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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
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AUSTIN, TX

WHEN: December 10, 1996
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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 61, No. 222
Friday, November 15, 1996

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 831, 842, 846, 870, 871, 872, 873 and 890

RIN 3206–AG78

Retirement, Health, and Life Insurance Coverage for DC Financial Control Authority Employees

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to implement the District of Columbia Financial Responsibility and Management Assistance Act of 1995. The Act allows certain employees of the District of Columbia Financial Control Authority to elect to be considered Federal employees for purposes of Federal retirement, health and life insurance coverage. These regulations set forth the conditions under which these employees may acquire Federal benefits coverage and clarify when such coverage is effective.

DATES: Interim rules effective October 26, 1996; comments must be received on or before January 14, 1997.

ADDRESSES: Send comments to John E. Landers, Chief, Retirement Policy Division; Retirement and Insurance Service; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Patrick Jennings, (202) 606–0299 concerning retirement coverage, or Margaret Sears (202) 606–0004 concerning health and life insurance coverage.

SUPPLEMENTARY INFORMATION: The District of Columbia Financial Responsibility and Management Assistance Act of 1995 was enacted on April 17, 1995, as Public Law 104–8, 109 Stat. 97. It established the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority), and permitted certain former Federal employees to continue Federal retirement coverage as employees of the Authority if appointed to the Authority within 2 months after leaving a Federal position with coverage under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). It did not provide for Federal health or life insurance coverage.

Section 153 of Public Law 104–134, 110 Stat. 1321, enacted April 26, 1996, amended the Act to permit Federal employees separating from Federal service and other individuals employed by the Authority to elect to be deemed a Federal employee while employed with the Authority for the purposes of the following chapters of title 5, United States Code: chapter 83 (CSRS) or 84 (FERS); chapter 87 (the Federal Employees' Group Life Insurance Program—FEGLI); and chapter 89 (the Federal Employees Health Benefits Program—FEHB). The Act, as amended, also allows certain Authority employees to participate in the Thrift Savings Plan administered by the Federal Employees Thrift Investment Board, which will issue separate regulations.

The basic rule established in law is that employees of the Authority must elect to be covered by Federal benefits or District of Columbia benefits. Under these interim regulations, all employees appointed by the Authority before the effective date of the regulations will have equal access to Federal benefits unless they have chosen District of Columbia benefits.

Beginning on the effective date of these regulations, October 26, 1996, individuals appointed by the Authority to a position not excluded from CSRS coverage (such as service under a temporary or intermittent appointment) may elect to be deemed a Federal employee for CSRS or FERS purposes unless the employee elects to participate in a retirement, health, or life insurance program offered by the District of Columbia. However, by law, a former Federal employee being appointed by the Authority on or after October 26, 1996, no more than 3 days (not counting District of Columbia holidays) after separation from Federal employment, cannot elect to be deemed a Federal employee for CSRS or FERS purposes unless the election was made before separation from Federal employment.

Under these regulations, the FEGLI and FEHB coverage rules for other Federal employees generally apply to employees of the Authority who elect to be considered Federal employees for life insurance and health benefits purposes. This is especially true for those hired by the Authority on and after these regulations become effective. However, those hired by the Authority before that date did not have the opportunity to make elections under these programs on what would normally be considered a timely basis. Therefore, these regulations clarify that the time limits begin with the individual's election to be considered a Federal employee for insurance purposes, if that is to the benefit of the individual. In addition, these regulations allow the employee to control whether the effective date of the FEHB enrollment election is prospective or retroactive.

Federal employees may be detailed to the Authority under the provisions of part 334 of title 5, Code of Federal Regulations, which addresses assignments of Federal employees to State governments, and the District of Columbia. The Act authorizes such details to the Authority at the request of the Chair of the Authority and with the approval of the head of the employee's Federal department or agency. Employees detailed under part 334 retain their status as Federal employees and are not required to make the elections provided for in these regulations in order to retain Federal benefits coverage.

Section 153 of Public Law 104–134, 110 Stat. 1321, required that regulations be prescribed within 6 months after enactment on April 26, 1996; accordingly, these regulations are effective October 26, 1996.

Waiver of General Notice of Proposed Rulemaking

Under section 553 (b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making these rules effective in less than 30 days. Elections under these regulations will affect qualifying employees' retirement coverage

retroactive to their entry on duty with the Authority. The legislation was intended to allow for current retirement deductions to be withheld from pay as soon as practicable. Publication of a general notice on proposed rulemaking would be contrary to the public interest because it would delay the election opportunity for eligible individuals employed during the initial staffing of the Authority.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect a small number of former Federal employees and a single entity within the Government of the District of Columbia.

List of Subjects

5 CFR Parts 831, 842 and 846

Administrative practice and procedure, Air traffic controllers, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

5 CFR Part 870

Administrative practice and procedure, Government employees, Hostages, Iraq, Kuwait, Lebanon, Life insurance, Retirement.

5 CFR Parts 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance, Retirement.

5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR parts 831, 842, 846, 870, 871, 872, 873 and 890 as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 is revised to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also issued under 5 U.S.C. 552a; § 831.108 also issued under 5 U.S.C. 8336(d)(2); § 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); § 831.204 also issued under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; § 831.303 also issued under 5 U.S.C. 8334(d)(2); § 831.502 also issued under 5 U.S.C. 8337; § 831.502 also issued under section 1(3), E.O. 11228, 3 CFR 1964–1965 Comp.; § 831.663 also issued under 5 U.S.C. 8339 (j) and (k)(2); §§ 831.663 and 831.664 also issued under section 11004(c)(2) of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103–66, 107 Stat. 410; § 831.682 also issued under section 201(d) of the Federal Employees Benefits Improvement Act of 1986, Pub. L. 99–251, 100 Stat. 23; subpart S also issued under 5 U.S.C. 8345(k); subpart V also issued under 5 U.S.C. 8343a and section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100–203, 101 Stat. 1330–275; § 831.2203 also issued under section 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, 104 Stat. 1388–328.

2. Section 831.204 is added to read as follows:

§ 831.204 Elections of retirement coverage under the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(a) *Who may elect*—(1) *General rule.* Any individual appointed by the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) in a position not excluded from CSRS coverage under § 831.201 may elect to be deemed a Federal employee for CSRS purposes unless the employee has elected to participate in a retirement, health or life insurance program offered by the District of Columbia.

(2) *Exception.* A former Federal employee being appointed by the Authority on or after October 26, 1996, no more than 3 days (not counting District of Columbia holidays) after separation from Federal employment cannot elect to be deemed a Federal employee for CSRS purposes unless the election was made before separation from Federal employment.

(b) *Opportunity to elect FERS.* An individual who elects CSRS under paragraph (a) of this section after a break of more than 3 days between Federal service and employment with the Authority may elect FERS in accordance with 5 CFR 846.201(b)(ii).

(c) *Procedure for making an election.* The Authority or the agency providing administrative support services to the Authority (Administrative Support Agency) must establish a procedure for notifying employees of their election rights and for accepting elections.

(d) *Time limit for making an election.* (1) An election under paragraph (a)(1) of this section must be made within 30 days after the employee receives the notice under paragraph (c) of this section.

(2) The Authority or its Administrative Support Agency will waive the time limit under paragraph (d)(1) of this section upon a showing that—

(i) The employee was not advised of the time limit and was not otherwise aware of it; or

(ii) Circumstances beyond the control of the employee prevented him or her from making a timely election and the employee thereafter acted with due diligence in making the election.

(e) *Effect of an election.* (1) An election under paragraph (a) of this section is effective on the commencing date of the employee's service with the Authority.

(2) An individual who makes an election under paragraph (a) of this section is ineligible, during the period of employment covered by that election, to participate in any retirement system for employees of the government of the District of Columbia.

(f) *Irrevocability.* An election under paragraph (a) of this section becomes irrevocable when received by the Authority or its Administrative Support Agency.

(g) *Employee deductions.* The Authority or its Administrative Support Agency must withhold, from the pay of an employee of the District of Columbia Financial Responsibility and Assistance Authority who has elected to be deemed a Federal employee for CSRS purposes, an amount equal to the percentage withheld from Federal employees' pay for periods of service covered by CSRS and, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the amounts deducted from an employee's pay.

(h) *Employer contributions.* The District of Columbia Financial Responsibility and Assistance Authority must, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions required under CSRS.

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

4. The authority citation for part 842 is revised to read as follows:

Authority: 5 U.S.C. 8461(g); §§ 842.104 and 842.106 also issued under 5 U.S.C. 8461(n); § 842.105 also issued under 5 U.S.C. 8402(c)(1) and 7701(b)(2); § 842.106 also issued under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. L. 104–8, 109 Stat. 102, as amended by section

153 of Pub. L. 104–134, 110 Stat. 1321; §§ 842.604 and 842.611 also issued under 5 U.S.C. 8417; § 842.607 also issued under 5 U.S.C. 8416 and 8417; § 842.614 also issued under 5 U.S.C. 8419; § 842.615 also issued under 5 U.S.C. 8418; § 842.703 also issued under section 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, 104 Stat. 1388–328; § 842.707 also issued under section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100–203, 101 Stat. 1330–275; § 842.708 also issued under section 4005 of the Omnibus Budget Reconciliation Act of 1989, Pub. L. 101–239, 103 Stat. 2135, and section 7001 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, 104 Stat. 1388–327; subpart H also issued under 5 U.S.C. 1104.

5. Section 842.106 is added to read as follows:

§ 842.106 Elections of retirement coverage under the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(a) *Who may elect*—(1) *General rule.* Any individual appointed by the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) in a position not excluded from FERS coverage under § 842.105 may elect to be deemed a Federal employee for FERS purposes unless the employee has elected to participate in a retirement, health or life insurance program offered by the District of Columbia.

(2) *Exception.* A former Federal employee being appointed by the Authority on or after October 26, 1996, no more than 3 days (not counting District of Columbia holidays) after separation from Federal employment cannot elect to be deemed a Federal employee for FERS purposes unless the election was made before separation from Federal employment.

(b) *Procedure for making an election.* The Authority or the agency providing administrative support services to the Authority (Administrative Support Agency) must establish a procedure for notifying employees of their election rights and for accepting elections.

(c) *Time limit for making an election.* (1) An election under paragraph (a)(1) of this section must be made within 30 days after the employee received the notice under paragraph (b) of this section.

(2) The Authority or its Administrative Support Agency will waive the time limit under paragraph (c)(1) of this section upon a showing that—

(i) The employee was not advised of the time limit and was not otherwise aware of it; or

(ii) Circumstances beyond the control of the employee prevented him or her from making a timely election and the employee thereafter acted with due diligence in making the election.

(d) *Effect of an election.* (1) An election under paragraph (a) of this section is effective on the commencing date of the employee's service with the Authority.

(2) An individual who makes an election under paragraph (a) of this section is ineligible, during the period of employment covered by that election, to participate in any retirement system for employees of the government of the District of Columbia.

(e) *Irrevocability.* An election under paragraph (a) of this section becomes irrevocable when received by the Authority or its Administrative Support Agency.

(f) *Employee deductions.* The Authority or its Administrative Support Agency must withhold, from the pay of an employee of the District of Columbia Financial Responsibility and Assistance Authority who has elected to be deemed a Federal employee for FERS purposes, an amount equal to the percentage withheld from Federal employees' pay for periods of service covered by FERS and, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the amounts deducted from an employee's pay.

(g) *Employer contributions.* The District of Columbia Financial Responsibility and Assistance Authority must, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions required under FERS.

PART 846—FEDERAL EMPLOYEES RETIREMENT SYSTEM—ELECTING COVERAGE

4. The authority citation for part 846 is revised to read as follows:

Authority: 5 U.S.C. 8461(g); § 846.201(b) also issued under 5 U.S.C. 7701(b)(2); § 846.202 also issued under section 301(d)(3) of Pub. L. 99–335, 100 Stat. 600; § 846.201(b)(ii) also issued under section 153 of Pub. L. 104–134, 110 Stat. 1321.

5. In section 846.201, paragraph (b) is redesignated as paragraph (b)(1), and a new paragraph (b)(2) is added to read as follows:

§ 846.201 Elections to become subject to FERS.

* * * * *

(b)(1) * * *

(2) *Separated employees who are employed with the District of Columbia Financial Management and Assistance Authority (Authority).* A former employee who becomes employed with the Authority and subject to CSRS may elect, during the 6-month period beginning on the date he or she becomes subject to CSRS, to become subject to FERS, except that an employee serving under an interim appointment under the authority of § 772.102 of this chapter is not eligible to elect to become subject to FERS.

* * * * *

PART 870—BASIC LIFE INSURANCE

6. The authority citation for part 870 is revised to read as follows:

Authority: 5 U.S.C. 8716; § 870.210(b) also issued under sec. 153 of Pub. L. 104–134, 110 Stat. 1321; § 870.202(c) also issued under 5 U.S.C. 7701(b)(2); subpart J also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended.

7. In § 870.201, the existing paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 870.201 Coverage.

* * * * *

(b) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Public Law 104–134, 110 Stat. 1321) to be considered a Federal employee for life insurance and other benefit purposes is subject to this part. Subject to the provisions of § 870.203, Basic life insurance is effective the later of either the date the employee enters on duty in a pay status with the Authority or the date the Authority receives the employee's election to be considered a Federal employee for life insurance purposes. Employees of the Authority who are former Federal employees are subject to the provisions of § 870.204 and § 870.601(e).

PART 871—STANDARD OPTIONAL LIFE INSURANCE

8. The authority citation for part 871 is revised to read as follows:

Authority: 5 U.S.C. 8716; § 871.201(b) also issued under sec. 153 of Pub. L. 104–134, 110 Stat. 1321.

9. In § 871,201, the existing paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 871.201 Eligibility

* * * * *

(b) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the

Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Public Law 104–134, 110 Stat. 1321) to be considered a Federal employee for life insurance and other benefit purposes is subject to this part. If the employee is eligible to make an election under § 871.202, such election must be made within 31 days after the later of either the date employment with the Authority begins or the date the Authority receives his or her election to be considered a Federal employee. Employees of the Authority who are former Federal employees are subject to the provisions of § 871.205 and § 871.604.

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

10. The authority citation for part 872 is revised to read as follows:

Authority: 5 U.S.C. 8716; § 870.201(b) also issued under sec. 153 of Pub. L. 104–134, 110 Stat. 1321.

11. In § 872.201, the existing paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 872.201 Eligibility.

* * * * *

(b) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Pub. L. 104–134, 110 Stat. 1321) to be considered a Federal employee for life insurance and other benefit purposes is subject to this part. If the employee is eligible to make an election under § 872.202, such election must be made within 41 days after the later of either the date employment with the Authority begins or the date the Authority receives his or her election to be considered a Federal employee. Employees of the Authority who are former Federal employees are subject to the provisions of § 872.205 and § 872.604.

PART 873—FAMILY OPTIONAL LIFE INSURANCE

12. The authority citation for part 873 is revised to read as follows:

Authority: 5 U.S.C. 8716; § 873.201(b) also issued under sec. 153 of Pub. L. 104–134, 110 Stat. 1321.

13. In § 873.201, the existing paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 873.201 Eligibility.

* * * * *

(b) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Public Law 104–134, 110 Stat. 1321) to be considered a Federal employee for life insurance and other benefit purposes is subject to this part. If the employee is eligible to make an election under § 873.202, such election must be made within 31 days after the later of either the date employment with the Authority begins or the date the Authority receives his or her election to be considered a Federal employee. Employees of the Authority who are former Federal employees are subject to the provisions of § 873.205 and § 873.604.

PART 890—THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

14. The authority citation for part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; § 890.102(f) also issued under sec. 153 of Pub. L. 104–134, 110 Stat. 1321; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended.

15. In § 890.102 a new paragraph (f) is added to read as follows:

§ 890.102 Coverage.

* * * * *

(f) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Pub. L. 104–134, 110 Stat. 1321) to be considered a Federal employee for health benefits and other benefit purposes is subject to this part. If the employee is eligible to make an election to enroll under § 890.301, such election must be made within 60 days after the later of either the date the employment with the Authority begins or the date the Authority receives his or her election to be considered a Federal employee. Employees of the Authority who are former Federal employees are subject to the provisions of § 890.303(a), except that a former Federal employee employed by the Authority before October 26, 1996, and within 3 days following the termination of the Federal employment may make an election to enroll under § 890.301(c). Annuitants who have continued their coverage under this part as annuitants are not eligible to enroll under this paragraph. An election to enroll under this part is effective under the provisions of § 890.306(a) unless the employee requests the Authority to make the enrollment effective on the first day of the first pay period following the date the employee entered on duty in a pay status with the Authority.

[FR Doc. 96–29309 Filed 11–13–96; 10:05 am]

BILLING CODE 6325–01–M

FEDERAL ELECTION COMMISSION

11 CFR Part 104

[Notice 1996—20]

Electronic Filing of Reports by Political Committees

AGENCY: Federal Election Commission.

ACTION: Interim rules; transmittal of regulations to Congress.

SUMMARY: The Federal Election Commission is implementing a voluntary system of electronic filing for reports of campaign finance activity filed with the agency. The Commission has approved final rules setting out the requirements for this system. In order to ensure compliance with a statutory mandate, the Commission is putting these rules into effect on an interim basis, pending Congressional review at the start of the 105th Congress. Further information is provided in the supplementary information that follows.

EFFECTIVE DATE: These interim rules are effective January 1, 1997. The Commission will submit these rules for legislative review in the 105th Congress, and will announce a final effective date after the rules have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d). A document announcing that the interim rules have been prescribed as final rules will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Paul Sanford, Staff Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: In August, the Commission approved the final text of new regulations implementing a voluntary electronic filing system for reports of campaign finance activity filed with the agency, and published the text of the rules, along with an Explanation and Justification, in the Federal Register. 61 FR 42371 (Aug. 15,

1996). These rules implement provisions of Public Law 104–79, which amended the Federal Election Campaign Act of 1971, 2 U.S.C. 431 *et seq.* [''FECA''], to require, *inter alia,* that the Commission create a system to ''permit reports required by this Act to be filed and preserved by means of computer disk or any other electronic format or method, as determined by the Commission.'' Federal Election Campaign Act of 1971, Amendment, Public Law 104–79, section 1(a), 109 Stat. 791 (December 28, 1995).

