 0.05 percent *ad valorem* for regional development grants, 0.16 percent *ad valorem* for the NLF loan cancellation, and less than 0.005 percent *ad valorem* for the ECSC Article 54 loans/interest rebates.

II. Programs Determined To Be Not Used

In the preliminary results of this review, we found that respondent did not apply for or receive benefits under the following programs during the POR:

A. New Community Instrument Loans
B. ECSC Article 54 Loan Guarantees
C. NLF Loans
D. ECSC Conversion Loans
E. European Regional Development Fund Aid
F. Article 56 Rebates
G. Regional Selective Assistance
H. ECSC Article 56(b)(2) Redeployment Aid
I. BRITE/EuRAM II
J. Inner Urban Areas Act

We did not receive any comments on these programs from the interested parties, and our review of the record has not led us to change our findings.

Analysis of Comments

Comment 1: UES argues that the amendments made to the Tariff Act of 1930 by the URAA preclude the imposition of countervailing duties on UES' 1994 imports on the basis of the findings contained in the Department's original determination in this proceeding. According to UES, § 771(5)(B) and § 771(5)(E) of the new law permit the Department to impose countervailing duties only upon a proper and justified finding that a ''benefit'' has been conferred upon a ''person''—commercial entity—and when the financial contribution provides a benefit to the recipient. Therefore, to conclude under the amended statute that financial contributions made to BSC by the UK Government from 1977 to 1985 provide countervailable benefits to UES' production of leaded bar in 1994, UES argues that the Department must find that those financial contributions conferred a benefit upon UES. UES claims that the Department has not made such a finding in its prior determinations and that such a determination cannot be made on the basis of the record evidence, because UES did not receive the financial contributions, and UES acquired the assets of BSC's Special Steel Division as a consequence of arm's-length negotiations. In short, UES contends that the URAA requires the Department to show how UES benefitted from the financial contributions received by BSC.

The Government of the United Kingdom presents a similar argument, stating that the Agreement on Subsidies and Countervailing Measures (SCM) precludes the Department from imposing countervailing duties on UES because: (1) UES has never received a subsidy; and (2) the Department has never shown that UES' production or exports of steel benefited from subsidies given to British Steel Corporation. According to the UK Government, Article 14 of the SCM requires Member states to explain how benefits to the recipient will be calculated; Article 14 also requires that there be a specific finding of a benefit to the firm whose product is countervailed. The UK Government contends that UES never received any ''financial contributions,'' and the Department never attempted to determine whether UES benefited from UK Government subsidies to BSC. Under international law, the Department cannot simply assume that benefits received by BSC accrued to UES. Rather, the UK Government argues that the Department must find UES itself received a benefit from BSC's financial injections before it can impose countervailing duties. According to the UK Government, the Department has never made such a finding.

Petitioner contends that the Department is required to impose a countervailing duty upon merchandise produced by a productive unit that has received a subsidy, even if that unit is sold to another owner. Petitioner argues that requiring a demonstration that the financial contributions provided to BSC have conferred a benefit on UES' production would require an ''effects test,'' which is contrary to countervailing duty law. According to petitioner, UES' argument relies on a change in statutory wording that does not alter the substantive methodology for determining subsidies. Instead, petitioner argues that the legislative history and Congressional intent indicate that the URAA codifies existing Department practice.

Petitioner also argues that the UK Government misinterprets the World Trade Organization (WTO) Agreement's benefit-to-recipient language and ignores the SCM Agreement language implicitly sanctioning countervailing duties following a privatization. The UK

Government's argument that, because UES was not a ''recipient'' of the subsidies, UES' merchandise cannot be subject to countervailing duties, ignores the fact that UES' production continues to benefit from subsidies it received through British Steel when that production was part of British Steel.

Department Position: We disagree with UES. In accordance with the provisions of the URAA (§ 771(5)(B) and § 771(5)(E) of the Act), the Department has found that UES continues to benefit from subsidies received by BSC. We have examined the facts of this case in light of the above cited provisions and find that the methodology we follow is in accordance with the URAA.

As we explained in the investigation, for the types of subsidies received by BSC, the Department's long-standing practice has been to allocate the benefit to all production of the recipient. We specifically stated that ''[t]he subsidies provided to a company presumably are utilized to finance operations and investments in the entire company, including productive units that are subsequently sold or spun-off into joint ventures.'' *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 58 FR 6237, 6240 (January 27, 1993) (*Lead Bar Final*). Therefore, when BSC sold its Special Steels Business, that productive unit took a portion of the benefits with it. *Id.*

In the subsequent remand determination, the Department affirmed its determination that a portion of the subsidies passed through to UES. However, consistent with the *General Issues Appendix* methodology, the Department no longer assumed that the entire amount of subsidies allocated to the productive unit followed it when sold. Rather, the Department determined that a portion of the sales price paid for the productive unit was attributable to prior subsidies. To the extent that the sales price reflected prior subsidies, the Department determined that a share of the subsidies that would have traveled with the productive unit is rightfully allocated to the seller of the productive unit, BSC. *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Remand Determination* (October 12, 1993) (*Lead Bar Remand Determination*).

The URAA is not inconsistent with and does not overturn the Department's *General Issues Appendix* methodology or its findings in the *Lead Bar Remand Determination.* The language of § 771(5)(F) of the Act purposely leaves discretion to the Department with regard to the impact of a change in ownership on the countervailability of past subsidies. The provision reads:

> Change in Ownership.—A change in ownership of all or part of a foreign enterprise or the productive assets of a foreign enterprise does not by itself require a determination by the administering authority that a past countervailable subsidy received by the enterprise no longer continues to be countervailable, even if the change in ownership is accomplished through an arm's length transaction.

The provision clearly leaves the Department with the discretion to determine the impact of a change in ownership on the countervailability of past subsidies. The Statement of Administrative Action (SAA) specifically states that ''Commerce retain[s] the discretion to determine whether, and to what extent, the privatization of a government-owned firm eliminates any previously conferred countervailable subsidies * * *'' H.R. Doc. No. 316, 103d Cong., 2d Sess. 928(1994).

The sections of the law cited by UES (*i.e.*, § 771(5) (B) and § 771(5) (E)) and the articles of the SCM cited by the UK Government (Articles 1 and 14) relate to the Department's determination of countervailability of financial assistance. With regard to UES' and the UK Government's respective arguments that these sections of the URAA and the Articles of the SCM require that the Department show how UES benefitted from the financial contributions received by BSC, we maintain that we have met the requirements of the URAA and the SCM. As explained above, at the time BSC received the nonrecurring subsidies, the Special Steels Business was part of the company. For the types of subsidies received by BSC, the Department's long-standing practice has been to allocate the benefit to all domestic production of the recipient (inclusive of all divisions and any subsidiary companies consolidate with the recipient). Thus, the Special Steels Business, as part of BSC, received a portion of those subsidies. All nonrecurring subsidies are allocated over time because they confer a benefit on merchandise in years beyond the year of receipt. Thus, when UES was formed, a portion of the pre-1986 subsidies provided to BSC continued to benefit the production of UES. Even if this change in ownership occurred at arm's length, nothing in the URAA precludes us from finding that past subsidies pass through.

Further, § 771(5)(C) of the Act, as amended by the URAA, states that ''[t]he determination of whether a subsidy exists shall be made without regard to * * * whether the subsidy is provided directly or indirectly on the manufacture, production, or export of merchandise.'' Section 771(5)(C) continues by stating that the Department ''* * * is not required to consider the effect of the subsidy in determining whether a subsidy exists. * * *'' As discussed above, because the Special Steels Business was part of BSC at the time BSC received subsidies, the Special Steels Business received a portion of those subsidies. *See Lead Bar Final*, 58 FR at 6240. This finding is consistent with § 771(5)(C) of the Act. Accordingly, contrary to respondents' arguments, a reexamination of the facts of this case in light of the URAA amendments does not undermine the findings made or the methodology applied in the *General Issues Appendix* and the *Lead Bar Remand Determination.*

Comment 2: UES argues that the rationale underlying the Department's final determination, that subsidies always inhere in and travel with productive units to their new home, is at odds with § 771(5)(F) and the SAA. UES contends that the ''Change in Ownership'' provision and the SAA require the Department to determine that effect of privatization transactions on previously conferred subsidies on a case-by-case basis after careful consideration of the facts of each case. Therefore, in this administrative review, UES argues that the Department must reconsider, in light of the new law, whether it may countervail UES' production for subsidies provided to BSC.

Petitioner states that the Department should reject UES' argument that the amended statute's ''Change in Ownership'' clause ''neither requires nor suggests that a portion of subsidies received by a state-owned company be attributed to the purchaser.'' The clear intent of Congress and the statute is that an arm's length sale of assets or privatization alone could not extinguish subsidies.

Department Position: As explained above, § 771(5)(F) of the Act purposely leaves discretion to the Department with regard to the impact of a change in ownership on the countervailability of past subsidies. The provision states that a change in ownership, even if accomplished through an arm's length transaction, does not require a determination that a past countervailable subsidy to an enterprise or the productive assets of an enterprise is no longer countervailable. Moreover, as stated in the SAA, the Department is left with the discretion to determine, on a case-by-case basis, the impact of such an event on the countervailability of

past subsidies. *See, e.g., Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy,* 61 FR 30288, 30290 and 30298 (*Pasta Final Determination*).

In this case, we have examined the facts and have determined that for the types of subsidies received by BSC, it was appropriate to allocate the benefit to all of BSC's production. Thus, the Special Steels Business, as part of BSC, received a portion of those subsidies. *See Lead Bar Final,* 58 FR at 6240. When the subsidized productive unit was sold and UES was created, we found that, although it was an arm's length transaction, the subsidies that benefitted the Special Steels Business before it was sold, were not extinguished by the sale. However, we also determined that a portion of the sales price reflected past subsidies. Thus, to the extent that a portion of the sales price reflected past subsidies, we allocated a share of the subsidies that would have traveled with the productive unit, the Special Steels Business, to the seller of the productive unit, BSC. As stated above, the URAA and the SAA specifically grant the Department discretion when evaluating the impact of a change in ownership of an enterprise or the productive assets of an enterprise on the countervailability of past subsidies. The Special Steels Business, a productive unit of BSC at the time the subsidies were bestowed, clearly meets the productive asset definition of the Act. Accordingly, the application of the *General Issues Appendix* methodology in this case is not inconsistent with the new law.

Comment 3: Petitioner contends that privatization *per se* does not allow the Department to reevaluate a subsidy provided to a company. According to petitioner, the countervailing duty must be calculated with respect to the production, manufacture of export of subject merchandise. An extraneous development like the sale of a productive unit (*i.e.,* a change in the ownership of a company or a part thereof) merely causes a transfer of the subsidy with the sold unit. It does not extinguish the subsidy because the production, manufacture or export of merchandise continues to enjoy a benefit conferred by the government. However, petitioner claims that in attempting to determine whether the subsidy is partially ''repaid,'' the Department conducts the type of evaluation of the subsidy that is prohibited under the countervailing duty statute.

Petitioner argues further that the Department has never found in this case that the market distortion caused by the uneconomic allocation of capital has been remedied, and has thus based its application of the repayment methodology solely on the sale of the productive unit. By allowing for this ''phantom repayment'' of subsidies, petitioner contends that the Department is countervailing less than the amount required by the statute.

UES claims that petitioner's arguments are predicated on the ability of a productive unit to receive subsidies. According to UES, § 771(5)(B) of the Act now makes it clear that such benefits can only be received by ''persons'' (*i.e.,* commercial entities) which do not include productive units. Moreover, UES argues that petitioner errs in stating that the Department cannot consider extraneous events such as a change in ownership. Rather, the ''Change in Ownership'' provision of § 771(5)(F) of the Act commands the Department to consider the impact of such events on a case-by-case basis, according to UES.

Department's Position: The language of § 771(5)(F) of the Act purposely leaves discretion to the Department with regard to the impact of a change in ownership on the countervailabilty of past subsidies. Rather than mandating that a subsidy automatically transfer with a productive unit that is sold, as petitioner argues, the language in the statute clearly gives the Department flexibility in this area. Specifically, the Department is left with the discretion to determine, on a case-by-case basis, the impact of a change in ownership on the countervailability of past subsidies. Moreover, the SAA states that ''Commerce retain[s] the discretion to determine whether, and to what extent, the privatization of a government-owned firm eliminates any previously conferred countervailable subsidies * * *'' H.R. Doc No. 316, 103d Cong., 2d Sess. 928 (1994).

In this case, we have determined that when the Special Steels Business, as a subsidized productive unit, was sold, a portion of the sales price reflected past subsidies. Therefore, to account for the portion of the sales price that reflected past subsidies, a share of the subsidies that would have traveled with the productive unit was rightfully allocated to the seller of the productive unit.

With respect to UES' rebuttal on this issue, the Department notes that the same arguments were made in UES' case brief. Accordingly, the Department addresses each of UES' arguments in our responses to Comments 1 and 2, above. Similarly, the Department addresses petitioner's argument on market distortion in our response to Comment 7, below.

Comment 4: Petitioner argues that the URAA does not allow the application of the subsidy repayment methodology in this case. Petitioner further argues that the Department's application of this methodology contradicts the legislative intent that the examination of a change in ownership be fact-based and allow for the possibility that no repayment occurred. According to petitioner, by assuming, in virtually all change in ownership cases, that there is some amount of repayment, the Department has essentially imposed a methodology that does not allow for the possibility that no repayment occurred. Petitioner argues that this approach ignores the SAA's instructions that the Department exercise its discretion through its ''consideration of the facts of each case'' in determining whether and to what extent privatization eliminates previously bestowed subsidies. Petitioner further contends that the Department's repayment analysis in the original investigation and subsequent review never interpreted the record to contain evidence of any signs of repayment and makes no allowance for the possibility that no repayment occurred. Rather, the Department assumed that a universal ''one size fits all'' approach would fit any privatization.

UES argues that the Department's credit methodology is not inconsistent with the URAA since the URAA clearly provides the Department with the discretion to determine both whether, and to what extent, privatization affects the countervailability of past subsidies. Just because the Department has applied the methodology in this case does not mean that the Department would apply it in all cases, according to UES.

Department's Position: We disagree with petitioner on this issue. The URAA purposely leaves discretion to the Department. It provides the Department with the flexibility to determine both whether, and to what extent, a change in ownership affects the countervailability of past subsidies. *See, e.g.,* § 771(5)(F) of the Act and *Pasta Final Determination,* 61 FR at 30298.

As explained in our response to Comments 1 and 3, we have examined the facts of this case and find that, because the Special Steels Business was subsidized, a portion of the price paid for that productive unit reflects past subsidies. Therefore, consistent with the *General Issues Appendix* methodology, the Department has determined that a portion of the subsidies that would have traveled with the Special Steels Business was rightfully allocated to BSC. The requirements of the new law are not inconsistent with and do not

overturn this approach. Moreover, there is no information on the record of this proceeding that would warrant a reconsideration of this finding.

Comment 5: Petitioner contends that the application of the repayment methodology is inconsistent with the Department's ''subsequent events'' rule which ''does not permit the amount of the subsidy, including the allocated subsidy stream, to be reevaluated based upon subsequent events in the marketplace.'' *General Issues Appendix,* 58 FR at 37263. Petitioner argues that the Department has contended during prior proceedings that the repayment methodology merely allocates subsidies between the seller and the buyer, and that this is different than a reevaluation of the subsidy. According to petitioner, this elevates semantics over substance. Since the change in ownership is subsequent to the receipt of the subsidy, petitioner argues that the Department must explain why the change should reduce the countervailable duty on the productive unit's merchandise. Petitioner further argues that it does not understand the logic of allocating a subsidy that benefits one productive unit's merchandise to multiple companies.

UES argues that the URAA amendments make clear that there is no ''subsequent events rule'' that precludes the Department from considering the effects of privatization and changes in ownership of productive units. UES points out that petitioner fails to refer to the effect of section 771(5)(F) of the Act on the purported ''subsequent events'' rule.

Department's Position: Section 771(5)(F) of the Act, as amended by the URAA, and the SAA specifically grant the Department discretion to determine whether, and to what extent, a change in ownership affects the countervailability of past subsidies. The Department is thus acting within the mandates of the countervailing duty law when it determines that a change in ownership can result in a certain apportionment of prior subsidies between the seller and the buyer.

The repayment or apportionment of subsidies is based on the concept that prior subsidies may not continue to benefit merchandise produced by the privatized company because a portion of the price paid for the privatized company reflects payment for subsidies that were attributable to the entity prior to privatization. With respect to the sale or spin-off of a productive unit (such as UES), we have found that the allocation of subsidies to the sold entity is consistent with the statute's intent of capturing subsidies benefitting the manufacture, production or exportation of merchandise. We also have determined that a portion of the sales price of the productive unit reflects payment for subsidies that were attributable to the entity as a whole prior to privatization. *See General Issues Appendix,* 58 FR at 37269.

With respect to petitioner's argument regarding allocation of a subsidy benefitting one productive unit to multiple companies, we have determined, as explained above, that for the types of subsidies received by BSC, it was appropriate to allocate the benefit to all of BSC's domestic production. Accordingly, the Special Steels Business, as part of BSC, received a portion of those subsidies. Once the Special Steels Business was sold to create UES, the subsidies were apportioned between BSC and UES because we determined that a portion of the sales price reflected past subsidies. *See Lead Bar Final,* 58 FR at 6240. Based on this, we allocated to BSC a share of the subsidies that would have otherwise traveled with the Special Steels Business. This approach, as explained above, is consistent with the URAA.

Comment 6: Petitioner argues that even if one accepts the concept of repayment, the Department's application of the methodology in this particular case has no factual basis. According to petitioner, the *General Issues Appendix* concludes that repayment occurs in the sales price. Yet, the Department found in the investigation that both the non-subsidized GKN and the subsidized BSC contributed the same value of assets for each share of UES they received. Thus, according to petitioner, a portion of the price paid to BSC could not possibly represent a repayment of subsidies.

Petitioner also contests the Department's justification of the repayment methodology as being in the interest of ''fairness and compromise.'' According to petitioner, in shaping the countervailing duty law, Congress expressed no interest in compromising but rather was intent on identifying, offsetting and deterring subsidies, goals that have been embraced by the courts and the Department. Accordingly, petitioner notes that the Department's repayment methodology is inconsistent with the countervailing duty law.

UES argues that petitioner misunderstands the Department's credit methodology as applied in this case. Petitioner continues to mischaracterize the methodology as an actual repayment of subsidies, when, according to UES, the methodology is simply apportioning subsidies between the seller and purchaser of a productive unit. UES points out that the Department's investigation remand determination made clear that when the methodology is used to allocate subsidies between the seller and the buyer, it is meant to reveal the fact that a portion of the purchase price reflects the past subsidies received by the seller. *Lead Bar Remand Determination* at 5–6. UES further argues that the goal of the countervailing duty law is not to deter the provision of subsidies but rather to offset the economic effects these subsidies may have on imports that injure U.S. industries.

Department's Position: Petitioner appears to imply that repayment of subsidies is in addition to the agreed-upon value of the assets. The Department has never stated nor implied that. Instead, the Department's *General Issues Appendix* methodology is intended to: (1) Determine the portion of the sales price of the productive unit which reflects prior subsidies bestowed on the seller of the productive unit; and (2) based on this amount, allocate the subsidies between the seller and the buyer. As the Department explained in its remand determination, ''[w]hen a productive unit is sold by a company which continues to operate (such as BSC), the potentially allocable subsidies which could have traveled with the productive unit, but did not because they were accounted for as part of the purchase price, simply stay with the selling company.'' *Lead Bar Remand Determination* at 5.

Petitioner's claim that the Department's *General Issues Appendix* methodology is inconsistent with the countervailing duty law is also erroneous. On the contrary, the application of this methodology is well within the Department's discretion. The countervailing duty law instructs Commerce to identify, measure and allocate subsidies. The law is intended to provide remedial relief in the form of countervailing duties. *See e.g., Chaparral Steel Co.* v. *United States,* 901 F.2d 1097, 1103–1104 (Fed. Cir. 1990). As we explained in the *General Issues Appendix,* the Department interprets the law as allowing for the repayment or reallocation of prior subsidies. *See e.g., Final Affirmative Countervailing Duty Determination: Pure and Allow Magnesium From Canada,* 57 FR 30946 (July 13, 1992) and *General Issues Appendix,* 58 FR at 37264. In the context of privatization and company restructuring, the Department found that a portion of the sales price can go toward the repayment of prior subsidies. *General Issues Appendix,* 58 FR at 37264 and 37269.

The *General Issues Appendix* is not inconsistent with the URAA with regard to this issue. As explained above, section 771(5)(F) of the amended statute leaves discretion to the Department to determine the impact of a change in ownership on the countervailability of past subsidies. This clearly was Congress' intent when it stated that ''[t]he Commerce Department should continue to have the discretion to determine whether, *and to what extent* (if any), actions such as the 'privatization' of a government-owned company actually serve to eliminate such subsidies.'' S. Rep. No. 412, 103d Cong., 2d Sess. 92 (1994) (emphasis added). Accordingly, we determined in this case that because the Special Steel Business was a subsidized productive unit, a portion of the price paid for the productive unit represented a reallocation of subsidies from the buyer to the seller.

Comment 7: Petitioner contends that the fair market privatization of a government-owned company (or division) does not in any way result in the repayment of prior subsidies because the sale does not offset the distortion caused by the government when the subsidies were bestowed. Rather, petitioner argues, the countervailing duty law and ''basic economic principles'' mandate that the Department continue to countervail these subsidies, because the exported merchandise continues to benefit from the subsidies in the same manner as before the sale. Petitioner further contends that because of their ''remedial'' nature, countervailing duties are clearly designed to offset to some degree the market distortion caused by subsidization. The only way new owners can undo the distortion of prior subsidies is to extract the benefit from the privatized production process and return that benefit to the government. A sale at fair market value does not accomplish this.

UES argues that application of the credit methodology in this case is consistent with the current countervailing duty law. UES further argues that there are no ''basic economic principles'' that dictate that the Department must countervail the purchaser of a productive unit because of subsidies received by the seller. They point out that petitioner does not provide support for its argument on this issue.

Department's Position: The countervailing duty law does not require us to correct the market distortions which may have occurred due to the provision of subsidies, but instead instructs us to provide remedial relief in the form of countervailing duties. As the Department stated in the *General Issues Appendix:*

> The countervailing duty law is designed to provide remedial relief as a result of subsidies; it is not intended to recreate the *ax ante* conditions that existed prior to the bestowal of such subsidies. Indeed, the remedy provided by law, additional duties, does nothing to eliminate excess capacity caused by the subsidization.

General Issues Appendix, 58 FR at 37264. Furthermore, an analysis of the provisions of the URAA does not lead us to a different conclusion.

Comment 8: Petitioner argues that several ''real-world'' developments support its argument that a change in ownership does not reduce or eliminate the benefit of prior subsidies. For repayment of a subsidy to occur, petitioner argues that there must be an actual disgorgement of the subsidy. Petitioner points to three developments that it claims support this view.

First, petitioner contends that in several recent European Union (EU) state aid repayment cases, the EU has recognized that subsidy repayment can only occur if the economic benefit of the aid is annulled. According to petitioner, such annulment can only occur if both principal and interest is repaid. Another example cited by petitioner is the privatization of Irish Steel. According to petitioner, an EU state aid package for Irish Steel was approved in order to pave the way for the company's privatization. Petitioner alleges that BS plc has objected to the provision of this aid because if Irish Steel receives the aid, BS plc believes its plant in Staffordshire will be threatened, even after the privatization of Irish Steel. Finally, petitioner cites the Organization for Economic Cooperation and Development (OECD) shipbuilding agreement. Petitioner claims that the OECD's Agreement Respecting Normal Competitive Conditions in the Shipbuilding and Repair Industry states that if an objectionable subsidy is provided, the signatory must modify or eliminate the practice and, if possible, collect a charge equal to the subsidy amount plus interest.

UES takes issues with the examples cited by petitioner. They argue that the examples cited do not bear any relevance to the issues of this case. Moreover, they argue that the examples cited by petitioner have nothing to do with the principles or methodologies applied in the U.S. countervailing duty regime.

Department's Position: The Department of Commerce conducts its practices according to the mandates of the countervailing duty law, the intent of Congress in drafting that law, and our obligations under the WTO Agreement. Policies of other governments or organizations with respect to the so-called repayment issue are outside the context of a countervailing duty proceeding and are irrelevant to the Department's application of the U.S. countervailing duty law. Moreover, they constitute an inappropriate frame of reference for the Department's analysis of the issues in this case.

Comment 9: Petitioner argues that BS plc's March 1995 acquisition of GKN's shares in UES should be taken into account in setting the cash deposit rate. According to petitioner, the Department should establish a countervailing duty deposit rate for BS plc to reflect that it is a producer of the subject merchandise. Petitioner suggests that the Department either rely on information in the record or announce that the deposit rate applied to UES applies equally to BS plc.

Department's Position: We disagree with petitioner. The argument presented by petitioner has already been considered and rejected by the Department in the *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Administrative Review,* 60 FR 54841, 54843 (October 26, 1995) (*1992–93 Lead Bar Final Results*). In that proceeding, the Department determined that the regulations provide for establishing a different cash deposit rate from the assessment rate only when a change is program-wide and measurable. ''Program-wide change'' is defined by § 355.50(b) of the *Proposed Regulations* as a change ''[n]ot limited to an individual firm or firms'' and ''[e]ffectuated by an official act, such as the enactment of a statute, regulation, or decree, or contained in the schedule of existing statute, regulation or decree.'' The Department found in the *1992–93 Lead Bar Final Results* that BS plc's acquisition of GKN's shares in UES is limited to an individual firm or firms, namely BS plc, UES and GKN. Further, in *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Brazil*, 58 FR 6213, 6220 (January 27, 1995), the Department stated: ''[w]e do not consider that privatization, in and of itself constitutes a program-wide change, or that a privatization program is the type of program contemplated for consideration under * * * the Proposed Regulations.'' BS plc's acquisition of GKN's shares does not constitute a program-wide change. *See 1992–93 Lead Bar Final Results,* 60 FR at 54843.

In this proceeding, petitioner has not submitted any new evidence or

arguments which would warrant reconsideration of this issue. Accordingly we continue to reject petitioner's position for the same reasons stated in the above-cited *1992–93 Lead Bar Final Results*. Because this is not a program-wide change, the issue will be dealt with in the administrative review of the period in which the acquisition occurred.

Final Results of Review

In accordance with § 355.22(c)(4)(ii) of the Department's *Interim Regulations*, we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1994 through December 31, 1994, we determine the net subsidy for United Engineering Steels to be 1.69 percent *ad valorem*.

We will instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicted above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentages detailed above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in those in antidumping cases, except as provided for in § 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* § 355.22(a) of the *Interim Regulations*. Pursuant to 19 CFR § 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and the Torrington Company* v. *United States*, 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States*, 822 F Supp. 766 (CIT 1993) (Interpreting 19 CFR § 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR) 355.22(g)). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding. *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Administrative Review*, 60 FR 54841 (October 26, 1995). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1994 through December 31, 1994, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: November 4, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29089 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DS–M

[C–122–404]

Live Swine From Canada; Amended Final Results of Countervailing Duty Administrative Reviews

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

ACTION: Notice of amended final results of Countervailing Duty Administrative Reviews.

SUMMARY: On October 7, 1996, the Department of Commerce (''the Department'') published in the Federal Register the final results of three administrative reviews of the countervailing duty order on live swine from Canada (61 FR 52408). Based on corrections of ministerial errors, we are now amending the final results of the three reviews.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, Cameron Cardozo or Norma Curtis, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 1996, the Department published the final results of three administrative reviews of the countervailing duty order on live swine from Canada (61 FR 52408). The periods covered by these administrative reviews are April 1, 1991 through March 31, 1992, April 1, 1992 through March 31, 1993, and April 1, 1993 through March 31, 1994. These reviews were conducted on an aggregate basis and involved 43 programs.

On October 10, 1996, we received a timely allegation from the Canadian Pork Council (CPC), respondents, that the Department had made ministerial errors in calculating the final results in these reviews.

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Reviews

On August 29, 1996, the Final Results of Changed Circumstances Countervailing Duty Administrative Review, and Partial Revocation were published (61 FR 45402), in which we revoked the order, in part, effective April 1, 1991, with respect to slaughter sows and boars and weanlings from Canada, because this portion of the order was no longer of interest to domestic interested parties. As a result, the merchandise now covered by the order and by these administrative reviews is live swine except U.S. Department of Agriculture certified purebred breeding swine, slaughter sows and boars and weanlings (weanlings are swine weighing up to 27 kilograms or 59.5 pounds.) The merchandise subject to the order is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 0103.91.00 and 0103.92.00. The HTS item numbers are provided for

convenience and Customs purposes. The written description remains dispositive.

Ministerial Errors in Final Results of Reviews

A. 1991–92, 1992–93, and 1993–94 Administrative Reviews

The respondents allege that in the final results of these reviews, the Department incorrectly calculated the benefit for the Feed Freight Assistance Program (FFA). At the October 3, 1996 disclosure conference, the Department reiterated, as stated in the preliminary results of these reviews, that to determine the FFA benefit in each review, we used the same methodology applied in the sixth administrative review of this order. The respondents argue that in these reviews the Department added a step to its calculation methodology not present in the sixth administrative review. To calculate the FFA benefit in each review, the Department first calculated the share of the province's swine production that was eligible for this benefit and then used this number, rather than total production, to calculate the benefit per kilo. The respondents argue that the first step should be removed from the calculations and that the benefit should be calculated based on the total swine production.

We have reviewed the calculations for this program and we agree that we added a calculation step that we did not intend to add, and as a result we did not use the same methodology as in the sixth review. Accordingly, to be consistent with the calculation methodology used by the Department in the sixth administrative review, we have corrected the ministerial errors where appropriate. The net subsidies for this program are now Can$0.0002 per kilogram for the 1991–92 review period, Can$0.0001 per kilogram for the 1992–93 review period, and Can$0.0001 per kilogram for the 1993–94 review period.

B. 1992–93 Administrative Review

The respondents allege that the Department made a clerical error in calculating the benefit for the Alberta Crow Benefit Offset Program. The respondents claim that the Department inaccurately calculated the total swine consumption of grain when multiplying the number of live swine produced during the period of review by the per swine consumption of grain. As a result, the total benefit for this program was calculated by the Department inaccurately. We have reviewed the calculations for this program and found that the calculations are accurate. Any apparent discrepancy is due to the computation of rounded-off figures, which takes into account underlying decimals that do not appear on the spreadsheet. Accordingly, we have not changed the calculation of the benefit for this program.

C. 1993–94 Administrative Review

The respondents allege that the Department made a clerical error in calculating the benefit for the British Columbia Farm Income Insurance Program. The respondents claim that the Department inaccurately divided the total benefit by the production of live swine in kilos due to a typographical error. We have reviewed the calculations for this program and we agree that there was a data input error resulting in an incorrect division of numbers. Accordingly, we have corrected the ministerial error. The net subsidy for this program is now less than Can$0.0001 per kilogram for the 1993–94 period of review.

Amended Final Results of Reviews

As a result of correcting the final results for these ministerial errors, we determine the total net subsidies on live swine from Canada to be Can$0.597 per kilogram for the period April 1, 1991 through March 31, 1992, Can$0.0611 per kilogram for the period April 1, 1992 through March 31, 1993, and Can$0.0100 per kilogram for the period April 1, 1993 through March 31, 1994.

The Department will instruct the U.S. Customs Service to assess countervailing duties of Can$0.0597 per kilogram on shipments of live swine from Canada exported on or after April 1, 1991 and on or before March 31, 1992, Can$0.0611 per kilogram on shipments of live swine from Canada exported on or after April 1, 1992 and on or before March 31, 1993, and Can$0.0100 per kilogram on shipments of live swine from Canada exported on or after April 1, 1993 an on or before March 31, 1994.

The Department will also instruct the U.S. Customs Service to collect a cash deposit of estimated countervailing duties of Can$0.0100 per kilogram on shipments of all live swine from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication of the amended final results of administrative reviews. These cash deposit requirements will remain in effect until publication of the final results of the next administrative review.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This amendment of final results of reviews and notice are in accordance with section 751(f) of the Act (19 U.S.C. 1675(f)) and 19 CFR 355.28(c).