The Commission submitted the electronic filing rules to Congress for legislative review on August 9, 1996. Since these rules are not major rules within the meaning of 5 U.S.C. 804(2), the FECA controls the legislative review process. See 5 U.S.C. 801(a)(4), Small Business Regulatory Enforcement Fairness Act, Public Law 104–121, section 251, 110 Stat. 857, 869 (1996). Section 438(d) of the FECA requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated.

When Congress adjourned *sine die* on October 4, 1996, the rules had not been before Congress for 30 legislative days. Consequently, the Commission must resubmit the rules for review in the 105th Congress, which is scheduled to convene on January 7, 1997.

Ordinarily, this delay would not cause significant difficulty for the Commission. However, the statute creating the electronic filing system specifically requires the Commission make the electronic filing system available for ''reports for periods beginning after December 31, 1996.'' Public Law 104–79, section 1(c). Thus, the Commission is required to have the system in place by January 1, 1997.

The Commission is announcing today that it will put the electronic filing rules published on August 15, 1996 into effect on an interim basis in order to meet this statutory deadline. See 61 FR 42371. The interim rules will go into effect on January 1, 1997. The Commission is also announcing that it will retransmit the rules and Explanation and Justification to Congress in early January. The rules will be retransmitted before the 105th Congress convenes on January 7, 1997 in order to begin the review period at the earliest opportunity. After they have been before Congress for 30 legislative days, the Commission will announce a date when the interim rules will go into effect as final rules. The Commission expects this date to be in late March or early April.

Dated: November 8, 1996.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 96–29235 Filed 11–14–96; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 960805216–6307–03; I.D. 071596E]

RIN 0648–AH06

Fisheries of the Northeastern United States; Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS issues this rule to implement the approved provisions of Amendment 9 to the Fishery Management Plan (FMP) for the Summer Flounder, Scup, and Black Sea Bass Fisheries. This rule includes the initially disapproved quota measure, that has been revised and resubmitted by the Mid-Atlantic Fishery Management Council (Council). This rule implements management measures for the black sea bass fishery in order to reduce fishing mortality and allow the stock to rebuild.

EFFECTIVE DATE: December 16, 1996.

ADDRESSES: Copies of Amendment 9, the resubmitted portion of Amendment 9, the final environmental impact statement (FEIS), the regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904–6790.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508–281–9221.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved measures contained in Amendment 9 to the FMP, which was prepared by the Council in consultation with the Atlantic States Marine Fisheries Commission (Commission) and the New England and South Atlantic Fishery Management Councils. Amendment 9 revises the summer flounder (*Paralichthys dentatus*) and scup (*Stenotomus chrysops*) FMP to include management measures for the black sea bass (*Centropristis striata*) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (Magnuson-Stevens Act). The management unit for this fishery is black sea bass in U.S. waters of the western Atlantic Ocean from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border. Background concerning the development of Amendment 9 was provided in the notice of proposed rulemaking (August 21, 1996, 61 FR 43217), and is not repeated here. The public comment period on the proposed rule for all management measures except the commercial quota provisions ended on October 7, 1996.

On July 19, 1996, NMFS, on behalf of the Secretary of Commerce (Secretary), after a preliminary evaluation as authorized by section 304(a)(1)(A)(ii) of the Magnuson-Stevens Act, disapproved the provision that would have implemented a state by state commercial quota for black sea bass in 1998. The measure was found to be incompatible with the Magnuson-Stevens Act and other applicable law.

The Council was informed that final approval of Amendment 9 was contingent upon the timely resubmission of a commercial quota measure that remedied the deficiencies of the disapproved measure. If the revised/resubmitted commercial quota provision could not be approved prior to Day 95 of the review period for the remaining measures of Amendment 9, Amendment 9 was at risk of disapproval due to inconsistency with national standard 1 of the Magnuson-Stevens Act. The Council, pursuant to section 304(b)(3)(A) of the Magnuson-Stevens Act, revised the measure and resubmitted a coastwide quarterly quota with trip limits that is fully described in the notice of proposed rulemaking published on September 6, 1996 (61 FR

47106). That notice provided a public comment period that concluded on September 26, 1996. No comments were received on the proposed revision. The revised/resubmitted quota measure was approved by NMFS on behalf of the Secretary on October 11, 1996. The remaining measures contained in Amendment 9 were approved by NMFS on behalf of the Secretary on October 17, 1996. The regulations implementing Amendment 9, including the quota measure contained in the resubmission, are being published together in this final rule.

Successful implementation of the commercial quota measure in 1998 will require the involved states to assist NMFS in monitoring commercial landings and to close state waters to fishing when quarterly quotas are attained. Since the FMP is a joint fishery management plan, the Commission will also have to take complementary action. The fact that the management unit bifurcates the State of North Carolina will mean that the State must establish monitoring and State waters closures to coincide with the boundary of the management unit. If the states, particularly North Carolina, are unable to implement necessary measures by 1998, a regulatory amendment will be necessary to modify the quota monitoring and implementation process to ensure effective implementation of the measure.

Amendment 9 Measures

This final rule implements a moratorium on new entrants into the commercial black sea bass fishery, imposes restrictions on the size of vessels allowed as a replacement for a moratorium eligible vessel, requires charter/party vessel, dealer, and operator permits, and establishes reporting and recordkeeping requirements. This rule also implements the following measures, which may be adjusted annually through the review process specified in Amendment 9: Minimum fish sizes, minimum mesh size for otter trawl vessels possessing a catch in excess of a specified threshold level, a maximum roller size, and pot and trap gear requirements. Modifications to recreational measures including season, possession limit, and minimum size may also be implemented if the Council deems them necessary in its annual review process. A coastwide harvest limit will be specified annually, beginning in 1998, at a level that will reduce the exploitation rate to the level specified in the rebuilding schedule. This coastwide harvest limit will be subdivided into a commercial quota and a recreational harvest limit.

The Council and the Commission may, in the future, alter the system to distribute and manage the annual commercial quota. Coastwide, regional, and state-by-state quotas may be considered in combination with different fractions of the fishing year. The Council may establish special management zones (SMZs) at the request of an individual issued a permit by the U.S. Army Corps of Engineers for an artificial reef. Such SMZs would be implemented by regulatory amendment.

Resubmitted Measure

This final rule will also implement, beginning in 1998, a commercial quarterly quota with trip limits that will be allocated to the commercial black sea bass fishery for the coastal states from Maine through North Carolina. The quarterly allocations and the associated percentages of the total quota are: January-March (38.64 percent), April-June (29.26 percent), July-September (12.33 percent), and October-December (19.77 percent). Any black sea bass landed for sale by a vessel possessing a black sea bass moratorium permit will count towards the quota, regardless of where the fish were harvested. Any black sea bass harvested north of Cape Hatteras and landed for sale by a vessel without a moratorium permit and fishing exclusively in state waters will be counted towards the quota by the state in which it is landed pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. A series of prohibitions and management measures have been proposed to address the original concerns with regard to monitoring and enforcement of the commercial quota in the State of North Carolina.

Comments and Responses

One written comment was received from a fishery participant concerning Amendment 9. No comments were received concerning the resubmitted measure.

Comment: The commenter expressed concern for the resource and recommended increasing the minimum fish size to 12 inches (30.5 cm).

Response: The minimum fish size implemented under this rule is 9 inches (22.9 cm) total length (TL) and can be adjusted annually through the Monitoring Committee review process. Fifty percent of the black sea bass are sexually mature at 7.7 inches (19.5 cm) TL, so the minimum size should allow for increases in the spawning stock biomass while allowing more fish to spawn. The Council and Commission considered alternative size limits, but felt that larger limits could impose significant economic burdens on the industry. The plan allows them, however, to reexamine the minimum size on an annual basis if anticipated stock benefits are not realized.

Changes From the Proposed Rules

This final rule incorporates changes made to the proposed rules for both Amendment 9 and the resubmitted quota measure. Unless otherwise noted, the changes specified below reference the proposed rule for Amendment 9.

In § 648.4, paragraph (a)(6) is no longer reserved for future use due to the approval of Amendment 8 to the FMP which regulates the scup fishery.

Section 648.4(a)(7)(i)(C) in the resubmission proposed rule was incorporated into § 648.4(b) for ease of reference, and the phrases ''upon the receipt of'' and ''written'' were added to clarify that the request for reissuance of a black sea bass moratorium permit must be received in writing from the vessel's owner.

In § 648.4(a)(7)(i)(A) (*1*) and (*2*), the phrase ''in the management unit'' was added to clarify that in order to qualify for a commercial black sea bass moratorium permit, documented landings must be of black sea bass from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

In § 648.12, subpart H (scup) is added to the list of species that may be exempted from the requirements of that part for the purpose of conducting experimental fishing beneficial to the management of the scup resource, as the final rule published on August 23, 1996 (61 FR 43420) made that subpart effective.

In § 648.14, paragraphs (a)(80) through (a)(82) have been renumbered as (a)(90) through (a)(92), as the approval of the regulations implementing Amendment 8 to the FMP that regulates the scup fishery included prohibitions in paragraphs (80) through (88), inclusively. Also, paragraphs (a)(93) through (a)(95) are added to clarify restrictions.

Section 648.140(b)(2) in the resubmission proposed rule was modified by adding the phrase ''for all moratorium vessels'' to clarify that a trip limit established by the Monitoring Committee will apply to all commercial vessels that are in possession of a Federal moratorium permit, regardless of gear type or vessel size.

Section 648.140(d)(2) in the resubmission proposed rule has been revised to clarify that a state will be required to close their ports to landings of black sea bass in the event the quota is attained, pursuant to the fishery

management plan adopted by the Commission.

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

Classification

The Regional Administrator, Northeast Region, NMFS, determined that Amendment 9 is necessary for the conservation and management of the black sea bass fishery and that it is consistent with the Magnuson-Stevens Act and other applicable law.

The Council prepared an FEIS for Amendment 9; a notice of availability was published by the Environmental Protection Agency on August 16, 1996 (61 FR 42608). The Assistant Administrator for Fisheries, NOAA (AA) determined, upon review of the FEIS and public comments, that the rule is environmentally preferable to the status quo. This rule would reduce exploitation, increase long-term yields, and, thus, reduce the risk of stock collapse in the black sea bass fishery.

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

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

This rule contains new collection-of-information requirements subject to the PRA. These collection-of-information requirements have been approved by OMB, and the OMB control numbers and public reporting burden are listed as follows:

1. Dealer employment data (6 minutes per response), under OMB # 0648–0018.

2. Operator permits (1 hour per response), vessel moratorium permits (30 minutes per response), moratorium permit appeals (30 minutes per response), party and charter boat permits (30 minutes per response), dealer/processor permits (5 minutes per response), and experimental fishing exemptions (2 hours per response) under OMB # 0648–0202.

3. Vessel/party charter boat logbooks (5 minutes per response) under OMB # 0648–0212.

4. Dealer reporting responses (2 minutes per response) under OMB # 0648–0229.

5. Gear marking (1 minute per trap or pot) under OMB # 0648–0305.

6. Vessel marking (45 minutes per vessel) under OMB # 0648–0306.

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

A reinitiation of a section 7 consultation under the Endangered Species Act was completed on February 29, 1996, on the summer flounder, scup and black sea bass fisheries. The opinion concludes that the effects of the three fisheries, along with associated NMFS management actions, may adversely affect listed or proposed species, but are not likely to jeopardize their continued existence and will not result in the destruction or adverse modification of designated critical habitat.

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 the management measures contained in Amendment 9 would not have a significant economic impact on a substantial number of small entities. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce further certified to the Chief Counsel for Advocacy of the Small Business Administration, that the revised/resubmitted commercial quota measure would not have a significant economic impact on a substantial number of small entities during the 1997 fishing year. The reasons for that determination were discussed in the resubmission proposed rule published in the Federal Register on September 6, 1996 (61 FR 47106). As a result, Regulatory Flexibility Analyses were not prepared for either action.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 7, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

15 CFR Chapter IX

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

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

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

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

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

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * * *	
50 CFR	
* * * * *	
648.5	–0202
648.7	–0018, –0212, and –0229
648.8	–0306
648.144	–0305
* * * * *	

50 CFR Chapter VI

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

4. In § 648.1, paragraph (a) is revised to read as follows:

§ 648.1 Purpose and scope.

(a) This part implements the fishery management plans (FMP) for the Atlantic mackerel, squid, and butterfish fisheries (Atlantic Mackerel, Squid, and Butterfish FMP); Atlantic salmon (Atlantic Salmon FMP); the Atlantic sea scallop fishery (Atlantic Sea Scallop FMP (Scallop FMP)); the Atlantic surf clam and ocean quahog fisheries (Atlantic Surf Clam and Ocean Quahog FMP); the Northeast multispecies fishery (NE Multispecies FMP); and the summer flounder, scup and the black sea bass fisheries (Summer Flounder,

Scup and Black Sea Bass FMP). These FMPs and the regulations in this part govern the conservation and management of fisheries of the northeastern United States.

* * * * *

5. In § 648.2, definitions for ''Black Sea Bass Monitoring Committee,'' ''Black sea bass pot or black sea bass trap,'' are added, in alphabetical order, and the definition for ''Council'' is revised to read as follows:

§ 648.2 Definitions.

* * * * *

Black Sea Bass Monitoring Committee means a committee made up of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Northeast Regional Office of NMFS, the Northeast Fisheries Science Center, and Commission representatives. The Council Executive Director or his designee chairs the Committee.

Black sea bass pot or black sea bass trap means any such gear used in catching and retaining black sea bass.

* * * * *

Council means the New England Fishery Management Council (NEFMC) for the Atlantic sea scallop and the NE multispecies fisheries, or the Mid-Atlantic Fishery Management Council (MAFMC) for the Atlantic mackerel, squid, and butterfish; the Atlantic surf clam and ocean quahog; and the summer flounder, scup and black sea bass fisheries.

* * * * *

6. In § 648.4, paragraph (a)(7) is added, and paragraph (b) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(7) *Black sea bass vessels.* Beginning June 1, 1997, any vessel of the United States that fishes for or retains black sea bass in or from the EEZ north of 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, must have been issued and carry on board a valid black sea bass moratorium permit, except for vessels other than party or charter vessels that observe the possession limit established pursuant to § 648.145.

(i) *Moratorium permits*—(A) *Eligibility.* A vessel is eligible to receive a permit to fish for and retain black sea bass in excess of the possession limit established pursuant to § 648.145 in the EEZ north of 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, if it meets any of the following criteria:

(*1*) The vessel landed and sold black sea bass in the management unit between January 26, 1988, and January 26, 1993; or

(*2*) The vessel was under construction for, or was being rerigged for, use in the directed fishery for black sea bass on January 26, 1993, provided the vessel landed black sea bass in the management unit for sale prior to January 26, 1994.

(*3*) The vessel is replacing a vessel of substantially similar harvesting capacity that qualifies under the criteria in paragraphs (a)(7)(i)(A) (*1*) or (*2*) of this section, and both the entering and replaced vessels are owned by the same person. Vessel permits issued to vessels that leave the fishery may not be combined to create larger replacement vessels.

(B) *Application/renewal restrictions.* No one may apply for an initial black sea bass moratorium permit after:

(*1*) December 15, 1997; or

(*2*) The owner retires the vessel from the fishery.

(C) *Qualification restriction.* Unless the Regional Director determines to the contrary, no more than one vessel may qualify at any one time for a black sea bass moratorium permit based on that or another vessel's fishing and permit history. If more than one vessel owner claims eligibility for a black sea bass moratorium permit based on one vessel's fishing and permit history, the Regional Director will determine who is entitled to qualify for the permit according to paragraph (a)(7)(i)(D) of this section.

(D) *Change in ownership.* The fishing and permit history of a vessel is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. If the fishing and permit history of the vessel is transferred, the transferee/buyer must comply with the requirements of paragraph (h) of this section for the continuation of a moratorium permit for his or her benefit.

(E) *Replacement vessels.* To be eligible for a moratorium permit under this section, the replacement vessel must be of substantially similar harvesting capacity as the vessel that initially qualified for the moratorium permit, and both vessels must be owned by the same person. Vessel permits issued to vessels that leave the fishery may not be combined to create larger replacement vessels.

(F) *Appeal of denial of permit.* (*1*) Any applicant denied a moratorium permit may appeal to the Regional Director within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Director erred in concluding that the vessel did not meet the criteria in paragraph (a)(7)(i)(A) (*1*) or (*2*) of this section. The appeal shall set forth the basis for the applicant's belief that the Regional Director's decision was made in error.

(*2*) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Director.

(*3*) The hearing officer shall make a recommendation to the Regional Director.

(*4*) The decision on the appeal by the Regional Director is the final decision of the Department of Commerce.

(ii) *Party and charter boat permit.* The owner of any party or charter boat must obtain a permit to fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, while carrying passengers for hire.

(b) *Permit conditions.* Vessel owners who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel and the vessel's fishing activity, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ, and without regard to where such fish or gear are possessed, taken or landed), are subject to all requirements of this part, unless exempted from such requirements under this part. All such fishing activities, catch, and gear will remain subject to all applicable state requirements. Except as otherwise provided in this part, if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the EEZ for any species managed under this part must comply with the more restrictive requirement. Owners and operators of vessels fishing under the terms of a summer flounder moratorium or black sea bass moratorium permit must also agree not to land summer flounder or black sea bass, respectively, in any state after the Regional Director has published a notification in the Federal Register stating that the commercial quota for that state or period has been harvested, and that no commercial quota is available for the respective species. A state not receiving an allocation of summer flounder or black sea bass is deemed to have no commercial quota available. Owners and operators of vessels fishing under the terms of a scup moratorium permit

must also agree not to land scup after the Regional Director has published a notification in the Federal Register stating that the commercial quota has been harvested. Owners or operators fishing for surf clams and ocean quahogs within waters under the jurisdiction of any state that requires cage tags are not subject to any conflicting Federal minimum size or tagging requirements. If a surf clam and ocean quahog requirement of this part differs from a surf clam and ocean quahog management measure required by a state that does not require cage tagging, any vessel owners or operator permitted to fish in the EEZ for surf clams and ocean quahogs must comply with the more restrictive requirement while fishing in state waters. However, surrender of a surf clam and ocean quahog vessel permit by the owner by certified mail addressed to the Regional Director allows an individual to comply with the less restrictive state minimum size requirement, as long as fishing is conducted exclusively within state waters. If the commercial black sea bass quota for a period is harvested, and the coast is closed to the possession of black sea bass north of 35°15.3′ N. lat., any vessel owners that hold valid commercial permits for both the black sea bass and the NMFS, Southeast Region Snapper/Grouper fisheries, may surrender their moratorium Black Sea Bass permit by certified mail addressed to the Regional Director and fish pursuant to their Snapper/Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3′ N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

* * * * *

7. In § 648.5, paragraph (a) is revised to read as follows:

§ 648.5 Operator permits.

(a) *General.* Any operator of a vessel fishing for or possessing sea scallops in excess of 40 lb (18.1 kg), NE multispecies, and, as of January 1, 1997, mackerel, squid, or butterfish, or scup, and, as of June 1, 1997, black sea bass, harvested in or from the EEZ, or issued a permit for these species under this part, must have been issued under this section, and carry on board, a valid operator's permit. An operator permit issued pursuant to part 649 of this chapter satisfies the permitting requirement of this section. This requirement does not apply to operators of recreational vessels.

* * * * *

8. In § 648.6, paragraph (a) is revised to read as follows:

§ 648.6 Dealer/processor permits.

(a) *General.* All NE multispecies, sea scallop, summer flounder, surf clam and ocean quahog dealers, and surf clam and ocean quahog processors must have been issued under this section, and have in their possession, a valid permit for these species. As of January 1, 1997, all mackerel, squid, and butterfish dealers and all scup dealers, and, as of June 1, 1997, all black sea bass dealers must have been issued under this section, and have in their possession, a valid permit for these species.

* * * * *

9. In § 648.7, the first sentence in paragraph (a)(1)(i), paragraph (a)(2)(i), the heading and first sentence of paragraph (b)(1)(i), the first sentence of paragraph (b)(1)(iii) and paragraph (f)(3) are revised to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) * * *

(1) * * *

(i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid or butterfish, and scup dealers, and, as of June 1, 1997, black sea bass dealers, must provide: Name and mailing address of dealer, dealer number, name and permit number of the vessels from which fish are landed or received, dates of purchases, pounds by species, price by species, and port landed. * * *

* * * * *

(2) * * *

(i) Summer flounder, scallop, NE multispecies, and, as of January 1, 1997, mackerel, squid, or butterfish and scup, and, as of June 1, 1997, black sea bass dealers must complete the ''Employment Data'' section of the Annual Processed Products Reports; completion of the other sections of that form is voluntary. Reports must be submitted to the address supplied by the Regional Director.

* * * * *

(b) * * *

(1) * * *

(i) *Owners of vessels issued a moratorium permit for summer flounder, mackerel, squid, or butterfish, scup or black sea bass, or a permit for sea scallop or multispecies.* The owner or operator of any vessel issued a moratorium permit for summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup, or as of June 1, 1997, black sea bass, or a permit for sea scallops, or NE multispecies, must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips, regardless of species fished for or taken, on forms supplied by or approved by the Regional Director. * * *

* * * * *

(iii) *Owners of party and charter boats.* The owner of any party or charter boat issued a summer flounder or scup permit other than a moratorium permit and carrying passengers for hire shall maintain on board the vessel, and submit, an accurate daily fishing log report for each charter or party fishing trip that lands summer flounder or scup, unless such a vessel is also issued a moratorium permit for summer flounder, a permit for sea scallop, or NE multispecies, or, as of January 1, 1997, a permit for mackerel, squid or butterfish, or a moratorium permit for scup, or, as of June 1, 1997, a permit for black sea bass, in which case a fishing log report is required for each trip regardless of species retained. * * *

* * * * *

(f) * * *

(3) *At-sea purchasers, receivers, or processors.* All persons purchasing, receiving, or processing any summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup, or, as of June 1, 1997, black sea bass at sea for landing at any port of the United States must submit information identical to that required by paragraph (a)(1) or (a)(2) of this section, as applicable, and provide those reports to the Regional Director or designee on the same frequency basis.

10. In § 648.11, the first sentence in paragraph (a), and paragraph (e) are revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

(a) The Regional Director may request any vessel holding a permit sea scallop; or NE multispecies; or a moratorium permit for summer flounder, or, as of January 1, 1997, mackerel, squid, or butterfish, or scup, or as of June 1, 1997, black sea bass fisheries to carry a NMFS-approved sea sampler/observer. * * *

* * * * *

(e) The owner or operator of a vessel issued a summer flounder moratorium permit, or as of January 1, 1997, a scup moratorium permit or, as of June 1, 1997, a black sea bass moratorium permit, if requested by the sea sampler/observer also must:

(1) Notify the sea sampler/observer of any sea turtles, marine mammals, summer flounder, scup, or black sea

bass, or other specimens taken by the vessel.

(2) Provide the sea sampler/observer with sea turtles, marine mammals, summer flounder, scup, or black sea bass, or other specimens taken by the vessel.

* * * * *

11. Section 648.12 is revised to read as follows:

§ 648.12 Experimental fishing.

The Regional Director may exempt any person or vessel from the requirements of subparts B (Atlantic mackerel, squid, and butterfish), D (sea scallop), E (surf clam and ocean quahog), F (NE multispecies), G (summer flounder), H (scup), or I (black sea bass), of this part for the conduct of experimental fishing beneficial to the management of the resources or fishery managed under that subpart. The Regional Director shall consult with the Executive Director of the Council regarding such exemptions for the Atlantic mackerel, squid, and butterfish, the summer flounder, the scup, and the black sea bass fisheries.

12. In § 648.14, paragraph (a)(8) is revised, paragraphs (a)(90) through (a)(95) are added, paragraph (u) is redesignated as paragraph (w), and paragraphs (u), (v), and (w)(7) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(8) Assault, resist, oppose, impede, harass, intimidate, interfere with or bar by command, impediment, threat, or coercion either a NMFS-approved observer, sea sampler, or other NMFS-authorized employee aboard a vessel or in a dealer/processor establishment, conducting his or her duties aboard a vessel or in a dealer/processor establishment, or an authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part.

* * * * *

(90) Possess in or harvest from the EEZ from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, black sea bass either in excess of the possession limit established pursuant to § 648.145 or before or after the time period established pursuant to § 648.142, unless the person is operating a vessel issued a moratorium permit under § 648.4 and the moratorium permit is on board the vessel and has not been surrendered, revoked, or suspended;

(91) Fish for, catch, or retain 100 lb or more (45.4 kg or more) of black sea bass in or from the EEZ from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, unless the vessel meets the gear restrictions of § 648.144.

(92) Purchase or otherwise receive for commercial purposes black sea bass caught in the EEZ from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border, by other than a vessel with a moratorium permit not subject to the possession limit established pursuant to § 648.145 unless the vessel has not been issued a permit under this part and is fishing exclusively within the waters under the jurisdiction of any state.

(93) Possess or use rollers used in roller rig or rock hopper trawl gear that do not meet the minimum size requirement of § 648.144 if the person possesses black sea bass harvested in or from the EEZ from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

(94) Possess or use pot and trap gear not meeting the requirements of § 648.144 if the person possesses black sea bass harvested in or from the EEZ from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

(95) Purchase or otherwise receive for commercial purposes black sea bass landed for sale by a moratorium vessel in any state, or part thereof, north of 35°15.3′ N. lat., after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

* * * * *

(u) In addition to the general prohibitions specified in § 600.725 of this chapter and in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel issued a black sea bass permit (including a moratorium permit) to do any of the following:

(1) Possess 100 lb (45.4 kg) or more of black sea bass, unless the vessel meets the minimum mesh requirement specified in § 648.144(a).

(2) Possess black sea bass in other than a box specified in § 648.145(c) if fishing with nets having mesh that does not meet the minimum mesh-size requirement specified in § 648.144(a).

(3) Land black sea bass for sale in any state, or part thereof, north or south of 35°15.3′ N. lat., after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

(4) Fish with or possess nets or netting that do not meet the minimum mesh requirement, or that are modified, obstructed or constricted, if subject to the minimum mesh requirement specified in § 648.144, unless the nets or netting are stowed in accordance with § 648.23(b).

(5) Fish with or possess rollers used in roller rig or rock hopper trawl gear that do not meet the requirements specified in § 648.144(a)(5).

(6) Fish with or possess pots or traps that do not meet the requirements specified in § 648.144(b).

(7) Sell or transfer to another person for a commercial purpose, other than transport on land, any black sea bass, unless the transferee has a valid black sea bass dealer permit.

(8) Carry passengers for hire, or carry more than three crew members for a charter boat or five crew members for a party boat, while fishing commercially pursuant to a black sea bass moratorium permit.

(9) Possess, retain or land black sea bass harvested in or from the EEZ in excess of the commercial trip limit established pursuant to § 648.140.

(10) Land black sea bass for sale in any state south of North Carolina.

(11) Possess black sea bass harvested in or from the EEZ north or south of 35°15.3′ N. lat. after the effective date of the notification published in the Federal Register stating that the commercial quarterly quota has been harvested and the EEZ is closed to the harvest of black sea bass.

(v) It is unlawful for the owner and operator of a party or charter boat issued a black sea bass permit (including a moratorium permit), when the boat is carrying passengers for hire or carrying more than three crew members if a charter boat or more than five members if a party boat, to:

(1) Possess black sea bass in excess of the possession limit established pursuant to § 648.145.

(2) Fish for black sea bass other than during a season specified pursuant to § 648.142.

(3) Sell black sea bass or transfer black sea bass to another person for a commercial purpose.

(w) * * *

(7) *Black sea bass.* All black sea bass possessed on board a party or charter boat issued a permit under § 648.4(a)(7)(ii) are deemed to have been harvested from U.S. waters of the western Atlantic Ocean from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

13. Subpart I is added to part 648 to read as follows:

Subpart I—Management Measures for the Black Sea Bass Fishery

Subpart I—Management Measures for the Black Sea Bass Fishery

§ 648.140 Catch quotas and other restrictions.

(a) *Annual review.* The Black Sea Bass Monitoring Committee will review the following data, subject to availability, on or before August 15 of each year to determine the allowable levels of fishing and other restrictions necessary to result in a target exploitation rate of 48 percent for black sea bass in 1998, 1999, and 2000; a target exploitation rate of 37 percent in 2001 and 2002; and a target exploitation rate of 23 percent (based on F_{max}) in 2003 and subsequent years: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling and winter trawl survey data, or if sea sampling data are unavailable, length frequency information from the winter trawl survey and mesh selectivity analyses; impact of gear other than otter trawls, pots and traps on the mortality of black sea bass; and any other relevant information.

(b) *Recommended measures.* Based on this review, the Black Sea Bass Monitoring Committee will recommend to the Demersal Species Committee of the Council and the Commission the following measures to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded:

(1) A commercial quota allocated to quarterly periods set from a range of (0) to the maximum allowed to achieve the specified target exploitation rate specified in paragraph (a) of this section. Implementation of this measure will begin in 1998.

(2) A commercial trip limit for all moratorium vessels set from a range of (0) to the maximum allowed to assure that the quarterly quota is not exceeded.

(3) Commercial minimum fish size.

(4) Minimum mesh size in the codend or throughout the net and the catch threshold that will require compliance with the minimum mesh requirement.

(5) Escape vent size.

(6) A recreational possession limit set from a range of (0) to the maximum allowed to achieve the target exploitation rate specified in paragraph (a) of this section. Implementation of this measure will begin in 1998.

(7) Recreational minimum fish size.

(8) Recreational season. This measure may be adjusted beginning in 1998.

(9) Restrictions on gear other than otter trawls and pots or traps.

(c) *Annual fishing measures.* The Demersal Species Committee shall review the recommendations of the Black Sea Bass Monitoring Committee. Based on these recommendations and any public comment, the Demersal Species Committee shall make its recommendations to the Council with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. The Council shall review these recommendations and, based on the recommendations and public comment, make recommendations to the Regional Director with respect to the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. Included in the recommendation will be supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action. The Regional Director will review these recommendations and any recommendations of the Commission. After such review, the Regional Director will publish a proposed rule in the Federal Register by October 15 to implement a commercial quota and a recreational harvest limit, and additional management measures for the commercial fishery, and will publish a proposed rule in the Federal Register by February 15 to implement additional management measures for the recreational fishery, if he or she determines that such measures are necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded. After considering public comment, the Regional Director will publish a final rule in the Federal Register to implement the measures necessary to assure that the target exploitation rate specified in paragraph (a) of this section is not exceeded.

(d) *Distribution of annual quota.* (1) Beginning January 1, 1998, a commercial quota will be allocated by quarterly periods based upon the following percentages:

QUARTERLY COMMERCIAL QUOTA SHARES

Quarter	Share (percent)
January–March	38.64
April–June	29.26
July–September	12.33
October–December	19.77

(2) All black sea bass landed for sale in the states from North Carolina through Maine by a vessel with a moratorium permit issued under § 648.4(a)(7) shall be applied against that quarter's commercial quota, regardless of where the black sea bass were harvested. All black sea bass harvested north of 35°15.3′ N. lat., and landed for sale in the states from North Carolina through Maine by any vessel without a moratorium permit and fishing exclusively in state waters will be counted against the quota by the state in which it is landed pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. The Regional Director will determine the date on which the quarterly quota will be harvested and the EEZ north of 35°15.3′ N. lat. closed. The Regional Director will publish a notice in the Federal Register advising that, upon that date, no vessel may possess black sea bass in the EEZ north of 35°15.3′ N. lat. during a closure, nor may vessels issued a moratorium permit land black sea bass during the closure. Individual states will have the responsibility to close their ports to landings of black sea bass during a closure pursuant to the Fishery Management Plan for the Black Sea Bass Fishery adopted by the Commission. Any overages of the commercial quarterly quota landed will be deducted from that quarter's quota for the following year.

§ 648.141 Closure.

EEZ closure. The Regional Director shall close the EEZ to fishing for black sea bass by commercial vessels issued a moratorium permit for the remainder of the calendar year by publishing notification in the Federal Register if he or she determines that the action or inaction of one or more states will cause the applicable target exploitation rate specified in § 648.140(a) to be exceeded. The Regional Director may reopen the EEZ if earlier action or inaction by a state has been remedied by that state without causing the applicable specified target exploitation rate to be exceeded.

§ 648.142 Time restrictions.

Vessels that are not eligible for a moratorium permit under § 648.4(a)(6)

and fishermen subject to the possession limit may fish for black sea bass from January 1 through December 31. Beginning in 1998, this time period may be adjusted pursuant to the procedures in § 648.140.

§ 648.143 Minimum sizes.

(a) The minimum size for black sea bass is 9 inches (22.9 cm) total length for all vessels issued a permit under § 648.4(a)(7) and for all other vessels which fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3′ N. lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border. The minimum size may be adjusted for commercial and/or recreational vessels pursuant to the procedures in § 648.140.

(b) The minimum size in this section applies to the whole fish or any part of a fish found in possession (e.g., fillets), except that party or charter vessels possessing valid state permits authorizing filleting at sea may possess fillets smaller than the size specified if skin remains on the fillet and all other state requirements are met.

§ 648.144 Gear restrictions.

(a) *Trawl gear restrictions*—(1) *General.* (i) Otter trawlers whose owners are issued a black sea bass moratorium permit and that land or possess 100 lb or more (45.4 kg or more) of black sea bass per trip, must fish with nets that have a minimum mesh size of 4.0 inches (10.2 cm) diamond or 3.5 inches (8.9 cm) square (inside measure) mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the center of the head rope, excluding any turtle excluder device extension.

(ii) Mesh sizes shall be measured pursuant to the procedure specified in § 648.104(a)(2).

(2) *Net modifications.* No vessel subject to this part shall use any device, gear, or material, including, but not limited to nets, net strengtheners, ropes, lines, or chafing gear, on the top of the regulated portion of a trawl net; except that, one splitting strap and one bull rope (if present) consisting of line or rope no more than 3 inches (7.6 cm) in diameter may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the regulated portion of the net, and one rope no greater than 0.75 inches (1.9 cm) in diameter extending the length of the net from the belly to the terminus of the codend along the top, bottom, and each side of the net. ''Top of the regulated portion of the net'' means the 50 percent of the entire regulated portion of the net that (in a hypothetical situation) will not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes shall not be considered part of the top of the regulated portion of a trawl net.

(3) *Mesh obstruction or constriction.* (i) A fishing vessel may not use any mesh configuration, mesh construction, or other means on or in the top of the net, as defined in paragraph (a)(2) of this section, that obstructs the meshes of the net in any manner, or otherwise causes the size of the meshes of the net while in use to diminish to a size smaller than the minimum established pursuant to paragraph (a)(1)(i) of this section.

(ii) No person on any vessel may possess or fish with a net capable of catching black sea bass in which the bars entering or exiting the knots twist around each other.

(4) *Stowage of nets.* Otter trawl vessels subject to the minimum mesh-size requirement of paragraph (a)(1)(i) of this section may not have ''available for immediate use'' any net or any piece of net that does not meet the minimum mesh size requirement, or any net, or any piece of net, with mesh that is rigged in a manner that is inconsistent with the minimum mesh size requirement. A net that is stowed in conformance with one of the methods specified in § 648.23(b) and that can be shown not to have been in recent use, is considered to be not ''available for immediate use.''

(5) *Roller gear.* Rollers used in roller rig or rock hopper trawl gear shall be no larger than 18 inches (45.7 cm) in diameter.

(b) *Pot and trap gear restrictions*—(1) *Escape vents.* All black sea bass traps or pots must have an escape vent placed in a lower corner of the parlor portion of the pot or trap which complies with one of the following minimum sizes: 1.125 inches (2.86 cm) by 5.75 inches (14.61 cm); or a circular vent 2 inches (5.08 cm) in diameter; or a square vent with sides of 1.5 inches (3.81 cm), inside measure. These dimensions may be adjusted pursuant to the procedures in § 648.140.

(2) *Gear marking.* The owner of a vessel issued a black sea bass moratorium permit must mark all black sea bass pots or traps with the vessel's USCG documentation number or state registration number.

(3) *Degradable panels.* Black sea bass pots or traps must have the hinges and fasteners of one panel or door made of one of the following degradable materials:

(i) Untreated hemp, jute, or cotton string of 3⁄16 inches (4.8 mm) diameter or smaller; or

(ii) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or

(iii) Ungalvanized or uncoated iron wire of 0.094 inches (2.4 mm) diameter or smaller.

(4) *Ghost panels.* Black sea bass traps or pots must contain a panel affixed to the trap or pot with degradable fasteners as specified in paragraph (b)(3) of this section and which measures at least 3.0 inches (7.62 cm) by 6.0 inches (15.24 cm).