Dated: November 6, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29092 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

National Oceanic and Atmospheric Administration

[I.D. 110596G]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Ad Hoc Red Snapper Advisory Panel (AP).

DATES: This meeting will be held on December 12, 1996, from 8:00 a.m. to 4:00 p.m.

ADDRESSES: This meeting will be held at the Doubletree Guest Suites Hotel, 4400 West Cypress Street, Tampa, FL 33607; telephone: 813–873–8675.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review the the options paper for development of an amendment to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico regarding a red snapper license limitation system, and will make recommendations for preferred alternatives to the Council.

The AP is comprised of individuals who would be affected by a limited entry system in the commercial red snapper industry.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by December 5, 1996.

Dated: November 7, 1996.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–29173 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 110596C]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Florida/Alabama Habitat Protection Committee.

DATES: This meeting will be held on December 4, 1996, beginning at 9:00 a.m. and will conclude at 3:00 p.m.

ADDRESSES: This meeting will be held at the Radisson Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, FL; telephone: 813–281–8900.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Richard Hoogland, Biologist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: A panel of concerned representatives of Florida and Alabama recreational and commercial fishing groups, conservation organizations, academia and state and Federal resource agencies will gather to review marine fishery habitat issues.

The Florida/Alabama group is part of a 3–unit Habitat Protection Advisory Panel (AP) to the Council. The principal role of the APs is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. APs serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting ecosystems. The APs may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

At this meeting, the AP will discuss the Florida/Georgia/Alabama water management plan and its potential impact on Gulf fisheries, introduction of non-indigenous species in shipping ballast water, and mitigation banking for wetland destruction.

A copy of the agenda can be obtained by contacting the Council (see **ADDRESSES**).

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by November 27, 1996.

Dated: November 7, 1996.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–29174 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Bangladesh

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 13, 1996.

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 current limits for certain categories are being adjusted, variously, for swing, special shift 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 65290, published on December 19, 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 7, 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 December 13, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 13, 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 [1]
237	398,680 dozen.
334	118,283 dozen.
335	137,571 dozen.
336/636	381,703 dozen.
341	1,926,522 dozen.
342/642	376,645 dozen.
352/652	8,924,384 dozen.
634	475,382 dozen.
635	330,990 dozen.
641	659,659 dozen.
647/648	1,416,238 dozen.
847	188,713 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.96–29203 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Honduras

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: November 14, 1996.

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 current limits for certain categories are being increased for carryover.

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 61 FR 38237, published on July 23, 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 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 7, 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 July 18, 1996, 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 Honduras and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 14, 1996., you are directed to increase 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 [1]
352/652	11,077,000 dozen of which not more than 8,162,000 dozen shall be in Categories 352–K/652–K [2].
435	16,157 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 352–K: only HTS numbers 6107.11.0010, 6107.11.0020, 6108.19.9010, 6108.21.0010, 6108.21.0020, 6108.91.0005, 6108.91.0015, 6108.91.0025, 6109.10.0005, 6109.10.0007, 6109.10.0009, 6109.10.0037; Category 652–K: only HTS numbers 6107.12.0010, 6107.12.0020, 6108.11.0010, 6108.11.0020, 6108.22.9020, 6108.22.9030, 6108.22.9020, 6108.22.9030, 6108.92.0005, 6108.92.0015, 6108.92.0025, 6109.90.1047 and 6109.90.1075.

The guaranteed access levels for Categories 352/652 and 435 remain unchanged.

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.96–29205 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Hungary

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 13, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, 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 current limit for Category 443 is being increased for swing and carryover. The limit for Category 410 is being reduced to account for the swing being applied.

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 62407, 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 7, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Hungary and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 13, 1996, you are directed to adjust the limits for the following categories, as provided for in the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
410	867,230 square meters.

Category	Adjusted twelve-month limit [1]
443	191,270 numbers.

[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 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. 96–29202 Filed 11–13–96; 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 Kuwait

November 7, 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: 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) 927–5850. 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 Kuwait 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. The 1997 level for Category 361 is zero.

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 7, 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 Kuwait 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	248,459 dozen.
341/641	136,653 dozen.
361	–0–

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. 96–29201 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Helen 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) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being increased by re-crediting unused 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 66268, published on December 21, 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 7, 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 December 15, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 15, 1996, you are directed to amend the directive dated December 15, 1995 to increase 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 [1]
Levels in Group I 333/334/335/833/834/835.	262,364 dozen, of which not more than 129,162 dozen shall be in Categories 333/335/833/835.
336/836	59,813 dozen.
338	320,956 dozen.
339	1,348,126 dozen.
340	304,454 dozen.
347/348/847	773,212 dozen.
351/851	71,736 dozen.
359–C/659–C [2]	363,896 kilograms.
638/639/838	1,730,079 dozen.
642/842	117,255 dozen.
647/648	581,685 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] 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.

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. 96–29207 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Oman

November 7, 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: 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) 927–5850. 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, effected by exchange of notes dated December 13, 1993 and January 15, 1994, as amended and extended, between the Governments of the United States and the Sultanate of Oman establishes limits for the period January 1, 1997 through December 31, 1997.

These limits are subject to revision pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC). On the date that Oman becomes a member of the World Trade Organization the restraint limits will be modified in accordance with the ATC.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the 1997 period. The limits for Categories 338/339 and 340/640 have been reduced for carryforward applied to the 1996 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 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 7, 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, effected by exchange of notes dated December 13, 1993 and January 15, 1994, as amended and extended, between the Governments of the United States and the Sultanate of Oman; 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, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Oman 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
334/634	150,000 dozen.
335/635	238,203 dozen.
338/339	466,294 dozen.
340/640	224,720 dozen.
341/641	178,652 dozen.
347/348	851,576 dozen.
647/648/847	365,170 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.

Should Oman become a member of the World Trade Organization, the limits 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 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. 96–29198 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Oman

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 14, 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) 927–5850. 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 current limits for certain categories are being adjusted, variously, for swing.

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 61 FR 1361, published on January 19, 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 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 7, 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 January 16, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Oman and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 14, 1996, you are directed to amend the directive dated January 16, 1996 to adjust the limits for the following categories, as provided for under the terms of the bilateral agreement between the Governments of the United States and the Sultanate of Oman:

Category	Adjusted twelve-month limit [1]
338/339	526,913 dozen.
340/640	255,336 dozen.
347/348	870,525 dozen.
647/648/847	369,251 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. 96–29206 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Charges for Certain Cotton Textile Products Produced or Manufactured in Pakistan

November 7, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting import charges.

EFFECTIVE DATE: November 14, 1996.

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 this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6714. 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.

In response to a special request by the Government of Pakistan, the U.S. Government has decided to restore 346,483 numbers to the charges to the 1995 limit for Category 361, and to deduct this same quantity from the charges to the 1996 limit for Category 361. The net result of the adjustments is that total imports charged to the 1996 limit for Category 361 will be reduced by 116,966 numbers.

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 9014, published on February 16, 1995; and 60 FR 62393, 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 7, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: To facilitate implementation of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, I request that, effective on November 14, 1996, you charge 346,483 numbers, for goods exported during 1995, to the limit established in the directive dated February 13, 1995 for cotton textile products in Category 361, produced or manufactured in Pakistan and exported during the period which began on January 1, 1995 and extended through

December 31, 1995. This same amount, for goods exported in 1995, shall be deducted from the charges made to Category 361 for the period January 1, 1996 through December 31, 1996 (see directive dated November 29, 1995).

This letter will be published in the Federal Register.

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–29204 Filed 11–13–96; 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 Qatar

November 7, 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: 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) 927–5850. 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 Qatar 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 7, 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 Qatar 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	398,113 dozen.
341/641	183,744 dozen.
347/348	453,236 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 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. 96–29200 Filed 11–13–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Telecommunications Service Priority System Oversight Committee (TSPSOC)

ACTION: Notice.

SUMMARY: The TSPSOC has been renewed in consonance with the public interest, and in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act.''

The TSPSOC provides advice and recommendations to the Secretary of Defense regarding the priority treatment of national security and emergency preparedness telecommunications services. Functions include evaluating the currency of policies, procedures and system documentation requirements, and assessing the adequacy of the system in the light of technological advances.

The TSPSOC will continue to be composed of 18 members, both federal, state and local government, and non-government individuals, who are experts in telecommunications services. Efforts will be made to ensure that there is a fairly balanced membership in terms of the functions to be performed and the interest groups represented.

For further information, contact: Ms Betty Hoskins, Defense Informations Systems Agency, telephone: 703–607–4932.

Dated: November 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–29186 Filed 11–13–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary of Defense

Meeting of the DoD Advisory Group on Electron Devices.

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, 20 November 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1194), and that accordingly, this meeting will be closed to the public.

Dated: November 6, 1996.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–29113 Filed 11–13–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DoD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, 19 November 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: November 6, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–29114 Filed 11–13–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DoD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, 21 November 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Advance Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: November 6, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–29115 Filed 11–13–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board to the International Energy Agency (IEA) will meet November 21–22, 1996, at the IEA's headquarters in Paris, France to participate in meetings of the IEA's Standing Group on Emergency Questions (SEQ) and a joint meeting of the SEQ and the Standing Group on the Oil Market.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notices are provided:

I. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 21, 1996, at the headquarters of the IEA,

9 rue Jean-Rey, Paris, France, beginning at 9:00 a.m. The purpose of the meeting is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the Standing Group on Emergency Questions (SEQ) and the Standing Group on the Oil Market (SOM) which is scheduled at the IEA's headquarters on November 21. The agenda for the meeting is under the control of the SEQ and the SOM. It is expected that they will adopt the following agenda:

1. European Union's proposals arising from the auto-oil project.

2. Lessons learned from recent experiences with transportation fuels in the U.S.

3. The implications of low stocks for global oil markets and the IEA's response to oil supply disruptions.

4. Follow-up to the June conference on long-term oil security issues.

II. A meeting of the IAB will be held on November 21–22, 1996, at the headquarters of the IEA, 9 rue Jean-Rey, Paris, France, beginning at 4 p.m., on November 21. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the SEQ which is scheduled to be held at the IEA headquarters on those dates, including a preparatory encounter among company representatives on November 21 from approximately 3:45 p.m. to 4:00 p.m. The agenda for the preparatory encounter among company representatives is to elicit views regarding items on the SEQ's agenda. The agenda for the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda.

2. Approval of Summary Record of the 88th Meeting.

3. Follow-up to the IEA Conference on Long-Term Oil Security Issues of June 1996.

—Action program
—Background material
—Oil Supply Disruption Impact Simulator
—Some issues concerning OPEC production capacity

4. Policy and Legislative Developments in Member Countries.

—Energy Policy and Conservation Act (EPCA)
—Other country developments

5. The 1997 SEQ Work Program.

6. The IEA Medium-Term Strategy.

7. Emergency Response Reviews of IEA Countries.

—United Kingdom
—United States
—Ireland
—Luxembourg
—Denmark
—Updated Schedule of Reviews

8. Industry Advisory Board.

—Current and planned IAB activities

9. Emergency Reserve Situation of IEA Countries.

—Emergency reserve and net import situation of IEA countries on July 1, 1996
—The emergency reserve situation of Hungary and related data issues
—Historical trends and future prospects and strategies for IEA emergency reserves

10. Emergency Response Issues in IEA Candidate Countries.

—Emergency response potential of Poland
—Emergency reserve situation of IEA candidate countries

11. Emergency Data System and Related Questions.

—Base Period Final Consumption—Q394–Q296
—Monthly Oil Statistics (MOS) for July 1996
—MOS for August 1996
—Quarterly Oil Forecast—Q496–Q297

12. Emergency Reference Guide.

—Update of Emergency Contact Points List

13. Review of SEQ Work Procedures.

—Draft questionnaire

14. Any Other Business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), these meetings are open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ and the SOM, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, the SOM or the IEA.

Issued in Washington, D.C., November 1, 1996.

Robert R. Nordhaus,

General Counsel.

[FR Doc. 96–29166 Filed 11–13–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Continuation of Solicitation for Financial Assistance Program Notice 97–01

AGENCY: U.S. Department of Energy (DOE).

ACTION: Annual Notice of Continuation of Availability of Grants and Cooperative Agreements.

SUMMARY: The Office of Energy Research (ER) of the Department of Energy hereby announces its continuing interest in receiving applications for grants and cooperative agreements supporting work in the following programs: Basic Energy Sciences, Biological and Environmental Research, Fusion Energy, Computational and Technology Research, Multi-Program Energy Laboratories—Facilities Support, High Energy and Nuclear Physics, and Energy Research Analysis activities. On September 3, 1992, DOE published in the Federal Register a Solicitation for this program which contained information about submission of applications, eligibility, limitations, evaluation and selection processes and other policies and procedures which are specified in 10 CFR Part 605.

DATES: Applications may be submitted at any time in response to this Notice of Availability. This annual Notice remains in effect until it is superseded by another issuance by the Office of Energy Research.

ADDRESSES: Applicants may obtain forms and additional information from: Director, Grants and Contracts Division, Office of Energy Research, ER–64, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, (301) 903–5212. Completed applications must be sent to this same address. Electronic access to the latest version of ER's Financial Assistance Guide is possible via the Internet using the following Web site address: http://www.er.doe.gov/production/grants/grants.html

SUPPLEMENTARY INFORMATION: The Solicitation for the Office of Energy Research Financial Assistance Program was published in the Federal Register September 3, 1992, (57FR40582). That Solicitation specifies the policies and procedures which govern the application, evaluation, and selection processes for grants and cooperative agreements. It is anticipated that approximately $400 million will be available for award in FY 1997. The DOE is under no obligation to pay for any costs associated with the preparation or submission of an application. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this Notice.

In addition, the following program descriptions are offered to provide more indepth information on scientific and technical areas of interest to the Office of Energy Research:

1. Basic Energy Sciences

This program supports basic science research efforts in a variety of disciplines to broaden the energy supply and technological base knowledge. The major science division and its objectives are as follows:

(a) Materials Sciences

The objective of this program is to increase the understanding of phenomena and properties important to materials behavior that will contribute to meeting the needs of present and future energy technologies. It is comprised of the subfields metallurgy, ceramics, solid state physics, materials chemistry, and related disciplines where the emphasis is on the science of materials.

Program Contact: (301) 903–3427.

(b) Chemical Sciences

The objective of this program is to expand, through support of basic research, knowledge of various areas of chemistry, chemical engineering and atomic physics with a goal of contributing to new or improved processes for developing and using domestic energy resources in an efficient and environmentally sound manner. Disciplinary areas where research is supported include physical, inorganic and organic chemistry; chemical physics; photochemistry; radiation chemistry; analytical chemistry; separations science; actinide chemistry; and chemical engineering.

Program Contact: (301) 903–5804.

(c) Engineering Research

This program's objectives are: (1) To extend the body of knowledge underlying current engineering practice in order to open new ways for enhancing energy savings and production, prolonging useful equipment life, and reducing costs while maintaining output and performance quality; and (2) to broaden the technical and conceptual base for solving future engineering problems in the energy technologies. Long-term research topics of current interest include: foundations of bioprocessing of fuels and energy related wastes, fracture mechanics, experimental and theoretical studies of multiphase flows, intelligent machines, and diagnostics and control for plasma processing of materials.

Program Contact: (301) 903–5822.

(d) Geosciences

The goal of this program is to develop a quantitative and predictive understanding of the energy-related aspects of processes in the earth. The emphasis is on the upper levels of the earth's crust and the focus is on geophysics and geochemistry of rock-fluid systems and interactions emphasizing processes taking place at the atomic and molecular scale. Specific topical areas receiving emphasis include: high resolution geophysical imaging; rock physics, fundamental properties and interactions of rocks, minerals, and fluids; and sedimentary basin systems. The resulting improved understanding and knowledge base are needed to assist efforts in the utilization of the Nation's energy resources in an environmentally acceptable fashion.

Program Contact: (301) 903–5822.

(e) Energy Biosciences

The primary objective of this program is to generate the fundamental understanding of biological mechanisms in the areas of botanical and microbiological sciences that will support biotechnological developments related to DOE's mission. The research serves as the basic information foundation with respect to an environmentally responsible renewable resource production for fuels and chemicals, microbial conversions of renewable materials and biological systems for the conservation of energy. This office has special requirements on the submission of preapplications, when to submit, and the length of the preapplications; applicants are encouraged to contact the office regarding these requirements.

Program Contact: (301) 903–2873.

2. High Energy and Nuclear Physics

This program supports about 90% of the U.S. efforts in high energy and nuclear physics. The objectives of these programs are indicated below:

(a) High Energy Physics

The primary objectives of this program are to understand the nature and relationships among fundamental forces of nature and to understand the ultimate structure of matter in terms of the properties and interrelations of its basic constituents.

Program Contact: (301) 903–3624.

(b) Nuclear Physics (Including Nuclear Data Program)

The primary objectives of this program are an understanding of the interactions and structures of atomic nuclei and nuclear matter at the most elementary level possible, and an understanding of the fundamental forces of nature as manifested in nuclear matter.

Program Contact: (301) 903–3613.

3. Computational and Technology Research

The goal of this program is to conduct an integrated program in applied mathematical sciences, high performance computing and communications, information infrastructure, advanced energy projects research, and technology research, to address complex problems. Research in forefront and diverse programs is becoming more multidisciplinary and requires new approaches to the solution of these complex problems. The program exploits the capabilities and research skills at universities, national laboratories, and industrial research laboratories. The program provides technical, analytical, and management direction for development, implementation, and evaluation of research programs that include activities from fundamental research to technology development. The goal of the program is accomplished through the effort of the following two divisions:

(a) Mathematical, Information, and Computational Sciences

This is a diverse research program in applied mathematical sciences, high performance computing, communications and information infrastructure technologies that spans the spectrum of activities from strategic fundamental research to technology development and demonstration. The diverse activities supported by this program are integrated to support two major strategic directions that support the underlying mathematical concepts and information technology needs of all Department of Energy (DOE) mission areas. These two strategic directions are:

- National Collaboratories—developing a set of tools and capabilities to permit scientists and engineers to access facilities and collaborate on experiments system-wide, as easily as if they were in the same building.
- Advanced Computational Testing and Simulation—developing an integrated set of algorithms, software frameworks, and network infrastructures to enable simulation to complement experimentation when actual experiments would be dangerous, expensive, or infeasible.

Program Contact: (301)–903–5800.

(b) Advanced Energy Projects/ Laboratory Technology Research

Advanced Energy Projects—This activity funds research to establish the feasibility of novel, energy-related concepts. These concepts are usually derived from recent advances in basic research, but require additional research

to establish their feasibility. A common theme for each concept is the initial linkage of new, or previously neglected, research results to a practical energy payoff for the Nation.

Laboratory Technology Research—This activity conducts technology research projects to reduce technical risk associated with a technology or process development. The program couples basic research advances at ER national laboratories into the advanced energy technology arena through leveraged collaborations with industry. The program is focused on critical technology research areas, i.e., tailored materials, intelligent manufacturing, and sustainable environments, to contribute technological innovations that will stimulate national economic growth, and to increase the return on the government investment in basic research.

Program Contact: (301)–903–5995.

4. Fusion Energy Sciences

The mission of the Fusion Energy Sciences program is to advance plasma science, fusion science, and fusion technology - the knowledge base needed for an economically and environmentally attractive fusion energy source. This program is supported by the Office of Fusion Energy Sciences (OFES), which fosters both applied and basic research and emphasizes international collaboration to accomplish this mission.

(a) Science Division

This Division seeks to develop the physics knowledge base needed to advance the Fusion Energy Sciences program toward its goals. Basic and applied research is carried out in the following areas: (1) Basic plasma science research directed at furthering the understanding of fundamental processes in plasmas; (2) improving the theoretical understanding of fusion plasmas necessary for interpreting results from present experiments and the planning and design of future confinement devices, (3) obtaining the critical data on plasma properties, atomic physics and new diagnostic techniques for support of confinement experiments, (4) supporting exploratory research into concepts that are alternatives to the tokamak, and (5) carrying out research on issues that support the development of Inertial Fusion Energy, for which target development is carried out by the Department of Energy's Defense Programs.

Research into basic physics issues associated with medium to large scale confinement devices is essential to studying conditions relevant to the production of fusion energy. Experiments on these scale of devices are used to explore the limits of specific confinement concepts, as well as study associated physical phenomena. Specific areas of interest include: (1) The production of increased plasma densities and temperatures, (2) the understanding of the physical laws governing plasma energy of high plasma pressure, (4) the investigation of plasma interaction with radio frequency waves, and (5) the study and control of particle transport and exhaust in plasmas.

Program Contact: (301) 903–4095.

(b) Technology Division

This Division seeks to develop the technology knowledge base needed to advance the Fusion Energy Sciences program toward its goals. The Division's science-oriented goal is to provide the technologies that are required to successfully design, build, and operate near-term experiments aimed at producing, understanding, and optimizing the fusion energy process. The Division's energy-oriented goal is to develop the technologies that will be needed in the long-term for an economically and environmentally attractive fusion energy source. These goals are pursued through multi-institutional domestic programs and international collaboration partnerships that are centered around U.S. participation in the Engineering Design Activities for a long-pulse burning plasma experiment - the International Thermonuclear Experimental Reactor (ITER).

Program Contact: (301) 903–5378.

5. Health and Environmental Research (Biological and Environmental Research Program)

The goals of the Biological and Environmental Research Program are as follows: (1) To provide, through basic and applied research, the scientific information required to identify, understand and anticipate the long-term health and environmental consequences of energy use and development; and (2) to utilize the Department's unique resources to solve major scientific problems in medicine, biology and the environment. Goals of the program are accomplished through the effort of its divisions, which are:

(a) Health Effects and Life Sciences Research

This is a broad program of basic and applied biological research. The objectives are: (1) To understand and characterize the risks to human health from exposures to low levels of radiation and chemicals both at home and at work; (2) to integrate information and technologies from genome, structural biology, and cellular/molecular biology research with human health research to understand the relationships between gene expression, structure, and function; (3) to develop applications of new biotechnologies, including microbial genome research; (4) to develop and support DOE national user facilities for use in fundamental research in structural biology; (5) to combine computer science, structural biology, and genome research to predict the three dimensional structure of proteins from the DNA sequence of the encoding genes; (6) to create and apply new technologies and resources in mapping, sequencing, and information management for characterizing the molecular nature of the human genome; and (7) to anticipate and address ethical, legal, and social implications arising from genome research.

Increasing emphasis will be placed on: new models for mitigating potential adverse human health effects from energy activities and cleanup operations by understanding the complex relationships between genes, the proteins they encode, and the biological functions of these proteins; development and application of technologies and information management resources for cost-effective, integrated approaches to high-throughput DNA sequencing and analysis.

Program Contact: (301) 903–5468.

(b) Medical Applications and Measurement Science

The objectives of this program comprise the following areas: (1) to develop new concepts and techniques for detecting and measuring hazardous physical and chemical agents related to energy production; (2) to develop new instrumentation and technology for biological and biomedical research; and; (3) to enhance the beneficial applications of radiation and radionuclides in the diagnosis, study, and treatment of human diseases.

Program Contact: (301) 903–3213.

(c) Environmental Remediation

The objectives of the program relate to environmental processes affected by energy production and use. For example, the program develops information on the physical, chemical and biological processes that cycle and transport energy-related material, particularly contaminates, through the Earth's surface and subsurface. Emphasis is put on the development of a strong basis for understanding and

implementing the appropriate and efficient use of bioremediation, particularly at the Department's sites.

Program Contact: (301) 903–3281.

(d) Environmental Processes

This program also addresses global environmental change from increases in atmospheric carbon dioxide and other greenhouse gases. The scope of the global change program encompasses the carbon cycle, climate modeling and diagnostics, atmospheric sciences and meteorology, ecosystem responses, the role of the ocean in global change, and impacts on resources. The role of clouds and radiation in climate prediction is a particular emphasis.

Program Contact: (301) 903–3281.

6. Planning and Analysis

The Office of Planning and Analysis assists the Director of Energy Research in fulfilling the statutory responsibility to advise the Secretary of Energy on matters regarding the research programs within the Office of Energy Research's purview, including advice regarding undesirable duplication or gaps in such programs and the basic and applied research activities of the Department. The Office also performs independent cost/benefit analyses and provides the Director with impartial and independent scientific and technical evaluations and recommendations.

Program Contact: (301) 903–3122.

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

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 96–29167 Filed 11–13–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–185–003]

Algonquin Gas Transmission Company; Notice of Compliance Filing

November 7, 1996.

Take notice on November 5, 1996, that Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets:

Effective May 1, 1996

Sub Twelfth Revised Sheet No. 21
Sub Twelfth Revised Sheet No. 22
Sub Ninth Revised Sheet No. 23
Sub Ninth Revised Sheet No. 24
Sub Ninth Revised Sheet No. 25
Sub Fifth Revised Sheet No. 26
Sub Ninth Revised Sheet No. 27
Sub Fifth Revised Sheet No. 28
Sub Eighth Revised Sheet No. 29
Sub Eighth Revised Sheet No. 35

Effective October 1, 1996

Sub Thirteenth Revised Sheet No. 21
Sub Thirteenth Revised Sheet No. 22
Sub Tenth Revised Sheet No. 23
Sub Tenth Revised Sheet No. 24
Sub Tenth Revised Sheet No. 25
Sub Tenth Revised Sheet No. 27
Sub Ninth Revised Sheet No. 29
Sub Ninth Revised Sheet No. 35

Algonquin states that this filing is being made in compliance with the Commission's ordering paragraph (B) in Docket No. RP96–185–002, issued on October 21, 1996. The October 21, 1996 order approved Algonquin's trued-up rates as filed on June 14, 1996 in the instant docket.

Algonquin states that copies of this filing were mailed to all customers of Algonquin and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.10 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. 96–29131 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–72–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 7, 1996.

Take notice that on November 1, 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 December 1, 1996.

First Revised Sheet No. 37
Fourth Revised Sheet No. 39
Fifth Revised Sheet No. 120

ANR states that the above-referenced tariff sheets are being filed to revise Rate Schedule FTS–2 so that ANR has the right to not schedule, in lieu of interrupt, service, in whole or part, for up to ten (10) days a month. ANR is also modifying its scheduling priorities to reflect this change.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29133 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–3068–000]

CNG Energy Services Corporation; Notice of Issuance of Order

November 8, 1996.

CNG Energy Services Corporation (CNG Energy) submitted for filing a rate schedule under which CNG Energy will engage in wholesale electric power and energy transactions as a marketer. CNG Energy also requested waiver of various Commission regulations. In particular, CNG Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by CNG Energy.

On October 30, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CNG Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, CNG Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser,

surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CNG Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 29, 1996. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29160 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–80–000]

Columbia Gulf Transmission Company; Notice of Application

November 7, 1996.

Take notice that on November 1, 1996, Columbia Gulf Transmission Company (Columbia Gulf), 2603 Augusta Suite 125, P.O. Box 683, Houston, Texas 77001–0683, filed in Docket No. CP97–80–000, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service with Texas Gas Transmission Corporation (Texas Gas), which was authorized in Docket No. CP73–5, all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia Gulf proposes to abandon a transportation service with Texas Gas, performed under Columbia Gulf's Rate Schedules X–12 and X–13, respectively, because the service is no longer necessary or beneficial. Both parties have agreed to terminate the transportation service.

Any person desiring to be heard or to make protest with reference to said application should on or before November 29, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Columbia Gulf to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29128 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT96–24–001]

El Paso Natural Gas Company; Notice of Compliance Filing

November 7, 1996.

Take notice that on November 4, 1996, El Paso Natural Gas Company (El Paso), pursuant to the Federal Energy Regulatory Commission's order dated October 21, 1996 at Docket No. MT96–24–000, tendered for filing and acceptance the following revised tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1–A, to become effective September 20, 1996:

Substitute Second Revised Sheet No. 293

El Paso states that it has revised this sheet to state that it shares with its marketing affiliates a microwave telephone network and certain computer programs used for the limited purpose of reporting subsidiary financial accounting data and human resources information.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29130 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2866–000, et al.]

Hydroelectric Applications (Metropolitan Water Reclamation District of Greater Chicago, et al.); Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of filing: Notice of Intent To File an Application for a New License.

b. Project No.: 2866.

c. Date filed: October 18, 1996.

d. Submitted By: Metropolitan Water Reclamation District of Greater Chicago, current licensee.

e. Name of Project: Lockport.

f. Location: On the Chicago Sanitary and Ship Canal, in the Town of Lockport, Will County, Illinois.

g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: November 1, 1951.

i. Expiration date of original license: November 30, 2001.

j. The project consists of: (1) a 385-foot-long powerhouse containing two generating units with a total installed capacity of 13,500–kW; (2) a concrete and masonry dam including a 22-foot-wide abandoned lock, a 20-foot-wide sluice-gate section, and a 12-foot-wide non-overflow section; (3) a 530-foot-long fender wall; (4) a substation; (5) a 1-mile-long access road; and (6) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Metropolitan Water Reclamation District of Greater Chicago, 5th Floor Library, 100 East Erie Street, Chicago, IL 60611, (312) 751–5101.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by November 30, 1999.

2 a. Type of Application: Transfer of License.

b. Project No.: 8498–017.

c. Date Filed: September 30, 1996.

d. Applicants: Ingram Warm Springs Ranch Partnership, Lois Von Morganroth.

e. Name of Project: Ingram Warm Springs Ranch.

f. Location: Warm Springs Creek, a tributary to the Salmon River, in Custer County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 USC §§ 791–825(r).

h. Applicants Contact: Lynda Hoggan, P.O. Box 1009, Challis, ID 83226, (208) 879–4712.

i. FERC Contact: Regina Saizan, (202) 219–2673.

j. Comment Date: December 19, 1996.

k. Description of Request: Ingram Warm Springs Ranch Partnership (Ingram) and Lois Von Morganroth (Morganroth), request that the license for the Ingram Warm Springs Ranch Project be transferred from Ingram to Morganroth. The purpose of the transfer is to reflect the sale of the project from Ingram to Morganroth.

l. This notice also consists of the following standard paragraphs: B, C2, and D2.

3 a. Type of Application: Amendment Application to Relocate Boating Takeout.

b. Project No: 2833–049.

c. Application Filed: October 8, 1996.

d. Applicant: Public Utility District No. 1 of Lewis County.

e. Name of Project: Cowlitz Falls Project.

f. Location: Cowlitz River in Lewis County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Gary H. Kalich, Public Utility District No. 1 of Lewis County, 321 N.W. Pacific Avenue, Chehalis, WA 98532–0330, (360) 748–9261.

i. FERC Contact: Heather Campbell, (202) 219–3097.

j. Comment Date: December 19, 1996.

k. Description of Proposal: The licensee filed an application to amend article 42 of its license which required that it construct a boat ramp takeout at the head of the project reservoir on the Cispus River. The licensee is proposing that rafters/kayakers use the take-out area at the Cowlitz Falls Day Use Park in lieu of the planned lower Cispus take-out site. The Day Use Park contains a double boat launch with center dock, large paved parking lot, and toilet facilities.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

4 a. Type of Application: Amendment of Article 2.

b. Project No: 6299–009.

c. Date Filed: September 13, 1996.

d. Applicant: Dakota County Parks Department.

e. Name of Project: Lake Byllesby Project.

f. Location: Cannon River, Dakota and Goodhue Counties, Minnesota.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Ms. Barb Schmidt, Dakota County Parks Department, 8500 127th Street East, Hastings, MN 55033, (612) 438–4660.

i. FERC Contact: Diana Kittle, (202) 208–7774.

j. Comment Date: December 19, 1996.

k. Description of Proposed Action: Dakota County, co-exemptee for the Lake Byllesby Project, requests approval for annual winter drawdowns to 853.7 feet NGVD, 3 feet lower than the normal elevation. Drawdown of the reservoir would commence on November 1 at a rate of 0.1 foot per day and continue for 30 days. The reservoir elevation would remain at 853.7 feet NGVD until spring flows exceed turbine capacity.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

5 a. Type of filing: Notice of Intent To File an Application for a New License.

b. Project No.: 2077.

c. Date filed: April 22, 1996.

d. Submitted By: New England Power Company, current licensee.

e. Name of Project: Fifteen Mile Falls.

f. Location: On the Connecticut River, in the Towns of Monroe, Littleton, and Dalton, Grafton and Coos Counties, New Hampshire, and in the Towns of Barnet, Waterford, Concord, and Lunenburg, Caledonia and Essex Counties, Vermont.

g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: August 1, 1951.

i. Expiration date of original license: July 31, 2001.

j. The project consists of three developments: (1) the Moore Development, comprising: (a) a 5,325-foot-long dam consisting of two earth embankments, a concrete intake section, and a concrete spillway; (b) an 11-mile-long reservoir having a 3,490-acre surface area; (c) a powerhouse having a total installed capacity of 140,000-kW; and (d) appurtenant facilities.