(5) *Lathe spacing.* Pots or traps constructed of wooden lathes must have spacing of a least 1.125 inches (2.8575 cm) between one set of lathes in the parlor portion of the trap.

§ 648.145 Possession limit.

A possession limit will be established pursuant to the procedures in § 648.140 to assure that the recreational harvest limit is not exceeded.

(a) If whole black sea bass are processed into fillets, an authorized officer will convert the number of fillets to whole black sea bass at the place of landing by dividing fillet number by two. If black sea bass are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole black sea bass.

(b) Black sea bass harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the daily possession limit will be determined by dividing the number of black sea bass on board by the number of persons aboard, other than the captain and the crew. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator.

(c) Owners or operators of otter trawl vessels issued a moratorium permit under § 648.4(a)(6) and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh requirements and that are not stowed in accordance with § 648.144(a)(4), may not retain 100 lb or more (45.4 kg or more) of black sea bass. Black sea bass on board these vessels shall be stored so as to be readily available for inspection in a standard 100-lb (45.4-kg) tote.

§ 648.146 Special management zones.

The recipient of a Corps of Engineers permit for an artificial reef, fish

attraction device, or other modification of habitat for purposes of fishing may request that an area surrounding and including the site be designated by the Council as a special management zone (SMZ). The SMZ will prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the artificial reef or fish attraction device or other habitat modification. The establishment of an SMZ will be effected by a regulatory amendment pursuant to the following procedure:

(a) A SMZ monitoring team comprised of members of staff from the Mid-Atlantic FMC, NMFS Northeast Region, and NMFS Northeast Fisheries Science Center will evaluate the request in the form of a written report considering the following criteria:

(1) Fairness and equity.

(2) Promotion of conservation.

(3) Avoidance of excessive shares.

(4) Consistency with the objectives of Amendment 9 to the Fishery Management Plan for the Summer Flounder, Scup and Black Sea Bass fisheries, the Magnuson-Stevens Act, and other applicable law.

(5) The natural bottom in and surrounding potential SMZs.

(6) Impacts on historical uses.

(b) The Council Chairman may schedule meetings of Industry Advisors and/or the Scientific and Statistical Committee to review the report and associated documents and to advise the Council. The Council Chairman may also schedule public hearings.

(c) The Council, following review of the SMZ monitoring teams's report, supporting data, public comments, and other relevant information, may recommend to the Regional Director that a SMZ be approved. Such a recommendation will be accompanied by all relevant background information.

(d) The Regional Director will review the Council's recommendation. If the Regional Director concurs in the recommendation, he or she will publish a proposed rule in the Federal Register in accordance with the recommendations. If the Regional Director rejects the Council's recommendation, he or she shall advise the Council in writing of the basis for the rejection.

(e) The proposed rule shall afford a reasonable period for public comment. Following a review of public comments and any information or data not previously available, the Regional Director will publish a final rule if he or she determines that the establishment of the SMZ is supported by the substantial weight of evidence in the administrative record and consistent with the Magnuson-Stevens Act and other applicable law.

[FR Doc. 96–29165 Filed 11–14–96; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM86–2–000]

Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

Issued November 8, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; update of Federal land use fees.

SUMMARY: On May 8, 1987, the Commission issued its final rule amending Part 11 of its regulations (Order No. 469, 52 FR 18201, May 14, 1987). The final rule revised the billing procedures for annual charges for administering Part I of the Federal Power Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

In accordance with the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is based on the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 1996, through September 30, 1997, the fees in this notice will become effective October 1, 1996. The fees will apply to fiscal year 1997 annual charges for the use of government lands.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Diane E. Bernier, Financial Services Division, Office of the Executive Director and Chief Financial Officer, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 219–2886.

SUPPLEMENTARY INFORMATION: In accordance with § 11.2, 18 CFR, the land values included in this document will be published in the Federal Register. In addition, the Commission provides all interested persons an opportunity to inspect or copy contents of this document during normal business hours in Room 2A at the Commission's Headquarters, 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202–208–1397 if dialing locally or 1–800–856–3920 if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS indefinitely in ASCII and WordPerfect 5.1 format for one year. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 2A, 888 First Street, N.E., Washington, D.C. 20426.

List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

Christie McGue,

Executive Director and Chief Financial Officer.

Accordingly, the Commission, effective October 1, 1996, amends Part 11 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

PART 11—[AMENDED]

1. The authority citation for Part 11 continues to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

2. In Part 11, Appendix A is revised to read as follows:

Appendix A to Part II

FEE SCHEDULE FOR FY 1997

State	County	Rate per acre
Alabama	All counties	$23.86
Arkansas	All counties	17.91
Arizona	Apache, Cochise, Gila, Graham, La Paz, Mohave, Navajo, Pima, Yavapai, Yuma, Coconino north of Colorado River.	5.96
	Coconino south of Colorado River, Greenlee, Maricopa, Pinal, Santa Cruz	23.86
California	Imperial, Inyo, Lassen, Modoc, Riverside, San Bernardino	11.93
	Siskiyou	17.91
	Alpine, Amador, Ameda, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba.	29.83
	Los Angeles, Marin, Monterey, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Ventura.	35.81
Colorado	Adams, Arapahoe, Bent, Cheyenne, Crowley, El Paso, Elbert, Huerfano, Kiowa, Kit Carson, Lincoln, Logan, Moffat, Montezuma, Morgan, Pueblo, Sedgwick, Washington, Weld, Yuma.	5.96
	Baca, Dolores, Garfield, Las Animas, Mesa, Montrose, Otero, Prowers, Rio Blanco, Routt, San Miguel	11.93
	Alamosa, Archuleta, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Douglas, Eagle, Fremont, Gilpin, Grand, Gunnison, Hinsdale, Jackson, Jefferson, La Plata, Lake, Larimer, Mineral, Ouray, Park, Pitkin, Rio Grande, Saguache, San Juan, Summit, Teller.	23.86
Connecticut	All counties	5.96
Florida	Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloossa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, Washington.	35.81
	All other counties	59.67
Georgia	All counties	35.81
Idaho	Cassia, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Power, Twin Falls	5.96
	Ada, Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Canyon, Caribou, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Payette, Shoshone, Teton, Valley, Washington.	17.91
Kansas	All other counties	5.96
	Morton	11.93
Illinois	All counties	17.91
Indiana	All counties	29.83
Kentucky	All counties	17.91
Louisiana	All counties	35.81
Maine	All counties	17.91
Michigan	Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.	17.91
	All other counties	23.86
Minnesota	All counties	17.91
Mississippi	All counties	23.86
Missouri	All counties	17.91
Montana	Big Horn, Blaine, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, McCone, Meagher, Musselshell, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.	5.96
	Beaverhead, Broadwater, Carbon, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Mineral, Missoula, Park, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass.	17.91
Nebraska	All counties	5.96
Nevada	Churchill, Clark, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Washoe, White Pine.	2.98
	Carson City, Douglas, Storey	29.83
New Hampshire	All counties	17.91
New Mexico	Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Luna, McKinley, Otero, Quay, Roosevelt, San Juan, Socorro, Torrance.	5.96
	Rio Arriba, Sandoval, Union	11.93
	Bernalillo, Catron, Cibola, Colfax, Lincoln, Los Alamos, Mora, San Miguel, Santa Fe, Sierra, Taos, Valencia.	23.86
New York	All counties	23.86
North Carolina	All counties	35.81
North Dakota	All counties	5.96
Ohio	All counties	23.86
Oklahoma	All other counties	5.96
	Beaver, Cimarron, Roger Mills, Texas	11.93
	Le Flore, McCurtain	17.91
Oregon	Harney, Lake, Malheur	5.96

FEE SCHEDULE FOR FY 1997—Continued

State	County	Rate per acre
	Baker, Crook, Deschutes, Gilliam, Grant, Jefferson, Klamath, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler.	11.93
	Coos, Curry, Douglas, Jackson, Josephine	17.91
	Benton, Clackamas, Clatsop, Columbia, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamock, Washington, Yamhill.	23.86
Pennsylvania	All counties	23.86
Puerto Rico	All	35.81
South Carolina	All counties	35.81
South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington	17.91
	All other counties	5.96
Tennessee	All counties	23.86
Texas	Culberson, El Paso, Hudspeth	5.96
	All other counties	35.81
Utah	Beaver, Box Elder, Carbon, Duchesne, Emery, Garfield, Grand, Iron, Jaub, Kane, Millard, San Juan, Tooele, Uintah, Wayne.	5.96
	Washington	11.93
	Cache, Daggett, Davis, Morgan, Piute, Rich, Salt Lake, Sanpete, Sevier, Summit, Utah, Wasatch, Weber.	
Vermont	All counties	23.86
Virginia	All counties	23.86
Washington	Adams, Asotin, Benton, Chelan, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Spokane, Walla Walla, Whitman, Yakima.	11.93
	Ferry, Pend Oreille, Stevens	17.91
	Callam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom.	23.86
West Virginia	All counties	23.86
Wisconsin	All counties	17.91
Wyoming	Albany, Campbell, Carbon, Converse, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Platte, Sheridan, Sublette, Sweetwater, Uinta, Washakie.	5.96
	Big Horn, Crook, Park, Teton, Weston	17.91
All other zones		5.09

[FR Doc. 96–29161 Filed 11–14–96; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 333

[Docket No. 95N–0062]

RIN 0910–AA01

Topical Antimicrobial Drug Products for Over–the–Counter Human Use; Amendment of Final Monograph for OTC First Aid Antibiotic Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule amending the monograph for over-the-counter (OTC) first aid antibiotic drug products (the regulation that establishes conditions under which these drug products are generally recognized as safe and effective and not misbranded). The amendment adds a warning statement concerning allergic reactions resulting from topical antibiotic drug products containing bacitracin, bacitracin zinc, neomycin, neomycin sulfate, polymyxin B, or polymyxin B sulfate. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: November 17, 1997.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–105), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2304.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of December 11, 1987 (52 FR 47312), FDA issued a final monograph for OTC first aid antibiotic drug products in part 333 (21 CFR part 333) subpart B. The monograph provides for single ingredient products containing bacitracin, bacitracin zinc, neomycin, or neomycin sulfate and various combinations containing bacitracin, neomycin sulfate, and polymyxin B sulfate. The monograph did not include an allergy warning for products containing bacitracin (zinc), neomycin (sulfate), and polymyxin B (sulfate).

In the Federal Register of February 14, 1996 (61 FR 5918), the agency published a proposed amendment of the monograph for OTC first aid antibiotic drug products to add a new warning for products containing bacitracin (zinc), neomycin (sulfate), and polymyxin B (sulfate). The warning adds the words ''or if a rash or other allergic reaction develops. Do not use this product if you are allergic to any of the ingredients.'' in the middle of the existing warning in § 333.150(c)(2) that has been used for all OTC first aid antibiotic drug products for years. The new warning would read:

Stop use and consult a doctor if the condition persists or gets worse, or if a rash or other allergic reaction develops. Do not use this product if you are allergic to any of the ingredients. Do not use longer than 1 week unless directed by a doctor.

The agency included this new warning in proposed § 333.150(c)(3) under the heading *For any product containing bacitracin, bacitracin zinc, neomycin, neomycin sulfate, polymyxin B and/or polymyxin B sulfate.* The agency retained the current warning in § 333.150(c)(2) for products containing chlortetracycline hydrochloride and tetracycline hydrochloride and added the heading *For any products containing chlortetracycline hydrochloride or tetracycline hydrochloride* to § 333.150(c)(2). Combinations containing oxytetracycline hydrochloride and polymyxin B sulfate in § 333.120(a)(11) and (a)(12) would use the new warning in proposed § 333.150(c)(3).

Interested persons were invited to submit comments on the proposal by May 14, 1996, and comments on the agency's economic impact determination by May 14, 1996.

In response to the proposed monograph amendment, one trade association of OTC drug manufacturers submitted a comment. Copies of the comment received are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday. Any additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

The agency has considered the comment in proceeding with this final rule. A summary of the comment with FDA's response follows.

II. Summary of the Comment Received

The comment supported the warning language proposed by the agency and requested a technical clarification of part of one sentence of the warning. The comment noted that in the preamble to the monograph amendment (61 FR 5918), the agency had stated a new sentence as ''Do not use if you are allergic to any of the ingredients,'' while in proposed § 333.150(c)(3) (61 FR 5918 at 5920), the agency had included the words ''this product'' after the word ''use'' in this sentence. The comment stated that the words ''this product'' were implicitly understood in product labeling and that deletion of these words would conserve label space. The comment supported deletion of these two words and asked the agency to clarify this issue as soon as possible.

The agency concurs with the comment that the words ''this product'' are implicitly understood in product labeling. While the agency proposed to include these two words for completeness, the agency agrees that the words can be deleted without affecting the meaning of the sentence. Accordingly, § 333.150(c)(3) in this final rule does not include the words ''this product.''

III. The Agency's Final Conclusions

The agency concludes that addition of a warning statement about the possibility of allergic reactions to the labeling of topical antibiotic drug products containing bacitracin (zinc), neomycin (sulfate), and polymyxin B (sulfate) would benefit consumers who use these OTC drug products. The new warning is supportable based on the adverse event reports discussed in the proposal (61 FR 5918).

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

Under the Regulatory Flexibility Act, if a rule has a significant impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of a rule on small entities. The final rule will generate a one-time label modification, which can be implemented at very little cost by manufacturers at the next printing of labels. The agency is providing 12 months for this revision to be made. Thus, this final rule will not impose a significant economic burden on affected entities. Therefore, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commissioner of Food and Drugs certifies that the final rule will not have a significant economic impact on a substantial number of small entities. No further analysis is required.

V. Paperwork Reduction Act of 1995

FDA concludes that the labeling requirement in this document is not subject to review by the Office of Management and Budget because it does not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Rather, the warning statement is a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

VI. Environmental Impact

The agency has determined under 21 CFR 25.24(c) (6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 333

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 333 is amended as follows:

PART 333—TOPICAL ANTIMICROBIAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR part 333 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371), unless otherwise noted.

2. Section 333.150 is amended by adding a heading to paragraph (c)(2) and by adding new paragraph (c)(3) to read as follows:

§ 333.150 Labeling of first aid antibiotic drug products.

* * * * *

(c) * * *

(2) *For products containing chlortetracycline hydrochloride or tetracycline hydrochloride.* * * *

(3) *For any product containing bacitracin, bacitracin zinc, neomycin, neomycin sulfate, polymyxin B, and/or polymyxin B sulfate.* ''Stop use and consult a doctor if the condition persists or gets worse, or if a rash or other allergic reaction develops. Do not use if you are allergic to any of the ingredients. Do not use longer than 1 week unless directed by a doctor.''

* * * * *

Dated: November 5, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–29302 Filed 11–14–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3500

[Docket No. FR 4148–F–01]

Amendments to Regulation X, the Real Estate Settlement Procedures Act Regulation (Withdrawal of Employer-Employee and Computer Loan Origination Systems (CLOs) Exemptions); Final Rule

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: In this final rule, the Department is implementing portions of a final rule revising Regulation X that was published June 7, 1996, and corrected and revised on August 12, 1996. The Department had delayed the effectiveness of that rule based on the requirements of recent legislation. After carefully reviewing the legislation, however, the Department has determined that several portions of that rule are not affected by the legislative delay. Therefore, this final rule implements those portions of the previous rule. This rule also makes several technical revisions to Regulations X, some of which implement various provisions in the recent legislation.

EFFECTIVE DATE: January 14, 1997.

FOR FURTHER INFORMATION CONTACT: David Williamson, Director, Office of Consumer and Regulatory Affairs, Room 9146, telephone (202) 708–4560; or, for legal questions, Kenneth A. Markison, Assistant General Counsel for GSE/RESPA, Grant E. Mitchell, Senior Attorney for RESPA, or Richard S. Bennett, Attorney, Office of General Counsel, Room 9262, telephone (202) 708–1550. (The telephone numbers are not toll-free.) For hearing- or speech-impaired persons, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339. The address for the above-listed persons is: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

Background

In the final rule published on June 7, 1996 (61 FR 29238) entitled ''Amendments to Regulation X, the Real Estate Settlement Procedures Act: Withdrawal of Employer-Employee and Computer Loan Origination Systems (CLOs) Exemptions,'' the Department established an effective date for the rule of 120 days from publication: October 7, 1996. Subsequently, on August 12, 1996 (61 FR 41944), the Department published a revision to a document associated with that rule—Appendix D, the Controlled Business Arrangement (CBA) Disclosure Statement Format—in order to clarify the directions on completing the format.

Section 2103 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Title II of the Omnibus Consolidated Appropriations Act, 1997, Pub. L. 104–208; approved September 30, 1996) (the Act) was signed by the President on September 30, 1996. The Act delays the effective date of the provisions of the June 7, 1996 final rule under the Real Estate Settlement Procedures Act (RESPA) (Pub. L. 92–533; 12 U.S.C. 2601 et seq.) concerning payments to employees by their employers. One such provision of the June 7 rule would have eliminated 24 CFR 3500.14(g)(1)(vii), which permits ''[a]n employer's payment to its own employees for any referral activities.'' Section 2103 of the Act provides that this provision of the June 7 rule shall not take effect before July 31, 1997. The Act provides that the following provisions also shall not take effect before July 31, 1997: (1) The exemption for employer payments to managerial employees (§ 3500.14(g)(1)(viii) of the June 7 rule); (2) The exemption for employer payments to employees who do not perform settlement services in any transaction (§ 3500.14(g)(1)(ix) of the June 7 rule); and (3) The provision clarifying that ''[a] payment by an employer to its own *bona fide* employee for generating business for that employer'' is permissible (§ 3500.14(g)(1)(vii) of the June 7 rule).

Although not required by the Act, on October 4, 1996 (61 FR 51782), the Department announced its determination to delay temporarily the effective date of the entire June 7 final rule, as corrected and revised on August 12, and to continue the prior provisions relating to employer-employee payments (as in effect on May 1, 1996, as required by the Act). The reason for the delay was to provide the Department with an opportunity to analyze the Act and develop an appropriate time schedule for establishing the effective dates of the various provisions of the June 7 rule, as revised August 12. The October 4 notice stated that within 30 days of publication of that notice, the Department would publish further information on this time schedule. That notice was published in the Federal Register on November 4, 1996 (61 FR 56624).