(2) the Comerford Development, comprising: (a) a 2,253-foot-long dam consisting of two earth embankments, a concrete intake section, and a concrete spillway; (b) an 8-mile-long reservoir having a 1,093-acre surface area; (c) a powerhouse having a total installed capacity of 140,000-kW; and (d) appurtenant facilities.

(3) the McIndoes Falls Development, comprising: (a) a 730-foot-long concrete gravity-type dam; (b) a 5-mile-long reservoir having a 560-acre surface area; (c) a powerhouse having a total installed capacity of 10,500-kW; and (d) appurtenant facilities.

The project has a total installed capacity of 290,500-kW.

k. Pursuant to 18 CFR 16.7, information on the project is available at: New England Power Company, 407 Miracle Mile, Lebanon, NH 03766, (508) 389–2859.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 1999.

6 a. Type of Application: Amendment of License.

b. Project No: 2302–044.

c. Date Filed: 09/30/96.

d. Applicant: Central Maine Power Company and Union Water Power Company.

e. Name of Project: Lewiston Falls Project.

f. Location: On the Androscoggin River in the Cities of Auburn and Lewiston, Androscoggin County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Gary A. Boyle, Environmental and Licensing, Central Maine Power Company, North Augusta Office Annex, 41 Anthony Avenue, Augusta, ME 04330, (207) 621–4447.

i. FERC Contact: Mohamad Fayyad, (202) 219–2665.

j. Comment Date: December 19, 1996.

k. Description of Amendment: Licensee proposes to delete from the license one of the project generating stations, the Bates No. 2 Station, which has an installed capacity of 450 kW. The licensee states that Bates No. 2 Station has been non-operational since April 1994, and isn't cost effective to repair.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

7a. Type of Application: Transfer of License.

b. Project No.: Project No. 2608–018.

c. Date Filed: February 27, 1996.

d. Applicant: Decorative Specialties International, Inc. (now Rexam DSI Inc.).

e. Name of Project: West Springfield.

f. Location: On the Westfield River in the Towns of West Springfield and Agawam, in Hampden County, Massachusetts.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: Ms. Peggy Harrington, Rexam DSI Inc., P.O. Box 472528, Charlotte, NC 28247, Telephone: (704) 551–1500.

i. FERC Contact: Mr. Thomas F. Papsidero (202) 219–2715.

j. Comment Date: December 26, 1996.

k. Description of Transfer: Application to transfer the license for the West Springfield Project from Decorative Specialties International, Inc. to Rexam DSI Inc., a new entity created from a corporate merger and re-structuring.

l. This notice also consists of the following standard paragraphs: B, C2 and D2.

8 a. Type of Application: Amendment of Application for Major License (Notice of Tendering).

b. Project No.: 11157–001.

c. Date filed: October 25, 1996 (The original application was filed on October 28, 1994).

d. Applicant: Rugraw, Inc.

e. Name of Project: Lassen Lodge.

f. Location: On the South Fork Battle Creek, in Tehama County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: James B. Tompkins, 16464 Plateau Circle, Redding, CA 96001, (916) 246–0103.

i. FERC Contact: Héctor M. Pérez, (202) 219–2843.

j. Brief Description of Project: The proposed project, as amended, would consist of: (1) a 5-foot-high diversion structure; (2) a 19,000-foot-long penstock; (3) a powerhouse with 7-megawatt turbine-generator unit; (4) a 10-mile-long transmission line; and other appurtenances.

k. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

l. In accordance with section 4.32 (b)(7) of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate, factual basis for a complete analysis of this application on its merits, they must file a request for the study with the Commission, together with justification for such request, not later than 60 days from the filing date and serve a copy of the request on the Applicant.

Standard Paragraphs

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C2. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. Any of these documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of a notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: November 7, 1996, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29163 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. MG97–6–000]

Iroquois Gas Transmission System, L.P.; Notice of Filing

November 8, 1996.

Take notice that on November 1, 1996, Iroquois Gas Transmission System, L.P. (Iroquois) filed revisions to its standards of conduct under Order Nos. 497 *et seq.*[1] and Order Nos. 566, *et seq.*[2] Iroquois states that it is revising its list of marketing affiliates as a result of a recent restructuring. Further, Iroquois seeks a clarification whether certain companies are marketing affiliates, as defined in section 161.2 of the

[1] Order No. 497, 53 FR 22139 (June 14, 1988), III FERC Stats. & Regs. ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), III FERC Stats. & Regs. 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), III FERC Stats. & Regs. ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707 (December 21, 1994); 69 FERC ¶ 61,334 (December 14, 1994).

Commission's regulations, 18 CFR 161.2.

Iroquois states that copies of its filing have been mailed to all jurisdictional customers and affected 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 NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 25, 1996. Protests will be considered by the Commission in determining the appropriation action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29189 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT97–9–000]

Kentucky West Virginia Gas L.L.C.; Notice of Refund Report

November 7, 1996.

Take notice that on November 5, 1996, Kentucky West Virginia Gas Company, L.L.C. (Kentucky West) filed a Report summarizing the refunds of GRI over-collections which were credited to the account of its sole eligible customer.

Kentucky West states that on June 28, 1996, it received a refund from GRI of $61,342 for collections in excess of 105% of Kentucky West's 1995 GRI funding level. Kentucky West states that it credited this amount to the account of its sole eligible firm customer.

Kentucky West states that a copy of its report has been served on its customers and interested state commissions.

Any person desiring to be heard or protest this application 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 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29129 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–393–001]

Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 8, 1996.

Take notice that on November 6, 1996, Koch Gateway Pipeline Company (Koch) tendered for filling as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective November 1, 1996:

Fourth Revised Sheet No. 1907
Substitute Second Revised Sheet No. 1908
Substitute Fourth Revised Sheet No. 2707

Koch states that the purpose of this filing is to update the above listed tariff sheets by incorporating language, as previously approved by the Commission in Docket Nos. RP96–341–000 and RP96–361–000, into the tariff sheets in this proceeding. Koch states that no other changes are being made at this time.

Koch states that copies of the filing are being served upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29188 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–73–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 7, 1996.

Take notice that on November 1, 1996, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Pro Forma Third Revised Volume No. 1, the revised tariff sheets listed on Appendix A to the filing, to be effective May 1, 1997:

MRT states that the purpose of this filing is to comply with Order No. 587 issued July 17, 1996, in Docket No. RM96–1–000, as clarified, requiring interstate gas pipelines to implement and follow standardized procedures for certain business practices in accordance with the Standards promulgated by the Gas Industry Standards Board as incorporated by reference in the Commission's Regulations.

MRT states that copies of the filing were served on its customers and interested State Commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before November 22, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29134 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No CP97–74–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

November 7, 1996.

Take notice that on October 28, 1996, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP97–74–000, a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and

157.211) for authorization to construct and operate a new tap that will render service to an existing firm transportation customer, National Fuel Gas Distribution Corporation (Distribution), under the blanket certificate issued in Docket No. CP83–4–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

National proposes to construct and operate a new tap in the Town of Arcade, Wyoming County, New York, on National's Lime PY–8. National says the proposed annual quantity of gas to be delivered at this tap is estimated to be 1,000 Mcf. National explains that this tap will provide service to Distribution pursuant to National's EFT Rate Schedule. National reports that the estimated cost of the tap will be $34,000, for which National will be reimbursed by Distribution.

National states that its FERC Gas Tariff does not prohibit the addition of this new tap; that the volumes to be delivered at the proposed tap will be within the certificated entitlements of Distribution; and that the proposed service will have a minimal impact on National's peak day and annual deliveries.

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. 96–29127 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–74–000]

National Fuel Gas Supply Corporation; Notice of Section 4 Filing

November 7, 1996.

Take notice that on November 4, 1997, National Fuel Gas Supply Corporation (National Fuel) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering services which National Fuel currently provides on non-jurisdictional facilities which are being conveyed to Contract Services, a producer of natural gas, in Pennsylvania. National Fuel states that no transportation agreement with National Fuel will be terminated as a result of this conveyance and that service to the one residential customer served off these facilities will not be adversely affected by the conveyance.[1]

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. Under section 154.210 of the Commission's Regulations, all such motions or protests should be filed on or before November 18, 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. 96–29135 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–200–013]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 7, 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 November 1, 1996:

Seventh Revised Sheet No. 7
Original Sheet No. 7A
Original Sheet No. 7B
Original Sheet No. 7C
Original Sheet No. 7D
Original Sheet No. 7E
Original Sheet No. 7F
Original Sheet No. 7G
Original Sheet No. 7H

NGT states that this filing includes NGT's negotiated rates for November, 1996. The above tariff sheets also are being filed pursuant to the directives of the Commission in its Order dated October 2, 1996, in Docket No. RP96–200–001, 77 FERC ¶ 61,011 (1996).

Any person desiring to protest the proposed tariff sheets should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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 available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29132 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER97–18–000]

P&T Power Company; Notice of Filing

November 8, 1996.

Take notice that on November 4, 1996, P&T Power Company tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 18, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29191 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

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[1] Contract Services and the affected customer have entered into an Agreement for the Transfer of Service. The transfer of service from National Fuel Gas Distribution Corporation to Contract Services is subject to the approval of the Pennsylvania Public Utility Commission.

[Docket No. CP96–248–003]

Portland Natural Gas Transmission System; Notice of Amendment to Application for Authorization to Operate Border Facilities and for Presidential Permit

November 7, 1996.

Take notice that on November 1, 1996, Portland Natural Gas Transmission System (PNGTS), 300 Friberg Parkway, Westborough, Massachusetts 01581–5039, filed an amendment to its application filed pursuant to Section 3 of the Natural Gas Act, Sections 153.10 through 153.12 of the Commission's Regulations, and Executive Order No. 10485, as amended by Executive Order No. 12038 and Secretary of Energy Delegation Order No. 0204–112, for Section 3 authorization and a Presidential Permit to site, construct, operate and maintain pipeline facilities at the United States-Canada International Boundary, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, PNGTS now seeks authorization to site, construct, operate and maintain approximately 500 feet of either 20-inch or 24-inch diameter pipeline in the town of Pittsburg, New Hampshire, commencing at the United States-Canada border and ending at a proposed joint or bend in the pipeline. The accompanying Section 7(c) filing has been amended, in Docket No. CP96–249–003, to reflect, *inter alia*, a revised route from the international border at Pittsburg, New Hampshire to Shelburne, New Hampshire. In the Section 7(c) filing, PNGTS filed two cases. Case No. 1 proposes a 20-inch diameter pipeline at the international border and Case No. 2 proposes a 24-inch diameter pipeline at the border. PNGTS has requested that both proposals be granted and that it will inform the Commission, prior to construction, whether it will construct Case No. 1 or Case No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1996, file with the Federal Energy Regulatory Commission, 888 First St., NE, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to 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 3 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for PNGTS to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29125 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–249–003]

Portland Natural Gas Transmission System; Notice of Amendment

November 7, 1996.

Take notice that on November 1, 1996, Portland Natural Gas Transmission System (PNGTS), 300 Friberg Parkway, Westborough, Massachusetts 01581–5039, filed in Docket No. CP96–249–003, an amendment to its pending application in Docket No. CP96–249–000 for a certificate of public convenience and necessity, pursuant to Section 7(c) of the National Gas Act, to construct and operate pipeline facilities for the transportation of natural gas on a firm and interruptible basis, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Specifically, PNGTS offers two proposals both of which have a proposed in-service date of November 1, 1998. PNGTS proposes in Case No. 1 to replace approximately 91 miles of its originally proposed route from the international border near Jay, Vermont to Shelburne, New Hampshire with approximately 73 miles of pipeline from the international border near Pittsburg, New Hampshire to Shelburne, New Hampshire. PNGTS also proposes to construct and operate three additional laterals: The Groveton Lateral (0.8 miles of 8-inch diameter pipeline), the Rumford-Jay Lateral (26.9 miles of 10-inch diameter pipeline and 16.6 miles of 8-inch diameter pipeline), and the Westbrook Lateral (3.9 miles of 8-inch diameter pipeline).[1] Four new meter stations will be constructed in conjunction with the proposed new laterals. In sum, PNGTS proposes in Case No. 1 to construct approximately 224.1 miles of 20-inch diameter pipeline, four laterals, and seven metering stations with a capacity of 178,000 Mcf per day. The estimated cost of the facilities in Case No. 1 is $303,307,762.

PNGTS states that it offers Case No. 2 in response to the Commission's July 31, 1996 preliminary determination in this proceeding to accomodate both PNGTS's volumes as well as the prospective deliveries of Maritimes & Northeast Pipeline, L.L.C. (Maritimes) under a joint venture arrangement. In Case No. 2, PNGTS proposes to construct along the same revised route and to construct the same laterals and metering stations as proposed in Case No. 1. However, in Case No. 2, PNGTS proposes to construct a 140.8 miles of 24-inch diameter pipeline from the international border near Pittsburg, New Hampshire to Westbrook, Maine and 83.3 miles of 30-inch diameter pipeline from Westbrook to Haverhill, Massachusetts. PNGTS insists that the Case No. 2 facilities can accomodate Sable Island gas supplies delivered through either the Trans-Quebec Maritime project or Maritimes Phase II. The estimated cost of the facilities in Case No. 2 is $361,412,682.

PNGTS requests that both proposals be granted and that it will inform the Commission, prior to construction, whether it will construct Case No. 1 or Case No. 2.

PNGTS proposes to offer firm transportation service (Rate Schedule FT) and interruptible transportation service (Rate Schedule IT) and intends to use negotiated rates for winter period or off-peak period services. PNGTS states that the rates will utilize a straight fixed-variable rate design and are based on a winter-day design capacity of 178,000 MMBtu per day. PNGTS states that its rates will be levelized for an initial twenty-year period with 80 percent of the cost recovered through depreciation during the levelization period. PNGTS has filed a *pro forma* fariff containing the terms and

[1] The Westbrook Lateral will replace the Falmouth Lateral (3.3 miles of 12-inch pipeline) which was proposed in the original application.

conditions for its transportation services.

Any person desiring to be heard or to make any protest with reference of said application should on or before November 29, 1996, file with the Federal Energy Regulatory Commission, 888 First St., NE, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protest 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for PNGTS to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29126 Field 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2882–000]

Russell Energy Sales Company; Notice of Issuance of Order

November 8, 1996.

Russell Energy Sales Company (Russell Energy) submitted for filing a rate schedule under which Russell Energy will engage in wholesale electric power and energy transactions as a marketer. Russell Energy also requested waiver of various Commission regulations. In particular, Russell Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Russell Energy.

On October 30, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Russell Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Russell Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Russell Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 29, 1996. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29159 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–76–000]

TransColorado Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

November 8, 1996.

Take notice that on November 6, 1996, TransColorado Gas Transmission Company (TransColorado) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to become effective December 6, 1996:

First Revised Sheet Nos. 1 through 110
Original Sheet Nos. 111 through 408

TransColorado states that the tendered tariff sheets are being filed to substitute certain tariff provisions to reflect a change in the pipeline operator and allow for the most efficient and cost effective operation of the system.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29187 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–75–000]

Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 7, 1996.

Take notice that on November 5, 1996, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective December 6, 1996:

First Revised Sheet No. 227A
First Revised Sheet No. 228

Williston Basin states that the revised tariff sheets will allow a shipper to increase its rate level, up to the maximum lawful rate, in order to obtain a higher scheduling priority. Such shipper must do so prior to the nomination deadline for the following gas day. Williston Basin further states that when it determines a shipper will not have all its gas scheduled due to such shipper's rate level, Williston Basin will notify such shipper by 5 p.m. of such day. The shipper must then notify Williston Basin of its agreement to pay a higher rate to obtain a higher scheduling priority by the nomination deadline for the following gas day.

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 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. 96–29136 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT97–10–000]

Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 8, 1996.

Take notice that on November 6, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective November 6, 1996:

Eleventh Revised Sheet No. 778
Twelfth Revised Sheet No. 827
Thirteenth Revised Sheet No. 831
Sixteenth Revised Sheet No. 832
Seventeenth Revised Sheet No. 833

Williston Basin states that the revised tariff sheets are being filed simply to update its Master Receipt/Delivery Point List.

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 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29190 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL97–4–000, et al.]

Florida Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

November 7, 1996.

Take notice that the following filings have been made with the Commission:

1. Florida Power & Light Company

[Docket No. EL97–4–000]

Take notice that on October 28, 1996, Florida Power & Light Company tendered for filing a request for a declaratory order.

Comment date: November 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Kaufman County Electric Coop., Inc.

[Docket No. EL97–5–000]

Take notice that on October 28, 1996, Kaufman County Electric Cooperative, Inc. tendered for filing a Request for Disclaimer of Jurisdiction, or in the Alternative Request for approval of Agreement and Request for Waiver of Certain Regulations.

Comment date: November 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. AES Power, Inc., R.J. Dahnke & Associates, Mock Energy Services, Inc., Tenneco Energy Marketing Company, Vastar Power Marketing, Inc., Wicor Energy Services, Inc., Sandia Energy Resources Company

[Docket No. ER94–890–011; Docket No. ER94–1352–009; Docket No. ER95–300–009; Docket No. ER95–428–001; Docket No. ER95–1685–004; Docket No. ER96–34–004; Docket No. ER96–2538–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On October 25, 1996, AES Power, Inc. filed certain information as required by the Commission's April 8, 1994, order in Docket No. ER94–890–000.

On October 16, 1996, R.J. Dahnke & Associates filed certain information as required by the Commission's August 10, 1994, order in Docket No. ER94–1352–000.

On October 21, 1996, Mock Energy Services, Inc. filed certain information as required by the Commission's March 16, 1995, order in Docket No. ER95–300–000.

On October 30, 1996, Tenneco Energy Marketing Company filed certain information as required by the Commission's March 30, 1995, order in Docket No. ER95–428–000.

On October 21, 1996, Vastar Power Marketing, Inc. filed certain information as required by the Commission's October 26, 1995, order in Docket No. ER95–1685–000.

On October 31, 1996, Wicor Energy Services, Inc., filed certain information as required by the Commission's November 9, 1995, order in Docket No. ER96–34–000.

On October 31, 1996, Sandia Energy Resources Company filed certain information as required by the Commission's October 26, 1996, order in Docket No. ER96–2538–000.

4. Union Electric Company

[Docket No. ER97–285–000]

Take notice that on October 31, 1996, Union Electric Company (UE), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service dated October 29, 1996 between Aquila Power Corporation (APC) and UE. UE asserts that the purpose of the Agreement is to permit UE to provide transmission service to APC pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96–50.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Indiana Michigan Power Company

[Docket No. ER97–278–000]

Take notice that on October 30, 1996, Indiana Michigan Power Company (I&M), tendered for filing with the Commission an Agreement to Establish New Delivery Point and a Mishawaka Operation and Maintenance Agreement between I&M and the City of Mishawaka, Indiana (Mishawaka), regarding a new 69 Kv delivery point. Mishawaka currently receives service under I&M FERC Electric Tariff WS, Original Volume No. 5.

I&M proposes an effective date of December 31, 1996, for the Agreement to Establish New Delivery Point and the Mishawaka Operation and Maintenance Agreement. A copy of this filing was served upon Mishawaka, the Indiana Utility Regulatory Commission, and the Michigan Public Service Commission.

Comment date: November 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. The Washington Water Power Company

[Docket No. ER97–279–000]

Notice is hereby given that effective the 31st day of December, 1996, Rate Schedule FERC 180, effective January 1, 1993 and filed with the Federal Energy Regulatory Commission (FERC), on October 30, 1996, by The Washington Water Power Company, is to be cancelled. Notice of the proposed cancellation is to be served upon the following: Mr. Michael W. McDonald, General Manager, Northern California Power Agency, 180 Cirby Way, Roseville, California 95678.

Comment date: November 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Duke Power Company

[Docket No. ER97–280–000]

Take notice that on October 30, 1996, Duke Power Company (Duke), tendered for filing Schedule MR quarterly transaction summaries for service under Duke's FERC Electric Tariff, Original Volume No. 3 for the quarter ended September 30, 1996.

Comment date: November 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. South Carolina Electric & Gas Company

[Docket No. ER97–281–000]

Take notice that on October 31, 1996, South Carolina Electric & Gas Company (SCE&G), submitted service agreements establishing Industrial Energy Applications, Inc., (IEA), Sonat Power Marketing, Inc. (Sonat), Southern Company Services, Inc. (Southern), and Virginia Electric and Power Company (Virginia) as customers under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon IEA, Sonat, Southern, Virginia and the South Carolina Public Service Commission.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER97–282–000]

Take notice that on October 31, 1996, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Minnesota Power and Light Company for service under its non-firm point-to-point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Colorado and WestPlains Energy-Kansas.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. UtiliCorp United Inc.

[Docket No. ER97–283–000]

Take notice that on October 31, 1996, UtiliCorp United Inc. (UtiliCorp) filed service agreements with Electric Clearinghouse, Inc. for service under its non-firm point-to-point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Colorado and WestPlains Energy-Kansas.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Union Electric Company

[Docket No. ER97–284–000]

Take notice that on October 31, 1996, Union Electric Company (UE), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service dated October 29, 1996 between UtiliCorp United Inc. (UUI) and UE. UE asserts that the purpose of the Agreement is to permit UE to provide transmission service to UUI pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96–50.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Union Electric Company

[Docket No. ER97–286–000]

Take notice that on October 31, 1996, Union Electric Company (UE), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service dated October 29, 1996 between Wisconsin Electric Power Co. (WEP) and UE. UE asserts that the purpose of the Agreement is to permit UE to provide transmission service to WEP pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96–50.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. The Washington Water Power Company

[Docket No. ER97–287–000]

Take notice that on October 31, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 a revision to its Rate Schedule FERC No. 105. WWP requests an effective date of January 1, 1997.

A copy of this filing has been served upon Bonneville, the Idaho Public Utilities Commission, and the Washington Utilities and Transportation Commission.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. The Washington Water Power Company

[Docket No. ER97–288–000]

Take notice that on October 31, 1996, The Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with ConAgra Energy Services, Inc.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. The Washington Water Power Company

[Docket No. ER97–289–000]

Take notice that on October 31, 1996, Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, an Agreement For The Sale Of Firm Capacity And Firm Energy between The Washington Water Power Company and Cogentrix Energy Power Marketing, Inc. The term of the Agreement is to commence on January 1, 1997 and continue through September 30, 2001.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Carolina Power & Light Company

[Docket No. ER97–290–000]

Take notice that on October 31, 1996, Carolina Power & Light Company (CP&L), tendered for filing separate Service Agreements for Non-Firm Point-to-Point Transmission Service executed between CP&L and the following Eligible Transmission Customers: Morgan Stanley Capital Group, Inc.; Western Power Services, Inc.; and Equitable Power Services; and Service Agreements for Short-Term Firm Transmission Service with Morgan Stanley Capital Group, Inc. and Equitable Power Services Co. Service to each Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Nevada Power Company

[Docket No. OA97–2–000]

Take notice that on October 2, 1996, Nevada Power Company tendered for filing a Statement of Policy and Code of Conduct concerning open access and non-discriminatory transmission services.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Exeter & Hampton Electric Company

[Docket No. OA97–4–000]

Take notice that on October 11, 1996, Exeter & Hampton Electric Company filed a pro forma transmission tariff and proposed rates in accordance with FERC Order No. 888. Exeter & Hampton Electric Company states that it served a copy of this filing on the New Hampshire Public Utilities Commission and on all customers who have taken wholesale transmission service from Exeter & Hampton Electric Company since March 29, 1995. Exeter & Hampton Electric Company requests an effective date for the pro forma transmission tariff of July 9, 1996.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Concord Electric Company

[Docket No. OA97–5–000]

Take notice that on October 11, 1996, Concord Electric Company (CECO) filed a pro forma transmission tariff and proposed rates in accordance with FERC Order No. 888. CECO requests an effective date of July 9, 1996 for the pro forma transmission tariff. CECO states that it served a copy of this filing on the New Hampshire Public Utilities Commission and on each customer that has taken wholesale transmission service from CECO since March 29, 1995.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Fitchburg Gas and Electric Light Company

[Docket No. OA97–6–000]

Take notice that on October 11, 1996, Fitchburg Gas and Electric Light Company filed a pro forma transmission tariff and proposed rates in accordance with FERC Order No. 888. Fitchburg Gas & Electric Company states that it served a copy of this filing on the Massachusetts Department of Public Utilities and on all customers who have taken wholesale transmission service from Fitchburg Gas and Electric Light Company since March 29, 1995. Fitchburg Gas & Electric Company requests an effective date for the pro forma transmission tariff of July 9, 1996.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Vermont Electric Power Company, Inc.

[Docket No. OA97–7–000]

Take notice that on October 11, 1996, Vermont Electric Power Company, Inc. (VELCO) tendered for filing an Open Access Transmission Service Tariff in compliance with the Commission's Order No. 888 and the Commission's ''Order on Requests by Public Utilities for Waivers of Order Nos. 888 and 889,'' issued on September 11, 1996 in *Northern States Power Company (Minnesota),* 76 FERC ¶61,250. The tariff becomes effective October 11, 1996.

VELCO states that it has served a copy of its compliance filing on each of the Vermont distribution utilities served by VELCO, the Vermont Department of Public Service, the Vermont Public Utility Board, all intervenors in this proceeding and all Eligible Customers that have requested a copy of the filing.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Consolidated Water Power Company

[Docket No. OA97–8–000]

Take notice that on October 11, 1996, Consolidated Water Power Company (CWPCo.) tendered a Section 206 Compliance Filing as required by the Commission's Final Open Access Rule. CWPCo has filed the Commission's Order No. 888 Final Rule *pro forma* Open Access Transmission Tariff.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Madison Gas and Electric Company

[Docket No. OA97–9–000]

Take notice that on October 11, 1996, Madison Gas and Electric Company (MGE) tendered for filing with the Federal Energy Regulatory Commission its Transmission Tariff in compliance with FERC Order 888.

MGE states that a copy of the filing has been provided to the Public Service Commission of Wisconsin and the parties contained on the service list for this docket.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Intermountain Rural Electric Association

[Docket No. OA97–10–000]

Take notice that on October 11, 1996, the Intermountain Rural Electric Association tendered for filing its Open Access Transmission Tariff in accordance with Order No. 888 and the Commission's Order on Requests for Waivers, 76 FERC ¶ 61,250 (1996).

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Edison Sault Electric Company

[Docket No. OA97–11–000]

Take notice that on October 11, 1996, Edison Sault Electric Company (ESEC), in compliance with the Federal Energy Regulatory Commission's Order No. 888, tendered for filing an informational filing of its existing bundled rate requirements contracts. The informational filing sets forth ESEC's unbundled power and transmission rates.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Central Vermont Public Service Corporation

[Docket No. OA97–12–000]

Take notice that on October 11, 1996, Central Vermont Public Service Corporation tendered for filing an amendment to its open access transmission tariff that provides for service over Central Vermont's share of the Phase I and Phase II transmission facilities between Des Cantons, Quebec and Tewksbury, Massachusetts. Central Vermont requests that the Commission waive its notice of filing requirements and allow the amendment to become effective on October 12, 1996.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Edison Sault Electric Company

[Docket No. OA97–13–000]

Take notice that on October 11, 1996, Edison Sault Electric Company (ESEC), in compliance with the Federal Energy Regulatory Commission's (Commission) Order No. 888, and Commission's September 11, 1996 ''Order on Requests By Public Utilities For Waivers of Order Nos. 888 and 889,'' tendered for filing an open access transmission tariff. Pursuant to Order No. 888, ESEC's tariff will become effective October 11, 1996.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. NewCorp Resources, Inc.

[Docket No. OA97–14–000]

Take notice that on October 15, 1996, NewCorp Resources, Inc. (NewCorp) tendered for filing pursuant to Order No. 888 its Open Access Tariff Transmission Tariff.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

29. Northwestern Wisconsin Electric Company

[Docket No. OA97–15–000]

Take notice that on October 15, 1996, Northwestern Wisconsin Electric Company pursuant to Order No. 888 tendered for filing its Pro Forma Open Access Transmission Tariff.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

30. Northwestern Public Service Company

[Docket No. OA97–16–000]

Take notice that on October 15, 1996, Northwestern Public Service Company (Northwestern) tendered for filing an informational filing of documents determining the transmission rate for three municipalities served by Northwestern as incremental customers.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

31. New York State Electric & Gas Corporation

[Docket No. OA97–18–000]

Take notice that on October 17, 1996, New York State Electric & Gas Corporation tendered for filing in compliance with the Commission's Final Rule in Docket Nos. RM95–8–000 and RM94–7–001, ''Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,'' III FERC Stats & Regs. ¶ 31,036 (Order No. 888), information regarding unbundled transmission rates for requirements contracts customers.

NYSEG has requested waiver of the filing and notice requirements of the Commission's regulations for good cause shown.

NYSEG served copies of the filing upon its existing requirements contract customers and the state regulatory authority for each state in which its existing requirements contract customers are served.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

32. The Washington Water Power Company Public Utility District No. 1 of Chelan County, Washington, Public Utility District No. 2 of Grant County, Washington, and Public Utility District No. 1 of Douglas County, Washington

[Docket No. OA97–20–000]

Take notice that on October 30, 1996, Washington Water Power Company, Public Utility District No. 1 of Chelan County, Washington, Public Utility District No. 2 of Grant County, Washington, and Public Utility District No. 1 of Douglas County, Washington tendered for filing an Application for a Declaratory Order determining that the Agreement for the Hourly Coordination of Projects on the Mid-Columbia River (HCAM) is outside of the scope of Order No. 888, or in the alternative, an Order Granting Waiver of all the requirements imposed by Order No. 888.

Copies of the filing were supplied to the parties to the Agreement for the Hourly Coordination of Projects on the Mid-Columbia River.

Comment date: November 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

33. The Washington Water Power Company Public Utility District No. 1 of Chelan County, Washington, and Public Utility District No. 1 of Douglas County, Washington

[Docket No. OA97–21–000]

Take notice that on October 30, 1996, The Washington Water Power Company, Public Utility District No. 1 of Chelan County, Washington, and Public Utility District No. 1 of Douglas County, Washington tendered for filing an Application for an order determining that the 1996 Pacific Northwest Coordination Agreement and the 1964 Pacific Northwest Coordination Agreement are outside of the scope of Order No. 888, or, in the alternative, an order granting waiver of all the requirements imposed by Order No. 888.

Copies of the filing were supplied to the parties to the 1996 Pacific Northwest Coordination Agreement and the 1964 Pacific Northwest Coordination Agreement.

Comment date: November 21, 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. 96–29162 Filed 11–13–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5651–4]

Common Sense Initiative Council (CSIC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory CSIC Petroleum Refining, Printing, Iron and Steel, Metal Finishing, and Automobile Manufacturing Sector Subcommittee Meetings; Open Meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Printing, Petroleum Refining, Iron and Steel, Metal Finishing, and Automobile Sector Subcommittees of the Common Sense Initiative Council, will meet on the dates and times described below. All meetings are open to the public. Seating at all five meetings will be on a first-come basis and limited time will be provided for public comment. For further information concerning specific meetings, please contact the individuals listed with the five Sector Subcommittee announcements below.

(1) Petroleum Refining Sector Subcommittee Meeting—December 4, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Petroleum Refining Sector Subcommittee on Wednesday, December 4, 1996, from approximately 8:30 a.m. PST until 4:30 p.m. PST. The meeting will be held at the Madison Hotel, 515 Madison Street, Seattle, Washington 98104. The telephone number is 206–583–0300.

The Equipment Leaks and One-Stop/ Public Access Workgroups will meet the previous day, Tuesday, December 3,

1996, from approximately 1:30 p.m. PST until approximately 6:00 p.m. PST. The workgroup meetings will also be held at the Madison Hotel.