The Department has reviewed the Act and has determined that certain portions of the June 7 final rule and the August 12 technical revisions to Appendix D that are not delayed by the Act should be made effective, subject to further technical revisions. The Department is issuing this final rule to make these provisions effective on January 14, 1997, for the reasons stated in the preambles to the June 7 final rule and August 12 technical revision, to the extent applicable. With respect to the other provisions of the June 7 final rule, the Department intends to act in accordance with the notice published November 4, 1996.

Provisions Made Effective by This Final Rule

One portion of the June 7 final rule that this rule puts into effect deals with Computer Loan Origination (CLO) Systems. Specifically, this rule makes effective the withdrawal of the CLO exemption at 24 CFR 3500.14(g)(1)(viii). It also makes effective the elimination of the CLO Fee Disclosure form, which previously was codified as Appendix E to 24 CFR part 3500. By making these provisions of the June 7 rule effective, the guidance contained in ''Statement of Policy 1996–1, Computer Loan Origination Systems (CLOs),'' concerning the applicability of RESPA to CLOs, that was also published June 7, 1996 (61 FR 29255), is more fully effective. The guidance in that statement of policy is effective except to the limited extent that it interprets provisions that are not yet effective, such as those provisions in the June 7 final rule changing the employer-employee exemption.

Today's rule also puts into effect the revised Appendix D to part 3500 as published August 12, 1996. Appendix D contains what was formerly known as the ''Controlled Business Arrangement Disclosure Statement Format,'' and which, for the reasons explained below, is redesignated by this rule as the ''Affiliated Business Arrangement Disclosure Statement Format.'' Persons should refer to the preamble of the August 12 technical revision for general guidance and background information. Finally, today's rule will make effective conforming changes to § 3500.17 that are necessary because of the redesignation of Appendix F as Appendix E.

Technical Revisions and Corrections

This final rule also makes several technical revisions and corrections to Regulation X. The first revision is required by an amendment to RESPA in section 2103(c) of the Act. Section 2103(c) redesignated ''Controlled Business Arrangements'' as ''Affiliated Business Arrangements'' or ''AfBAs.'' This rule makes conforming revisions throughout the RESPA regulations and appendices in part 3500, wherever the term ''Controlled Business Arrangement'' appears, including in Appendix D, which is redesignated by this rule as the ''Affiliated Business Arrangement Disclosure Statement Format.''

The second revision also conforms the regulation to the Act. Section 2103(b) of the Act requires the Department, in

prescribing regulations under RESPA, to conform the exemption of business, commercial, or agricultural loans under RESPA to the exemption of such loans under the Truth In Lending Act (TILA) (15 U.S.C. 1601 et seq.). The primary effect of this legislative requirement is to eliminate RESPA coverage for 1- to 4-family residential properties used by individuals for rental purposes. Accordingly, this final rule amends § 3500.5(b) to delete the sentence providing that the exemption to RESPA for business purpose loans ''does not include any loan to one or more persons acting in an individual capacity (natural persons) to acquire, refinance, improve, or maintain 1- to 4-family residential property used, or to be used, to rent to other persons.'' By deleting this sentence, Regulation X, with respect to the coverage of business, commercial, or agricultural loans under RESPA now conforms to the coverage of such loans under TILA, as required. Section 3500.5(b), as revised by this rule, defers to TILA for interpretation of the coverage of business purpose loans.

This final rule also withdraws RESPA Interpretive Rule 1995–1, published in the Federal Register on February 27, 1995 (60 FR 10762). That interpretive rule had reaffirmed the determination set forth in the Department's RESPA rule, published on February 10, 1994 (59 FR 6505), and amended on March 30, 1994 (59 FR 14748), that transactions by individuals involving 1- to 4-family residential rental properties are covered by RESPA. This interpretation does not survive the statutory amendment and no longer represents the Department's position.

The third revision also relates to the Act. It revises § 3500.15(b)(1) to make reference to section 8(c)(4)(A) of RESPA, which was amended by section 2103(d) of the Act. Section 2103(d) of the Act amends section 8(c)(4)(A) to establish special procedures for disclosures of affiliated business arrangements in conjunction with referrals where the telephone or electronic media are used in marketing. This rule makes clear that the provisions of § 3500.15(b)(1) shall not apply to the extent they are inconsistent with the legislative amendment. The Department will conduct further rulemaking to implement section 2103(d) of the Act.

This rule also makes two technical revisions and corrections that are unrelated to the June 7 rule and the new Act. This rule revises the definition of ''Federally related mortgage loan'' in § 3500.2. In the March 26, 1996 streamlining rule (61 FR 29238), the Department promulgated a streamlined definition of this term that incorporated the statutory language in section 3(1) of RESPA (Pub. L. 93–533; 12 U.S.C. 2602(1)). Consistent with the preamble of the March 26 rule, the Department had not intended to make any substantive change in the definition. Nonetheless, adoption of the streamlined definition caused some confusion about RESPA's applicability. Since the former definition had pertained for decades, the Department has determined that the best way to eliminate the confusion is to revert to the definition that applied under Regulation X prior to the streamlining rule, with minor technical clarifications, most notably, indicating that the term is used interchangeably with the term ''mortgage loan'' in the regulation.

The other technical correction removes Appendix N. The preamble of the March 26 streamlining rule explained that, as part of that streamlining, the Department was removing certain appendices from codification. The appendices to be removed included Appendix N, ''HUD–1 Aggregate Accounting Adjustment Example.'' Because of an error in the amendatory instructions of that rule and the April 29, 1996 correction to that rule (61 FR 18674), the instruction to remove Appendix N, as specified in the preamble to the March 26 rule, was omitted. This final rule includes those instructions and removes Appendix N from codification. The appendices that have been removed, including Appendix N, are available from the Department as Public Guidance Documents.

Persons should refer to the preamble of the June 7 rule and August 12 technical revision, both for general guidance and for additional background on provisions that are being made effective by today's rule. The only portions of the June 7 rule that are affected by the Act concerning a delay in the effective date are those provisions identified as § 3500.14(g)(1) (vii)–(ix), for which the effective date has been delayed.

Justification for Final Rulemaking

The Department generally publishes a rule for public comment before issuing a rule for effect, in accordance with its regulations on rulemaking in 24 CFR part 10. Part 10 provides for exceptions from this general rule, however, when the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1).

This final rule establishes the effective date for certain provisions in the June 7, 1996 final rule, for which the Department has already solicited public comments. This rule also makes several technical revisions or clarifications to the RESPA regulations that strictly conform with the requirements of the Act; the Department is not exercising any new regulatory discretion. Therefore, the Department finds that good cause exists to publish this rule for effect without first soliciting public comments, in that prior public procedure would be unnecessary.

Findings and Certifications

Paperwork Reduction Act

The regulations implementing the statutory requirement for a disclosure regarding ''affiliated'' business arrangements are in 24 CFR 3500.15(b). In accordance with the emergency processing procedures in 5 CFR 1320.13, the information collection requirements in § 3500.15(b) have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2502–0516. The Department provided notice of the estimate of the average burden of the collection, and solicited public comments on this estimate, on August 12, 1996 (61 FR 44990). The Department is in the process of seeking OMB approval of the information collection requirements through the regular processing procedures in 5 CFR part 1320; the regular approval number, when assigned, will be announced by separate notice in the Federal Register. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

This final rule does not impose additional information collection requirements, nor does it substantively change the information collection requirements in § 3500.15(b) issued in the June 7, 1996 final rule (61 FR 29238), and corrected and revised on August 12, 1996 (61 FR 41944). The only effect of this rule upon the information collection requirements is to redesignate the term ''controlled business arrangements'' as ''affiliated business arrangements,'' in accordance with section 2103(c) of the Act.

Environmental Impact

A finding of no significant impact with respect to the environment was made at the time of the development of the June 7, 1996 final rule (61 FR 29238), in accordance with HUD regulations in 24 CFR part 50

implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). That finding continues to apply to this final rule, and is available for public inspection during regular business hours in the Office of General Counsel, the Rules Docket Clerk, room 10276, 451 Seventh Street, SW, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities, other than those impacts specifically required to be applied universally by the RESPA statute.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this final rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Promulgation of this rule amends the applicable regulatory requirements pursuant to statutory direction.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have potential for significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and the private sector. This rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 3500

Consumer protection, Condominiums, Housing, Mortgages, Mortgage servicing, Reporting and recordkeeping requirements.

Accordingly, for the reasons set out in the preamble, Interpretive Rule 1995–1, published in the Federal Register on February 27, 1995 (60 FR 10762), is removed; and part 3500 of title 24 of the Code of Federal Regulations is amended as follows:

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

1. The authority citation for 24 CFR part 3500 is revised to read as follows:

Authority: 12 U.S.C. 2601 *et seq.*; 28 U.S.C. 2461 note; 42 U.S.C. 3535(d).

2. In § 3500.2, paragraph (b) is amended by revising the definition of ''*Federally related mortgage loan*'' to read as follows:

§ 3500.2 Definitions.

* * * * *

Federally related mortgage loan or *mortgage loan* means as follows:

(1) Any loan (other than temporary financing, such as a construction loan):

(i) That is secured by a first or subordinate lien on residential real property, including a refinancing of any secured loan on residential real property upon which there is either:

(A) Located or, following settlement, will be constructed using proceeds of the loan, a structure or structures designed principally for occupancy of from one to four families (including individual units of condominiums and cooperatives and including any related interests, such as a share in the cooperative or right to occupancy of the unit); or

(B) Located or, following settlement, will be placed using proceeds of the loan, a manufactured home; and

(ii) For which one of the following paragraphs applies. The loan:

(A) Is made in whole or in part by any lender that is either regulated by or whose deposits or accounts are insured by any agency of the Federal Government;

(B) Is made in whole or in part, or is insured, guaranteed, supplemented, or assisted in any way:

(*1*) By the Secretary or any other officer or agency of the Federal Government; or

(*2*) Under or in connection with a housing or urban development program administered by the Secretary or a housing or related program administered by any other officer or agency of the Federal Government;

(C) Is intended to be sold by the originating lender to the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation (or its successors), or a financial institution from which the loan is to be purchased by the Federal Home Loan Mortgage Corporation (or its successors);

(D) Is made in whole or in part by a ''creditor'', as defined in section 103(f) of the Consumer Credit Protection Act (15 U.S.C. 1602(f)), that makes or invests in residential real estate loans aggregating more than $1,000,000 per year. For purposes of this definition, the term ''creditor'' does not include any agency or instrumentality of any State, and the term ''residential real estate loan'' means any loan secured by residential real property, including single-family and multifamily residential property;

(E) Is originated either by a dealer or, if the obligation is to be assigned to any maker of mortgage loans specified in paragraphs (1)(ii) (A) through (D) of this definition, by a mortgage broker; or

(F) Is the subject of a home equity conversion mortgage, also frequently called a ''reverse mortgage,'' issued by any maker of mortgage loans specified in paragraphs (1)(ii) (A) through (D) of this definition.

(2) Any installment sales contract, land contract, or contract for deed on otherwise qualifying residential property is a federally related mortgage loan if the contract is funded in whole or in part by proceeds of a loan made by any maker of mortgage loans specified in paragraphs (1)(ii) (A) through (D) of this definition.

(3) If the residential real property securing a mortgage loan is not located in a State, the loan is not a federally related mortgage loan.

* * * * *

§ 3500.5 [Amended]

3. Section 3500.5 is amended by revising paragraph (b)(2) to read as follows:

§ 3500.5 Coverage of RESPA.

* * * * *

(b) * * *

(2) *Business purpose loans.* An extension of credit primarily for a business, commercial, or agricultural purpose, as defined by Regulation Z, 12 CFR 226.3(a)(1). Persons may rely on Regulation Z in determining whether the exemption applies.

* * * * *

§ 3500.7 [Amended]

4. In § 3500.7, paragraph (e)(3) is amended by removing the phrase ''a controlled'', and by adding in its place the phrase ''an affiliated''.

§ 3500.8 [Amended]

5. In § 3500.8, the fourth sentence of paragraph (c)(2) is amended by removing the reference ''Appendix F'', and by adding in its place the reference ''Appendix E''.

§ 3500.13 [Amended]

6. In § 3500.13, paragraph (b)(2) is amended by removing the word ''controlled'' wherever it appears, and by adding in its place the word ''affiliated''.

§ 3500.14 [Amended]

7. In § 3500.14, paragraph (g) is amended by removing paragraph (g)(1)(viii); by adding the word ''or'' at the end of paragraph (g)(1)(vi); and by removing the phrase ''; or'' at the end of paragraph (g)(1)(vii), and by adding in its place a period.

8. Section 3500.15 is amended as follows:

a. The section heading is revised as set forth below;

b. Paragraph (a) is amended by removing the phrase ''A controlled'', and by adding in its place the phrase ''An affiliated'';

c. The first sentence of the introductory text of paragraph (b)(1) is amended by removing the word ''Controlled'', and by adding in its place the word ''Affiliated'';

d. Paragraph (b)(3)(i) is amended by removing the phrase ''a controlled'' and adding in its place the phrase ''an affiliated''; and

e. The introductory text of paragraph (b) is amended by removing the phrase ''A controlled'', and by adding in its place the phrase ''An affiliated''; and is further amended by adding a new sentence at the end of the introductory text, to read as follows:

§ 3500.15 Affiliated business arrangements.

* * * * *

(b) * * * Paragraph (b)(1) of this section shall not apply to the extent it is inconsistent with section 8(c)(4)(A) of RESPA (12 U.S.C. 2607(c)(4)(A)).

* * * * *

§ 3500.17 [Amended]

9. Section 3500.17 is amended as follows:

a. In paragraph (b), the last sentence of the definition of ''*Aggregate (or) composite analysis*'' and the last sentence of the definition of ''*Single-item analysis*'' are amended by removing the references ''Appendix F'', and by adding in their place the references ''Appendix E'';

b. In paragraph (c)(1)(i), the second sentence is amended by removing the reference ''appendix F'', and by adding in its place the reference ''Appendix E''; and

c. In paragraph (d)(1)(ii), the last sentence is amended by removing the reference ''Appendix F'', and by adding in its place the reference ''Appendix E''.

Appendix B to Part 3500 [Amended]

10. Appendix B to part 3500 is amended as follows:

a. In Illustration 7, ''Comments'', the first sentence is amended by removing the phrase ''a controlled,'' and by adding in its place the phrase ''an affiliated''; and the third and last sentences are amended by removing the word ''controlled'', and by adding in its place the word ''affiliated'';

b. In Illustration 8, ''Comments'', the first sentence is amended by removing the word ''CBA'', and by adding in its place the phrase ''affiliated business arrangement'';

c. In Illustration 9, ''Comments'', the first sentence is amended by removing the phrase ''a controlled'', and by adding in its place the phrase ''an affiliated'';

d. In Illustration 10, ''Comments'', the first and second sentences are amended by removing the phrase ''a controlled'', and by adding in its place the phrase ''an affiliated''; and the second sentence is further amended by removing the phrase ''the controlled'', and by adding in its place the phrase ''the affiliated''; and

e. In Illustration 11, ''Facts'', the last sentence is amended by removing the phrase ''a controlled'', and by adding in its place the phrase ''an affiliated''; and in Illustration 11, ''Comments'', the second sentence is amended by removing the word ''controlled'', and by adding in its place the word ''affiliated''.

11. Appendix D to part 3500 is revised to read as follows:

BILLING CODE 4210–27–C

APPENDIX D TO PART 3500

Affiliated Business Arrangement Disclosure Statement Format

Notice

To: _____ Property: _____

From: _____ Date: _____
(Entity Making Statement]

This is to give you notice that ___[referring party]___ has a business relationship with __[settlement services provider(s)]___. [Describe the nature of the relationship between the referring party and the provider(s), including percentage of ownership interest, if applicable.] Because of this relationship, this referral may provide _____[referring party]_____ a financial or other benefit.

[A.] Set forth below is the estimated charge or range of charges for the settlement services listed. You are NOT required to use the listed provider(s) as a condition for [settlement of your loan on] [or] [purchase, sale, or refinance of] the subject property. THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

[provider and settlement service]	[charge or range of charges]

[B.] Set forth below is the estimated charge or range of charges for the settlement services of an attorney, credit reporting agency, or real estate appraiser that we, as your lender, will require you to use, as a condition of your loan on this property, to represent our interests in the transaction.

[provider and settlement service]	[charge or range of charges]

ACKNOWLEDGMENT

I/we have read this disclosure form, and understand that ___[referring party]___ is referring me/us to purchase the above-described settlement service(s) and may receive a financial or other benefit as the result of this referral.

_____
Signature

[INSTRUCTIONS TO PREPARER:] [Use paragraph A for referrals other than those by a lender to an attorney, a credit reporting agency, or a real estate appraiser that a lender is requiring a borrower to use to represent the lender's interests in the transaction. Use paragraph B for those referrals to an attorney, credit reporting agency, or real estate appraiser that a lender is requiring a borrower to use to represent the lender's interests in the transaction. When applicable, use both paragraphs. Specific timing rules for delivery of the affiliated business disclosure statement are set forth in 24 CFR 3500.15(b)(1) of Regulation X). These INSTRUCTIONS TO PREPARER should not appear on the statement.]

Appendix E to part 3500 [Removed]

12. Appendix E to part 3500 is removed.

Appendix F to part 3500 [Redesignated]

13. Appendix F to part 3500 is redesignated as Appendix E to part 3500.

Appendix N to part 3500 [Removed]

14. Appendix N to part 3500 is removed.

Dated: November 8, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner

[FR Doc. 96–29278 Filed 11–14–96; 8:45 am]

BILLING CODE 4210–27–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in December 1996.

EFFECTIVE DATE: December 1, 1996.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during December 1996.

For annuity benefits, the interest assumptions will be 6.00 percent for the first 20 years following the valuation date and 4.75 percent thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.75 percent for the period during which a benefit is in pay status, 4.00 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent a decrease (from those in effect for November 1996) of .20 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent a decrease (from those in effect for November 1996) of .25 percent for the period during which a benefit is in pay status and for the seven years directly preceding that period; they are otherwise unchanged.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during December 1996, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is hereby amended as follows:

PART 4044—[AMENDED]

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

Appendix B to Part 4044—[Amended]

2. In appendix B, a new entry is added to Table I, and Rate Set 38 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums—Table I.—Annuity Valuations

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	For t=	i_t	For t=	i_t	For t=
* * *	*		*		*	*
December 1996	.0600	1–20	.0475	>20	N/A	N/A

Table II.—Lump Sum Valuations

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0<y\leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity

rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1<y\leq n_1+n_2$), interest rate i_2 shall apply from the valuation date for a period of $y-n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y>n_1+n_2$), interest rate i_3 shall apply from the valuation date for a period of $y-n_1-n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
38	12–1–96	01–1–97	4.75	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 12th day of November 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–29336 Filed 11–14–96; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: The Office of Foreign Assets Control of the U.S. Department of the Treasury is amending the Iranian Transactions Regulations to clarify the reporting requirement in § 560.603 for oil–related transactions.

EFFECTIVE DATE: November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Loren L. Dohm, Chief, Blocked Assets Division (tel.: 202/622–2440), or William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the Federal Register. By modem, dial 202/512–1387 and type ''/GO FAC,'' or call 202/512–1530 for disk or paper copies. This file is available for downloading without charge in WordPerfect 5.1, ASCII, and Adobe Acrobat™ readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library (''TEL'') in the ''Business, Trade and Labor Mall'' of the FedWorld bulletin board. By modem, dial 703/321–3339, and select the appropriate self–expanding file in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = http://www.fedworld.gov; FTP = ftp.fedworld.gov (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: http://www.ustreas.gov/treasury/services/fac/fac.html, or in fax form through the Office's 24–hour fax–on–demand service: call 202/622–0077 using a fax machine, fax modem, or touch tone telephone.

Background

In Executive Order 12957 of March 15, 1995 (60 FR 14615, March 17, 1995), President Clinton declared a national emergency with respect to the actions and policies of the Government of Iran and imposed sanctions against Iran supplementing those which were imposed in 1987, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–06 — ''IEEPA''). The President substantially supplemented and amended those sanctions in Executive Order 12959 of May 6, 1995 (60 FR 24757, May 9, 1995), invoking the authority, *inter alia*, of IEEPA and the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–9). In implementation of these orders, the Office of Foreign Assets Control amended the Iranian Transactions Regulations in September 1995 (60 FR 47061, September 11, 1995 — the ''Regulations'').

This final rule further amends the Regulations to clarify that the scope of the reporting requirement in § 560.603 extends beyond transactions directly involving crude oil or natural gas to include transactions involving petrochemicals and the provision of goods and services related to the financing, lifting, transporting, insuring, refining or processing of crude oil, natural gas and petrochemicals, including the sale to Iran of oilfield supplies or equipment.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612), does not apply.

List of Subjects in 31 CFR Part 560

Administrative practice and procedure, Agricultural commodities, Banking and finance, Exports, Foreign trade, Imports, Information, Investments, Iran, Loans, Penalties, Reporting and recordkeeping requirements, Services, Specially designated nationals, Terrorism, Transportation.

For the reasons set forth in the preamble, 31 CFR part 560 is amended as follows:

PART 560—IRANIAN TRANSACTIONS REGULATIONS

1. The authority section is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 2349aa–9; Pub. L. 104–132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 3 U.S.C. 301; E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356.

Subpart F—Reports

2. Section 560.603 is amended by revising paragraph (f)(2) to read as follows:

§ 560.603 Reports on oil transactions engaged in by foreign affiliates.

* * * * *

(f) * * *

(2) The term ''reportable transaction'' includes:

(i) Any purchase, sale, or swap of Iranian–origin crude oil, natural gas, or petrochemicals;

(ii) The provision of goods or services to Iran or the Government of Iran relating to the financing, lifting, transporting, insuring, refining or processing of crude oil, natural gas, or petrochemicals, including oilfield supplies or equipment.

Dated: October 24, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 25, 1996.

James E. Johnson,

Assistant Secretary (Enforcement).

[FR Doc. 96–29276 Filed 11–14–96; 8:45 am]

BILLING CODE 4810–25–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WV035–6006; FRL–5649–5]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Approval of PM–10 Implementation Plan for the Follansbee Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The intended effect of this action is to approve corrections to the moderate area SIP for the Follansbee PM–10 nonattainment area. These revisions were submitted to address plan deficiencies that were identified by EPA in a final limited disapproval of particulate matter plans published in the Federal Register on July 25, 1994. EPA is approving these revisions and terminating the potential for sanctions that resulted from the deficiencies identified in the rulemaking of July 25, 1994. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on December 16, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia, 25311.

FOR FURTHER INFORMATION CONTACT: Thomas A. Casey, (215) 566–2194, at the EPA Region III address above (Mailcode 3AT22) or via e-mail at casey.thomas@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1991, West Virginia submitted a moderate area PM–10 SIP to EPA for the purpose of meeting Clean Air Act (Act) requirements as they pertained to he Follansbee, West Virginia PM–10 nonattainment area. On July 25, 1994, EPA took simultaneous limited approval and limited disapproval actions on the 1991 submittal (59 FR 37696). EPA approved the submittal for reasonably available control measures (RACM), including reasonably available control technology (RACT); incorporating the enforceable provisions of the submittal into Federal regulations; and for meeting other requirements of the Act. EPA disapproved the 1991 submittal because it did not demonstrate that the plan was sufficient to attain national ambient air quality standards (NAAQS) for PM–10 and for meeting Act requirements regarding emissions inventories. See the July 25, 1994 Federal Register document for more detail.

On November 22, 1995, West Virginia submitted to EPA additions to its 1991 attainment demonstration and emissions inventory for the purpose of correcting the deficiencies in the 1991 SIP submittal. On February 5, 1996, EPA proposed approval (61 FR 4246) of the 1995 revisions and, on that same day, published (61 FR 4216) an interim final determination indicating that EPA was suspending the application of sanctions that could have resulted from the EPA's 1994 disapproval of the 1991 submittal. Today's final action terminates the sanctions and FIP clocks commenced on July 24, 1994.

Public Comment: EPA received no comments regarding the February 5, 1995 proposal and interim final determination.

II. Final Action

EPA is approving West Virginia's November 22, 1995 submittal as a revision to the West Virginia SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State,

local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this approval of West Virginia's Follansbee PM–10 SIP must be filed in the United States Court of Appeals for the appropriate circuit by January 14, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule approval of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

Dated: October 31, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart XX—West Virginia

2. Section 52.2522 is amended by adding paragraph (g) to read as follows:

§ 52.2522 Approval status.

* * * * *

(g) The Administrator approves West Virginia's November 22, 1995 SIP submittal for the Follansbee, West Virginia PM–10 nonattainment area as fulfilling the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM–10 NAAQS.

[FR Doc. 96–29193 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Parts 52 and 81

[IN72–1a; FRL–5647–9]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, EPA is approving two redesignation requests submitted by the State of Indiana. On March 14, 1996, Indiana requested that a portion of Marion County be redesignated to attainment of the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO_2). On June 17, 1996, Indiana requested that portions of LaPorte and Wayne Counties and all of Vigo County be redesignated to attainment for SO_2. The EPA is also approving the maintenance plans for Marion, LaPorte, Vigo, and Wayne Counties, which were submitted with the redesignation requests to ensure maintenance of the NAAQS. Subsequent to this approval, Marion, LaPorte, Vigo, and Wayne Counties are each designated attainment in their entirety.

DATES: The ''direct final'' is effective on January 14, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353–4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr at (312) 353–4366.

SUPPLEMENTARY INFORMATION:

I. Background

The NAAQS for SO_2 consist of two standards: a primary standard for the protection of public health and a secondary standard for the protection of public welfare. The primary SO_2 standard consists of a 24-hour maximum and an annual arithmetic mean ambient SO_2 concentration. The secondary standard consists of a 3-hour maximum ambient SO_2 concentration. (See 40 CFR 50.2–50.5)

On March 3, 1978 (43 FR 40412), Marion County was designated nonattainment for SO_2 based on monitored violations of the 24-hour standard and modeled violations of both the annual and 24-hour standards (43 FR 8962). Also on March 3, 1978, a portion of LaPorte County bordered by Lake Michigan, the State of Michigan, Porter County and Interstate 94 was designated as nonattainment for both the primary and the secondary SO_2 standards, due to measured and modeled violations of the SO_2 NAAQS. On the same date, Vigo County was designated as nonattainment of the primary SO_2 standard because of monitored violations, and Wayne County was designated nonattainment because dispersion modeling predicted primary standard violations.

In an October 5, 1978 (43 FR 45993) action, the Marion County nonattainment designation was revised to attainment of the secondary SO_2 standard, since no 3-hour SO_2 violations had been monitored or predicted. Also on that date, LaPorte County's designation was revised to nonattainment of the primary standard only. In addition, the Wayne County nonattainment area was revised to include only Boston, Center, Franklin, Wayne and Webster Townships, which encompassed the contributing sources (43 FR 46007).

On September 18, 1990, Lawrence, Washington, and Warren Townships in Marion County were redesignated from nonattainment to ''Cannot be classified''

based on clean ambient data and full source compliance with emission limitations (55 FR 38327). The rest of Marion County remained nonattainment for SO_2. (Note: At the time of this redesignation, EPA commonly redesignated areas to ''Cannot be classified,'' rather than ''attainment,'' due to concerns about the adequacy of monitoring networks. However, as of November 15, 1990, Section 107 (d)(3)(F) of the Clean Air Act Amendments prohibited redesignations to unclassifiable status.)

In order to satisfy the requirements of Part D and Section 110 of the Clean Air Act (Act) for the four nonattainment areas, Indiana submitted a SO_2 State Implementation Plan (SIP) request to USEPA. The USEPA approved Indiana's SO_2 SIP submission for these areas on September 1, 1988 (53 FR 33808). There have been no monitored violations of the SO_2 standard in any of the four counties since 1985.

II. Evaluation Criteria

Section 107(d)(3)(D) of the Act, as amended in 1990, authorizes the Governor of a State to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act. An area can be redesignated to attainment if the following conditions are met:

(1) The area has attained the applicable NAAQS;

(2) The area has a fully approved SIP under section 110(k) of the Act;

(3) The EPA has determined that the improvement in air quality in the area is due to permanent and enforceable emission reductions;

(4) EPA has determined that the maintenance plan for the area has met all of the requirements of section 175A of the Act; and

(5) The State has met all requirements applicable to the area under section 110 and part D of the Act.

III. Summary of State Submittal

The following paragraphs discuss how the State's redesignation requests for Marion, LaPorte, Vigo and Wayne Counties address the Act's requirements.

A. Demonstrated Attainment of the NAAQS

As explained in an April 21, 1983, memorandum ''Section 107 Designation Policy Summary'' from the Director of the Office of Air Quality Planning and Standards, eight consecutive quarters of data showing SO_2 NAAQS attainment are required for redesignation. A violation of the NAAQS occurs when more than one exceedance of the SO_2 NAAQS is recorded in any year (40 CFR 50.4). Indiana's March 14, 1996, and June 17, 1996, submittals cite ambient monitoring data showing that Marion, LaPorte, Vigo, and Wayne Counties have met the NAAQS for the years 1991–1993, which were the three most recent consecutive years with quality-assured monitoring data. Preliminary monitoring data for the period of 1994 through 1996 indicates that the NAAQS are still being met. The State is currently in the process of quality assuring that data. The highest monitored SO_2 values of 1991 through 1993 were well below the SO_2 standards. There have been no exceedences of the SO_2 NAAQS at any monitor in any of these counties since 1985, and no additional SO_2 exceedences have been recorded in the Aerometric Information and Retrieval System (AIRS) database through July 1996.

Dispersion modeling is commonly used to demonstrate attainment of the SO_2 NAAQS. A September 4, 1992, EPA policy memorandum on ''Procedures for Processing Requests to Redesignate Areas to Attainment'' explains that additional dispersion modeling is not required in support of an SO_2 redesignation request if an adequate modeled attainment demonstration was submitted and approved as part of the fully implemented SIP, and no indication of an existing air quality deficiency exists. Modeling was performed in 1987 to show that, under all allowed operating scenarios, the emission limits in these four counties' SO_2 SIPs would lead to attainment and maintenance of the SO_2 standards. The SIP was approved and implemented on September 1, 1988 (53 FR 33806). Dispersion modeling of the various allowed operating scenarios and modeling using maximum allowable emissions showed the NAAQS to be protected in each of these counties (53 FR 6845). Furthermore, there have been no SO_2 NAAQS exceedences in any of these areas since 1985. Therefore, EPA did not require Indiana to submit additional dispersion modeling with its redesignation request for Marion, LaPorte, Wayne or Vigo Counties. The State has committed to reevaluate the SO_2 modeling for each county every three years and perform new modeling as necessary to account for the effect of new sources or significant emission changes in existing sources.

B. Fully Approved SIP

The SIP for the area must be fully approved under section 110(k) of the Act and must satisfy all requirements that apply to the area. EPA's guidance for implementing section 110 of the Act is discussed in the General Preamble to Title I (57 FR 13498, April 16, 1992). The SO_2 SIP for Marion, LaPorte, Wayne, and Vigo Counties met the requirements of Section 110 of the Act and was approved by EPA on September 1, 1988 (53 FR 33806). The SIP supplemented a set of general Statewide SO_2 limitations with a set of individual emission limits for specific sources in the respective counties. The Indiana SO_2 SIP included schedules and timetables for compliance, provided for the operation of air quality monitors, and included a program to provide for the enforcement of the emission limits.

C. Permanent and Enforceable Reductions in Emissions

Marion, LaPorte, Wayne, and Vigo Counties' attainment of the SO_2 standards can be attributed to the implementation of the SO_2 SIP controls and other permanent emissions reductions. On September 1, 1988, EPA approved the control strategies and emissions limits in Indiana's SO_2 SIP for these counties, which rendered them federally enforceable. The regulations are permanent, and any future revisions to the rules must be submitted to and approved by the EPA. Statewide inventories of major SO_2 sources as of 1990 were used to support the redesignation requests.

Indiana reported that since 1990, a number of sources in the four counties reduced their SO_2 emissions, converted to cleaner fuels, or shut down entirely. The use of lower-sulfur ''cleaner'' fuels is reflected in the facilities' air permits and federally enforceable SIP regulations. The facilities which have completely shut down no longer hold current air emissions permits, and future operations at those locations would not be allowed to commence without the issuance of a new air permit by the State under the federally delegated Prevention of Significant Deterioration program.

D. Fully Approved Maintenance Plan

Under section 107(d)(3)(E) and section 175A of the Act, the State must submit a maintenance plan in order for an area to be redesignated to attainment. Section 175A of the Act sets forth the maintenance plan requirements for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the area is redesignated. Eight years after the redesignation date, the State is required to revise its SIP to provide for maintenance of the standard in the

affected area for an additional ten-year period. EPA redesignation policy stated in the September 4, 1992, memorandum lists the five core provisions that a plan must contain in order to ensure maintenance of the standards: An attainment inventory, a maintenance demonstration, a monitoring network, verification of continued attainment, and a contingency plan. Indiana submitted maintenance plans along with both its March 14, 1996, redesignation request for Marion County and its June 17, 1996, redesignation request for LaPorte, Vigo and Wayne Counties. The following paragraphs discuss Indiana's submittals with regard to EPA's requirements, and provide the basis for EPA's approval of the maintenance plans.

1. Attainment Inventory

The State is required to develop an attainment inventory to identify the level of emissions in the area at the time of redesignation. Indiana prepared a base year inventory for 1990, and supplemented it with major source actual emissions data from 1993. Sources in Indiana must also report their emissions annually to the State, which will help to verify maintenance of the NAAQS in future years.

2. Maintenance Demonstration

The State is required to demonstrate maintenance of the NAAQS by showing that future emissions of a pollutant or its precursors will not cause a violation of the NAAQS. This demonstration requires the State to project emissions for the 10-year period following redesignation. The State projected the SO_2 emissions of Marion, LaPorte, Vigo, and Wayne Counties to the year 2007. Five of Marion County's industries account for almost 90% of the total SO_2 emissions in the county. One of LaPorte County's industries accounts for more than 95% of the total SO_2 emissions in the county. In Vigo County, one source accounts for more than 93% of total emissions. Wayne County only has two major sources, one of which is responsible for about 96% of total emissions.

Growth projections for the largest facilities were primarily based on the facilities' plans to comply with the provisions of Title IV of the Act (Acid Deposition Control). Projections for other major sources were extrapolated from the United States Department of Commerce Bureau of Economic Analysis growth factors which are based on statewide industrial earnings data. A growth factor of 1.5 was used for most smaller sources, except those which had switched to natural gas or could otherwise justify a different factor. In LaPorte and Vigo Counties, the emissions calculated with growth factors from the actual emissions in 1990 are predicted to drop significantly. The emissions are predicted to rise in Wayne County but remain below the maximum allowable emissions which were modeled for and which were shown to be protective of the NAAQS.

SO_2 emissions are projected to increase in Marion County by 2007. However, they are still expected to remain well below the emission totals for 1985, when the last SO_2 exceedance was monitored. In LaPorte and Vigo Counties, the emissions are predicted to drop significantly. The emissions are predicted to rise in Wayne County but remain below the maximum emissions which were modeled for and which were shown to be protective of the NAAQS.

3. Ambient Monitoring

In accordance with 40 CFR Part 58, after an area has been redesignated to attainment, the State must continue to operate an appropriate air quality network to verify the attainment status of the area. There are nine monitoring sites in Marion County. Three are operated by a utility company, and the rest are State and Local Air Monitoring Sites (SLAMS). There are two industry operated monitoring sites in LaPorte County, both of which are located in Michigan City and operated by the Northern Indiana Public Service Company (NIPSCO). There are also two monitors in Vigo County. The Indiana Department of Environmental Management operates one as a SLAMS and Public Service of Indiana (PSI) Energy operates the other. In Wayne County there are two monitors operated by Richmond Power and Light. Indiana has committed to continue monitoring SO_2 at the current SLAMS in Vigo and Marion Counties and will discuss any future changes in the monitoring network with the EPA. All data, including that from industry, will be quality assured by the State according to the requirements of 40 CFR 58. The monitoring data will be entered in the AIRS system on a timely basis.