The two workgroups will update the Petroleum Refining Sector Subcommittee on the status of their projects. The Subcommittee also anticipates a discussion on the two-year assessment of the Petroleum Refining Sector Subcommittee, as well as future plans of the Subcommittee.

For further information concerning this meeting of the Petroleum Refining Sector Subcommittee, please contact either Meg Kelly, Designated Federal Officer (DFO) at EPA, 401 M Street, S.W., Washington, DC, by telephone on (703) 603–7188 or by e-mail at kelly.margaret @epamail.epa.gov.; or Craig Weeks, Alternate DFO, at EPA, Region VI by telephone on (214) 665–7505 or by e-mail at weeks.craig@epamail.epa.gov.

(2) Printing Sector Subcommittee—December 4, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Printing Sector Subcommittee on Wednesday, December 4, 1996, from approximately 1:00 p.m. CST until 4:00 p.m CST. The meeting will be held at the St. Louis Airport Hilton in St. Louis, Missouri. The telephone number is 314–426–5500. The New York City Education Project Team (NYCEPT) and the Multi-Media Flexible Permit Project Team will hold meetings the previous day, Tuesday, December 3, 1996, from 9:00 a.m. CST until 5:00 p.m. CST, and again the morning of the Subcommittee Meeting, Wednesday, December 4, 1996, from 9:00 a.m. CST until noon CST. The project teams meetings will also be held at the St. Louis Airport Hilton. The purpose of the Subcommittee meeting is to discuss the continued progress of the two project teams. The NYCEPT will be reporting on project developments in technical assistance and community involvement. The Multi-media Flexible Permit Project Team will be reporting on the results of exploring major sources, public participation, and thresholds for the proposed permit.

For further information concerning meeting times and agenda of the Printing Sector Subcommittee, please contact Frank Finamore, DFO, at EPA on (202) 564–7039 in Washington, DC or Mick Kulik, Alternate DFO at EPA Region 3 on (215) 566–5337 in Philadelphia, PA.

(3) Iron and Steel Sector Subcommittee—December 5, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Iron and Steel Sector Subcommittee on Thursday, December 5, 1996, in Old Town, Alexandria, Virginia. The meeting will begin at 8:00 a.m. EST and will run until 4:00 p.m. EST. The meeting will be held at the Holiday Inn Hotel and Suites, 625 First Street, Alexandria, Virginia. The Subcommittee's four work groups will meet the preceding day, Wednesday, December 4, 1996, from approximately 10:00 a.m. EST to 5:00 p.m., EST. They will also meet at the Holiday Inn and Suites. Additionally, the Subcommittee's Innovative Technology Workgroup, in conjunction with the Environmental Law Institute, is hosting on Tuesday, December 3, 1996, a one-day workshop to discuss issues surrounding the use of acid and steel pickling, the subsequent generation of spent pickle liquor, and current and potential management alternatives for its reduction, recycling, and reuse.

The Iron and Steel Subcommittee has created four work groups which are responsible for proposing to the full Subcommittee for its review and approval potential activities or projects that the Subcommittee will undertake, and for carrying out projects once approved. The Subcommittee has approved nine projects (Brownsfields, Consolidated Multi-media Reporting, Alternative compliance Strategy, Iron and Steel Web Site, Barriers to the Use of Innovative Technology, Spent Pickle Liquor Conference, Multi-media Permitting, Permit Issues, and Community Involvement). The purpose of this meeting is to discuss the status of these projects and other projects under development, and to review any recommendations that the workgroups propose. Additionally, EPA will give a brief presentation on its current activities regarding the development of an effluent guideline to cover water discharges from the iron and steel industry, and the Subcommittee will discuss the results of a self-evaluation and future membership recommendations.

For further information concerning this Iron and Steel Sector Subcommittee Meeting, please call Ms. Judith Hecht at EPA (202) 260–5682 in Washington, DC.

(4) Metal Finishing Sector Subcommittee—December 9–11, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Metal Finishing Sector Subcommittee on December 10 and 11, 1996, from approximately 9:00 a.m. MST to 4:00 p.m. MST and will include breakout sessions for the sector subcommittee workgroups. The meeting will be held at the Tempe Mission Palms Hotel, 60 East 5th Street, Tempe, Arizona. The telephone number is 602–894–1400.

The Metal Finishing Sector Subcommittee anticipates focusing on a number of topics, including the subcommittee's strategic goals initiative, RIITE reporting project, and research and technology projects.

For further information concerning meeting times and agenda of the Metal Finishing Sector Subcommittee, please contact Bob Benson, DFO, at EPA by telephone on (202) 260–8668 in Washington, DC, or by fax at 260–8662.

(5) Automobile Manufacturing Sector Subcommittee—December 12, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Automobile Manufacturing Sector Subcommittee on Thursday, December 12, 1996, from 8:30 a.m., EST until 3:30 p.m., EST. The meeting will be at the Omni Shoreham Hotel, 2500 Calvert Street, N.W., Washington, DC. The telephone number is (202) 234–0700.

The purpose of the meeting is to review and discuss workplans and reports from the Life Cycle Management Supplier Partnership Team and the Alternative Strategies Regulatory Systems and Community Team. The Alternative Strategies Regulatory Systems and Community Team will present draft principles for an alternative system to the Subcommittee for further discussion and decision. The Subcommittee will continue exploring other regulatory change opportunities presented in the September meeting.

For further information concerning this Automobile Manufacturing Sector Subcommittee meeting, please contact either Alan W. Powell, DFO, at EPA, Region 4, by telephone on (404) 562–9045, by fax on (404) 562–9019 or by mail at 100 Alabama Street, S.W., Atlanta, Georgia 30303; or Keith Mason, Alternate DFO, at EPA (202) 260–1360.

Inspection of Subcommittee Documents: Documents relating to the above Sector Subcommittee announcements, will be publicly available at the meeting. Thereafter, these documents, together with the official minutes for the meetings, will be available for public inspection in room 2821M of EPA Headquarters, Common Sense Initiative Staff, 401 M Street, SW, Washington, DC 20460, telephone number 202–260–7417. Common Sense

Initiative information can be accessed electronically through contacting Katherine Brown at brown.katherines@epamail.epa.gov.

Dated: November 7, 1996.

Prudence Goforth,

Designated Federal Officer.

[FR Doc. 96–29177 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5651–9]

Notice of Public Meetings on Drinking Water Issues

Notice is hereby given that the Environmental Protection Agency (EPA) is holding a public meeting on November 21 and 22, 1996, for the purpose of information exchange on issues related to the development of rules to address microbial contaminants and disinfectants/disinfection byproducts in drinking water. The meeting will focus on the need for expedited development of an Interim Enhanced Surface Water Treatment Rule and a Stage I Disinfectants/Disinfection Byproducts Rule to enable the Agency to meet statutory deadlines for these rules established as part of the recently reauthorized Safe Drinking Water Act. Topics for discussion will include: (1) options for regulatory policy alternatives; (2) issues and concerns pertaining to these options; (3) existing information that may be available and what analyses of this information would be helpful to resolve issues and concerns; and (4) next steps and approaches to rule development.

EPA is inviting all interested members of the public to participate in the meeting, which will be held at the Center for Environmental Dispute Resolution (RESOLVE), 2828 Pennsylvania Avenue, Northwest, Washington, D.C. A limited number of phone lines will be available to enable attendance by teleconference also. Because of limitations on conference room seating, members of the public who are interested in attending are requested to contact Elizabeth Corr of EPA's Office of Ground Water and Drinking Water at (202) 260–8907 prior to the first day of the meeting. Inquiries regarding the availability of phone lines should also be directed to Ms. Corr.

Dated: November 12, 1996.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 96–29350 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5651–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1654.02; Reporting Requirements under EPA's Water Alliances for Voluntary Efficiency (WAVE) Program; was approved 10/31/96; OMB No. 2040–0164; expires 10/31/99.

EPA ICR No. 1156.07; NSPS for Synthetic Fiber Production—Subpart HHH; was approved 10/31/96; OMB No. 2060–0059; expires 10/31/99.

EPA ICR No. 1787.01; 1996 Metal Products and Machinery Industry Phase II Survey; was approved 10/30/96; OMB No. 2040–0184; expires 10/31/99.

EPA ICR No. 0659.07; NSPS for Large Appliance Surface Coating Operations—Subpart SS; was approved 10/23/96; OMB No. 2060–0108; expires 10/31/99.

EPA ICR 0660.06; NSPS for Metal Coil Surface Coating Operations—Subpart TT; was approved 10/23/96; OMB No. 2060–0107; expires 10/31/99.

EPA ICR No. 0002.08; National Pretreatment Program; was approved 10/18/96; OMB No. 2040–0009; expires 10/31/99.

EPA ICR No. 1571.05; General Hazardous Waste Facility Standards; was approved 11/04/96; OMB No. 2050–0120; expires 11/30/99.

EPA ICR No. 0328.05; Spill Prevention, Control, and Countermeasure Plans; was approved 11/04/96; OMB No. 2050–0021; expires 05/31/98.

OMB Extension of Expiration Date

EPA ICR No. 1064.06; NSPS for Automobile and Light Duty Truck Surface Coating Operations—Subpart MM; OMB No. 2060–0034; expiration date was extended to 01/31/97.

EPA Withdrawals

EPA ICR No. 1064.07; NSPS for Automobile and Light Duty Truck Surface Coating Operations; was withdrawn by EPA 10/29/96.

Dated: November 7, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–29175 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–00197; FRL–5394–4]

National Lead Laboratory Accreditation Program (NLLAP); Notice of Availability of Revisions to the NLLAP

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of revisions to EPA's National Lead Laboratory Accreditation Program (NLLAP) in the document entitled ''Laboratory Quality System Requirements (LQSR) Revision 2.0'' dated August 1, 1996. Revisions to the LQSR include the expansion of NLLAP to cover laboratory analysis programs for lead which can be conducted in the field (field operation laboratories) and revised training requirements for laboratory personnel.

FOR FURTHER INFORMATION CONTACT: For technical information: John Scalera, Chemical Management Division (7404), Environmental Protection Agency, Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460, Telephone: 202–260–6709, e-mail: scalera.john@epamail.epa.gov.

For general information: The National Lead Information Center Clearinghouse, 1019 19th St., NW., Suite 401, Washington, DC 20036-5105, Toll free: 1-800-424-LEAD, Fax: (202) 659-1192.

Copies of the LQSR Revision 2.0 can be obtained from the National Lead Information Center Clearinghouse.

SUPPLEMENTARY INFORMATION: Under the Congressional mandate stated in section 405(b) of Title X, The Residential Lead-Based Paint Hazard Reduction Act of 1992, EPA has established the National Lead Laboratory Accreditation Program (NLLAP). The program has been established by EPA in order to assure the public that analytical laboratories

recognized by the EPA NLLAP have demonstrated they are capable of analyzing for lead in paint chip, dust, and/or soil samples. A list of EPA recognized laboratories (NLLAP List) is updated on a periodic basis and is available from the National Lead Information Center Clearinghouse upon request (1-800-424-LEAD).

Dated: November 7, 1996.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96–29181 Filed 11–13–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

November 6, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarify of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments January 13, 1997.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: New Collection.

Title: Application for Station Authorization in the Microwave Services (Parts 74 and 101).

Form No.: FCC 415/415T.

Type of Review: New Collection.

Respondents: Individuals or households; Businesses or other for-profit; State, Local or Tribal Government; not-for-profit institutions.

Number of Respondents: 20,000.

Estimated Time Per Response: 7 hours.

Total Annual Burden: 140,000 hours.

Needs and Uses: This collection of information is required by the Telecommunications Act, 47 U.S.C. 308, and Commission Rules 1.922, 1.924, 1.926, 73.3500, 101.13, and 101.15.As a result of WT Docket No. 94–148, FCC 96–51, adopted February 8, 1996 and released February 29, 1996, Private Operational Fixed Microwave Services and Common Carrier services were combined under a new rule Part 101, effective August 1, 1996. FCC Form 415 was developed so that one common application form would be used and to streamline filing and processing as specified in the new Part 101. This combined form will replace FCC Forms 402 and 494, and Forms 313, 430 and 703 for Microwave services. Once the new form is implemented, a public notice will be released announcing the obsoletion of these forms.

FCC Form 415 is used to apply, or to amend a pending application, for an authorization to operate a radio station in 47 CFR Part 101, Fixed Microwave Services, and 47 CFR Part 74, Subpart E, Aural Broadcast Auxiliary Stations and Subpart F, Television Broadcast Auxiliary Stations. Purposes of filing include New, Modification, Renewal, Reinstatement, and Amend a Pending Application. Private Operational Fixed and Broadcast applicants may use it to apply for a full assignment of a radio station authorization and a Transfer of Control. Private and Common Carrier applicants may use it to apply for a Minor Modification and to request authorization of a developmental station. Common Carrier applicants may request authorization to convert from Private to Common Carrier.

If certain conditions are met, applicants may self-certify and operate under a Conditional Temporary Authorization (FCC 415T) which is included in the FCC 415 application package.

OMB Approval Number: New Collection.

Title: Application for Electronic Renewal of Wireless Radio Services Authorizations.

Form No.: FCC 900.

Type of Review: New Collection.

Respondents: Individuals or households; Businesses or other for-profit; State, Local or Tribal Government; not-for-profit institutions; Farms; Federal Government.

Number of Respondents: 35,255.

Estimated Time Per Response: 10 minutes (.166).

Total Annual Burden: 5,852 hours.

Needs and Uses: This ''generic'' renewal application, FCC Form 900, may be used in lieu of FCC Forms 313R, 402R, 405, 405A, 405B, 452R, 574R and 610R, to file electronically for renewal of a Wireless Radio Services authorization. Concurrent with renewal, applicants may also request a change of licensee name (with no change to corporate structure, ownership or control), change of mailing address, change the name of their ship, add an official ship number, re-instate a Land Mobile license, and notify the Commission of a change in the number of mobiles/pagers for a Land Mobile license

This ''generic'' renewal form for electronic filing will greatly reduce the burden to the applicant and provide an immediate confirmation that the renewal has been filed giving them continued authority to operate until the renewed license has been received.

OMB Approval Number: 3060–0035.

Title: Application for Renewal of Auxiliary Broadcast Remote Pickup or Low Power License.

Form No.: FCC 313R.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 50.

Estimated Time Per Response: 30 minutes (.50).

Total Annual Burden: 25 hours.

Needs and Uses: FCC 313–R is used by licensees of remote pickup and low power stations that are not broadcast licensees (e.g., cable operators, network entities, international broadcast services, motion picture producers and television producers) to renew their auxiliary broadcast license. Statutory authority for this collection of information is contained in Section 307 of the Communications Act. It is also required by 47 CFR 73.3500 and 73.3539.

The Commission intends to revise the application to include a place for the applicant to provide an Internet address

and a Taxpayer Identification Number. The Internet address will provide the FCC with another media of contacting the applicant with questions about their application and the Taxpayer Identification Number is required to comply with the Debt Collection Improvement Act of 1996. The anti-drug statement has been added to the items the applicant certifies to when signing the application. The Certificate of Renewal at the bottom of the application has been removed because the Certificate of Renewal is computer generated on laser printer and is no longer needed. In the near future, the Commission will implement electronic filing for this type of renewal as part of a ''generic renewal'', FCC Form 900. The burden will be adjusted accordingly once this new form has been implemented and frequency of use has been determined.

As a result of Part 101 becoming effective August 1, 1996, Part 74 licensees (television auxiliary and aural studio link) are no longer required to use this form to renew their licenses. The number of respondents in this category was extremely low and since the estimate of number of respondents can vary in the remaining services, the number of respondents is not being revised.

OMB Approval Number: 3060–0093.

Title: Application for Renewal of Radio Station License in Specified Services.

Form No.: FCC 405.

Type of Review: Revision to an existing collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 540.

Estimated Time Per Response: 2.25 hours.

Total Annual Burden: 1,215 hours.

Needs and Uses: FCC 405 is used by all common carriers and Multipoint Distribution Service non-common carriers to apply for renewal of radio station licenses. Section 307(c) of the Communications Act limits the term of common carrier radio license to ten years and requires that written applications be submitted for renewal. FCC Form 405 is required by CFR Parts 5, 21, 22, 23, 25 and 101 (effective August 1, 1996).

We intend to revise the form to include a place for the applicant to provide an Internet address and a Taxpayer Identification Number. The Internet address will provide the FCC with another media to contact the applicant with questions about the application and the Taxpayer Identification Number is required to comply with the Debt Collection Improvement Act of 1996. The questions relating to NEPA and Anti-Drug Certification will be deleted and certification to these items will be included in the Certification text, eliminating the ''yes'' and ''no'' responses.

In the near future, the Commission plans to implement electronic filing for this type of renewal as part of the ''generic renewal'' FCC Form 900. The burden for FCC Form 405 will be adjusted accordingly once this new electronic renewal form has been implemented and frequency of use can be determined.

OMB Approval Number: 3060–0127.

Title: Assignment of Authorization.

Form No.: FCC 1046.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals; Business or other for-profit; State or local governments; Non-profit.

Number of Respondents: 6,000.

Estimated Time Per Response: 5 minutes (.083).

Total Annual Burden: 498 hours.

Needs and Uses: This form is required by the Communications Act, International Treaties and FCC Rules 47 CFR Parts 1.922, 1.924, 80.19, 87.21, 90.119 and Part 101. To assign authorization of radio station to another entity, the assignor must, in writing, assign all right, title and interest of the authorization to the other entity.

The Commission uses the data to determine if assignment of authorization submitted with the application will meet the rule requirements for issuance of a station authorization. The form is being revised to change the reference to Microwave Radio Services form from FCC 402 to FCC 415. This change does not affect the number of respondents or burden.

OMB Approval Number: 3060–0728.

Title: Supplemental Information Required for Taxpayer Identifying Number for Debt Collection.

Form No.: N/A.

Type of Review: Extension of an existing collection.

Respondents: Individuals; business or other for-profit; State or local governments; non-profit.

Number of Respondents: 10,469,716.

Estimated Time Per Response: .017 hours.

Total Annual Burden: 177,985 hours.

Needs and Uses: The information will be used by the Commission to comply with Public Law 104–134, Omnibus Consolidated Rescissions and Appropriations Act of 1996. Chapter 10 requires each Federal agency to obtain from each person doing business with it their Taxpayer Identification Number (TIN). In cases of individuals the number is the person's social security number; in the case of a business, it is the employer identification number (ein) as assigned by the Internal Revenue Service, U.S. Department of the Treasury.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29073 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

Notice of Public Information Collections Being Reviewed by FCC for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

November 6, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before January 13, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3060–0466.

Title: Section 74.1283 Station Identification.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit.

Number of Respondents: 200 FM translator stations (100 certifications of new installations; 100 notifications of change in primary FM station being retransmitted).

Estimated time per response: 0.25 hour per certification/notification.

Total annual burden: 50.

Needs and Uses: Upon replacement of a transmitter that can be completed without FCC approval, Section 74.1251(b)(1) requires that the licensee place in the station records a certification that the new installation complies in all respects with all technical requirements and terms of the station authorization. Section 74.1251(c) requires FM translator licensees to notify the FCC, in writing, of changes in the primary FM station being retransmitted. The certification of the new installation are used by licensees to provide prospective users of the modified equipment with necessary information. If no such information exists, any future problems could prove difficult to solve and could result in electronic frequency interference for long periods of time. The notification of changes in the primary FM station being retransmitted is used by FCC staff to keep records up-to-date and to ensure compliance with FCC rules and regulations.

OMB Number: 3060–0466.

Title: Section 74.1283 Station Identification.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit.

Number of Respondents: 400 FM translator stations.

Estimated time per response: 10 minutes per notice.

Total annual burden: 1 hour 6 minutes.

Needs and Uses: Section 74.1283(c)(1) requires an FM translator station whose station identification is made by the primary station to furnish current information of the translator's call letters and location (name, address and telephone number). This information is to be kept in the primary station's files. This information is used by the primary station licensee and/or FCC staff in field investigations to contact the translator licensee in the event of malfunction of the translator.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96–29074 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–02–P

Fifth Meeting of the WRC–97 Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the next meeting of the WRC–97 Advisory Committee will be held on Friday, November 22, 1996, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 1997 World Radiocommunication Conference.

DATES: November 22, 1996; 2:30 p.m.–4:30 p.m.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Room 856, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Crystal Foster, FCC International Bureau, Satellite and Radiocommunication Division, at (202) 418–0749.

SUPPLEMENTARY INFORMATION: 1. The Federal Communications Commission (FCC) established the Advisory Committee for the 1997 World Radiocommunication Conference to provide advice, technical support and recommendations relating to the preparation of recommended United States proposals and positions for the 1997 World Radiocommunication Conference (WRC–97). In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the fifth meeting of the WRC–97 Advisory Committee.

2. This meeting will continue reviewing the work of the Advisory Committee. The draft conference proposals developed by the Committee's Ad Hoc and Informal Working Groups (IWGs) will be considered for approval.

3. The WRC–97 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. Further information regarding the WRC–97 Advisory Committee is available on the World Wide Web at: http://www.fcc..gov/ib/wrc97/.

4. The proposed agenda for the fifth meeting is as follows:

Agenda—Fifth Meeting of the WRC–97 Advisory Committee

Federal Communications Commission, 1919 M Street, N.W., Room 856, Washington, D.C. 20554

November 22, 1996; 2:30 p.m.–4:30 p.m.

1. Opening Remarks
2. Approval of Agenda
3. Approval of Minutes
4. Update on NTIA Radio Conference Subcommittee
5. Reports on Significant International Meetings
6. Reports from the Chairs of the Informal and Ad Hoc Working Groups and Consideration/ Approval of Draft Proposals
7. Advisory Committee Schedule
8. Other Business

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96–29298 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–M

Federal-State Joint Board on Universal Service To Hold an Open Meeting Thursday, November 7, 1996

The Federal-State Joint Board convened in CC Docket 96-45 will hold an Open Meeting on the subject listed below on Thursday, November 7, 1996. The Open Meeting is scheduled to commence at 1:00 p.m., in Room 856 at 1919 M Street, N.W., Washington, DC.

Item No., Bureau, Subject

1—Common Carrier—Title: Federal-State Joint Board on Universal Service Recommended Decision (CC Docket No. 96-45). Summary: The Federal-State Joint Board will consider proposals for implementing the universal service provisions of the Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996.

The prompt and orderly conduct of Commission business requires that the meeting be held with less than 7-days notice because the statutory deadline for Joint Board action is November 8, 1996.

Action by the Commission November 6, 1996. Chairman Reed Hundt, Commissioners James Quello, Susan Ness, and Rachelle Chong, voting to consider this item.

Additional information concerning this meeting may be obtained from Astrid Carlson, of the Common Carrier Bureau, telephone number (202) 530-6023.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc., at (202) 857-3800. Audio and video tapes of this meeting can be purchased from Telspan International at (301) 731-5355. The meeting can be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966-2211 or fax (202) 966-1770; and from Conference Call USA (available only outside the Washington, DC metropolitan area), telephone 1-800-962-0044.

Dated November 6, 1996.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96–29075 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–F

[CC Docket No. 92–237; DA 96–1838]

FCC Announces Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On November 7, 1996, the Commission released a public notice announcing the second meeting of the North American Numbering Council and the Agenda for that meeting. The intended effect of this action is to make the public aware of the NANC's second meeting and its Agenda.

FOR FURTHER INFORMATION CONTACT: Marian Gordon, Designated Federal Official of the North American Numbering Council, (202) 418–2337 or Linda Simms, Administrative Assistant of the North American Numbering Council, (202) 418–2330. The address for both is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW., Suite 235, Washington, DC 20054. The fax number for both is: (202) 418–2345. The TTY number for both is: (202) 418–0484.

SUPPLEMENTARY INFORMATION:

Released: November 7, 1996.

The second meeting of the North American Numbering Council (NANC) will be held on Monday, December 2, 1996, at 9:30 a.m. EST at the Federal Communications Commission, 1919 M Street, NW., Room 856, Washington, DC 20554.

Marian Gordon, Designated Federal Official of the NANC, (202) 418–2337 or Linda Simms, Administrative Assistant of the NANC, (202) 418–2330. The address for both is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW., Suite 235, Washington, DC 20054. The fax number for both is: (202) 418–2345. The TTY number for both is: (202) 418–0484.

This meeting will be open to members of the general public. The FCC will attempt to accommodate as many people as possible. Admittance, however will be limited to the seating available. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Marian Gordon or Linda Simms, at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

AGENDA: The planned agenda for the second meeting is as follows:

1. Reports on the NANC Steering Group Meetings of October 1 and November 13 and conference calls of October 17 and October 28.
2. Report on progress of NANC Working Groups.
3. Review of future activities.
4. Other.

Federal Communications Commission

Geraldine A. Matise,

Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 96–29152 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

Federal Register Number: 96–28734.

Previously announced date and time: Thursday, November 14, 1996, 10:00 a.m., meeting open to the public.

The following item was added to the agenda: Revised Draft Advisory Opinion 1996–42: Michael A. Nemeroff on behalf of Lucent Technologies, Inc.

Person to contact for information: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 96–29301 Filed 11–12–96; 10:26 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 96–22]

U.S.A. Paper, Inc. v. Venezuelan American Maritime Association, Crowley American Transport, Inc., King Ocean Services, S.A., Seaboard Marine, Ltd., A.P. Moller-Maersk Line, Sea-Land Service, Inc., Venezuelan Container Line, C.A., and Consorcio Naviero Del Occidente, C.A.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by U.S.A. Paper, Inc. (''Complainant'') against Venezuelan American Maritime Association, Crowley American Transport, Inc., King Ocean Services, S.A., Seaboard Marine, Ltd., A.P. Moller-Maersk Line, Sea-Land Service, Inc., Venezuelan Container Line, C.A., and Consorcio Naviero Del Occidente, C.A. (collectively designated ''Respondents'') was served November 8, 1996. Complainant alleges that Respondents have violated section 10 of the Shipping Act of 1984, 46 U.S.C. app. § 1709, in connection with a Time Volume Rate for waste paper between the United States and Venezuela that is discriminatory, unfair, and an unreasonable practice by Respondents.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence with the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by November 7, 1997, and the

final decision of the Commission shall be issued by March 9, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 96–29143 Filed 11–13–96; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 96–21]

Royal Venture Cruise Line, Inc.; Order of Investigation

This proceeding is being instituted in response to the request of Royal Venture Cruise Line, Inc. (''Royal Venture'') for a hearing in response to a Federal Maritime Commission (''Commission'') Notice of Intent to Deny Royal Venture's application for a Certificate of Financial Responsibility of Non-Performance (''Certificate''). Section 3 of Public Law 89–777, 46 U.S.C. app. 817e, provides that no person in the United States may arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers, which is to embark passengers at a United States port, to receive a Certificate for the vessel.[1]

Royal Venture is a Georgia corporation which maintains an office in Clearwater, FL. Anastassios Kiriakidis (''Kiriakidis'') is the Chairman of Royal Venture. Kiriakidis, on behalf of Royal Venture, filed an application with the Commission to obtain a Certificate for the *Sun Venture,* a vessel with berth or stateroom accommodations for fifty or more passengers, for 2-day cruises to nowhere and 5-day cruises to Mexico from Tampa, FL. The Certificate was to be secured by an Escrow Agreement pursuant to the Commission's regulations at 46 CFR 540.5(b). The First Bank National Association, New York, New York, was named as the Escrow Agent for the Escrow Agreement. The Commission approved the application and notified Royal Venture on April 19, 1996, that a Certificate would be issued upon confirmation that an initial deposit of $303,000 had been deposited by Royal Venture in the escrow account.[2] Even though the application was approved in April, 1996, Royal Venture has yet to notify the Commission that it has made the initial deposit of $303,000 in Escrow Account.

In June, 1996, it came to the attention of the Commission's staff that Royal Venture apparently had circulated a brochure to the travel industry for cruises from Tampa on the *Sun Venture.* As a result of learning this information, the Commission's staff on July 1, 1996, sent Royal Venture a warning letter advising Royal Venture that a Certificate had not been issued, and that Royal Venture should immediately cease any activity which involved arranging, offering, advertising or providing passage on the *Sun Venture.* In response, Royal Venture acknowledged that brochures for its planned cruises on the *Sun Venture* had been distributed to travel agents at a trade show in Tampa, and stated that Royal Venture would not sell passages or collect any money for passages on the *Sun Venture* until a Certificate for the vessel was issued.

In August, 1996, the Commission's staff learned that travel agents in the Tampa area had been promoting Royal Venture's proposed cruises on the *Sun Venture* and that a series of advertisements for the vessel had appeared in Tampa area newspapers. Another warning letter was sent by the Commission's staff to Royal Venture on August 23, 1996. Thereafter, information was obtained by the Commission's staff that indicated Royal Venture, through travel agents, had confirmed reservations or otherwise arranged for the sale of passages for cruises on the *Sun Venture* and that Royal Venture was holding deposits or fares for the passages.

In order to verify this information and determine the extent of Royal Venture's activities, a member of the Commission's staff met with Kiriakidis at Royal Venture's office in Clearwater, FL on September 11, 1996. At the meeting, Kiriakidis admitted that Royal Venture had advertised its planned service on the *Sun Venture* but took the position that the firm had not confirmed reservations or otherwise sold passages on the *Sun Venture.* His position was that Royal Venture had only obtained ''indications of interest'' for cruises and any deposits or fares which had been sent, unsolicited, to Royal Venture were promptly returned. This position appeared to be contrary to the information developed by the Commission's staff. Thus, the Commission, by Order of Investigation served September 25, 1996,[3] instituted a proceeding to determine if Royal Venture and Kiriakidis had violated the provisions of section 3 of Public Law 89–777 and (or) Part 540.3 of the Commission's regulations, and, if so, whether a civil penalty should be assessed, the amount thereof, and whether a cease and desist order should be issued.

The above course of conduct by Royal Venture also appears to bring into question the issuance of a Certificate to Royal Venture based on an Escrow Agreement. When a passenger vessel operator relies upon an Escrow Agreement to establish its financial responsibility, the Commission must have accurate, credible and reliable information concerning the collection of passenger deposits and fares to ensure the protection of passengers and the integrity of the Escrow Agreement. The Commission's experience thus far with Royal Venture and its Chairman creates doubts as to whether information to be provided by Royal Venture under the terms of the Escrow Agreement could be relied upon. Accordingly, pursuant to the Commission's Regulations at 46 CFR 540.8, a Notice of Intent to Deny Royal Venture's Application for a Certificate was sent to Royal Venture on October 3, 1996. Part 540.8(b) of the Commission's regulations provides that a Certificate may be denied, revoked, suspended, or modified for making any willfully false statement to the Commission in connection with an application for a Certificate, circumstances whereby the party does not qualify as financially responsible in accordance with the requirements of the Commission, or failure to comply with or respond to lawful inquiries, rules, regulations or orders of the Commission. Royal Venture was given 20 days to request a hearing, to be held in accordance with the Commission's Rules of Practice and Procedure, to show that the intended denial should not take place. By letter received October 22, 1996, Royal Venture requested a hearing on the intended denial.

Now therefore it is ordered, That pursuant to section 3 of Public Law 89–777 and 46 CFR Part 540, a proceeding is instituted to determine whether Royal Venture's application for a Certificate should be denied for: (1) making any willfully false statement to the Commission in connection with an application for a Certificate; (2) circumstances whereby Royal Venture does not qualify as financially responsible in accordance with the requirements of the Commission; and (or), (3) failure to comply with or respond to lawful inquiries, rules, regulations or orders of the Commission.

It is further ordered, That this matter be assigned for public hearing before an Administrative Law Judge (''Presiding Officer'') of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Presiding Officer in compliance with Rule 61 of

[1] A Certificate is issued pursuant to the Commission's regulations at 46 CFR Part 540.

[2] Royal Venture was also informed that it would have to file a signed original copy of the Escrow Agreement with the Commission.