4. Verification of Continued Attainment

Each State should ensure that it has the legal authority to implement and enforce all measures necessary to attain and to maintain the NAAQS. Subject to an existing State rule (326 IAC 2–6), the Marion, LaPorte, Vigo, and Wayne Counties facilities will be required to submit annual statements of their point-source (e.g. stack) emissions. The State has committed to reevaluate the SO_2 modeling every three years, performing further modeling as necessary to verify that the SO_2 emission limits continue to provide for maintenance of the SO_2 standards. The State does not currently have plans to relax any of the current Marion, LaPorte, Vigo or Wayne County emission limits in its SO_2 SIP. Any future changes to the State's SO_2 limits will be submitted to EPA as a SIP revision, supported by dispersion modeling showing that the NAAQS will not be violated.

5. Contingency Plan

Section 175A of the Act requires that a maintenance plan includes contingency provisions as necessary to promptly correct any violation of the NAAQS that occurs after redesignation of the area. The contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are implemented expediently once they are triggered. Most of the SO_2 emissions in these counties come from large utilities and other point sources. The emissions from these sources are tracked on a short-term basis under State regulations and on a long-term basis via the facilities' Title IV compliance plans. The State intends to use this information to identify compliance lapses and initiate enforcement activities.

Indiana has the authority and resources necessary to enforce against emission limit violations. The State will continue to pursue enforcement actions aggressively to ensure full compliance with the SO_2 SIP limits. As necessary, the State will seek to place stricter emission controls on facilities found to have triggered contingency actions. Such measures would be adopted in accordance with the State's normal rulemaking procedures and submitted to EPA as SIP revisions. Indiana has committed to begin implementing its contingency plan when the second high monitored SO_2 values exceed 90 percent of the 3-hour or 24-hour NAAQS. And, if a violation occurs, the State will conduct a detailed evaluation to determine the cause of the violation and then institute measures to remedy the situation.

The attainment inventories, maintenance demonstrations, monitoring data, attainment verifications and contingency plans submitted for Marion, LaPorte, Vigo, and Wayne Counties constitute sound maintenance plans and satisfy EPA's requirements.

E. Part D and Other Section 110 Requirements

EPA approved the SO_2 SIP for Marion, LaPorte, Vigo, and Wayne Counties on September 1, 1988, after having concluded that the plan satisfied the requirements of part D and Section 110 of the Act. Several of the Section 110 requirements were revised in the 1990 amendments to the Act. However, the existing SIP also conforms with the new provisions of the Act. The plan provides for the implementation of reasonably available control measures for SO_2 under Indiana's SIP rule 326 IAC 7–4–2. As required by Part D of the Act, Indiana has a fully approved and implemented New Source Review. The existing Prevention of Significant Deterioration program, which was federally delegated for all attainment areas, will apply in all of Marion, LaPorte, Vigo, and Wayne Counties subsequent to this approval.

1. Section 176 Conformity Requirements

Section 176 of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that individual Federal actions will conform to the overall air quality planning goals in the applicable State SIP. Section 176 further provides that the State's conformity revisions must be consistent with the Federal conformity regulations promulgated by EPA under the Act. The requirement used by Federal agencies to determine conformity is defined in 40 CFR Part 93 Subpart B (''general conformity'').

Indiana has committed to adopt general conformity rules for SO_2 in Marion, LaPorte, Vigo, and Wayne Counties to satisfy provisions of Part D. The State rulemaking process is now under way. The conformity regulations that apply to transportation plans and projects, ''transportation conformity'', does not apply to SO_2 SIP actions.

The EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating redesignation requests under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment, since such areas would be subject to a section 175A maintenance plan. Second, EPA's Federal conformity rules require the performance of conformity analyses in the absence of federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment, and must implement conformity under Federal rules if State rules are not yet approved, the EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluation of a redesignation request. Consequently, the SO_2 redesignation requests for Marion, LaPorte, Vigo, and Wayne Counties may be approved notwithstanding the lack of fully approved general conformity rules. Refer to EPA's action in the Tampa, Florida ozone redesignation finalized on December 7, 1995 (60 FR 627428).

IV. Final Rulemaking Action

EPA is approving two redesignation requests from the State of Indiana which were submitted on March 14, 1996, and June 17, 1996. EPA therefore is redesignating Lawrence, Washington, and Warren Townships, along with the remainder of Marion County to attainment for SO_2, and is redesignating LaPorte, Vigo, and Wayne Counties in their entirety to attainment for SO_2. The EPA is also approving the SO_2 maintenance plans for Marion, LaPorte, Vigo, and Wayne Counties, which were submitted with the redesignation requests, to ensure that attainment will be maintained. The EPA has completed analysis of these SIP revision requests based on a review of the materials presented, and has determined that they are approvable.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective January 14, 1997 unless, by December 16, 1996, adverse or critical comments are received. Note that an adverse comment for only one county will not affect the approval action for the remainder of the counties.

If the EPA receives such comments, the actions affecting the county commented upon will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the parts of the final action applicable to the county commented upon. All public comments received will be addressed in a subsequent final rule based on applicable parts of this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective January 14, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410 (a)(2).

Redesignation of an area to attainment under section 107(d)(3)(E) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a

geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Controller 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 U.S.C. section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 14, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce is requirements.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 81

Air pollution control.

Dated: October 10, 1996.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.795 is amended by adding paragraphs (f) and (g) to read as follows:

§ 52.795 Control strategy: Sulfur dioxide.

* * * * *

(f) Approval—On March 14, 1996, the State of Indiana submitted a maintenance plan for Lawrence, Washington, and Warren Townships in Marion County and the remainder of the county, and requested that it be redesignated to attainment of the National Ambient Air Quality Standard for sulfur dioxide. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(g) Approval—On June 17, 1996, the State of Indiana submitted a maintenance plan for LaPorte, Vigo, and Wayne Counties and requested redesignation to attainment for the National Ambient Air Quality Standard for sulphur dioxide for each county in its entirety. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.315 in the table entitled ''Indiana-SO_2 the existing entries for Marion County are removed, a new entry for Marion County is added and the entries for LaPorte, Vigo, and Wayne Counties are revised to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
LaPorte County				X
Marion County				X
* * * * * * *				
Vigo County				X
* * * * * * *				
Wayne County				X
* * * * * * *				

* * * * *

[FR Doc. 96–28872 Filed 11–14–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 81

[FRL–5611–5]

Designation of Areas for Air Quality Planning Purposes; State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: On May 14, 1996, the EPA published a final rule maintaining the attainment status of the Hartford/New Britain/Middletown carbon monoxide (CO) area. The attainment status designation table for carbon monoxide was published incorrectly. EPA is correcting the attainment status designation table for carbon monoxide with this document.

EFFECTIVE DATE: January 2, 1996.

FOR FURTHER INFORMATION CONTACT: Wing H. Chau, Air Quality Planning Unit (CAQ), Office of Ecosystem Protection, United States Environmental Protection Agency, Region I, Boston, Massachusetts 02203, (617) 565–3570.

SUPPLEMENTARY INFORMATION: On May 14, 1996, the Environmental Protection Agency (EPA) published a final rule (61 FR 24239) addressing an adverse comment and maintaining the approvals of the carbon monoxide (CO) redesignation request for the Hartford/New Britain/Middletown nonattainment area and two associated State Implementation Plan (SIP) revisions. The attainment status table for carbon monoxide published along with the May 14, 1996 document contained errors due to the misalignment of the columns within the table. The correct attainment status designation table is reflected in this document.

The EPA regrets any inconvenience these errors may have caused.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, is therefore 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 (P.L. 104–4), or require prior consultation with State officials as specified by Executive Order 112875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statutes, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 81

Environmental protection, National parks, Air pollution control, Wilderness areas.

Dated: September 8, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Title 40 of the Code of Federal Regulations, chapter I, Part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. § 81.307 is amended by revising the table for ''Connecticut—Carbon Monoxide'' to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Hartford-New Britain-Middletown area:				
Hartford County (part)	1/2/96	Attainment	1/2/96	
Bristol City, Burlington Town, Avon Town, Bloomfield Town, Canton Town, E. Granby Town, E. Hartford Town, E. Windsor Town, Enfield Town, Farmington Town, Glastonbury Town, Granby Town, Hartford city, Manchester Town, Marlborough Town, Newington Town, Rocky Hill Town, Simsbury Town, S. Windsor Town, Suffield Town, W. Hartford Town, Wethersfield Town, Windsor Town, Windsor Locks Town, Berlin Town, New Britain city, Plainville Town, and Southington Town.	1/2/96	Attainment.		
Litchfield County (part):	1/2/96	Attainment.		
PlymouthTown				
Middlesex County (part)	1/2/96	Attainment.		
Cromwell Town, Durham Town, E. Hampton Town, Haddam Town, Middlefield Town, Middleton city, Portland Town, E. Haddam Town.	.....	Nonattainment	.....	Not classified
Tolland County (part):	.....	Nonattainment	.....	Not classified
Andover Town, Boton Town, Ellington Town, Hebron Town, Somers Town, Tolland Town, and Vernon Town.	.....	Nonattainment.		
New Haven–Meriden–Waterbury Area:	.....	Nonattainment	.....	Not classified
Fairfield County (part):				
Shelton City	.....	Nonattainment	.....	Moderate > 12.7 ppm

CONNECTICUT—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Litchfield County (part):	.....	.....	.....	Moderate > 12.7 ppm
Bethlehem Town, Thomaston Town, Watertown, Woodbury Town.				
New Haven County:				
New York–N. New Jersey–Long Island area:				
Fairfield County (part):				
All cities and townships except Shelton city				
Litchfield County (part):				
Bridgewater Town, New Milford Town:				
AQCR 041 Eastern Connecticut Intrastate	.....	Unclassifiable/Attainment.		
Middlesex County (part):				
All portions except cities and towns in Hartford Area:				
New London County:				
Tolland County (part):				
All portions except cities and towns in Hartford area:				
Windham County:				
AQCR 044 Northwestern Connecticut Intrastate	.....	Unclassifiable/Attainment.		
Hartford County (part):.				
Hartland Township:				
Litchfield County (part):				
All portions except cities and towns in Hartford, New Haven, and New York Areas:				

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 96–29176 Filed 11–14–96; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 212, 225, and 252

[DFARS Case 96–D023]

Defense Federal Acquisition Regulation Supplement; Foreign Machine Tools and Powered and Non-Powered Valves

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the expiration of certain statutory restrictions on the acquisition of machine tools and powered and non-powered valves.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 96–D023 in all correspondence related to this issue.

SUPPLEMENTARY INFORMATION:

A. Background

10 U.S.C. 2534(a)(4) restricts the acquisition of non-domestic (1) powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping for naval surface ships and submarines, and (2) machine tools in certain Federal Supply Classes for metal-working machinery. This restriction ceased to be effective on October 1, 1996. Therefore, the implementing DFARS guidance at 225.7004 and the related clauses at 252.225–7017 and 252.225–7040 have been removed. In addition, the following associated conforming and editorial changes have been made:

- Obsolete statutory references at 212.504(a) (xix) through (xxi) have been removed.
- A new section has been established at 225.7005 to specify the waiver criteria (previously included in 225.7004–4) for items still restricted under 10 U.S.C. 2534.
- A reference to the clause at 252.225–7017 has been removed from the clause at 252.212–7001.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96–D023 in correspondence.

C. Paperwork Reduction Act

This final rule eliminates the information collection requirements at 252.225–7040, which previously were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3501, et seq. (OMB Clearance Number 0704–0229).

List of Subjects in 48 CFR Parts 212, 225, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 212, 225, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 212, 225, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.504 [Amended]

2. Section 212.504 is amended by removing and reserving paragraphs (a)(xix) through (xxi).

PART 225—FOREIGN ACQUISITION

225.7004 [Removed and Reserved]

3. Section 225.7004 is removed and reserved.

225.7004–1 through 225.7004–6 [Removed]

4. Sections 225.7004–1 through 225.7004–6 are removed.

5. Section 225.7005 is revised to read as follows:

225.7005 Waiver of certain restrictions.

Where provided for elsewhere in this subpart, the restrictions on certain foreign purchases under 10 U.S.C. 2534 may be waived as follows:

(a) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(1) The restriction would cause unreasonable delays.

(2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(3) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interests of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of the item of U.S. or Canadian origin is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not of U.S. or Canadian origin.

6. Section 225.7007–4 is revised to read as follows:

225.7007–4 Waiver.

The waiver criteria at 225.7005 apply to this restriction.

7. Section 225.7010–3 is revised to read as follows:

225.7010–3 Waiver.

The waiver criteria at 225.7005 apply to this restriction.

8. Section 225.7016–3 is revised to read as follows:

225.7016–3 Waiver.

The waiver criteria at 225.7005 apply to this restriction.

9. Section 225.7022–3 is revised to read as follows:

225.7022–3 Waiver.

The waiver criteria at 225.7005 apply only to the restriction of 225.7022–1(b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212–7001 [Amended]

10. Section 252.212–7001 is amended by revising the clause date to read ''(NOV 1996)'' and by removing the entry ''_____ 252.225–7017 Preference for United States and Canadian Valves and Machine Tools (10 U.S.C. 2534(c)(2)).''.

252.225–7017 [Removed and Reserved]

11. Section 252.225–7017 is removed and reserved.

252.225–7040 [Removed]

12. Section 252.225–7040 is removed.

[FR Doc. 96–29331 Filed 11–14–96; 8:45 am]

BILLING CODE 5000–04–M

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48 CFR Part 225

[DFARS Case 96–D331]

Defense Federal Acquisition Regulation Supplement; Ball and Roller Bearings

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the extension of a statutory restriction on the acquisition of ball and roller bearings.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 96–D331 in all correspondence related to this issue..

SUPPLEMENTARY INFORMATION:

A. Background

DoD acquisition of ball and roller bearings is restricted to domestic sources by 10 U.S.C. 2534(a)(5), until October 1, 2000, and by Section 8099 of the Fiscal Year 1996 Defense Appropriations Act (Pub. L. 104–61) and Section 8082 of the Fiscal Year 1997 Defense Appropriations Act (Pub. L. 104–208). This final rule amends DFARS 225.7019–1(b) to reflect the extension of the appropriations act restriction beyond fiscal year 1996.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96–D331 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not contain any information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 225

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is amended as follows:

1. The authority citation for 48 CFR Part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.7019–1 is amended by revising paragraph (b) to read as follows:

225.7019–1 Restrictions.

* * * * *

(b) In accordance with Section 8099 of Public Law 104–61 and similar sections in subsequent Defense appropriations acts, do not use fiscal year 1996 or subsequently appropriated funds to acquire ball and roller bearings other than those produced by a domestic source and of domestic origin, i.e., bearings and bearing components manufactured in the United States or Canada.

[FR Doc. 96–29329 Filed 11–14–96; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Part 231

[DFARS Case 96–D332]

Defense Federal Acquisition Regulation Supplement; Restructuring Costs/Bonuses

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to prohibit use of fiscal year 1997 funds to reimburse a contractor for costs paid by the contractor to an employee for a bonus or other payment in excess of the normal salary paid to the employee, when such payment is part of restructuring costs associated with a business combination.

DATES: Effective date: November 15, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before January 14, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUDA (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D332 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends paragraph (f)(1) of DFARS 231.205–6, Compensation for personal services, to implement Section 8095 of the Fiscal Year 1997 Defense Appropriations Act (Pub. L. 104–208). Section 8095 prohibits DoD from using fiscal year 1997 funds to reimburse a contractor for costs paid by the contractor to an employee for a bonus or other payment in excess of the normal salary paid by the contractor to the employee, when such payment is part of restructuring costs associated with a business combination.

B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 8095 of the Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104–208), which was effective upon enactment on September 30, 1996. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is 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 the simplified acquisition procedures or are awarded on a competitive fixed-price basis, and do not require application of the cost principle contained in this rule.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose any new reporting or recordkeeping requirements which require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205–6 is amended by revising paragraph (f)(1) to read as follows:

§ 231.205–6 Compensation for personal services.

* * * * *

(f)(1) Costs for bonuses or other payments in excess of the normal salary paid by the contractor to an employee, that are part of restructuring costs associated with a business combination, are unallowable under DoD contracts funded by fiscal year 1996 appropriations (Section 8122 of Pub. L. 104–61) or fiscal year 1997 appropriations (Section 8095 of Pub. L. 104–208). This limitation does not apply to severance payments or early retirement incentive payments. (See 231.205–70(b) for the definitions of ''business combination'' and ''restructuring costs.'')

[FR Doc. 96–29330 Filed 11–14–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1104, 1111, 1112, 1115 and 1121

[STB Ex Parte No. 527]

Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) amended its Rules of Practice at 49 CFR 1100–1149 in a decision served October 1, 1996 and published in the Federal Register on October 8, 1996 (61 FR 52710). The rules were scheduled to become effective November 7, 1996, but their effectiveness was postponed until November 16, 1996 in a decision served and published on November 6, 1996 (61 FR 57339). Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board, filed a petition to stay a portion of the decision and a petition to reopen. The National Industrial Traffic League also filed a petition for reopening and reconsideration. In response to these petitions, the Board is modifying some of the final rules published in the Federal Register on October 8, 1996. In addition, certain other minor technical changes are being made.

EFFECTIVE DATE: November 16, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 927–7312. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The Board's decision adopting these regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289–4357. The Board certifies that these rules will not have a significant economic effect on a substantial number of small entities. These rules clarify previously announced policy and make participation in proceedings less burdensome.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Parts 1104, 1112 and 1115

Administrative practice and procedure.

49 CFR Part 1111

Administrative practice and procedure, Investigations.

49 CFR Part 1121

Administrative practice and procedure, Rail exemption procedures, Railroads.

Decided: November 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen. Commissioner Owen commented with a separate expression.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1104, 1111, 1112, 1115 and 1121 of the Code of Federal Regulations are amended as follows:

PART 1104—FILING WITH THE BOARD-COPIES-VERIFICATIONS-SERVICE-PLEADINGS, GENERALLY

1. The authority citation for part 1104 continues to read as follows:

Authority: 5 U.S.C. 559; 21 U.S.C. 853a; 49 U.S.C. 721.

2. Section 1104.3 is amended by revising paragraph (a)(2) to read as follows:

§ 1104.3 Copies.

(a) * * *

(1) * * *

(2) All electronic spreadsheets should be submitted on 3.5 inch, IBM compatible formatted diskettes or QIC–80 tapes. Textual materials must be in WordPerfect 5.1 format, and electronic spreadsheets must be in LOTUS 1–2–3 release 5 or earlier format. One copy of each such computer diskette or tape submitted to the Board should, if possible, be provided to any other party requesting a copy.