[3] Docket No. 96–16, *Royal Venture Cruise Line, Inc. and Anastassios Kiriakidis-Possible Violations of Passenger Vessel Certification Requirements.*

the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The Hearing shall include oral testimony and cross-examination at the discretion of the Presiding Officer only after consideration has been given by the parties and the Presiding Officer to the use of alternative forms of dispute resolution, and upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That Royal Venture Cruise Line, Inc. is designated respondent in this proceeding;

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and copies be served upon all parties of record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all future notices, orders, and (or) decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record;

It is further ordered, That pursuant to Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the Presiding Officer shall be issued by September 25, 1997 and the final decision of the Commission shall be issued by January 25, 1998.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–29144 Filed 11–13–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 27, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. W. Newton Male Revocable Trust, and W. Newton Male, Trustee, both of Augusta, Kansas; to acquire an additional 2.50 percent, for a total of 25.65 percent, of the voting shares of Prairie Capital, Inc., Augusta, Kansas, and thereby indirectly acquire The Prairie State Bank, Augusta, Kansas.

Board of Governors of the Federal Reserve System, November 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29137 Filed 11–13–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq*.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 6, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Regions Financial Corporation, Birmingham, Alabama; to merge with Allied Bankshares, Inc., Thomson, Georgia, and thereby indirectly acquire Allied Bank of Georgia, Thomson, Georgia; Bank of Morgan County, Madison, Georgia; and The Bank of Millen, Millen, Georgia.

Board of Governors of the Federal Reserve System, November 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29138 Filed 11–13–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 709]

Community Education and Training To Address Environmental Health Research Near Department of Energy Nuclear Weapons Facilities

Introduction

Announcement 709 supersedes Announcement 656 which was published in the Federal Register on July 10, 1996 [61 FR 36380].

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1997 for a cooperative agreement program to develop community education and training for environmental health research near Department of Energy (DOE) nuclear weapons facilities. CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where To Obtain Additional Information.'')

Authority

This program is authorized under section 317 [42 U.S.C. 247b] of the Public Health Service Act, as amended.

Smoke-Free Workplace

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

Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and State governments and their agencies.

Note: Eligible applicants may enter into contractual agreements, as necessary, to meet the requirements of the program and to strengthen the overall application. The intent to use such mechanisms must be stated in the application and the nature and scope of work of these mechanisms require the approval of CDC. Awardee(s) must maintain the primary responsibility for conduct of the cooperative agreement. The awardee, as the direct and primary recipient of Federal funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Applicants must justify the need to use a contractor. If contractors are proposed, the following must be provided: (1) Name of the contractor, (2) method of selection, (3) period of performance, (4) detailed budget, (5) justification for use of contractor, and (6) assurance of non-conflict of interest.

Availability of Funds

Approximately $300,000 will be available in FY 1997 (for both direct and indirect costs) to fund approximately one or more awards. The amount of each award will be dependent upon the number of awards made. It is expected that the awards will begin on or about March 5, 1997, for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of the following criteria:

1. Satisfactory progress in meeting program objectives.
2. Extent to which the continuation year objectives are realistic, specific, and measurable.
3. Extent to which proposed changes in program objectives, methods of operation, staff or contractor(s), or evaluation procedures will facilitate achievement of project goals.
4. Extent to which budget changes or requests are clearly justified and consistent with the intended use of cooperative agreement funds.
5. The availability of funds.

Purpose

The purpose of this program is to support a health education effort for communities in proximity to DOE nuclear weapons facilities sites to increase understanding of environmental health research. A key focus is to increase community understanding of issues associated with potential health effects of radionuclide and chemical exposures from releases from DOE nuclear weapons facilities near the community. Another key focus will be to address community understanding of environmental health research related to past operations of nuclear weapons facilities. CDC is presently conducting dose reconstruction and health studies in communities. Increasingly, communities desire educational and health communication activities that address their need to understand the conduct of studies and interpretation of results.

CDC is aware of the need for information and community education near all nuclear weapons facility sites and may consider expanding this program in the future to include additional sites. However, award priority will be given to approved applications that focus on the following sites where CDC studies are in place (only one award will be made per site): (1) Fernald, Ohio; (2) Hanford Nuclear Reservation, Washington; (3) Idaho National Engineering Laboratory, Idaho; (4) Lawrence Livermore, California; (5) Los Alamos, New Mexico; and (6) Savannah River Site, Georgia/South Carolina.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Develop and implement a pilot health education program on potential health effects of radionuclide and chemical exposures in communities near DOE nuclear weapons facility. The education program should include information that promotes a basic understanding of the scientific methods used to estimate these exposures and conduct health studies, and, at a minimum, the following:

a. Development of an educational plan to address identified community needs.

b. Development and dissemination of educational materials such as brochures, fact sheets, and posters.

c. Involvement of and outreach to diverse communities, including the youth of communities.

d. Communication of the concepts depicted in the educational materials to the targeted community through workshops.

2. Develop and implement a parallel evaluation program focusing on the effectiveness of every aspect of the education program in the community in the vicinity of the DOE site.

3. Develop a guidebook, to be used by members of the community during the community education process, and during education efforts for the DOE site.

4. As a follow-up to the education process, identify the types of education materials/information, either generic or specific to the DOE site, that were unavailable and still need to be developed.

5. Meet with representatives of other education/community outreach project representatives at least once a year.

These meetings will be coordinated by CDC.

6. Develop protocol for a community education and training program cooperatively with CDC.

7. Collaborate with CDC on the use of distance-based learning methods for community health education.

B. CDC Activities

1. Provide scientific assistance needed to produce the educational materials to educate the community members.

2. Provide technical assistance in regard to assessment and evaluation activities, the use of distance-based learning methods, and other activities associated with the project.

3. Coordinate annual meetings with recipients and representatives of other education/community outreach projects.

4. Develop protocol for a community education and training program cooperatively with recipients.

5. Provide information regarding CDC environmental health research projects.

6. Collaborate with recipients on the use of distance-based learning methods for community health education.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. The extent to which the applicant's proposal addresses: (a) A plan for developing a health education program for diverse communities, including the youth of these communities; (b) a plan for providing information support and liaison services to other State, local, and tribal health organizations on radiation-related health studies and; (c) plans and methods by which collaboration with other agencies will take place. The extent to which the applicant demonstrates a cultural competency for the proposed site of the education and training. (35%)

2. The qualifications and commitment of the applicant; allocations of time and effort of staff devoted to the project; and the qualifications of the primary and support staff. (35%)

3. The applicant's ability to collaborate with other agencies for conduct of the project, including the degree of commitment and cooperation of collaborating parties. (30%)

4. The proposed budget on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of cooperative agreement funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting project activities. (Not Scored)

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contact (SPOC) 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 for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Ron Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, no later than 60 days after the application deadline. The Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' the State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

A. A copy of the face page of the application (SF424).

B. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

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 plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and are funded by the cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

An original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Ron Van Duyne, Grants Management Officer, Attention: David Elswick, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, on or before January 13, 1997.

1. Deadline: The application shall be considered as meeting the deadline if it is either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission to the objective review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

2. Late Applications: Applications which do not meet the criteria in 1.A. or 1.B. above are considered late applications. A late application will not be considered and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6521, Internet address: DCE1@opspgo1.em.cdc.gov.

Programmatic technical assistance may be obtained from Art Robinson,

Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop F–35, Atlanta, GA 30341, telephone (770) 488–7630.

Please refer to Announcement 709 when requesting information and submitting an application.

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) referenced in the ''Introduction'' may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: November 6, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–29141 Filed 11–13–96; 8:45 am]

BILLING CODE 4163–18–P

Hospital Infection Control Practices Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Hospital Infection Control Practices Advisory Committee (HICPAC).

Times and Dates: 8:30 a.m.–4:30 p.m., December 12, 1996. 8:30 a.m.–1:30 p.m., December 13, 1996.

Place: CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance, prevention, and control of nosocomial infections in U.S. hospitals and updating of guidelines and other policy statements regarding prevention of nosocomial infections.

Matters to be Discussed: Agenda items will include a review of the third draft of the Guideline for Infection Control in Hospital Personnel, the Hospital Infections Program organizational structure and activities, proposed plans and outline for revision of the Guideline for Prevention of Surgical Wound Infections, and an update on CDC activities of interest to the Committee.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Julia S. Garner, Nurse Consultant, Hospital Infections Program, NCID, CDC, 1600 Clifton Road, NE, M/S A–07, Atlanta, Georgia 30333, telephone 404/639–6408.

Dated: November 7, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–29139 Filed 11–13–96; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

Advisory Committees; Renewals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of certain FDA advisory committees by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the charters of the committees listed below for an additional 2 years beyond charter expiration date. The new charters will be in effect until the dates of expiration listed below. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463 (5 U.S.C. app. 2)).

DATES: Authority for these committees will expire on the dates indicated below unless the Commissioner formally determines that renewal is in the public interest.

Name of committee	Date of expiration
Pulmonary-Allergy Drugs Advisory Committee	May 30, 1998.
Drug Abuse Advisory Committee	May 31, 1998.
Science Advisory Board to the National Center for Toxicological Research	June 2, 1998.
Peripheral and Central Nervous System Drugs Advisory Committee	June 4, 1998.
Psychopharmacologic Drugs Advisory Committee	June 4, 1998.
Science Board to the Food and Drug Administration	June 26, 1998.
Transmissible Spongiform Encephalopathies Advisory Committee (formerly Ad Hoc Advisory Committee on Creutzfeldt-Jakob Disease)	June 9, 1998.
Allergenic Products Advisory Committee	July 9, 1998.
Cardiovascular and Renal Drugs Advisory Committee	August 27, 1998.
Endocrinologic and Metabolic Drugs Advisory Committee	August 27, 1998.
Oncologic Drugs Advisory Committee	September 1, 1998.
Anti-Infective Drugs Advisory Committee	October 7, 1998.
Dermatologic and Ophthalmic Drugs Advisory Committee	October 7, 1998.
Biological Response Modifiers Advisory Committee	October 28, 1998.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4820.

Dated: November 6, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–29147 Filed 11–13–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96F–0415]

Nalco/Exxon Energy Chemicals, L. P.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing

that Nalco/Exxon Energy Chemicals, L. P. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of poly(alkyl methacrylate) as a processing aid in the production of petroleum wax.

DATES: Written comments on the petitioner's environmental assessment by December 16, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 7A4524) has been filed by Nalco/Exxon Energy Chemicals, L. P., c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 172.886 *Petroleum wax* (21 CFR 172.886) to provide for the safe use of poly(alkyl methacrylate) as a processing aid in the production of petroleum wax.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before December 16, 1996, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: October 23, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–29146 Filed 11–13–96; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Disease; Notice of Closed Meeting

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) meeting:

Purpose/Agenda: To review and evaluate research grant applications.

Name of SEP: P60 MAMDC Application Review.

Date of Meeting: November 13–14, 1996.

Time: November 13—8:30 a.m.–5:00 p.m.; November 14—8:30 a.m.–adjournment.

Place of Meeting: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Scientific Review Administrator: Melvin H. Gottlieb, Ph.D., Natcher Building, 45 Center Drive, Rm. 5AS–25U, Bethesda, Maryland 20892–6500, Telephone: 301–594–4952.

The meeting 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 applications and/or 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.

(Catalog of Federal Domestic Assistance Programs Nos. [93.846, Project Grants in Arthritis, Musculoskeletal and Skin Diseases Research], National Institutes of Health, HHS)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29338 Filed 11–12–96; 12:57 pm]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 14—November 15, 1996.

Time: 8:30 a.m.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 26, 1996.

Time: 12 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

The meetings will be closed in accordance with the provision 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.

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.

(Catalog of Federal Domestic Assistant Program Numbers 93.242, 93.281, 93.282)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29339 Filed 11–12–96; 12:57 pm]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4151–C–02]

Announcement Designations for Campus of Learners for Public and Indian Housing Fiscal Year 1996; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice; correction.

SUMMARY: This document contains corrections to a notice which was published on Thursday, October 10, 1996 (61 FR 53232). The notice announced the designation of Campus of Learners for Public and Indian Housing for Fiscal Year 1996.

FOR FURTHER INFORMATION CONTACT: Ronald Ashford, Director, Office of Supportive Services, Public and Indian Housing, Department of Housing and Urban Development, Room 4116, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–0614 (this is not a toll-free telephone number). A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

Need for Correction

Accordingly, FR Doc 96–26078, a notice published in the Federal Register on October 10, 1996 (61 FR 53232), is corrected as follows:

On page 53233, column 2, under PHA Name: Chicago Housing Authority, the ''Number of Units: 700.'' is corrected to read ''Number of Units: 800.'' and the ''Development Name: Alba.'' is corrected to read ''Development Name: Dearborn Homes.''.

On page 53234, column 2, the PHA Name: Wilmington Housing Authority, the ''Development Name: South Bridge.'' is corrected to read ''Development Name: East Lake.''.

Dated: November 7, 1996.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 96–29107 Filed 11–13–96; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–820399

Applicant: Jesse Kirk, Irving, TX.

The applicant requests a permit to import the sport-hunted trophy of one bontebok (Damaliscus pygargus dorcas) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

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 to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: November 8, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–29214 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Land Management

[WY–060–01–1320–01; WYW127221]

Notice of Availability of a Draft Environmental Impact Statement (DEIS) and Notice of Public Hearing

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This Notice announces the Availability of a DEIS pursuant to 40 CFR 1500–1508 for the North Rochelle Coal Lease Application (WYW127221) in the Wyoming Powder River Basin, and announces the scheduled date and place for a public hearing pursuant to 43 CFR 3425.4. The purpose of the hearing is to receive comments on the DEIS, and on the fair market value, the maximum economic recovery, and the proposed competitive sale of coal from the North Rochelle tract (originally called the North Roundup tract). The tract is being considered for sale as a result of a maintenance coal lease application filed by Bluegrass Coal Development Company (formerly SMC Mining Company) for Federal coal located adjacent to the North Rochelle Mine in Campbell County, Wyoming. The DEIS evaluates the impacts of holding a competitive coal lease sale and issuing a lease if there is a successful bidder. The North Rochelle Mine is a producing coal mine; however, there are currently no mining facilities at the mine, which is located approximately 50 miles south of Gillette, Wyoming.

DATES: A public hearing will be held at 7 p.m. on December 12, 1996, at the Holiday Inn, 2009 S. Douglas Highway, Gillette, Wyoming. There will be an open house from 4 to 6 p.m., also on December 12, 1996, at the Gillette Holiday Inn, to answer questions about the North Rochelle coal lease application, as well as other pending coal lease applications, other mineral development issues in the Powder River Basin, the coal leasing process, the coal unsuitability screening process, and any other issues that may be of concern related to Bureau of Land Management (BLM) mineral activities in the Powder River Basin.

The DEIS is scheduled to be available to the public on November 8, 1996. In order to assure that comments are considered in the Final Environmental Impact Statement, they should be received no later than close of business on January 10, 1997.

ADDRESSES: Comments, concerns, and requests for copies of the DEIS (or an Executive Summary of the DEIS) should be addressed to Casper District Office, Bureau of Land Management, Attn: Nancy Doelger, 1701 East ''E'' Street, Casper, Wyoming 82601. Comments can also be faxed to 307–234–1525, Attn: Nancy Doelger.

FOR FURTHER INFORMATION CONTACT: Nancy Doelger or Mike Karbs (307–261–7600), or contact the fax or address listed above.

SUPPLEMENTARY INFORMATION: This coal lease application was made to the BLM pursuant to provisions of 43 CFR 3425.1 as a lease by application. On July 22, 1992, Bluegrass Coal Development Company (formerly SMC Mining Company) applied for a coal lease for approximately 1,439 acres (approximately 144 million tons of coal) in an area adjacent to the North Rochelle Mine in Campbell County, Wyoming. The (BLM) has recommended that approximately 81 additional acres containing approximately 9 million tons of coal be included in the tract to avoid a potential bypass situation in the future, and that approximately 39 acres containing approximately 4 million tons of coal be excluded from the tract to enhance the value of the remaining unleased coal in the area. The application was for the following lands:

T. 42 N., R. 70 W., 6th P.M., Wyoming
Sec. 4: Lots 5 thru 16, 19, and 20;
Sec. 5: Lots 5 thru 16;
Sec. 9: Lot 1;
T. 43 N., R. 70 W., 6th P.M., Wyoming
Sec. 32: Lots 9 thru 11, 14 thru 16;
Sec. 33: Lots 11 thru 14;
Containing 1439.92 acres, more or less.

The BLM has recommended that the following lands be excluded from the application:

T. 42 N., R. 70 W., 6th P.M., Wyoming
Sec. 9: Lot 1;

Containing 39.15 acres, more or less.

The BLM has recommended that the following additional lands containing an additional estimated 9 million tons of coal reserves be included in the application:

T. 43 N., R. 70 W., 6th P.M., Wyoming
Sec. 32: Lots 12 and 13.

Containing 81.16 acres, more or less.

The tract as amended by the BLM contains a total of 1481.93 acres and approximately 149 million tons of coal.

The lease application area is west of and contiguous with SMC Mining Company's existing North Rochelle Mine and with Thunder Basin Coal Company's Black Thunder Mine. The North Rochelle Mine began producing coal in 1990. There are no existing mine facilities or rail facilities at the North Rochelle Mine; however, these facilities are currently being permitted. Coal is produced from an existing Federal lease (WYW71692) by truck and shovel and the produced coal is hauled by truck from the mine site to a contracted buyer. Production from the existing lease is scheduled to meet the diligence requirements of Section 2(a)(2)(A) of the Mineral Leasing Act in late 1996. The company has applied to lease the proposed North Rochelle Tract (initially called the North Roundup Tract) as a maintenance tract for the North Rochelle Mine.

The DEIS analyzes three alternatives. The Proposed Action is to lease the tract as applied for to the successful bidder. Alternative A is to lease the tract as modified by the BLM to the successful bidder. This is the Preferred Alternative of the BLM. The third alternative is the No Action Alternative, which assumes that the lease is not issued.

The North Rochelle tract does not contain enough coal to open a new mine. It would be logically mined by either the existing North Rochelle Mine or the existing Black Thunder Mine.

The U.S. Forest Service (USFS) is a cooperating agency in the preparation of the EIS because the surface of some of the lands included in the tract is owned by the Federal Government and administered by the USFS as part of the Thunder Basin National Grasslands. The Office of Surface Mining Reclamation and Enforcement is also a cooperating agency in the preparation of the EIS, because it is the Federal agency that administers surface coal mining operations under the Surface Mining Control and Reclamation Act of 1977.

Dated: November 1, 1996.

Alan R. Pierson,

State Director.

[FR Doc. 96–29112 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–22–P

[WY–018–1220–00]

Emergency Closure of Certain Roads and Trails; Buffalo Creek Area, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure of certain roads and trails in the Buffalo Creek Area, Washakie County, Wyoming.

SUMMARY: Notice is hereby given that effective September 27, 1996, some roads and trails on public land administered by the Bureau of Land Management (BLM) Worland District, Bighorn Basin Resource Area, will be closed to all vehicular use. These roads and trails are located in the Buffalo Creek area south and west of the Nowater Stock Drive (BLM road 1404), in Washakie County, Wyoming. As of the effective date, only roads designated by a ''white arrow'' are available for use. All roads and trails not designated with a ''white arrow'' are closed to motorized use. No off-road travel will be allowed in these areas other than by emergency vehicles or as allowed by the Bighorn Basin Resource Area Manager.

EFFECTIVE DATE: This emergency vehicle management is effective September 27, 1996 and will remain in effect until December 1998 unless modified or rescinded by the Bighorn Basin Resource Area Manager.

FOR FURTHER INFORMATION CONTACT: David Baker, Outdoor Recreation Planner or Charles F. Wilkie, Area Manager, Bighorn Basin Resource Area, P.O. Box 119, 101 South 23rd Street, Worland, Wyoming 82401–0119. Telephone (307)347–5100.

SUPPLEMENTARY INFORMATION: The Bighorn Basin Resource Area is responsible for off-road vehicle management in the entire resource area. The Buffalo Creek area experienced a large fire which began August 25, 1996 and burned about 46,000 acres of private, state, and federal lands. The purpose of this emergency closure is to eliminate unnecessary vehicle use while providing some access into the area for recreation. This order will help to aid in the area's rehabilitation after the fire. Vehicles traveling off-road in a burned area would damage re-emerging plants, increase erosion, and could spread noxious weeds.

The management of off-road vehicles is covered under the Washakie Resource Management Plan (RMP), signed September 2, 1988.

The Buffalo Creek area is an important wildlife habitat and hunting area. The recent fire burned more then 90 percent of the area leaving very little winter forage for wildlife. Keeping vehicle traffic on designated roads and trails for one or two growing seasons will help in the rehabilitation of the area. There is also a need to allow some vehicle access into the area in order for hunters to harvest big game animals that may perish due to a lack of winter forage. The Bighorn Basin Resource Area will analyze the effect of this road management in the summer of 1997 and the Bighorn Basin Resource Area Manager will extend the management until December 1998, if it is deemed necessary.

The following described BLM-administered lands south and west of the Nowater Stock Trail and east of the Sand Point Divide are included in this emergency closure: Sixth Principal Meridian, Township 43 North, Range 90 West, sections 25 and 36; Township 43 North, Range 89 West, sections 8, 9, 10, and 14 through 36; Township 42 North, Range 89 West; Township 42 North, Range 90 West, sections 1, 12, and 13. Authority to close roads and trail to off-road vehicles is provided under 43 CFR subpart 8341.2 (a and b), and 8364.1. Violations are punishable by a fine not to exceed $1,000 and(or) imprisonment not to exceed 12 months.

Dated: November 5, 1996.

Charles F. Wilkie,

Bighorn Basin Area Manager, Worland District.

[FR Doc. 96–29086 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–22–P

National Park Service

Salt River Bay National Historical Park and Ecological Preserve

ACTION: Notice of Advisory Commission Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Salt River Bay National Historical Park and Ecological Preserve, St. Croix, Advisory Commission will be held at 9:00 a.m. to 4:00 p.m., at the following location and date.

DATES: December 4, 1996.

LOCATION: The Buccaneer Hotel, 5007 Estate Shoys #7, Christiansted, St. Croix, Virgin Islands 00820.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis Peltier, Superintendent, Virgin Islands National Park, 6310 Estate Nazareth #10, St. Thomas, Virgin Islands 00802, (809) 775–6238.

SUPPLEMENTARY INFORMATION: The purpose of the Salt River Bay National Historical Park and Ecological Preserve, St. Croix, Advisory Commission is to make recommendations on how all lands and waters within the boundaries of the park can be jointly managed by the Governments of the United States Virgin Islands and the United States in accordance with Public Law 102–247; to consult with the Secretary of the Interior on the development of the General Management Plan required by Section 105 of Public Law 102–247; and to provide advice and recommendations to the Government of the United States Virgin Islands upon request of the Government of the United States Virgin Islands.

Matters to be discussed at this meeting include general operation procedures of the Advisory Commission, administrative issues (interpretive presence at the park, points of contact between the Commission, National Park Service and the Governor and training of Virgin Islands employees), consideration and adoption of the last Commission minutes, and review of draft documents for the Friends of the Park group.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above at least 10 working days prior to the meeting.

Members of the public may request ahead of time to address the Commission. Comments will be limited to 5 minutes. Written copies of comments to be made must be submitted to the Commission in order to be included in the official record of the meeting. Minutes of the meeting will be available at the Virgin Islands National Park headquarters at the above address for public inspection approximately 4 weeks after the meeting.

Dated: November 6, 1996.

Daniel W. Brown,

Acting Field Director, Southeast.

[FR Doc. 96–29087 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 2, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by November 29, 1996.

Beth Savage,

Acting Keeper of the National Register.

ARKANSAS

Benton County

Oak Hill Mausoleum (Benton County MPS), Oak Hill Cemetery, W of jct. of Benton St. and AR 43, Siloam Springs, 96001412

Crawford County

Fairview Cemetery, Confederate Section (Civil War Commemorative Sculpture MPS), SW of jct. of McKibben and 10th Sts., Van Buren, 96001407

Garland County

Hollywood Cemetery, Confederate Section (Civil War Commemorative Sculpture MPS), Near Jct. of Hollywood Ave. and Mote Rd., Hot Springs, 96001409

Hempstead County

Washington Confederate Monument (Civil War Commemorative Sculpture MPS), AR 4, NW of jct. with AR 32, Washington, 96001410

Mississippi County

Mississippi County Courthouse, Chickasawba District, 200 W. Walnut St., Blytheville, 96001411

Ouachita County

Oakland Cemetery, Confederate Section (Civil War Commemorative Sculpture MPS), N of Pearl St., between Adams and Young Sts., Camden, 96001408

DELAWARE

Sussex County

Barnes Woods Archeological District, Address Restricted, Seaford vicinity, 96001413

GEORGIA

Coweta County

Roscoe—Dunaway Gardens Historic District, Roughly bounded by the Chattahoochee R., Cedar Cr., Hood Branch, and White Oak Cr., Roscoe vicinity, 96001414

MARYLAND

Carroll County

Stoner—Saum Farm, 1500 McKinstry's Mill Rd., Union Bridge vicinity, 96001415

Washington County

Wilson, Rufus, Complex, 14293 Rufus Wilson Rd., Clear Spring vicinity, 96001416

MICHIGAN

Allegan County

Felt, Dorr E., Mansion, 66th St., N of 138th Ave., Laketown Township, Saugatuck vicinity, 96001418

Macomb County

Kolping Park and Chapel, 47440 Sugar Bush Rd., Mount Clemens vicinity, 96001417

Manistee County

Sandenburgh—Rogers Summer Resort Complex, 2046 Crescent Beach Rd., Onekama Township, Parkdale vicinity, 96001421

Tuscola County

Tuscola County Courthouse, 440 N. State St., Caro, 96001419

Wayne County

YWCA Building, 2230 Witherall, Detroit, 96001420

NEW YORK

Albany County

Patterson Farmhouse, 47 Murray Ave., Delmar, 96001427

Shear, Israel, House, NY 143, NW of jct. with Gedney Hill Rd., Hamlet of Coymans Hollow, Ravena vicinity, 96001436

Chenango County

Hovey, Charles C., House and Strong Leather Company Mill, 53 W. Main St. and 10 Bixby St., Bainbridge, 96001426

Smyrna Elementary School, School St., SE of NY 80, Smyrna, 96001428

Columbia County

Williams, John S., House and Farm, Shaker Museum Rd., approximately 1 mi. S of jct. with I–90, Chatham vicinity, 96001424

Greene County

Prattsville Reformed Dutch Church, Main St., NW of jct. with Co. Rd. 10, Prattsville, 96001430

Trinity Episcopal Church, NY 23, SW of jct. with Co. Rd. 19, Ashland, 96001438

West Settlement Methodist Church, West Settlement Rd., jct. with Cleveland Rd., Ashland, 96001435

Herkimer County

Menge House Complex, 98 Van Buren St., Dolgeville, 96001425

Orange County

Blooming Grove Church, W side of NY 94, jct. with Old Dominion Rd., Blooming Grove, 96001434

Clark, A. J., Store (Cornwall MPS), 286 Main St., Cornwall, 96001432

Upland Lawn (Cornwall MPS), 16 Duncan Ln., Cornwall, 96001433

Rensselaer County

Craver Farmstead, 115 Craver Rd., East Greenbush vicinity, 96001423

Steuben County

Maple Street Historic District, Roughly, Maple St. from Academy Rd. to Curtis Sq. Park, Addison, 96001441

Suffolk County

Northport Public Library, 215 Main St., Northport, 96001429
Smith, Obadiah, House, 853 Saint Johnland Rd., Hamlet of Kings Parks, Smithtown, 96001422

Sullivan County

Chemung Railway Depot— Horseheads, 312 W. Broad St., Horseheads, 96001442

Ulster County

Elm Street Stone Arch Bridge, Elm St., over Alton Cr., Pine Hill, 96001437
Mill Street Stone Arch Bridge, Mill St., over Birch Cr., Pine Hill, 96001439
The Locusts, 160 Plains Rd., New Paltz, 96001440

Washington County

Fort Miller Reformed Church Complex, Fort Miller Rd., W of US 4 and S of Galusha Island, Fort Edward, 96001431

NORTH CAROLINA

Beaufort County

Ware Creek School, E side of NY 1103, .3 mi. SE of jct. with NC 1112, Blounts Creek vicinity, 96001443

Johnston County

Clayton Banking Company Building, 301 E. Main St., Clayton, 96001444

VIRGINIA

Amherst County

Mountain View Farm, Jct. of Co. Rt. 3 and US 29, Clifford vicinity, 96001453

Fauquier County

Weston, 4477 Weston Rd., Casanova vicinity, 96001447

James City County

Riverview, Address Restricted, Williamsburg vicinity, 96001446

Mecklenburg County

Royster, Clark, House, 300 Rose Hill Ave., Clarksville, 96001455
Sunnyside, 104 Shiney Rock Rd., Clarksville, 96001452

Pittsylvania County

Bill's Diner (Diners of Virginia MRA), 1 Depot St., Chatham, 96001450
Burnett's Diner (Diners of Virginia MRA), 19 S. Main St., Chatham, 96001451

Lynchburg Independent City

Warwick, John Marshall, House, 720 Court St., Lynchburg, 96001449

Richmond Independent City

Byrd, William, Hotel, 2501 W. Broad St., Richmond, 96001454
Sixth Mount Zion Baptist Church, 14 W. Duval St., Richmond, 96001445

Roanoke Independent City

Gainsboro Branch of the Roanoke City Public Library, 15 Patton Ave., NW, Roanoke, 96001448

WISCONSIN

Manitowoc County

FRANCIS HINTON (steamer) (Great Lakes Shipwreck Sites of Wisconsin MPS), Address Restricted, Manitowoc vicinity, 96001457

Ozaukee County

NIAGARA (steamer) (Great Lakes Shipwreck Sites of Wisconsin MPS), Address Restricted, Belgium vicinity, 96001456

[FR Doc. 96–29085 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–70–P

Notice of Intent to Repatriate a Cultural Item in the Possession of the Seattle Art Museum, Seattle, WA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate a cultural item in the possession of the Seattle Art Museum which meets the definition of ''cultural patrimony'' under Section 2 of the Act.

The object is a Tlingit steel dagger, known as *Keet Gwalaa*. The dagger is 26 3/8'' long and 4 3/4'' wide, with copper overlay and leather wrapping about the grip area. The blade is a long, tapered triangular form with three prominent flutes down the center of its length. The integral steel pommel is relief-formed into the image of two orca whale heads looking outward with a single dorsal fin extending upward from the whale heads. A single cut hole pierces the dorsal fin. The pommel is flat on the reverse side.

In 1974, Mrs. Annie Jacobs of Sitka, AK, sold the dagger to Mr. Michael Johnson, an art dealer of Seattle, WA. In 1975, Mr. Johnson sold the dagger to Mr. John Hauberg of Seattle, WA, who donated it to the Seattle Art Museum in 1983.

The claim establishing the cultural patrimony of the dagger was filed by the Central Council of the Tlingit and Haida Indian Tribes of Alaska on behalf of the Da*k*l'aweidi Clan of Angoon, Alaska, for whom the orca or killer whale is said to be a long-established crest with ongoing cultural, historical, and spiritual importance. The dagger had been entrusted to a long line of clan caretakers, each of whom was holding the dagger on behalf of the entire clan. Affidavits submitted with the claim confirm that the final caretaker did not have the required unanimous consent of the members of the Da*k*l'aweidi Clan to sell the dagger, and lacked the authority to alienate it.

Officials of the Seattle Art Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(D), this cultural item has ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the Seattle Art Museum have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between this item and the Central Council of Tlingit and Haida Indian Tribes of Alaska acting on behalf of the Da*k*l'aweidi Clan of Angoon, Alaska.

This notice has been sent to officials of the Central Council of Tlingit and Haida Indian Tribes of Alaska on behalf of the Da*k*l'aweidi Clan of Angoon, Alaska. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this object should contact Steven C. Brown, Associate Curator of Native American Art, Seattle Art Museum, P.O. Box 22000, Seattle, WA 98122099700; telephone (206) 654093171 before December 16, 1996. Repatriation of this object to the Central Council of Tlingit and Haida Indian Tribes of Alaska on behalf the Da*k*l'aweidi Clan of Angoon, Alaska may begin after that date if no additional claimants come forward.

Dated: November 8, 1996.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 96–29154 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–70–F

Notice of Intent to Repatriate Cultural Items in the Possession of the Springfield Science Museum, Springfield, MA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate cultural items in the possession of the Springfield Science Museum, Springfield, MA, which meet the definition of ''unassociated funerary object'' under Section 2 of the Act.

The 68 cultural items include: conch shell beads, a conch shell drinking cup, a soft-shell clam hoe, stone projectile

points, bear claws, a Caddoan incised-neck pottery bottle, bone pins, and a worked copper sheet.

In 1912, C. B. Moore collected these cultural items from the Lower Mississippi Valley in LaFayette, Miller, Cross, Hempstead, and Calhoun counties of Arkansas, and donated them to the Springfield Science Museum the same year.

Consultation evidence indicates these counties were used as a homeland and burial/funerary areas between c. 800 A.D. and the mid-nineteenth century by the Caddo Tribe. Archeological and anthropological evidence further indicates continuities of funerary practice, tools, types of ornamentation, and funerary objects throughout this period. Consultation evidence presented by the Caddo Tribe also indicates these burial practices, tool manufacture, and types of ornamentation and funerary objects are identical to known Caddo traditional practices into the historic period.

Officials of the Springfield Science Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(B), these 68 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Springfield Science Museum have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these items and the Caddo Tribe of Oklahoma.

This notice has been sent to officials of the Caddo Tribe of Oklahoma, the Creek Nation of Oklahoma, the Choctaw Nation of Oklahoma, and the United Keetoowah Band of the Cherokee Nation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact John Pretola, Curator of Anthropology, Springfield Science Museum, 236 State Street, Springfield, MA 01103, telephone (413) 263096875, ext. 320 before December 16, 1996. Repatriation of these objects to the Caddo Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: November 8, 1996.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 96–29155 Filed 11–13–96; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated July 25, 1996, and published in the Federal Register on August 2, 1996, (61 FR 40451), Ansys Inc., 2 Goodyear, Irvine, Califonia 92718, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of benzoylecgonine (9180), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. § 823(a) and determined that the registration of Ansys, Inc. to manufacture benzoylecgonine is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29157 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated July 3, 1996, and published in the Federal Register on July 16, 1996 (61 FR 37078), Applied Science Labs, Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
4-Methylaminorex (cis isomer) (1590).	I
Lysergic acid diethylamide (7315)	I
Mescaline (7381)	I
3,4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
1-(1-Phenylcyclohexyl) pyrrolidine (7458).	I
1-[1-(2Thienyl) cyclohexyl] piperidine (7470).	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Benzoylecgonine (9180)	II
Morphine (9300)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Applied Science Labs to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29116 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 6, 1996, Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts

01810, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Benzoylecgonine (9180)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the above listed controlled substances for isotope labeled standards for drug analysis.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than January 13, 1997.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29117 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 18, 1996, Norac Company, Inc., 405 S. Motor Avenue, Azusa, California 91702, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance tetrahydrocannabinols (7370).

The firm plans to manufacture medication for the treatment of AIDS wasting syndrome and as an antiemetic.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than January 13, 1997.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29118 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Correction

As set forth in the Federal Register (FR Doc. 96–22631) Vol. 61, No. 173 at page 46827, dated September 5, 1996, Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer for certain controlled substances. By letter dated August 30, 1996, Noramco of Delaware, Inc. stated that they had erroneously included fentanyl (9801) in their application for bulk manufacture. Therefore, fentanyl is hereby deleted from the firm's application for bulk manufacture.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29119 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 23, 1996, Nycomed, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of meperidine (9230) a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture bulk product for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than January 13, 1997.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29120 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Notice of Registration

By Notice dated August 21, 1996, and published in the Federal Register on September 3, 1996, (61 FR 46489), Radian International LLC, 8501 North Mopac Blvd., P.O. Box 201088, Austin, Texas 78720, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Benzoylecgonine (9180)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Radian International LLC to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 21, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29121 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 21, 1996, and published in the Federal Register on May 30, 1996, (61 FR 27099), Research Triangle Institute, Kenneth H. Davis, Jr., Hermann Building, East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I
Cocaine (9041)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Research Triangle Institute to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 C.F.R. §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 28, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–29158 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–09–M

Immigration and Naturalization Service

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Report of Complaint.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments will be accepted until January 13, 1997.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

Overview of this information collection:

(1) Type of Information Collection: *Extension of a currently approved collection.*

(2) Title of the Form/Collection: Report of Complaint.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–847. Border Patrol Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individual or Households. The information collected is used by the INS to establish a record of complaint and to initiate an investigation of misconduct by an officer of the INS.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 250 responses at 15 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 62.5.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001, G Street, NW., Washington, DC 20530.

Dated: November 8, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–29140 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–18–M

[INS No. 1801–96; AG Order No. 2062–96]

RIN 1115–AE26

Extension of Designation of Rwanda Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until June 6, 1997, the Attorney General's designation of Rwanda under the Temporary Protected Status (''TPS'') program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Rwanda (or who have no nationality and last habitually resided in Rwanda) may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on June 6, 1995.

EFFECTIVE DATES: This extension of designation is effective on December 7, 1996, and will remain in effect until June 6, 1997. The primary re-registration procedures become effective on November 14, 1996, and will remain in effect until December 16, 1996.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101–649 and section 304(b) of Public Law 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant

Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General (or who have no nationality and last habitually resided in that state). The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on June 7, 1994, the Attorney General designated Rwanda for Temporary Protected Status for a period of 12 months, 59 FR 29440. The Attorney General extended the designation of Rwanda under the TPS program for a 12-month period until June 6, 1996, 60 FR 27790. Subsequently, the Attorney General extended the designation of Rwanda under the TPS program for an additional 6-month period until December 6, 1996, 61 FR 29428.

This notice extends the designation of Rwanda under the Temporary Protected Status program for an additional 6 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures that eligible aliens who are nationals of Rwanda (or who have no nationality and who last habitually resided in Rwanda) must comply with in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Rwanda's TPS designation, late initial registrations are possible for some Rwandans under 8 CFR 240.2(f)(2). Such late initial registrants must have been ''continuously physically present'' in the United States since June 7, 1994, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status. An Application for Employment Authorization, Form I–765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or unless the applicant does not request employment authorization. The Immigration and Naturalization Service requires TPS registrants to submit Form I–765 for data-gathering purposes.

Notice of Extension of Designation of Rwanda under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the U.S. Government concerning (a) the conditions in Rwanda; and (b) whether permitting nationals of Rwanda (and aliens having no nationality who last habitually resided in Rwanda) to remain temporarily in the United States is contrary to the national interest of the United States. After these consultations, I do not determine that Rwanda no longer meets the conditions for Temporary Protected Status designation under paragraph 244A(b)(3)(C) of the Act. Accordingly, it is ordered as follows:

(1) The designation of Rwanda under section 244A(b) of the Act is extended for an additional 6-month period from December 7, 1996, to June 6, 1997.

(2) I estimate that there are approximately 200 nationals of Rwanda (and aliens having no nationality who last habitually resided in Rwanda) who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Rwanda (or an alien having no nationality who last habitually resided in Rwanda) who received a grant of TPS during the initial period of designation from June 7, 1994, to June 6, 1995, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Rwanda (or an alien having no nationality who last habitually resided in Rwanda) who previously has been granted TPS, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on November 14, 1996, and ending on December 16, 1996, in order to be eligible for Temporary Protected Status during the period from December 7, 1996, to June 6, 1997. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to Section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before June 6, 1997, the designation of Rwanda under the TPS program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the Federal Register.

(7) Information concerning the TPS program for nationals of Rwanda (and aliens having no nationality who last habitually resided in Rwanda) will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: November 5, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96–29215 Filed 11–13–96; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–135]

National Environmental Policy Act; Advanced Space Transportation Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of the draft environmental impact statement (DEIS) for the Engine Technology Support for NASA's Advanced Space Transportation Program.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA policy and procedures (14 CFR Part 1216, Subpart 1216.3), NASA has prepared and issued a DEIS for the Engine Technology Support of NASA's Advanced Space Transportation Program. The proposed action by NASA is to test new and advanced engines, and components, and to modify facilities to support the programmatic development of future launch vehicles. NASA is considering a wide variety of liquid-fueled engines to accommodate

the propulsion requirements of new space vehicle(s). The primary sites being evaluated for the testing activities are NASA's Marshall Space Flight Center (MSFC) in Huntsville, Alabama, and John C. Stennis Space Center (SSC) in Hancock, Mississippi. In addition, Edwards Air Force Base near Lancaster County, California, is also being considered as a potential test site.

DATES: Comments on the Engine Technology Support for NASA's Advanced Space Transportation Program must be submitted in writing to NASA on or before December 29, 1996, or 45 days from the date of publication in the Federal Register of the U.S. Environmental Protection Agency's notice of availability of the Engine Technology Support for NASA's Advanced Space Transportation Program DEIS, whichever notice is later.

ADDRESSES: Written comments should be addressed to Dr. Rebecca McCaleb, Director, Environmental Engineering and Management Office, Code AE01, Marshall Space Flight Center, Alabama 35812. The DEIS may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546.

(b) NASA, Marshall Space Flight Center, Library, Building 4200, Huntsville, AL 35812.

(c) Huntsville Library, 915 Monroe Street, SW, Huntsville, AL 35801.

(d) Huntsville Library, Madison Branch, 181 Hughes Road, Suite 6, Madison, AL 35758.

(e) Triana Town Hall, 101 Main Street, Triana, AL 35758.

(f) NASA, Stennis Space Center, Maury Oceanographic Library, Building 1003, Stennis Space Center, MS 39529–6000.

(g) Hancock County Library, 312 Highway 90, Bay St. Louis, MS 39520.

(h) Margaret Reed Crosby Memorial Library, 900 Goodyear Boulevard, Picayune, MS 39466

(i) St. Tammany Parish Library, 555 Robert Avenue, Slidell, LA 70458 and

(j) Palmdale City Library, 700 East Palmdale Boulevard, Palmdale, California 93550

In addition, the Engine Technology Support for NASA's Advanced Space Transportation Program DEIS may be reviewed at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(a) NASA, Ames Research Center, Moffett Field, CA 94035 (415–604–4190).

(b) NASA, Dryden Flight Research Center, Edwards, CA 93523 (805–258–3448).

(c) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(d) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).

(e) NASA, Langley Research Center, Hampton, VA 23665 (804–864–6125).

(f) NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2313).

(g) Kennedy Space Center, FL 32899 (407–867–2497)

(h) Johnson Space Center, Houston, TX 77058 (713–483–8612)

Limited copies of the Engine Technology Support for NASA's Advanced Space Transportation Program DEIS are available, on a first request basis, by contacting the Marshall Space Flight Center at the address or telephone number indicated below.

FOR FURTHER INFORMATION CONTACT: Dr. Dominic Amatore, NASA Marshall Space Flight Center, Code CA01, MSFC, AL 35812; Telephone 205–544–0031, or Ms. Myron Webb, NASA Stennis Space Center, Code PAOO, SSC, MS 39529–6000.

SUPPLEMENTARY INFORMATION: To meet the technical and programmatic challenges of developing a new space vehicle(s), key advanced technologies in propulsion systems must be explored. The activities would be designed to demonstrate the technology maturity levels necessary to reduce the development risk of the selected propulsion system(s) to an acceptable level and to produce a highly operable, high thrust-to-weight propulsion system(s). Therefore, NASA is proposing to develop and test one or more liquid engines so components could be used in the final configuration(s) of a new space vehicle(s). Engines under consideration would use liquid oxygen as the oxidizer. The fuel would be liquid hydrogen, kerosene, or a combination of the two.

Facilities under consideration for testing these engines include, but are not necessarily limited to, those located at MSFC and SSC. Existing test facilities at these two NASA Centers may need to be upgraded to accommodate objectives. Modifications may include addition of a kerosene tank on the test stand(s), a common structural and functional interface, and an engine mounting adapter. Many aspects of the program would be similar to test activities of propulsion systems undertaken in the 1960's for the Apollo program.

All test facilities at MSFC are located in the southern portion of the center and in the center of Redstone Arsenal's 15,400 hectares (38,000 acres). The closest private property is approximately 4 kilometers (2.4 miles) from the proposed MSFC test facilities. SSC occupies 5,585 hectares (13,800 acres) and is surrounded by 50,616 hectares (125,071 acres) of acoustical buffer zone primarily in western Hancock County, Mississippi and eastern St. Tammany Parish, Louisiana. Alternatives for this proposal include, but are not necessarily limited to: (1) alternative test sites; (2) test facility construction and modification options; (3) fuels, engines and components; (4) cancellation of the proposed activities (''no action'').

The DEIS considers potential environmental impacts associated with the activities and any needed construction or modification of facilities. The areas of Environmental concern include impacts on air quality and from noise. However, analyses indicate that air quality will remain within the National Ambient Air Quality Standards at both MSFC and SSC. If MSFC and/or SSC were selected, no substantial environmental impact is anticipated on biological resources, threatened and endangered species, cultural resources, wetlands, and recreational or scenic areas. A public meeting will be held near MSFC at the Huntsville-Madison County Public Library, 915 Monroe Street, Huntsville, Alabama on December 2, 1996, starting at 7:00 p.m. Another such meeting will be held near SSC at the Hancock County High School, 7084 Stennis Airport Drive, Bay St. Louis, Mississippi, on December 11, 1996, starting at 7:00 p.m.

Comments were solicited at public scoping meetings and from federal, state, and local agencies, organizations and members of the general public through a Federal Register NASA notice published on November 20, 1994 (59 FR 61346), newspaper advertisements, and direct mailing to interested parties.

Comments received have been addressed in the DEIS. Written public input and comments on environmental issues of the proposed program are hereby solicited. These issues include, but are not limited to, test site and facility options, fuel and engine alternatives, and related environmental concerns.

Dated: November 7, 1996.

Benita A. Cooper,

Associate Administrator for Management Systems and Facilities.

[FR Doc. 96–29099 Filed 11–13–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–134]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Langley Research Center. Claims are deleted from the patent applications to avoid premature disclosure.

DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Office of Patent Counsel, Mail Code 212, Hampton, VA 23681; telephone (757) 864–9260, fax (757) 864–9190.

NASA Case No. LAR–14732–1: Method of Forming a Hot Film Sensor System on a Model;

NASA Case No. LAR–15003–4–SB: Internally Damped, Self-Arresting Vertical Drop-Weight Impact Test Apparatus (Continuing app of Div–2);

NASA Case No. LAR–15046–3(SB): Flux Focusing Eddy Current Probe (FWC of –1);

NASA Case No. LAR–15050–1–SB: Collection of Light From an Optical Fiber with A Numerical Aperture Greater Than One;

NASA Case No. LAR–15061–1: Ice Thickness Measurements in the Presence of Liquids;

NASA Case No. LAR–15068–2: Electrically Conductive Polyimide Film Containing (III) Ions (Continuing app of –1);

NASA Case No. LAR–15088–2: Spiral Microstrip Antenna with Resistance (FWC of –1);

NASA Case No. LAR–15094–2: Carbon-Carbon Cylinder Block (Div of –1);

NASA Case No. LAR–15105–2: Ho:Tm:LuAG: A New Laser Material (FWC of –1);

NASA Case No. LAR–15112–2–CU: Micro-Sensor Thin-Film Anemometer (Div of –1);

NASA Case No. LAR–15159–1–SB: Strain Insensitive Optical Phase Locked Loop;

NASA Case No. LAR–15176–2–CU: Imide Oligomers Endcapped With Phenylethynyl Phthalic Anhydrides and Polymers Therefrom (Continuing app of –1);

NASA Case No. LAR–15176–3–CU: Imide Oligomers Endcapped with Phenylethynyl Phthalic Anhydrides & Polymers Therefrom (Div of –1);

NASA Case No. LAR–15176–4–CU: Imide Oligomers Endcapped With Phenylethynyl Phthalic Anhydrides and Polymers Therefrom (Cont of –1);

NASA Case No. LAR–15184–1–SB: Increased Efficiency LED;

NASA Case No. LAR–15251–5: Process for Controlling Morphology & Improving Thermal-Mech Perf. Polymer Networks (FWC of –2);

NASA Case No. LAR–15251–6: Process for Controlling Morphology & Improving Thermal Mech Perf of High Perf . . . Polymer Networks (FWC of –1);

NASA Case No. LAR–15264–1: Explosive Spot Joining of Metals;

NASA Case No. LAR–15279–2: Process for Making Thermally Stable Polarized Polymer Films (Div of –1);

NASA Case No. LAR–15280–1–SB: Cryogenic High Pressure Sensor;

NASA Case No. LAR–15282–1: Ultrasonic Periodontal Structures Mapping Device;

NASA Case No. LAR–15295–1: Sawtooth Planform Concept;

NASA Case No. LAR–15296–1: Fuel Line Based Acoustic Flame-Out Detection System;

NASA Case No. LAR–15297–2: Simultaneous Luminescence Pressure and Temperature Mapping System (FWC of –1);

NASA Case No. LAR–15317–1–CU: Oxidation Catalyst Promoter;

NASA Case No. LAR–15327–1–CU: Method for Coating Structures with Catalyst;

NASA Case No. LAR–15338–2: Small UHV Compatible Hyperthermal Oxygen Atom Generator (Div of –1);

NASA Case No. LAR–15365–1: Meth of Forming A Composite Coating for Non Dissolve/Disperse Particle Material(s) In A Polyimide Binding Solution;

NASA Case No. LAR–15367–1: Method for Visually Integrating Multiple Data Acquisition Technologies For Real Time & Restrospective Analysis;

NASA Case No. LAR–15369–1: Meth of Forming A Composite Coating W/ Particle Materials/Readily Dispersed In a Sprayable Polyimide Solution;

NASA Case No. LAR–15383–1: Poly(Arylene Ether)s With Lower Melt Viscosity;

NASA Case No. LAR–15397–1: Crash Energy-Absorbing Composite Structure and Method of Fabrication;

NASA Case No. LAR–15399–1–SB: Miniature Vortex-Generator Strip and Corresponding Process of Manufacture;

NASA Case No. LAR–15511–1: MIR Environmental Effects Payload Handrail Clamp/Pointer Device;

NASA Case No. LAR–15515–1–CU: Two-Stage Gas Measurement System (CIP of 15255–1–CU);

NASA Case No. LAR–15526–1–SB: Novel Polyimide Fibers;

NASA Case No. LAR–15534–1: Method of Preparing Polymers With Low Melt Viscosity (CIP of LAR–15383–1).

Dated: November 4, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–29100 Filed 11–13–96; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

AGENCY HOLDING MEETING: National Science Foundation, National Science Board.

DATE AND TIME:

November 21, 1996, 2:40 p.m., Closed Session

November 21, 1996, 3:05 p.m., Open Session

PLACE: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, Virginia 22230.

STATUS:

Part of this meeting will be open to the public.

Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Thursday, November 21, 1996.

Closed Session (2:40 p.m.–3:05 p.m.)

—Minutes, October 1996 Meetings
—Awards and Agreements

Thursday, November 21, 1996

Open Session (3:05 p.m.–5:05 p.m.)

—Minutes, October 1996 Meetings
—Closed Session Agenda Items—February 1997 Meeting
—Chairman's Report
—Director's Report
—Program Approval: Postdoctoral Fellowships in Science, Mathematics, Engineering and Technology Education
—Reports from Committees
—Presentations: Reports on the STC Program
—Other Business
—Adjourn

Marta Cehelsky,

Executive Officer.

[FR Doc. 96–29402 Filed 11–12–96; 3:32 pm]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Nuclear Safety Research Review Committee

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of change of meeting schedule.

As previously announced, the Nuclear Safety Research Review Committee (NSRRC) will hold its next meeting on November 14–15, 1996. The purpose of the present notice is to provide a revised schedule, reflecting a change in the meeting time for the second day of the meeting. The meeting will now take place from 1:00 p.m. to 5:00 p.m. on the 14th and from 7:30 a.m. to 10:45 a.m. on the 15th. The location of the meeting will still be in Room T–10A1, Two White Flint North (TWFN) Building, 11545 Rockville Pike, Rockville, MD.

The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA) and will be open to public attendance. The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) on matters of overall management importance in the direction of the NRC's program of nuclear safety research. The main purpose of this meeting will be: (1) to evaluate the value and contributions of the NSRRC in carrying out the NRC's mission and to develop a set of criteria under which the performance of the NSRRC could be evaluated in the future; (2) to discuss the roles of the NSRRC and the Advisory Committee for Reactor Safeguards (ACRS) to determine the areas of common interest of the two Committees; and (3) to discuss potential overlap of on-going activities of the ACRS and NSRRC Committee and coordinate these activities to ensure that areas of joint interest are supportive and complimentary and not duplicative. As time permits, a discussion will be initiated on the core technical competence to be maintained by the NRC's Office of Research staff.

Participants in parts of the discussion will include senior NRC staff and other RES technical staff as necessary.

Members of the public may file written statements regarding any matter to be discussed at the meeting. Members of the public may also make requests to speak at the meeting, but permission to speak will be determined by the Committee chairperson in accordance with procedures established by the Committee. A verbatim transcription will be made of the NSRRC meeting and a copy of the transcript will be placed in the NRC's Public Document Room in Washington, DC.

Any inquiries regarding this notice or any subsequent changes in the status and schedule of the meeting, may be made to the Designated Federal Officer, Dr. Jose Luis M. Cortez (telephone: 301–415–6596), between 8:15 am and 5:00 pm.

Dated at Rockville, Maryland this 7th day of November 1996.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 96–29153 Filed 11–13–96; 8:45 am]

BILLING CODE 7590–01–P

Individual Plant Examination Program: Perspectives on Reactor Safety and Plant Performance, Summary Report, Draft

AGENCY: Nuclear Regulatory Commission.

ACTION: Availability of NUREG, draft for public comment.

SUMMARY: The Nuclear Regulatory Commission has published a draft of ''Individual Plant Examination Program: Perspectives on Reactor Safety and Plant Performance, Summary Report,'' NUREG–1560, Volume 1, Part 1. This volume summarizes the insights and findings from a review of the Individual Plant Examinations (IPE) submitted to the agency in response to Generic Letter 88–20.

SUPPLEMENTARY INFORMATION: Draft NUREG–1560 (Volume 1, Part 1) is available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street N.W. (Lower Level), Washington D.C. 20555–0001. A free single copy of Draft NUREG–1560 (Volume 1, Part 1), to the extent of supply, may be requested by writing to Distribution Series, Printing and Mail Services Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Draft NUREG–1560 provides perspectives gained from the review of the IPEs submitted in response to Generic Letter 88–20. Five major objectives were pursued in documenting perspectives from the reviews:

(1) The impact of the IPE program on reactor safety—

- The number and type of vulnerabilities or other safety issues that have been identified, and the related safety enhancements that have been implemented,
- The impact that the improvements have had on plant safety, and
- Whether any of these improvements have ''generic'' implications for all or a class of plants.

(2) Plant-specific features and assumptions that play a significant role in the estimation of core damage frequency (CDF) and the analysis of containment performance—

- Important design and operational features that affect CDF and containment performance, with regard to the different reactor and containment types,
- The influence of the IPE methodology and assumptions on the results, with regard to the different reactor and containment types, and
- Significant plant improvements to reduce CDF and increase containment performance, with regard to the different reactor and containment types.

(3) The importance of the operator's role in CDF estimation and containment performance analysis—

- Operator actions that are consistently important in the IPEs,
- Operator actions that are important because of plant-specific characteristics, and
- Influence of modeling assumptions and different methodologies on the results.

(4) IPEs with respect to risk-informed regulation—

- Quality of the IPEs, given the limited scope of the staff's review, compared to a quality probabilistic risk assessment, and therefore, the potential role of the IPEs in risk-informed regulation.

(5) General Perspectives—

- The implication of the IPE results relative to the current risk level of U.S. plants compared with the Commission's Safety Goals,
- The improvements that have been identified as a result of the Station Blackout Rule and analyzed as part of the IPE, and the impact of these improvements on reducing the likelihood of station blackout,
- The results of the IPEs compared with the perspectives gained from NUREG–1150.

Draft NUREG–1560 also documents the staff's preliminary overall conclusions and observations gained from the perspectives of each of the above noted areas. These conclusions and observations address the following:

- Generic Letter 88–20 objective (including improvement of plant safety).
- Regulatory follow-up activities:

—Plant safety enhancements,
—Containment performance improvements,
—Additional review of IPE/PRA,
—Plants with relatively high CDF or conditional containment failure probability.

- Safety issues:

—Unresolved safety issue (USI) A–45,
—Other USIs and generic safety issues (GSIs),
—Potential GSIs.

- Plant inspection activities.
- Areas for research.
- Commission's Safety Goals.
- Use of NUREG–1560:

—Accident management,
—Maintenance rule,
—Risk-informed regulation,
—Miscellaneous issues.

- Probabilistic risk analysis (PRA).

Draft NUREG–1560 is comprised of two volumes. Volume 1 (Part 1) provides an overall summary of the key perspectives. Volume 2 (Parts 2 through 5) provides a more in-depth discussion of the perspectives summarized in Part 1. Volume 2 of Draft NUREG–1560 will be published and available in approximately 30 days.

The staff recognizes that licensees have updated their IPEs/PRAs which may have an impact on the perspectives discussed in the draft NUREG, and therefore, the preliminary conclusions and observations noted by the staff. Accuracy of the reported results in the IPEs and the appropriateness of the interpretation of these results will also have a potential impact on the staff's perspectives, conclusions and observations. Consequently, this NUREG is published as a draft for comment. All interested parties are encouraged to submit comments.

Mail comments on Draft NUREG–1560 (Volumes 1 and 2) by February 14, 1997 to Mary Drouin, Office of Nuclear Regulatory Research, Mail Stop T–10 E50, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

A 3-day workshop will be held on April 7, 8 & 9, 1997 in Austin, Texas to address comments and answer questions. Information on the workshop location, agenda, registration, etc. will be published with notification of Volume 2, Parts 2 through 5, of Draft NUREG–1560. Indication of workshop attendance by January 15, 1997 is requested so that adequate space for the workshop can be arranged. Workshop attendance information should be directed to Martha Lucero, Sandia National Laboratories, phone (505) 845–9787, fax (505) 844–1392, e-mail mlucero@sandia.gov.

Persons other than NRC staff and NRC contractors interested in making a presentation at the workshop should notify Mary Drouin, US Nuclear Regulatory Commission, MS T10E50, Washington DC 20555, phone (301) 415–6575, fax (301) 415–5062, e-mail etc@nrc.gov or Edward Chow, US Nuclear Regulatory Commission, MS T10E50, Washington DC 20555, phone (301) 415–6571, fax (301) 415–5062, e-mail etc@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Edward Chow, Office of Nuclear Regulatory Research, MS T10E50, US Nuclear Regulatory Commission, Washington DC 20555, (301) 415–6571.

Dated at Rockville, Maryland this eleventh day of October, 1996.

For the Nuclear Regulatory Commission.

Mark Cunningham,

Chief, Probabilistic Risk Analysis Branch, Division of Systems Technology, Office of Nuclear Regulatory Research.

[FR Doc. 96–29164 Filed 11–13–96; 8:45 am]

BILLING CODE 7590–01–P

Strategic Assessment and Rebaselining Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the comment period on the second phase of the Strategic Assessment and Rebaselining Initiative until December 2, 1996. The comment period was extended in response to requests from several stakeholders.

This effort was initiated in September 1995, and is being completed in four phases with the goal of finalizing a strategic plan in early CY 1997. The development and implementation of this strategic plan will meet the requirements of the Government Performance and Results Act (GPRA) of 1993.

The effort is presently in the latter portion of the second phase where the Commission is considering a variety of options for addressing key strategic issues facing the NRC as it prepares to move into the 21st century. The NRC will be seeking the views and comments of its stakeholders—Federal entities (Administration/OMB, Congress, and other agencies), NRC employees and their representatives, Agreement States, non-Agreement States, compliers (e.g., licensees, employees of licensees, industry groups), public interest groups, and the general public—as part of the decision-making process. The Commission will consider stakeholder comments before making final decisions on the key strategic issues.

During the week of September 16, 1996, the issue papers and other documents dealing with the strategic assessment were made available to the public. Copies of these documents and general information can be obtained electronically from the NRC's Home Page on the World Wide Web (Internet address http://www.nrc.gov) and FedWorld at 1–800–303–9672. Paper copies are available by calling NRC's Public Document Room at 1–800–397–4209.

To help understand their viewpoints, stakeholders are asked to focus on the following in responding to the NRC:

1. What, if any, important considerations may have been omitted from the issue papers?

2. How accurate are the NRC's assumptions and projections for internal and external factors discussed in the issue papers?

3. Do the Commission's preliminary views associated with each issue paper respond to the current environment and challenges?

4. Additionally, the Commission is seeking comments on specific questions identified in the ''Preliminary Commission View'' section of each issue paper.

In Phase I, a steering committee comprised of senior agency managers, working with an outside consultant, reviewed the NRC's activities in order to understand where the NRC is today, and what needs to be considered in providing options for responding to change. Some of the key objectives identified by the steering committee were: establish a strategic framework under which the NRC will continue to meet its primary responsibility of protecting public health and safety and the environment; provide a sound and well-rounded foundation for the NRC's direction and decision-making for the rest of this decade and into the next century; ensure that the Commission, its staff, Congress, other Government agencies, and the public have a common understanding of what the NRC's strategic goals are; and establish agency performance measures to determine the extent to which strategic or tactical objectives are being achieved.

ADDRESSES: Send comments via Internet to SECY@NRC.gov; the World Wide Web at http://www.nrc.gov; or via the FedWorld online service at 1–800–303–9672. Comments may also be sent via regular mail to Mr. John C. Hoyle, Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Branch, Washington, D.C. 20555–0001.

FOR FURTHER INFORMATION CONTACT: John W. Craig, Coordinator, Strategic Assessment Task Group at 301–415–3812 (Internet e-mail address: Internet:Strategic@NRC.gov) or NRC's Public Affairs Office at 415–8200.

Dated in Rockville, Maryland this 8th day of November, 1996.

For the Nuclear Regulatory Commission.

William M. Hill, Jr.,

Acting Secretary of the Commission.

[FR Doc. 96–29234 Filed 11–13–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Sunshine Act Meeting; Board of Governors; Notice of Vote To Close Meeting

At its meeting on November 4, 1996, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for December 2, 1996, in Washington, DC. The members will consider proposed filings with the Postal Rate Commission for limited changes in mail classification, postal rates, and fees.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, Rider and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Koerber, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing.

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5, United States Code; section 410(c)(4) of title 39, United States Code; and section 7.3(c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–29370 Filed 11–12–96; 3:32 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Notice of Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on November 20, 1996, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Letter to Ms. Margaret C. Christophy, MetraHealth Insurance Company re Contract No. 92RRB006.

(2) Letter to Cong. James A. Leach replying to his letter of September 17, 1996, Enclosing a Letter from the National Assn. Of Retired and Veteran Railway Employees in Iowa.

(3) Inquiry to Chief Actuary from OIG re Investment Transactions.

(4) Fiscal Year 1997 Budget Allocation.

(5) First Floor Outleasing.

(6) Transfer of Activities Between the Office of Programs and the Office of Administration.

(7) Organizational Placement of the Bureau of Quality Assurance.

(8) Recommendations for the Establishment of Field Office Co-Location Pilots:

A. Ft. Lauderdale Outstationing.

B. Proposals for Co-Location of Ft. Wayne, IN and Westbury, NY Branch Offices.

(9) Recommendations Concerning the Function and Structure of the Field Service.

(10) Proposed Occupational Disability Standards (PRODS) Task Force Meeting.

(11) Regulations:

(A) Parts 211, 255 and 230

(B) Part 261

(12) Labor Member Truth in Budgeting Status Report.

Portion Closed to the Public

(A) Positions in Hearings and Appeals.

(B) 1997 Performance Appraisal Plans for Dirs. of Administration and Programs, the General Counsel and Bur./Ofc. Heads Reporting to them Respectively.

© *Pending Board Appeals*

1. Renee Hernandez.

2. Dillard W. Lewis.

3. Daniel E. Mengelos.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: November 8, 1996.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–29293 Filed 11–12–96; 10:11 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–37928; File No. SR–MSRB–96–7]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Political Contributions and Prohibitions on Municipal Securities Business

November 6, 1996.

I. Introduction

On August 6, 1996,[1] the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') submitted to the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to amend rule G–37, on political contributions and prohibitions on municipal securities business, and rule G–8, on books and records. Notice of the proposed rule change appeared in the Federal Register on September 19, 1996.[4]

The Commission received three comment letters addressing the proposed rule change.[5] One commenter endorsed the proposed amendments to

[1] On September 9, 1996, the MSRB filed Amendment No. 1 with the Commission. Amendment No. 1 amends proposed language to rule G–37(g)(vii). *See* letter from Ronald W. Smith, Legal Associate, MSRB, to Katherine England, Assistant Director, Division of Market Regulation, SEC, dated September 9, 1996.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4.

[4] Securities Exchange Act Release No. 37675 (September 12, 1996), 61 FR 49368.

[5] Letter from Douglas L. Kelly, Vice President and Corporate Secretary, A.G. Edwards & Sons, Inc., to Jonathan G. Katz, Secretary, SEC, dated October 11, 1996 (''A.G. Edwards Letter''); Letter from E. Stephen Walsh, Administrative and Compliance Partner, David J. Greene and Company, to Jonathan Katz, Secretary, SEC, dated October 9, 1996 (''Greene Letter''); Letter from Irwin D. Rowe, Executive Vice President, Loeb Partners Corporation, to Jonathan G. Katz, Secretary, SEC, dated October 4, 1996 (''Loeb Letter'').

both rules,[6] while another endorsed only the amendments to rule G–37.[7] Finally, the third commenter, while not objecting to the amendments, reserved judgment pending clarification of certain issues.[8] This order approves the proposed rule change.

II. Description of the Amendments

The rule change: (i) amends the definition of ''municipal finance professional''; (ii) amends the definition of ''executive officer''; (iii) clarifies the definition of ''official of an issuer''; (iv) clarifies the definition of ''municipal securities business''; and (v) requires the retention of Forms G–37/G–38 and of records itemizing mailing of the same.

A. Definition of ''Municipal Finance Professional''

Currently, subparagraph (E) of rule G–37(g)(iv) states that an associated person who is a member of the dealer executive or management committee or similarly situated official is a municipal finance professional. This provision is the only part of the definition of municipal finance professional that does not depend upon the municipal securities activities of the person or the supervision of persons engaged in municipal securities activities. This provision was intended to prevent issuer officials from seeking contributions from dealers' senior executives once rule G–37 precluded municipal finance professionals from contributing to those officials. The Statement of Initiative by Dealers regarding Political Contributions also included executive or management committee members within its voluntary prohibition on political contributions.[9]

The MSRB stated in its filing that there are certain dealers that occasionally engage in municipal securities sales transactions, but do not engage in municipal securities business as defined in rule G–37(g)(vii). As a result, the only individuals of those dealers who meet the definition of municipal finance professional are executive management committee members. Because such dealers do not engage in municipal securities business, the ban on business based on political contributions does not affect them. However, such dealers also are required to record and report the contributions and payments of these municipal finance professionals. This amendment recognizes that there is no useful purpose served in requiring dealers to record and report the political contributions of executive or management committee members if their firm does not engage in municipal securities business. The rule change approved today amends the definition of municipal finance professional in rule G–37(g)(iv)(E) to exempt executive or management committee members from the definition of municipal finance professional (and thus the applicable recording and reporting requirements) if these are the only individuals within a firm who would meet the definition as described in subparagraphs (A) through (E).[10]

B. Definition of ''Executive Officer''

Currently, rule G–37 requires a dealer to record and report the contributions of executive officers even if that dealer has no one meeting the definition of municipal financial professional. Even though contributions and payments by executive officers are subject to the recordkeeping and reporting provisions of rule G–37, these contributions do not result in a ban on business. However, paragraph (d) of rule G–37 prohibits dealers from using executive officers (as well as any other person or entity) as conduits for making contributions to officials of issuers. The recordkeeping and reporting requirements apply to contributions by executive officers to ensure that these individuals are not being used to circumvent the rule.

Rule G–37 was intended to prevent the practice of pay-to-play. However, contributions by executive officers of a dealer to issuer officials cannot skew the process of selecting a dealer to conduct municipal securities business in favor of that particular dealer if that dealer does not engage in municipal securities business. Thus, the rule change approved today amends the definition of executive officer in rule G–37(g)(v) to provide that, if no associated person of the dealer meets the definition of municipal finance professional, the dealer shall be deemed to have no executive officers (and thus the recording and reporting requirements for executive officers are not applicable).[11]

In both situations involving executive officers, as well as municipal finance professionals described in Section (A) above, if the dealer later engages in municipal securities business, then the dealer will have to record the contributions and payments made by any executive officers, as well as municipal finance professionals, for the previous two calendar years to determine whether it is banned from any municipal securities business.[12]

C. Definition of ''Official of an Issuer''

When rule G–37 was approved, the term ''official of such issuer'' or ''official of an issuer'' was defined as any incumbent, candidate or successful candidate for elective office of the issuer, which office is directly or indirectly responsible for, or can influence the outcome of, the hiring of a dealer for municipal securities business. The definition was intended to include any state or local official or candidate (or successful candidate) who has influence over the awarding of municipal securities business, including certain state-wide executive or legislative officials.

After rule G–37 was approved, concerns were raised that the definition did not properly encompass all elected officials with the authority to influence the awarding of municipal securities business by the issuer, because it focused on ''an elective office of the issuer.'' For example, a state may have certain issuing authorities whose boards of directors are appointed by the governor. Although the governor is an official with influence over the awarding of municipal securities business, the governor, in this illustration, is not incumbent or candidate for ''elective office of the issuer'' (*i.e.*, the state authority). Thus, a contribution to the governor would not prohibit a dealer from engaging in business with the state authority. The rule was intended to include the governor as an official of the issuer in such circumstances. Therefore, the rule change amends that definition to clarify the intent of the rule.[13]

[6] Loeb Letter, p. 2.

[7] Greene Letter.

[8] A.G. Edwards Letter, p. 1.

[9] In October 1993, at the urging of SEC Chairman Levitt, a number of dealers agreed to a Statement of Initiative to support the principle that political contributions which are intended to influence the awarding of municipal securities business should be prohibited.

[10] Rule G–37(g)(iv) states that each person designated by the dealer as a municipal finance professional is deemed to be a municipal finance professional and that each person so designated will retain this designation for two years after the last activity or position which gave rise to the designation. The rule change approved today, permits dealers to remove individuals subject to the new rule language from their lists of designated municipal finance professionals and to cease recording and reporting their contributions.

[11] The rule change permits dealers to remove individuals subject to the new rule language from their lists of executive officers and to cease recording and reporting their contributions.

[12] Any dealer who has municipal finance professionals, even if the dealer currently is not engaging in municipal securities business, must record and report the contributions and payments of executive officers and municipal finance professionals.

[13] Securities Exchange Act Release No. 34160 (June 3, 1994), 59 FR 30376 (June 13, 1994).

Accordingly, the rule change amends rule G–37(g)(vi) to clarify that the definition includes ''any elective office of a state or of any political subdivision, which office has authority to appoint any person who is directly or indirectly responsible for, or can influence the outcome of, the hiring of a broker, dealer or municipal securities dealer for municipal securities business by an issuer.'' This revised definition addresses situation in which an elected official may *appoint* someone to an issuer position.

D. Definition of ''Municipal Securities Business''

Under rule G–37, dealers could be subject to a ban on business with an issuer if certain contributors are made to officials of that issuer. The ban on business provision applies to business awarded on a negotiated basis; the rule does not prohibit dealers from engaging in business awarded on a competitive basis.

Some dealers have noted that it is not clear in subparagraph (C) of rule G–37(g)(vii) whether, for financial advisory services, the rule is referring to the selection of a financial advisor on other than a competitive bid basis or whether the rule is referring to financial advisory services provided only on negotiated deals. The proposed rule change amends rule G–37(g)(vii)(C) to clarify that the definition of ''municipal securities business'' includes the provision of financial advisory services when the dealer is chosen to provide such services on a negotiated basis.[14] It is irrelevant whether the financial advisory services provided by the dealer are with respect to a negotiated or competitive issue. A similar change has been made to rule G–37(g)(vii)(D) to clarify that the definition of ''municipal securities business'' includes remarketing agent services when the dealer is chosen as remarketing agent on a negotiated basis.

E. Recordkeeping: Amending Rule G–8(a) (xvi)

Rule G–8(a) (xvi), on books and records, requires municipal securities brokers and municipal securities dealers to make and keep records of all of the information on Forms G–37/G–38. While this rule also requires dealers to keep records of additional information (*e.g.*, a listing of the names, titles, city/county and state of residence of all municipal finance professionals), it does not state that the dealers must also physically maintain copies of these forms and the mailing receipts in their offices.

Requiring dealers to keep copies of the Forms G–37/G–38 submitted to the Board would be helpful to the agencies charged with enforcing rule G–37 because physically maintaining these forms on the premises will make them easily accessible and retrievable for review. Moreover, it would be helpful to those agencies to require dealers to keep the certified or registered mail record or other records indicating dispatch to ensure their timely submission.[15] Hence, the rule has been revised to add section H which will provide notice that maintaining copies of Forms G–37/G–38 submitted to the Board, along with the certified or registered mail receipts is required.

III. Summary of Comments

The Commission received three comment letters in response to the proposed rule change.[16] The Greene Letter generally endorsed the proposed change to rule G–37.[17] The remaining letters, however, raised several issues that the Commission believes should be addressed. The Board, at the Commission's behest, has proffered a response.[18]

The first issue raised in the Loeb Letter concerns the definition of ''municipal finance professional'' in rule G–37(g) (iv). Loeb believes that the Board should not include within the definition of municipal finance professional, any person primarily engaged in the sale of unsolicited agency transactions for customers.[19] The Board's rules apply to all transactions in municipal securities by dealers whether dealers act as agent or principal.[20] Accordingly, the Board does not believe that it would be appropriate to exempt specific categories of municipal securities transactions (i.e., unsolicited agency transactions) from the activities that could make someone ''primarily engaged in municipal securities representative activities.'' [21] The Commission believes that exempting specific categories of municipal securities transactions would increase potential for abuse and facilitate inconsistent interpretations and therefore, would be inappropriate.

The second issue raised in the Loeb Letter concerns the interpretation of the term ''primarily engaged'' as it is used in the definition of municipal securities professional.[22] Loeb believes a definitive explanation is necessary to determine whether certain broker-dealers are subject to the reporting requirements of rules G–37 and G–8.[23] The Board has not defined the term ''primarily engaged in'' because it believes it is appropriate for a dealer to determine which of its personnel who engage in municipal securities representative activities could reasonably fall within the definition of municipal finance professional.[24] The Commission supports the Board's interpretation of the term ''primarily engaged.'' To facilitate ease of compliance, the definition encompasses any individual and circumstance that could reasonably qualify as the activity of a municipal finance professional. Thus, a narrower interpretation is ill-advised.

The first issue raised by the A.G. Edwards Letter requests clarification of what is meant by selection of a financial advisor on ''other than a competitive basis.'' [25] A.G. Edwards contends that ''other than a competitive basis'' encompasses more than the lowest bid for the job; other criteria, including price, are evaluated before final selection is made.[26] The Board states that the selection of a financial advisor on a competitive bid basis refers to selection solely on the basis of price.[27] Therefore, the selection of a financial advisor made on other than the sole basis of price would represent a selection of ''other than a competitive bid basis.'' [28] The Commission agrees that selection of a financial advisor on a competitive bid basis means selection solely on the basis of price. The scope of this exemption is intentionally limited because, in most cases, selection is made on a negotiated basis.

The second issue raised by the A.G. Edwards Letter entails clarifying when an agreement is reached to provide financial advisory services and thus, when that agreement must be reported.[29] A.G. Edwards notes that in many cases, financial advisory

[14] *See* Amendment No. 1.

[15] Rule G–9, on preservation of records, requires dealers to retain the G–8(a) (xvi) records concerning political contributions and prohibitions on municipal securities pursuant to rule G–37 for a six year period.

[16] *See supra* note 5.

[17] Green Letter.

[18] Letter from Ronald W. Smith, Legal Associate, MSRB, to Mignon McLemore, Law Clerk, Division of Market Regulation, SEC, dated October 22, 1996 (''October 22 Letter'').

[19] Loeb Letter, pg. 2.

[20] October 22 Letter, p. 1.

[21] *Id.*

[22] Loeb Letter, p. 2.

[23] *Id.*

[24] October 22 Letter, p. 1.

[25] A.G. Edwards Letter, p. 1.

[26] *Id.*

[27] October 22 Letter, p. 2.

[28] *Id.*

[29] A.G. Edwards Letter, p. 2.

agreements contain an option exercisable by the issuer to extend the agreement for an additional year at either the same fee or at some other fee established at the time the initial engagement was entered.[30] A.G. Edwards believes that exercising the option of the existing engagement does not constitute a ''new'' financial advisory agreement and therefore, should not be subject to rule G–37/G–38 reporting requirements.[31] The Board does not believe that the exercise of an option by an issuer to extend a financial advisory agreement, with such an option contained in the agreement, constitutes a ''new'' agreement; therefore, there is not reporting requirement for the exercise of this option.[32] The Commission agrees that an exercised option that was contained in the initial agreement to engage a financial advisor would not constitute a ''new'' agreement, because the issuer is required to file a report on whenever the deal is completed, option period withstanding.

IV. Discussion

The Commission believes the proposed rule change is consistent with the Act and the rules and regulations promulgated thereunder. Specifically, the Commission believes that approval of the proposed rule change is consistent with Section 15B(b)(2)(C)[33] of the Act. By amending rule G–37, the rule change removes impediments to the mechanism of a free and open market in municipal securities because (i) it no longer applies to persons and contributions that do not implicate the concern that rule G–37 was intended to address; (ii) it clarifies that the rule is intended to apply to contributions to any elected officials if that official's office gives the official the ability to influence the awarding of municipal securities business to an issuer; and (iii) clarifies the scope of activity subject to the rule. The amendment to rule G–8 protects investors and is in the public interest in that it facilitates enforcement of rule G–37.

In revising the definitions of ''municipal finance professional'' and ''executive officer,'' the MSRB has provided definitive criteria for dealers to use in determining whether they are subject to the rule's reporting requirements. In so doing, the MSRB has eliminated some of the uncertainty associated with rule G–37 compliance issues. Exempting those persons and contributions that are no longer affected by the rule should enhance efficiency in reporting and recording, because dealers no longer have to make assumptions in determining to whom the rule applies.

In amending the definition of ''official of an issuer,'' the Board has addressed situations in which an elected official may appoint someone to an issuer position. This amendment acknowledges the fact that political influence and alliances can affect the selection process. In clarifying its intent that a person who can directly or indirectly influence hiring decisions be included in the definition, the Board has attempted to ensure fairness in the selection process by removing politics from the equation.

In revising the definition of ''municipal securities business,'' the Board is clarifying which dealers would be subject to the ban and in what situations. According to some dealers, rule G–37(g)(vii) was unclear as to whether ''on other than a competitive bid basis'' applied to the selection of a financial advisor or to the services provided by the financial advisor. The Board has determined that the definition includes financial advisory services when the dealer is chosen as financial advisor on a negotiated basis and therefore, the ban on business provision under rule G–37 would apply.

In adding the requirement to rule G–8 that dealers maintain copies of Forms G–37/G–38 along with receipts of mailing the same, the Board has improved disclosure in the markets by making these records readily accessible for review. Also, the benefits of this requirement outweigh any burdens that additional recordkeeping may impose, because tangible evidence will now be available to resolve disputes and to monitor compliance.

V. Conclusion

For the above reasons, the Commission believes that the proposed rule change is consistent with the provisions of the Act, and in particular with Section 15B(b)(2)(C).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[34] that the proposed rule change (SR–MSRB–96–07) be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[35]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29150 Filed 11–13–96; 8:45 am]

BILLING CODE 8010–01–M

[30] *Id.*

[31] *Id.*

[32] October 22 Letter, p. 2.

[33] Section 15B(b)(2)(C) requires the Commission to determine that the Board's rules are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

[34] 15 U.S.C. 78s(b)(2) (1988).

[35] 17 CFR 200.30–3(a)(12).

[Release No. 34–37920; File No. SR–PSE–96–41]

November 4, 1996.

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange Incorporated Relating to the Closing Time for Trading of Equity Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on October 25, 1996, the Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') is proposing to amend its rules to change its closing time for options trading from 1:10 p.m. Pacific Time[1] to 1:02 p.m. for equity options. The Exchange is also proposing to change certain related rules on closing rotations and the submission of exercise notices for index options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in

[1] All times referred to in this filing are Pacific Time.

Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

PSE Rule 4.2, Commentary .01 currently provides that the Board of Governors has resolved that transactions may be effected on the Options Floor of the Exchange until 1:10 p.m. for equity options and until 1:15 p.m. for index options each business day, at which time no further transactions may be made. The Exchange is proposing to change the 1:10 p.m. closing time for equity options to 1:02 p.m.

The Exchange is proposing this modification so that the closing time for options trading will be closer to the closing time for trading in the securities underlying those options. The extended trading session for options initially was intended to ensure that options traders would be able to respond to the tape ''runoff'' in the equity markets—i.e., prints of stock trades that occurred just before the closing bell, but that were not reported over the tape until several minutes after the close of trading. If such a trade resulted in a closing price that was materially different from the price at which the stock had been trading previously, the extended options trading session allowed options traders the opportunity to bring their options quotes into line with the closing price in the underlying security. However, because of improvements to the processing of transactions at the equity markets, there is no longer any significant tape runoff.

PSE Rule 6.64, Commentary .01(b) currently provides that transactions may be effected in a class of options after 1:10 p.m. if they occur during a trading rotation. The rule states that such a trading rotation may be employed in connection with the opening or reopening of trading in the underlying security after 12:30 p.m. or due to the declaration of a ''fast market'' pursuant to Options Floor Procedure Advice G–9. The Rule further provides that the decision to employ a trading rotation after 12:30 p.m. shall be publicly announced on the trading floor prior to the commencement of such rotation, and that no more than one trading rotation may be commenced after 1:10 p.m. Further, the Rule states that if a trading rotation is in progress and Floor Officials determine that a final trading rotation is needed to assure a fair and orderly close, the rotation in progress shall be halted and a final rotation begun as promptly as possible after 1:10 p.m. Finally, the Rules states that any trading rotation conducted after 1:10 p.m. may not begin until ten minutes after news of such rotation is disseminated. The Exchange is proposing to change all references to 1:10 p.m. in this Commentary to 1:02 p.m.

PSE Rule 7.15 currently specifies a cut-off time of 1:20 p.m. or a time designated to be five minutes after the close, for preparing or submitting either a memorandum to exercise or an ''exercise advice'' for the exercise of index option contracts. The Exchange is proposing to eliminate the references to 1:20 p.m. so that under the amended rule such memoranda and advices will have to be submitted no later than five minutes after the close of index option trading.[2]

Finally, the Exchange is proposing to change two references to ''San Francisco time'' in Rule 6.64, Commentary .01(b) to ''Pacific Time'' in order to make that rule consistent with other Exchange rules.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PSE–96–41 and should be submitted by December 5, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29149 Filed 11–13–96; 8:45 am]

BILLING CODE 8010–01–M

[2] The Exchange is not proposing to change the related rule on equity options, PSE Rule 6.24, which provides for an exercise cut-off time of 2:30 p.m. PT.

[3] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area # 2895]

Virginia; Declaration of Disaster Loan Area; Amendment # 5

In accordance with a notice from the Federal Emergency Management Agency, dated October 31, 1996, the above-numbered Declaration is hereby amended to include the Independent City of Hampton in the Commonwealth of Virginia as a disaster area due to damages caused by Hurricane Fran and associated severe storm conditions, including high winds, tornadoes, wind driven rain, and river and flash flooding from September 5 through September 23, 1996.

Any counties contiguous to the above-named city and not listed herein have been previously declared.

The deadline for filing applications for physical damage for the above-mentioned city is December 23, 1996, and for loans for economic injury the deadline is June 9, 1997. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 6, 1996.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29184 Filed 11–13–96; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area # 2910]

Maine; And Contiguous Counties in New Hampshire; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on October 28, 1996, and subsequent amendment on November 4, 1996, I find that the Counties of Cumberland and York in the State of Maine constitute a disaster area due to damages caused by severe storms, heavy rains, high winds, and inland and coastal flooding which occurred October 20 through 26, 1996. Applications for loans for physical damages may be filed until the close of business on December 27, 1996, and for loans for economic injury until the close of business on July 28, 1997 at the address listed below:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Floor, Niagara Falls, NY 14303.

Or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Androscoggin, Oxford, and Sagadahoc Counties in Maine, and Carroll and Strafford Counties in New Hampshire.

Interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 291006. For economic injury the numbers are 924600 for Maine and 924700 for New Hampshire.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 6, 1996.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29185 Filed 11–13–96; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area # 2909]

Commonwealth of Massachusetts And Contiguous Counties in New Hampshire and Rhode Island; Declaration of Disaster Loan Area; Amendment # 1

In accordance with a notice from the Federal Emergency Management Agency, dated November 4, 1996, the above-numbered Declaration is hereby amended to establish the incidence period for this disaster as beginning on October 20 and continuing through October 25, 1996.

All other information remains the same, i.e., the termination date for filing applications for loans for physical damage is December 24, 1996, and for loans for economic injury until the close of business on July 25, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 6, 1996.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29183 Filed 11–13–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

Office of the Secretary

[Delegation of Authority No. 219]

Delegation To Approve Submarine Cable Landing Licenses

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act, Pub. L. 84–885, as amended (22 U.S.C. § 2651a), and Executive Order 10530 of May 10, 1954, I hereby delegate to the Assistant Secretary for Economic and Business Affairs the functions and authority vested in the Secretary of State by Executive Order 10530 of May 10, 1954, the authority to redelegate such functions to any subordinate official appointed by and with the advice and consent of the Senate, and the authority to promulgate such rules and regulations as may be necessary to carry out such functions and authorities.

Notwithstanding this delegation of authority, the Secretary of State, the Deputy Secretary of State and the Under Secretary of State for Economic Affairs may exercise the functions and authority delegated by this delegation.

Dated: October 29, 1996.

Warren Christopher,

Secretary of State.

[FR Doc. 96–29101 Filed 11–13–96; 8:45 am]

BILLING CODE 4710–10–M

STATE JUSTICE INSTITUTE

Sunshine Act Meeting

TIME AND DATE: Sunday, November 17, 1996—3:30 p.m.–5 p.m., Monday, November 18, 1996—9:00 a.m.–5 p.m.

PLACE: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

MATTERS TO BE CONSIDERED: FY 1997 grant requests and internal Institute business.

PORTIONS OPEN TO THE PUBLIC: All matters other than those noted as closed below.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel matters; Board committee meetings.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 96–29312 Filed 11–12–96; 12:41 pm]

BILLING CODE 6820–SC–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements—Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C.

3501 et seq.), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for reinstatement, review and comment. The ICRs describes the nature of the information collection and their expected cost and burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collections of information were published on July 17, 1996 [FR 61, page 37312 for OMB Control Number 2120–0576] and July 3, 1996 [FR 61, page 34921 for OMB Control Numbers 2120–0007 and 2120–0014].

DATES: Comments must be submitted on or before December 16, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Street, Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., (202) 267–9895, Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

1. Title: Kansas City Customer Satisfaction Questionnaire..

Type of Request: Reinstatement, without change, of a previously approved information collection.

OMB Control Number: 2120–0576

Form Number: ZKC Form 7010–1

Affected Public: 100 general aviation pilots, air taxi operators, airlines, military pilots, and adjacent facilities.

Abstract: The information collected on this form represents customer feedback concerning the quality of service provided to the users of Kansas City ARTCC airspace. This information may be used to solve problems, improve safety, and increase system efficiency.

Estimated Annual Burden: The estimated total annual burden is 25 hours.

2. Title: Flight Engineers and Flight Navigators—FAR 63.

Type of Request: Reinstatement, without change, of a previously approved information collection.

OMB Control Number: 2120–0007

Form Number: FAA Form 8400–3

Affected Public: 2,881 airmen.

Abstract: FAA Act of 1958, Section 602 and 607 authorize issuance of airmen certificates and provide for examination and rating of flying schools. FAR 63 prescribes requirements for flight navigator certification and training course requirements for these airmen.

Information collected is used to determine certification eligibility.

Estimated Annual Burden: The estimated total annual burden is 25,426 hours.

3. Title: Procedures for Non-Federal Navigation Facilities—FAR 171. Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2120–0014

Form Number: FAA Forms 6030–1, 6030–17 (formerly 198), 6790–4 (formerly 2396–7), 6790–5 (formerly 418)

Affected Public: 2,398 facilities sponsors.

Abstract: The non-Federal navigation facilities are aids to air navigation which are purchased, installed operated and maintained by a public entity other than the FAA and are available for use by the flying public. Navigation aids may be located at unattended remote enrollee sites or at manned airport terminal locations.

Estimated Annual Burden: The estimated total annual burden is 20,792 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention DOT Desk Officer.

Comments are Invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on November 7, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–29195 Filed 11–13–96; 8:45 am]

BILLING CODE 4910–62–P

Surface Transportation Board

[STB Finance Docket No. 33224]

Adrian & Blissfield Rail Road Company, Inc.—Lease and Operation Exemption—Norfolk and Western Railway Company

Adrian & Blissfield Rail Road Company, Inc. (ADBF), a Class III shortline carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease and operate approximately 2.1 route miles in Lenawee County, MI, from Norfolk and Western Railway Company (NW) between milepost 44.2, at Page, and milepost 46.3, at Adrian (the Tecumseh Branch Line).[1]

The earliest the transaction could be consummated was October 25, 1996, the effective date of the exemption (7 days after the exemption was filed).

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33224, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: Kenneth J. Bisdorf, 400 West Maple Road, Suite 300, Birmingham, MI 48009. Telephone: (810) 647–7514.

Decided: November 5, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–29151 Filed 11–13–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information

[1] ADBF's lease is an interim arrangement which will remain in effect until such time as ADBF acquires the Tecumseh Branch Line from NW. Prior to acquisition, ADBF must obtain the necessary approval or exemption to acquire the Tecumseh Branch Line.

Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) 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 estimates of the burden of the collection of information; © ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Withdrawal of Bonded Stores For Fishing Vessels and Certification of Use

OMB Number: 1515–0032

Form Number: Customs Form 5125

Abstract: The Customs Form 5125 is used for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels and foreign or domestic vessels involved in international trade. The form also certifies the use: total consumption or partial consumption with secure storage for use on next voyage.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 42.

Estimated Total Annualized Cost on the Public: $504.00.

Dated: October 31, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29093 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Medical History Form

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Medical History Form. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Medical History Form.

OMB Number: 1515–0202.

Form Number: Customs Forms 426 and 427.

Abstract: These forms are used to determine medical history of persons tentatively selected for positions that are considered arduous or hazardous. This information is provided to the physician who conduct the physical examinations prior to final selection.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 700.

Estimated Time Per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 525.

Estimated Total Annualized Cost on the Public: $6,300.

Dated: October 31, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29094 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; U.S. Customs Declaration (Customs Form 6059B)

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the U.S. Customs Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) 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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: U.S. Customs Declaration.

OMB Number: 1515–0041.

Form Number: Customs Form 6059B.

Abstract: The U.S. Customs Declaration, Customs Form 6059B, facilities the clearance of persons and their goods arriving in the territory on the U.S. by requiring basic information necessary to determine Customs exception status and if any duties of taxes are due. The form is also used for the enforcement of Customs and other agencies laws and regulations.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals, travelers.

Estimated Number of Respondents: 39,000,000.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 1,950,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 31, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29095 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Required Records for Smelting and Refining Warehouses

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Required Records for Smelting and Refining Warehouses. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) 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 estimates of the burden of the collection of information; © ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Required Records for Smelting and Refining Warehouses.

OMB Number: 1515–0135.

Form Number: N/A.

Abstract: Each manufacturer engaged in smelting or refining must file an annual statement showing any material change in the character of the metal-bearing materials used or changes in the method of smelting or refining. Also the records must show the receipt and disposition of each shipment.

Current Actions: There are no changes to the information collection.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 15.

Estimated Time Per Respondent: 85 hours.

Estimated Total Annual Burden Hours: 1,325.

Estimated Total Annualized Cost on the Public: $15,900.

Dated: October 31, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29096 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Textile and Textile Products

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Textile and Textile Products. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

REQUEST FOR COMMENTS: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Textile and Textile Products.

OMB Number: 1515–0140.

Form Number: N/A.

Abstract: Information is needed for Customs to be able to identify the Country of Origin of Textiles. The requirement prevents circumvention of bilateral agreements and ensures the proper assessment of duties. The declaration will be executed by the foreign manufacturer, exporter, or U.S. importer to be filed with the entry.

Current Actions: There are no changes to the information collection.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 45,810.

Estimated Time Per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 133,582.

Estimated Total Annualized Cost on the Public: $51,469,402.00.

Dated: November 7, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29097 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Transfer of Cargo to a Container Station

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Transfer of Cargo to a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before January 13, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) 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 estimates of the burden of the collection of information; © ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station.

OMB Number: 1515–0142.

Form Number: N/A.

Abstract: The container station operator may file an application for transfer of a container intact to a container station which is mover from the place of unlading or from a bonded carrier after transportation in-bond before filing of the entry for the purpose of breaking bulk and redelivery.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 360.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1,872.

Estimated Total Annualized Cost on the Public: $18,720.

Dated: October 31, 1996.

V. Carol Barr,

Printing and Records Services Group.

[FR Doc. 96–29098 Filed 11–13–96; 8:45 am]

BILLING CODE 4820–02–P

Federal Register

Thursday
November 14, 1996

Part II

Department of Education

Graduate Assistance in Areas of National Need Program; Notice Inviting Applications for New Awards for FY 1997

DEPARTMENT OF EDUCATION

[CFDA NO. 84.200]

Graduate Assistance in Areas of National Need Program

Notice inviting applications for new awards for fiscal year (FY) 1997.

Purpose of Program: This program provides fellowships through academic departments and programs of institutions of higher education to assist graduate students of superior ability who demonstrate financial need. The purpose of the program is to sustain and enhance the capacity for teaching and research in areas of national need.

Eligible Applicants: Academic departments and programs of institutions of higher education that meets the requirements in 34 CFR 648.2.

Deadline for Transmittal of Applications: January 6, 1997.

Deadline for Intergovernmental Review: March 6, 1997.

Applications Available: November 15, 1996.

Available Funds: $6,500,000 for new awards.

Estimated Range of Awards: $100,000–$750,000.

Estimated Average Size of Awards: $130,000.

Estimated Number of Awards: 50.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations in 34 CFR Part 648.

SUPPLEMENTARY INFORMATION:

Stipend Level: The Secretary has determined that the maximum fellowship stipend for academic year 1997–1998 is $14,400, which is equal to the level of support that the National Science Foundation is providing for its graduate fellowships.

Institutional Payment: The Secretary estimates that the institutional payment for academic year 1997–1998 will be $9,993, which represents a 2.7 percent adjustment of the academic year 1996–1997 payment based on the Department of Labor's projection in April 1996 of the Consumer Price Index (CPI) for 1996. The Secretary will adjust the institutional payment prior to the issuance of grant awards based on the Department of Labor's projection in December 1996 of the CPI for 1997.

Priorities

Absolute Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 648.33, the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Applications that propose to provide fellowships in one or more of the following areas of national need: Biology, Chemistry, Computer and Information Sciences, Engineering, Mathematics, and Physics.

FOR APPLICATIONS OR INFORMATION CONTACT: Cosette H. Ryan, U.S. Department of Education, International Education and Graduate Program Service, 600 Independence Ave, S.W., Suite 600–B, Portals Building, Washington, D.C. 20202–5331. Telephone: (202) 260–3608. 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 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 a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 1134l–1134q–1.

Dated: November 6, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 96–29123 Filed 11–13–96; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Thursday
November 14, 1996

Part III

Environmental Protection Agency

40 CFR Part 132

Proposed Selenium Criterion Maximum Concentration for the Water Quality Guidance for the Great Lakes System; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 132

[FRL–5649–7]

Proposed Selenium Criterion Maximum Concentration for the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a new acute aquatic life criterion for selenium in the final Water Quality Guidance for the Great Lakes System (the Guidance) that was published on March 23, 1995. The U.S. Court of Appeals for the D.C. Circuit vacated the 1995 acute selenium criterion on September 19, 1996. The proposal takes into account data showing that selenium's two most prevalent oxidation states, selenite and selenate, present differing potentials for aquatic toxicity, as well as new data indicating that all forms of selenium are additive. Additivity increases the toxicity of mixtures of different forms of the pollutant. The new approach produces a different selenium acute criterion (also called the Criterion Maximum Concentration, or CMC) depending upon the relative proportions of selenite, selenate, and other forms of selenium that are present. EPA believes that the proposed revisions more accurately represent the numerical limits for acute criteria for selenium necessary to protect aquatic life in the Great Lakes System. EPA is not proposing to revise any other aspect of the selenium criteria for aquatic life.

DATES: EPA will accept public comments on the proposal until December 16, 1996.

ADDRESSES: An original and 4 copies of all comments on the proposal should be addressed to Mark Morris (4301), U.S. EPA, 401 M Street., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460 (202–260–0312).

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Potentially Affected Entities

Entities potentially affected by this action are those discharging pollutants to waters of the United States in the Great Lakes System. Potentially affected categories and entities include:

Category	Examples of Potentially Affected Entities
Industry	Industries discharging selenium to waters in the Great Lakes System as defined in 40 CFR 132.2.
Municipalities	Publicly-owned treatment works discharging selenium to waters of the Great Lakes System as defined in 40 CFR 132.2.
States & Tribes.	Great Lakes States and Tribes must adopt criteria consistent with EPA's criteria by March 1997.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility may be affected by this action, you should examine the definition of Great Lakes System in 40 CFR 132.2 and examine 40 CFR 132.2 which describes the purpose of water quality standards such as those established in this rule. 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.

B. Great Lakes Water Quality Guidance

In March 1995, EPA promulgated the final Water Quality Guidance for the Great Lakes System (the Guidance) required under section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2). See 60 FR 15366–15425 (March 23, 1995). The Guidance protects the waters of the Great Lakes and their tributaries by establishing water quality criteria for 29 pollutants to protect aquatic life, wildlife and human health, and detailed methodologies to develop criteria for additional pollutants. It also establishes implementation procedures to help Great Lakes States and Tribes develop more consistent, enforceable water-quality based effluent limits in discharge permits, as well as limits on total maximum daily loads for the Great Lakes System. For a description of the environmental significance of the Great Lakes System and the serious environmental threats it faces (particularly from persistent, bioaccumulative chemicals), see 58 FR 20802.

The ambient water quality criteria included in the Guidance to protect aquatic life set maximum ambient concentrations for harmful pollutants to be met in all waters in the Great Lakes System. See 40 CFR Part 132, Tables 1 and 2. Great Lakes States and Tribes must adopt criteria consistent with EPA's criteria by March of 1997. CWA Section 118(c)(2)(c). If any State or Tribe fails to meet that deadline, EPA must promulgate criteria applying in that State or Tribe's jurisdiction. *Id.* Once the criteria take effect, permits for discharges of such pollutants into the Great lakes System must include limits as necessary to attain the criteria.

EPA promulgated aquatic life criteria for 15 toxic pollutants including selenium. The selenium criterion was based on field data from Belews Lake in North Carolina. The Criterion Continuous Concentration (CCC) was set at 5 micrograms per liter (μg/L) (the concentration of selenium in a portion of Belews Lake where no chronic effects were observed). The Criterion Maximum Concentration (CMC) was calculated as 19.34 μg/L (by multiplying the CCC by a laboratory-derived acute to chronic ratio and dividing by two). The total recoverable criteria published for selenium in Part 132 were derived with the same data as provided in the criteria document, ''Ambient Water Quality Criteria for Selenium—1987'' (EPA 440/5–87–008).

Several industries and trade associations challenged the acute aquatic life criterion for selenium. *AISI* v. *EPA*, D.C. Cir. No. 95–1348 and consolidated cases. Among the issues they raised was that inorganic selenium has two oxidation states, selenite and selenate, that have different toxicities to aquatic life, and that EPA erred by promulgating a single acute criterion that failed to properly account for the two oxidation states. EPA re-examined the issue, and decided, that it would be in the public interest to propose and provide an opportunity to comment on a new approach for deriving a CMC for selenium that takes into account not only the different toxicities of the two oxidation states described above, but also new data indicating that all forms of selenium are additive. EPA requested the reviewing Court to remand the acute criterion to allow EPA to propose revisions. On September 19, 1996, the U.S. Court of Appeals for the District of Columbia Circuit issued an order vacating the acute criterion.

As a result of the Court's order, the 1995 acute criterion for selenium is no longer effective. Normally, EPA would respond to a vacatur by promulgating an immediately effective final rule withdrawing the vacated regulation from the *Code of Federal Regulations.* This helps inform all interested members of the public that the rule is no longer in effect. In this case,

however, EPA intends to promulgate a new selenium criterion as soon as possible and certainly before the next publication of the *CFR*. Consequently, EPA does not intend to publish a separate notice announcing the withdrawal of the acute criterion.

The action to promulgate a new CMC for selenium for the Guidance is a rulemaking subject to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 551 *et seq*. If EPA promulgates a final CMC for selenium, it will codify it in Table 1(a) to Part 132. Great Lakes States and Tribes will be required to modify their current acute selenium criteria if they are not as protective as the final, revised criterion. Should any State or Tribe fail to make required modifications, EPA would promulgate a CMC for selenium identical to the revised CMC without an additional round of notice and comment.

As explained in more detail below, EPA is not proposing any revisions to the 1995 CCC for selenium codified in Table 2(a) to Part 132. Nor is EPA proposing at this time to amend the 304(a) criteria document for either the acute or the chronic criterion for selenium used in the national program. ''Ambient Water Quality Criteria for Selenium—1987'' (EPA 440/5–87–008). EPA will consider revising the national document at some future time. The Court's order does not affect the status of either the 1995 CCC for the Great Lakes Guidance or any portion of the national criteria document. EPA does not intend to respond to comments raising issues outside the scope of this proposal.

II. Derivation of the Current Criterion for Selenium

When EPA published a recommended freshwater aquatic life criterion for selenium in 1987, it considered both field data on chronic toxicity from Belews Lake in North Carolina and laboratory data showing chronic effects. A comparison of the data indicated that selenium was more toxic to aquatic life in the field than in standard laboratory toxicity tests. Consequently, to ensure that the criterion would protect aquatic life, EPA derived a chronic criterion, or Criterion Continuous Concentration (CCC) of 5 µg/L for total recoverable selenium from the field data. Because the Belews Lake study did not distinguish between selenite, selenate, and any other form of selenium, and because some forms of selenium can convert to other forms over time (U.S. EPA, 1987), EPA established a single CCC for selenium rather than a separate CCC for selenite and/or selenate.

EPA reasoned that acute effects would also be more severe in the field than in the laboratory. EPA, however, was not able to find any field studies assessing acute effects. Consequently, EPA back-calculated the CMC from the field-derived CCC for total selenium, arriving at a value of 19.98 µg/L, which it rounded to 20 µg/L. See ''Ambient Water Quality Criteria for Selenium—1987'' (EPA–440/5–87–006).

EPA noted that, had it concluded that laboratory data could serve as a basis for the selenium criteria, there were sufficient laboratory studies on acute effects to establish separate CMCs for both selenate and selenite. EPA calculated that a CMC for selenite (selenium IV) based on laboratory data might have been 185.9 µg/L, while a CMC for selenate (selenium VI) might have been 12.82 µg/L. As explained above, however, EPA chose to base the CMC on field data that did not differentiate between selenite and selenate.

When EPA proposed and promulgated selenium criteria for the Water Quality Guidance for the Great Lakes System, it used the same field-data approach and calculated a CMC of 19.34 µg/L for all forms of selenium. See ''Great Lakes Water Quality Initiative Criteria Documents for the Protection of Aquatic Life in Ambient Water'' (EPA–820–B–95–004).

EPA is not proposing today any revision to the CCC of 5 µg/L for selenium. The chronic criterion addresses longer-term exposures to selenium under field conditions, including exposure through the food chain. EPA has no field data that can support different chronic criteria for different forms of selenium. Furthermore, EPA believes that current studies show that the various forms of selenium ''interconvert'' to other forms over these longer time frames, so that the relative proportions of the different forms change during the exposure period. A form that exhibits low toxicity at one point during the exposure period may convert to a different, more toxic form at a different point.

III. Proposed Criterion Maximum Concentration for Selenium

EPA is proposing a revision to the approach used in the final Guidance. EPA is proposing a new CMC for total selenium based on more recent studies which indicate that the toxicities of all forms of selenium are additive. EPA is proposing an equation that will allow calculation of a CMC for selenium based on the relative proportions of selenite, selenate and other selenium forms present in a specific water body. The toxicities for selenite and selenate used in this equation are based on the laboratory studies cited in the 1987 and 1995 selenium criteria documents, and are identical to the values calculated in the those documents.

A. Peer Review of Initial Draft of Revisions

In July 1996 EPA prepared a draft addendum to the criteria document for the final Guidance setting out the new basis for a CMC for selenium described above. See ''The Freshwater CMC for Selenium: Addendum to Ambient Water Quality Criteria for Selenium—1987'' (U.S. EPA, July 7, 1996) (the ''peer review draft'') in the docket for today's proposed action. In August 1996 this document was submitted to three external reviewers for scientific peer review. Pages 3–1 through 3–3 of the peer review draft presented EPA's new data on additivity and a new equation for deriving a CMC that took into account the different toxicities of different selenium forms. Generally, the peer reviewers supported this approach. EPA made minor revisions to this portion of the July 1996 document and is today proposing to incorporate it as an addendum to the final Guidance criteria document for selenium. See ''The Freshwater CMC for Selenium: Addendum to Ambient Water Quality Criteria for Selenium—1987'' (U.S. EPA, September 30, 1996)

A second portion of the July 1996 peer review draft (pages 3–3 through 3–6) presented the theory that fish in the field are exposed to organic selenium that accumulates in their food sources, and, as a result, carry a ''body burden'' of selenium that makes them more sensitive to discharges of selenium to ambient water. It also presented a sample calculation of a CMC which accounted for this body burden. The peer reviewers generally thought the theory deserved further investigation, but were concerned about the current lack of supporting data. Due to the lack of empirical support, EPA has decided neither to propose to base the CMC for selenium for the Guidance on this theory nor to recommend that States or Tribes use this theory by including it in the addendum to the criteria document for the final Guidance. Therefore, EPA is not requesting comment on this portion of the peer review draft. EPA hopes to investigate this theory further at some time in the future.

Finally, the July 1996 peer review draft included a section entitled ''Appendix: Three Kinds of Pollutants'' (pages 3–8 through 3–12) setting out the theory that pollutants affecting aquatic life should be grouped into three

categories based on their bioconcentration and bioaccumulation factors. It recommends that, for 2 of the 3 categories, EPA and the States and Tribes should take into account the ''body burden'' of the pollutant that the fish in the field accumulate by eating food that has accumulated the same pollutant. EPA did not specifically request comment on this appendix in its charge to the peer reviewers; however, the reviewers were concerned about the lack of data on ''body burden'' for selenium and would probably have similar concerns about the broader application of the theory set out in the appendix. Due to the need to expedite this rulemaking so that EPA can take final action before the States and Tribes are required to submit their Great Lakes Guidance implementation programs to EPA for review, EPA is not requesting comment on this broader theory at this time. EPA encourages research on this theory and hopes to investigate it further in the future.

B. Today's Proposal

1. Selenium Chemistry

Selenium takes several forms in ambient waters which can significantly alter its toxicity to aquatic life, as shown below. Inorganic selenium has two oxidation states (i.e., selenium IV, or selenite, and selenium VI, or selenate), which can exist simultaneously in aerobic surface water at pH 6.5 to 9.0. Chemical conversion from one oxidation state to another often proceeds at such a slow rate in aerobic surface water that thermodynamic considerations do not determine the relative concentrations of the oxidation states. Although selenate (selenium VI) is thermodynamically favored in oxygenated alkaline water, substantial concentrations of both organoselenium (selenium minus II) and selenite (selenium IV) are not uncommon (Burton et al. 1980; Cutter and Bruland 1984; Measures and Burton 1978; North Carolina Department of Natural Resources and Community Development 1986; Robberecht and Van Gricken 1982; Takayanagi and Cossa 1985;; Takayanagi and Wong 1984a,b: Uchida et al. 1980).

Various forms of organic selenium also occur in water (Besser et al. 1994; Cutter 1991). Toxicity data for some organic selenium forms are available and are compared below to toxicity data for selenite and selenate:

Compound	Zebrafish [a] (mg/L)	C. Riparius [b,c,d] (mg/L)	C. Riparius [b,c,d] (mg/L)	Daphne magna [e] (mg/L)
Selenate	18 .0	16.2	10.5	2.84
Seleno-DL-cystine	12.0	.....	.....	2.01
Selenite	1.0	7.95	14.6	0.55
Seleno-DL-methionine	0.1	.....	.....	0.31
Seleno-L-methionine	.....	5.78	6.88	.....

[a.] 10-day LC50 (Niimi and LaHam 1976).
[b.] 48-hr LC50 (Ingersoll et al. 1990).
[c.] River Water.
[d.] 48-hr LC50 (Maier et al. 1993).
[e.] 48-hr LC50 (Maier et al. 1993).

Cutter (1991) described methods for measuring total recoverable and dissolved selenate, selenite, organoselenium, and selenium in water, and other information concerning the measurement of selenium in water has been published by Besser et al. (1994), McKeown and Marinas (1986), Pitts et al. (1994), and Takayanagi and Cosa (1985).

2. Additivity

EPA believes that recent studies demonstrate the acute toxicities of selenate, selenite, and one form of organoselenium are additive; that is, these forms are more toxic together then they are separately. (Hamilton and Buhl 1990; Maier et al. 1993). The studies demonstrated additivity by comparing the toxicities of mixtures to the toxicities of the separate toxicants. Thus, EPA believes that it would be appropriate to establish separate CMCs for selenate and selenite only in situations in which either selenate or selenite is the only form of selenium in the water column. When more than one form occurs in the water, additivity should be taken into account so that the CMC for selenium is a function of the toxicities and concentrations of the forms. EPA is proposing an equation that can be used to derive an appropriate criterion for total selenium based on the relative concentrations of selenite, selenate, and all other forms of selenium found in a particular water body.

3. Toxicity of Three Categories of Selenium

a. Selenium (IV). EPA is proposing to rely on the laboratory data contained in the 1987 and 1995 criteria documents to establish that the acute toxicity for selenite is 12.83 μg/L.

b. Selenium (VI). EPA is proposing to rely on the laboratory data contained in the 1987 and 1995 criteria documents to establish an acute toxicity of 185.9 μg/L for selenate.

c. Other Forms of Selenium. EPA has not found and believes that sufficient toxicity data do not exist to allow derivation of CMCs for other selenium compounds. Nevertheless, as indicated in the previous table, the acute toxicity of such other forms of selenium appears to be significant with toxicity increasing by as much as 180 times depending on the form of selenium and the test organism. Toxicity tests conducted on the other forms of selenium indicate that they can be more toxic than selenate and selenite. Consequently, in order not to ignore the toxicity of these other forms of selenium, EPA is proposing to assume that half of the measured or derived concentration of ''other'' selenium forms is as toxic as selenate and half is as toxic as selenite. EPA believes this default assumption is more reasonable than assuming either that the entire quantity of ''other forms'' is as toxic as either selenate or selenite, or that it is not toxic. Such assumptions would be more likely to over-predict or under-predict the toxicity of this ''other forms'' category. EPA is also reluctant to compute any type of ''average'' from the toxicity data on ''other forms'' presented in the table above. These data are quite sparse. Moreover, they reflect only organic selenium forms, and the toxicities of other inorganic forms and compounds may be quite different. EPA notes that at least one of the peer reviewers endorsed the proposed approach as an adequate ''rule of thumb'' in the absence of more specific data. EPA solicits comments on this approach and any alternatives that might be preferable.

4. Equation

Additive toxicity means that the concentrations of the different forms should be added together after adjusting for the relative toxicity of each. For a single toxicant the goal is for the concentration, c, to be less than or equal to the criterion, CMC; that is, the ratio $c/CMC \leq 1$. For additive toxicants the goal is for the sum of such ratios to be less than or equal to 1. Thus, for two forms of selenium with additive acute toxicities, the concentration of each form should be controlled such that:

$$\frac{c_1}{CMC_1} + \frac{c_2}{CMC_2} \leq 1$$

where c_1 is the concentration of selenite and other selenium assumed to have the toxicity of selenite, c_2 is the concentration and selenate and other selenium assumed to have the toxicity of selenate; and CMC_1 and CMC_2 are the CMCs for selenite and selenate respectively. A Criterion Maximum Concentration, CMC_{Se}, for the combined additive forms of selenium can then be calculated from the following equation, which is derived from the previous one:

$$CMC_{Se} = \frac{1}{\frac{f_1}{CMC_1} + \frac{f_2}{CMC_2}}$$

where f_1 and f_2 are the fractions of total selenium that are treated as selenite and selenate respectively (that is, $f_1=c_1/c_{Se}$ and $c_{Se}=c_1+c_2$), and $f_1+f_2=1$.

The above equations, when coupled with the assumption that half of the other selenium (including organoselenium) has the toxicity of selenite and half has the toxicity of selenate, behave as follows. If the concentrations of selenite and other selenium are zero ($c_1=0$) then the Criterion Maximum Concentration (CMC_{Se}) would be calculated to be 12.82 µg/L, the CMC of selenate. On the other hand, if the concentrations of selenate and other selenium are zero, then CMC_{Se} would be calculated to be 185.9 µg/L, the CMC of selenite.

If the concentrations of selenite and selenate are equal, then $f_1=f_2=0.5$ (in this special case irrespective of the concentration of other selenium), and CMC_{Se} would be calculated to be 23.99 µg/L. In this case, because the total toxicity of the selenite is half as small compared to that of the selenate half, the CMC for selenium is almost (but not quite) double the CMC for selenate.

5. Total Recoverable/Dissolved Concentrations

The CMCs presented above are for total recoverable selenium. The final Guidance, however, expressed a preference for expressing metals criteria in dissolved form because that form more closely approximates the bioavailable fraction of the metal in the water column. See 60 FR 15373 (March 23, 1995). The Guidance therefore incorporated a methodology for converting total recoverable metals criteria into dissolved metals criteria using appropriate conversion factors. Consequently, EPA is proposing the conversion factor described below for the Part 132 CMC for selenium. Consistent with the position taken in the preamble to the final Guidance, EPA would promulgate the CMC for selenium in the dissolved form if a State or Tribe failed to adopt an approvable criterion.

On the basis of results of simulation tests, Stephan (1995) derived a CMC conversion factor of 0.996 to convert a total recoverable CMC for selenite to a dissolved CMC for selenite. No simulation tests were conducted on selenate, and so 0.996 will be used as a default conversion factor for selenate because both selenate and selenite are oxyions, which are expected to be predominantly dissolved.

The conversion factor of 0.996 was derived on page G–7 of the March 11, 1995 draft document ''Derivation of Conversion Factors for the Calculation of Dissolved Freshwater Aquatic Life Criteria for Metals.'' Page G–8 of this draft explains that the freshwater CCC for selenium is based on data from Belews Lake and that 92.2 percent of the selenium in the water column in Belews Lake was dissolved. Because the CMC in the final Guidance had been back-calculated from the CCC, the conversion factor of 0.922 was applied to both the CMC and the CCC (60 FR 15391–15399, March 23, 1995). In today's proposal, EPA is deriving the freshwater CMC for selenium on the basis of laboratory acute toxicity tests. Consequently, it is appropriate to use the conversion factor of 0.996 for the acute criterion.

IV. Request for Public Comment

EPA is requesting comment on the data and approach for deriving the proposed CMC for selenium. Specifically, EPA is requesting comment on the scientific basis for establishing the additivity of the toxicities of the various forms of selenium (selenate, selenite, and other selenium compounds). EPA also requests comments on the procedure used to account for the additivity of the various forms of selenium in the criterion derivation algorithm. EPA is not requesting comment on the CCC for selenium or on the general methodology for deriving aquatic life criteria for the Great Lakes Guidance.

V. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (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.

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

Once promulgated, the acute selenium criterion in today's proposal is not an enforceable criterion until adopted by States or Tribes, or promulgated by EPA for a particular State or Tribe. Therefore, once published as part of the Guidance, the proposed acute selenium criterion will not have an immediate effect on dischargers. Until actions are taken to promulgate and implement the acute selenium criterion (or an equally protective criterion consistent with the Tier I and Tier II methodologies for aquatic life in the 1995 Guidance—60 FR 15373, March 23, 1995), there will be no economic effect on any dischargers.

Under the CWA, costs cannot be a basis for adopting water quality criteria that will not be protective of designated uses. If a range of scientifically defensible criteria that are protective can be identified, however, costs may be considered in selecting a particular criterion within that range. EPA assessed compliance costs for facilities that could be affected by provisions adopted by States or Tribes consistent with the 1995 Guidance. See ''Regulatory Impact Analysis of the Final Great Lakes Water Quality Guidance'' (EPA 820–B–95–011). In the

regulatory impact analysis (RIA) for the 1995 Guidance an acute selenium criterion of 19.34 μg/L was evaluated and shown to have a minimal impact on facilities in the Great Lakes System because many of the Great Lakes States currently implement selenium criteria adopted under the national program that are similar in stringency.

Today's proposal is limited to the method for deriving a selenium acute criterion ranging from approximately 13 to 186 μg/L, depending on the relative proportions of the various forms of selenium in a facility's discharge. Thus, the method will in many cases result in a selenium acute criterion less stringent than the selenium criteria currently being implemented by the Great Lakes States under the national program, or the criterion that would be developed using existing toxicity data on selenium and the Tier I or Tier II methodologies in the 1995 Guidance. For these reasons, EPA has determined that the acute selenium criterion in today's proposal does not meet the definition of a ''significant regulatory action'' and is therefore not subject to OMB review.

VI. Regulatory Flexibility Act, as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996

The Regulatory Flexibility Act (RFA) provides that, whenever an agency is required to publish a general notice of rulemaking for a proposed rule, the agency must prepare regulatory flexibility analyses for the proposed and final rule unless the head of the agency certifies that it will not have a significant economic impact on a substantial number of small entities. Regulatory flexibility analyses are to focus on the regulatory requirements small entities will be required to meet as a result of the rule and ways to tailor those requirements to reduce the burden on small entities. *Mid-Tex Electric Cooperative, Inc.* v. *FERC,* 773 F.2d 327 (D.C. Cir. 1985).

In view of the RFA's purpose and its requirements for regulatory flexibility analyses, EPA believes that today's proposal to replace the vacated acute selenium criterion in the 1995 Guidance with a new method for deriving the criterion will not have a significant economic impact on small entities within the meaning of the RFA. The proposal, if promulgated, will not itself establish any requirements that apply to small entities. Rather, the proposal will establish a minimum water quality criterion for selenium (by establishing a method for determining that criterion). Following publication, the Great Lakes States and Tribes must adopt water quality standards that are consistent with the promulgated method. In the event that a Great Lakes State or Tribe fails to adopt a standard or adopts a standard that is not consistent with the promulgated criterion, EPA will promulgate a criterion for the State or Tribe. Any economic impact on small entities will result, if at all, only as a consequence of later, discretionary State or Tribal decisions about how to implement any criterion a State or Tribe subsequently adopts (or has promulgated for it). Accordingly, the Administrator certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

While there is no statutory requirements for regulatory flexibility analyses with respect to EPA's action in establishing a revised selenium criterion, EPA did generally assess the potential impact on small entities that the 1995 Great Lakes Guidance would have if it were adopted by States and Tribes. It found that the Guidance as a whole would impose costs of only approximately $500 per small facility. (60 FR 15383, March 23, 1995). Since the acute selenium criterion is only one of the many requirements imposed by the 1995 Guidance, EPA does not believe that the costs of complying with the revisions to the criterion, as proposed today (if adopted by States and Tribes) would exceed that $500 per facility estimate. This provides an additional basis for EPA's belief that there will be no significant impact on a substantial number of small entities based on State or Tribal adoption. Consequently, pursuant to section 605(b) of the RFA, the Administrator certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

VII. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal Mandates'' that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of the affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is limited to the method for deriving a selenium acute criterion, which in many cases will result in an aquatic life criterion for selenium less stringent than the selenium criteria currently being implemented by the Great Lakes States under the national program, or that would be developed and implemented using existing toxicity data on selenium and the Tier I or Tier II methodologies in the 1995 Guidance, if adopted by States or Tribes. In those few cases where the selenium acute criterion is more stringent than those currently being implemented by the Great Lakes States, or that would be implemented using the Tier I or Tier II methodologies in the Guidance, it is not significantly more stringent. Therefore, if States or Tribes adopt criteria consistent with today's proposal, they will reduce, in more cases than not, any adverse economic impact that might have been imposed by their current selenium criteria, or selenium criteria developed and implemented using the Tier I and Tier II methodologies in the 1995 Guidance. Consequently, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Thus, today's proposed rule is

not subject to the requirements of sections 202 and 205 of the UMRA.

VIII. Paperwork Reduction Act

There are no information collection requirements in this proposed notice and therefore there is no need to obtain OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

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List of Subjects in 40 CFR Part 132

Environmental protection, Administrative practice and procedure, Great Lakes, Indians-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control.

Dated: November 4, 1996.

Carol M. Browner,

Administrator.

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

PART 132—WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM

1. The authority citation for part 132 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. In the table to paragraph (a) in Table 1 to part 132, revise the entry for ''selenium'' and add a new footnote (e) in alphabetical order and a new note to the end of the ''Notes'' to read as follows:

Table 1.—Acute Water Quality Criteria for Protection of Aquatic Life in Ambient Water

* * * * *

(a) * * *

Chemical	CMC (μg/L)	Conversion factor (CF)
Selenium	(e)CMC_{Se}	0.996

* * * * *

(e)

$$CMC_{Se} = \frac{1}{\frac{f_1}{185.9\mu g/L} + \frac{f_2}{12.82\mu g/L}}$$

Notes:

* * * * *

The terms ''f_1'' and ''f_2'' are the fractions of total selenium that are treated as selenite and selenate, respectively. CMC_{Se} is the CMC expressed as total recoverable selenium.

* * * * *

[FR Doc. 96–28910 Filed 11–13–96; 8:45 am]

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Federal Register

Thursday
November 14, 1996

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 31 and 42

Federal Acquisition Regulation; Independent Research and Development/ Bid and Proposal Costs for Fiscal Year 1996 and Beyond; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 31 and 42

[FAR Case 95–032]

RIN 9000–AH37

Federal Acquisition Regulation; Independent Research and Development/Bid and Proposal Costs for Fiscal Year 1996 and Beyond

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to revise the Federal Acquisition Regulation (FAR) allowable cost criteria for Independent Research and Development (IR&D)/Bid and Proposal (B&P) costs for Fiscal Year (FY) 1996 and beyond, by removing the requirements to calculate or negotiate a ceiling for IR&D/B&P costs. In addition, the proposed rule clarifies that costs in pursuit of certain cooperative arrangements are allowable, to the extent they are allocable, reasonable, and not otherwise unallowable. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

DATES: Comments should be submitted on or before January 13, 1997 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405.

Please cite FAR case 95–032 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson at (202) 501–0692 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR case 95–032.

SUPPLEMENTARY INFORMATION:

A. Background

The current FAR IR&D/B&P cost principle covers the limited allowability of IR&D/B&P costs for major contractors through a 3-year transition period (FY93–95) based on the requirements of Section 802 of the FY92–93 National Defense Authorization Act (Pub. L. 102–190). Section 802 does not address the allowability of IR&D/B&P costs after FY95. The proposed rule removes, for FY96 and beyond, requirements to calculate or negotiate a ceiling for IR&D/B&P costs and relies on normal allowability, allocability and reasonableness standards.

The rule deletes certain definitions at FAR 31.205–18(a), major portions of 31.205–18(c), and the entire FAR Subpart 42.10, since (1) there is no requirement for advance agreement negotiations or formal IR&D technical reviews and evaluations after completion of the contractors' FY92, and (2) the transition period of limited allowability for FY93 through FY95 has ended.

In addition, the rule amends FAR 31.205–18(e) to clarify that costs incurred in pursuit of certain cooperative arrangements are allowable to the extent they are allocable, reasonable, and not otherwise unallowable.

B. Regulatory Flexibility Act

The proposed changes to FAR Parts 31 and 42 are not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive fixed-price basis, and do not require application of the FAR cost principles. In addition, this proposed rule applies to only those entities that incur IR&D/B&P costs. It removes certain restrictions, and relies instead on normal allowability, allocability and reasonableness standards. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and interested parties. Comments from small entities concerning the affected FAR subparts also will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 95–032), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 31 and 42

Government procurement.

Dated: November 6, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR Parts 31 and 42 be amended as set forth below:

1. The authority citation for 48 CFR Parts 31 and 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 31.205–18 is amended in paragraph (a) by removing definitions for ''Contractor'', ''Covered contract'', ''Covered segment'', and ''Major contractor''; by revising paragraph (c); and adding at the end of paragraph (e) a sentence to read as follows:

31.205–18 Independent research and development and bid and proposal costs.

* * * * *

(c) *Allowability.* Except as provided in paragraphs (d) and (e) of this subsection, or as provided in agency regulations, costs for IR&D and B&P are allowable as indirect expenses on contracts to the extent that those costs are allocable and reasonable.

* * * * *

(e) *Cooperative arrangements*: * * * Costs incurred in pursuit of cooperative arrangements are allowable to the extent they are allocable, reasonable, and not otherwise unallowable.

PART 42—CONTRACT ADMINISTRATION

Subpart 42.10 [Reserved]

3. Subpart 42.10 is removed and reserved.

[FR Doc. 96–29111 Filed 11–13–96; 8:45 am]

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Federal Register

Thursday
November 14, 1996

Part V

The President

Proclamation 6954—Thanksgiving Day, 1996

Federal Register
Vol. 61, No. 221
Thursday, November 14, 1996

Presidential Documents

Title 3—

The President

Proclamation 6954 of November 11, 1996

Thanksgiving Day, 1996

By the President of the United States of America

A Proclamation

America's oldest tradition, Thanksgiving is also a reaffirmation of our most deeply held values; a public recognition that, in the words of Thomas Jefferson, ''God who gave us life gave us liberty.'' In gratitude for God's gift of freedom and ''for all the great and various favors which he hath been pleased to confer upon us,'' George Washington made Thanksgiving his first proclamation for the new Nation, and it is one we are privileged to renew each year.

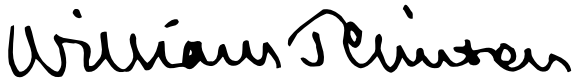
Much has changed for America in the two centuries since that first Thanksgiving proclamation. Generations of hardworking men and women have cultivated our soil and worked the land, and today America's bounty helps feed the world. The promise of freedom that sustained our founders through the hardships of the Revolution and the first challenging days of nationhood has become a reality for millions of immigrants who left their homelands for a new life on these shores. And the light of that freedom now shines brightly in many nations that once lived in the shadows of tyranny and oppression.

But across the years, we still share an unbroken bond with the men and women who first proclaimed Thanksgiving in our land. Americans today still cherish the fresh air of freedom, in which we can raise our families and worship God as we choose without fear of persecution. We still rejoice in this great land and in the civil and religious liberty it offers to all. And we still—and always—raise our voices in prayer to God, thanking Him in humility for the countless blessings He has bestowed on our Nation and our people.

Let us now, this Thanksgiving Day, reawaken ourselves and our neighbors and our communities to the genius of our founders in daring to build the world's first constitutional democracy on the foundation of trust and thanks to God. Out of our right and proper rejoicing on Thanksgiving Day, let us give our own thanks to God and reaffirm our love of family, neighbor, and community. Each of us can be an instrument of blessing to those we touch this Thanksgiving Day—and every day of the year.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday, November 28, 1996, as a National Day of Thanksgiving. I encourage all the people of the United States to assemble in their homes, places of worship, or community centers to share the spirit of goodwill and prayer; to express heartfelt gratitude for the blessings of life; and to reach out in friendship to our brothers and sisters in the larger family of mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh 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.



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FEDERAL REGISTER PAGES AND DATES, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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