* * * * *

PART 1111—COMPLAINT AND INVESTIGATION PROCEDURES

3. The authority citation for part 1111 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

§ 1111.3 [Amended]

4. Section 1111.3, 6th sentence, is amended by removing the words ''Ten copies of the complaint'' and adding in their place the words ''An original and ten copies of the complaint''.

PART 1112—MODIFIED PROCEDURES

5. The authority citation for part 1112 is revised to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

6. Section 1112.2 is amended by adding the following two sentences to the end of the paragraph to read as follows:

§ 1112.2 Decisions directing modified procedure.

* * * The filing of motions or other pleadings will not automatically stay or delay the established procedural schedule. Parties will adhere to this schedule unless the Board issues an order modifying the schedule.

PART 1115—APPELLATE PROCEDURES

7. The authority citation for part 1115 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

8. Section 1115.3 is amended by revising paragraph (a) to read as follows:

§ 1115.3 Board actions other than initial decisions.

(a) A discretionary appeal of an entire Board action is permitted. Such an appeal should be designated a ''petition for reconsideration.''

* * * * *

9. Section 1115.9 is amended by revising paragraph (b) to read as follows:

§ 1115.9 Interlocutory appeals.

* * * * *

(b) In stand-alone cost complaints, any interlocutory appeal of a ruling shall be filed with the Board within three (3) business days of the ruling. Replies to any interlocutory appeal shall be filed with the Board within three (3) business days after the filing of any such appeal. In all other cases, interlocutory appeals shall be filed with the Board within seven (7) calendar days of the ruling and replies to interlocutory appeals shall be filed with Board within seven (7) calendar days after the filing of any such appeal as computed under 49 CFR 1104.7.

PART 1121—RAIL EXEMPTION PROCEDURES

10. The authority citation for part 1121 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 10704.

§ 1121.4 [Amended]

11. Section 1121.4(e), second sentence, is amended by adding the words ''petitions for reconsideration or'' prior to the words ''petitions to reopen''.

[FR Doc. 96–29379 Filed 11–14–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 110896C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area.

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1996 bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), November 8, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 bycatch allowance of Pacific halibut for the BSAI trawl Pacific cod fishery category, which is defined at § 679.21(e)(3)(iv)(E), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) as 1,685 metric tons.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.21(e)(7)(iv), that the 1996 bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI has been caught.

Therefore, NMFS is prohibiting directed fishing for Pacific cod by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: November 8, 1996.

Bruce Morehead,

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

[FR Doc. 96–29246 Filed 11–8–96; 3:43 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 222
Friday, November 15, 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 THE TREASURY

Fiscal Service

31 CFR Part 225

RIN 1510–AA36

Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds With Sureties

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revise its regulations which govern the acceptance of bonds secured by Government obligations in lieu of bonds with sureties. It specifically addresses the mechanics of pledging book-entry Government obligations, and clarifies existing requirements for accepting bonds secured with Government obligations. These revisions are intended to provide greater clarity and flexibility by replacing obsolete references and unnecessary requirements with current references and requirements. In addition, this rule proposes to expand the use to which the proceeds of the pledged Government obligations, in the event of a default in performance, may be applied.

DATES: Comments on this proposed rule must be received on or before December 16, 1996.

ADDRESSES: Comments or inquiries on this proposed rule may be addressed to Policy and Planning Division, Financial Management Service, Room 403A, 401 14th St. S.W., Washington DC 20227, ATTN: Michael Dressler.

FOR FURTHER INFORMATION CONTACT: Michael Dressler, Financial Program Specialist, (202) 874–7106, or Cynthia L. Johnson, Director, (202) 874–6657, Cash Management Policy & Planning Division, 401 14th Street, SW., Washington, DC 20227.

SUPPLEMENTARY INFORMATION:

Background

Persons required by Federal law to give an agency a surety bond for the purpose of guaranteeing performance may give in lieu thereof a bond secured by Government obligations. To assist agencies in reviewing and accepting such bonds, the Secretary of the Treasury (the Secretary) promulgated regulations codified at 31 CFR part 225, which set forth requirements applicable to bonds secured by Government obligations. These regulations currently contemplate bonds secured by Government obligations in definitive or printed form.

However, since these regulations were last significantly revised in 1969, the form of newly issued Government obligations pledged under this Part has changed from definitive to book-entry. Because of this change, many questions have arisen under this Part regarding book-entry Government obligations. The purpose of this Notice of Proposed Rulemaking is to update, clarify, and simplify the requirements governing the acceptance of bonds secured by Government obligations in both definitive and book-entry form.

In addition, this proposed rule provides that in the event of a default, the proceeds from the sale of the pledged Government obligations, will be available to satisfy any claim of the United States. The reference to any claim of the United States is an expansion of the current rule which limits the application of the proceeds to damages arising out of the default.

Summary of Changes

Book-Entry Government Obligations

The current regulation does not distinguish between definitive and book-entry Government obligations. Because the mechanics of pledging book-entry obligations are different than those for definitive obligations, the proposed rule contains two sections to address the pledging of book-entry (§ 225.4) and definitive (§ 225.5) obligations. These discrete sections are proposed in response to numerous questions raised by Federal agencies regarding the pledge of book-entry versus definitive obligations.

Currently, the Bureau of Public Debt is in the process of revising the regulations governing book-entry Treasury bonds, notes and bills held in the commercial book-entry system. 61 FR 8420 (March 4, 1996). The revised regulations, known as the Treasury/Reserve Automated Debt Entry System (TRADES), will incorporate recent changes in commercial and property law addressing the holdings of securities through financial intermediaries. It is contemplated that TRADES will apply to outstanding securities currently governed by 31 CFR part 306, Subpart O. Conforming changes to part 306 will be made with the publication of TRADES in final form.

Forms

The current rule requires that the bond, which is referred to as an agreement and power of attorney, be in a prescribed format. Because a survey revealed that each agency has varying needs and requirements, the proposed rule (§ 225.3) deletes this prescriptive requirement so as to afford agencies greater flexibility in tailoring bonds to fit their needs. However, the proposed rule (§ 225.3) still requires an agency to ensure that the bonds irrevocably authorize it to: (1) Sell the Government obligations in the event of a default in performance; and (2) apply the proceeds therefrom to satisfy any claim of the United States Government. The reference to any claim of the United States (§ 225.3) is an expansion of the current rule (§ 225.5) which limits the application of the proceeds to damages arising out of the default.

Payment of Interest

The current rule provides that, in the absence of default, the obligor shall be entitled to receive interest accruing upon Government obligations deposited in accordance with the rule (§ 225.11), except that coupons on bearer Government obligations will be retained by the bond official in the absence of written application by the obligor. The proposed rule (§ 225.6) provides that interest for all forms of Government obligations will generally be paid to the obligor in the normal course without written application. The proposed rule (§ 225.6) also adds a provision permitting the bond official to require retention of accrued interest. This change clarifies the degree of agency flexibility in securing the performance of their obligors. The Secretary believes

these changes will facilitate uniform operational handling of interest payments, expedite the payment of interest to obligors, and further secure performance by obligors.

Custodian Duties and Responsibilities

The proposed rule (§ 225.7) clarifies that agency custodians will act in strict accordance with authenticated agency instructions. This clarification stems from questions posed by the Federal Reserve regarding whether its duties and responsibilities under 31 U.S.C. 9303(b)(1) require it to act in strict accordance with the authenticated agency instructions.

Role of Federal Reserve Banks

In accordance with 31 CFR part 306, the Federal Reserve Banks will act as fiscal agents of the United States for the purposes of these regulations.

Rulemaking Analysis

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866. Therefore, a Regulatory Assessment is not required.

It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small business entities. Accordingly, a Regulatory Flexibility Act analysis is not required. These regulations authorize persons, including small entities, to pledge bonds secured by Government obligations in lieu of bonds with sureties. Consequently, these regulations provide additional options to business entities pledging collateral, as well as a flexible regulatory scheme with no adverse economic impact on small entities.

Notice and Comment

Public comment is solicited on all aspects of this proposed regulation. The Financial Management Service will consider all comments made on the substance of this proposed regulation, but does not intend to hold hearings.

List of Subjects in 31 CFR Part 225

Fiscal Service, Government securities, Surety bonds.

For the reasons set forth in the preamble, 31 CFR part 225 is proposed to be revised to read as follows:

PART 225—ACCEPTANCE OF BONDS SECURED BY GOVERNMENT OBLIGATIONS IN LIEU OF BONDS WITH SURETIES

Sec.

Authority: 31 U.S.C. 321; 31 U.S.C. 9301; 31 U.S.C. 9303; 12 U.S.C. 391.

§ 225.1 Scope.

The regulation in this part applies to Government agencies that accept bonds secured by Government obligations in lieu of bonds with sureties. The Financial Management Service (FMS) is the Secretary of the Treasury's (Secretary) representative in all matters concerning this part unless otherwise specified. The Commissioner of the FMS may issue procedural instructions implementing this regulation.

§ 225.2 Definitions.

For the purpose of this part:

Agency means a department, agency, or instrumentality of the United States Government.

Authenticate instructions means to verify that the instructions received are from a bond official.

Bearer means an obligation whose ownership is not recorded. Title to such an obligation passes by delivery without endorsement and without notice. A bearer obligation is payable on its face to the holder at either maturity or call for redemption.

Bond means an executed written instrument, which guarantees the fulfillment of an obligation to the United States and sets forth the terms, conditions, and stipulations of the obligation. If the obligation is not fulfilled, the bond assures payment, to the extent stipulated, of any loss sustained by the United States.

Bond official means an agency official having authority under Federal law or regulation to approve a bond with surety or sureties and to approve a bond secured by Government obligations.

Book-entry means a computerized entry made on records of a Federal Reserve Bank. (See part 306 of this title, Subpart O, Book-Entry Procedure).

Custodian means a Federal Reserve Bank acting as fiscal agent of the United States or a depositary specifically designated by the Secretary for the purpose of this part.

Definitive means in engraved or printed form.

Federal Reserve Bank means a Federal Reserve Bank and its branches.

Government obligation means a public debt obligation of the United States Government, and an obligation whose principal and interest are unconditionally guaranteed by the Government.

Obligor includes, but is not limited to, an individual, a trust, an estate, a partnership, a corporation, and a sole proprietor.

Officer authorized to certify assignment means the individual identified in the regulation codified at § 306.45 of this title.

Par value means the stated value of a Government obligation that will be paid at maturity.

Payment bond means a bond which assures payment, as required by law, to all persons supplying labor or material in the performance of required work provided for in a contract.

Pledge means a pledge of, or transfer of a security interest in, a Government obligation to a bond official's agency as collateral in lieu of a bond with a surety or sureties.

Procedural Instructions means the Treasury Financial Manual published by the Financial Management Service.

Registered means that ownership of the Government obligation is listed in the issuer's records, and that the obligation is payable at maturity or call to the person in whose name the obligation is inscribed or to that person's assignee.

§ 225.3 Pledge of Government obligations in lieu of a bond with surety or sureties.

(a) *General.* An obligor required by Federal law or regulation to furnish a bond with surety or sureties may give in lieu thereof a bond secured by Government obligations to a bond official.

(b) *Bond.* The bond, at a minimum, shall irrevocably authorize the bond official to collect, sell, assign, or transfer such Government obligations and any interest retained therefrom in the event of the obligor's default in performing any of the terms, conditions, or stipulations of such bond, and shall authorize the bond official to apply the proceeds therefrom, in whole or in part, to satisfy any claim of the United States Government against the obligor.

(c) *Amount of Government obligations.* The obligor shall pledge to the bond official Government obligations whose par value is at least equal to the face amount of the required bond with surety or sureties.

(d) *Avoiding frequent substitutions.* To avoid the frequent substitution of Government obligations, the bond

official may reject Government obligations which mature, or are redeemable, within one year from the date they are pledged to the bond official.

§ 225.4 Pledge of book-entry Government obligations.

(a) *General.* An obligor, or an obligor's financial institution, acting as agent for the obligor, shall arrange a pledge pursuant to the prior agreement and approval of the bond official, of book-entry Government obligations by authorizing a Federal Reserve Bank to make an appropriate entry in its records. The Federal Reserve Bank is not required to establish that the agreement and approval of the bond official has been obtained prior to the making of such entry.

(b) *Receipt.* Upon the making of the entry in the records of a Federal Reserve Bank, such Bank will promptly issue a receipt or an activity statement, or both, to the bond official and to the obligor.

(c) *Effect of entry.* The making of such an entry in the records of a Federal Reserve Bank shall have the effect as provided in § 306.118(a) of this title, or other applicable regulations.

§ 225.5 Pledge of definitive Government obligations.

(a) *Type and assignment.* Definitive Government obligations may be in bearer or registered form, and shall be owned by the obligor.

(1) *Bearer Government obligations.* The obligor shall pledge bearer Government obligations to the bond official with all unmatured interest coupons attached.

(2) *Registered Government obligations; assignment.* The obligor shall pledge Government obligations registered in the obligor's name to the bond official by assignment in accordance with subpart F of part 306 of this title (31 CFR 306.40 et seq.) and other codified procedures for issuers that apply to assignment of the registered Government obligations, except that, when so authorized under such procedures, all assignments shall be made in blank.

(b) *Delivery to bond official; receipt.* All deliveries of definitive Government obligations from the obligor to the bond official under this part shall be made at the risk and expense of the obligor. Upon receipt of definitive Government obligations, the bond official will issue the obligor a receipt.

(c) *Risk of loss; safekeeping.* All definitive Government obligations held by the bond official will be held at the risk of the bond official. The bond official will keep safe all definitive Government obligations.

(d) *Deposit.* The bond official is strongly encouraged to ensure that definitive Government obligations are deposited with either of the following custodians:

(1) A Federal Reserve Bank, having the requisite facilities; or,

(2) A depositary specifically designated for that purpose by the Secretary.

(e) *Delivery to custodian; receipt.* If the bond official is in receipt of definitive Government obligations, and thereafter deposits those obligations with a custodian, the expense and risk of loss in delivery will rest with the bond official. Upon the deposit of definitive Government obligations, the custodian will issue the bond official a receipt. All definitive Government obligations held by the custodian will be held at the risk of the custodian.

(f) *Conversion to book-entry.* When converting definitive Government obligations to book-entry form, a Federal Reserve Bank will act pursuant to and in accordance with codified book-entry procedures for issuers that apply to the definitive Government obligations pledged to the bond official's agency, including the book-entry procedures for Treasury securities set forth in subpart O of part 306 of this title (31 CFR 306.115 *et seq.*).

§ 225.6 Payment of interest.

(a) *General.* Except as otherwise provided in this section, and § 225.7(b), interest accruing upon Government obligations pledged to a bond official's agency in accordance with this part will be remitted to the obligor.

(b) *Bond requirements.* The bond official will require that the bond provide that the bond official may retain any interest accruing upon any Government obligations, or direct that such interest be retained by the custodian.

(c) *Default.* If the bond official determines that the obligor has defaulted in the performance of any of the terms, conditions, or stipulations of the bond, the bond official will retain any interest accruing upon Government obligations pledged to the bond official's agency or direct the custodian, in accordance with § 225.7(b) and other relevant provisions of this part, to retain such interest.

§ 225.7 Custodian duties and responsibilities.

(a) *General.* A custodian shall authenticate instructions received from a bond official and shall act in accordance with such authenticated instructions. The custodian assumes no liability and is without liability of any kind for acting in accordance with such authenticated instructions, except for the custodian's failure to exercise ordinary care. By providing a bond secured by Government obligations in lieu of a bond with surety or sureties, an obligor agrees not to hold either the custodian or the Secretary liable or responsible for the actions or inactions of a bond official or for carrying out a bond official's authenticated instructions.

(b) *Interest.* Absent authenticated instructions from the bond official to retain interest, interest received by the custodian on Government obligations pledged to the bond official's agency in accordance with this part will be remitted in the regular course of business to the obligor.

(c) *Release and substitution of Government obligations.* A custodian will only release or substitute Government obligations or the proceeds from Government obligations, including any retained interest, in accordance with a bond official's authenticated instructions.

(d) *Liquidation of Government obligations.* A custodian will collect, sell, assign, or transfer Government obligations, including any interest therefrom, only in accordance with a bond official's authenticated instructions.

(e) *Application of proceeds.* A custodian will apply the proceeds from the collection, sale, assignment, or transfer of Government obligations only in accordance with a bond official's authenticated instructions.

§ 225.8 Bond official duties and responsibilities.

(a) *Duties and responsibilities.* The bond official's duties and responsibilities are as follows:

(1) Approving the bond secured by Government obligations after determining its sufficiency;

(2) Verifying ownership of any definitive Government obligations given, and ensuring that any registered Government obligations are properly assigned;

(3) Approving the delivery of book-entry Government obligations after determining their sufficiency;

(4) Providing the custodian, when appropriate, with clear and concise instructions;

(5) Taking all reasonable and appropriate steps to ensure that all procedures or transactions conform with the provisions of this part; and,

(6) Notifying the Secretary of the Treasury, or designee, upon an obligor's default in performing any of the terms, conditions, or stipulations of a bond and

applying any part of the proceeds therefrom that is in excess of the amount required to assure payment of any loss sustained by the United States related to the purpose of the bond to satisfy any claim of the United States Government against the obligor.

(b) [Reserved]

§ 225.9 Return of Government obligations to obligor.

(a) *General.* Except as provided in subsection (b) of this section, the bond official will return the Government obligations, and any interest retained therefrom, to the obligor, without written application from the obligor, when the bond official determines that the Government obligations are no longer required under the terms of the bond.

(b) *Miller Act Payment Bonds.* The bond official will not return Government obligations to an obligor who has furnished to the bond official a payment bond, if:

(1) A person, who supplied the obligor with labor or materials and whom the obligor has not paid, files with the agency head the application and affidavit provided for in the Miller Act (Act), as amended (40 U.S.C. 270a–270d), and the time provided in the Act for the person to commence suit against the obligor on the payment bond has not expired; or

(2) A person commences a suit against the obligor within the time provided for in the Act, in which case the bond official will hold the Government obligations subject to the order of the court having jurisdiction of the suit; or

(3) The bond official has actual knowledge of a claim against the obligor on the basis of the payment bond, in which case the bond official may return the Government obligations to the obligor when the bond official deems appropriate.

(c) *Claim of the United States unaffected.* Nothing in this section shall affect or impair the priority of any claim of the United States against Government obligations, or any right or remedy granted by the Miller Act or by this part to the United States in the event of an obligor's default on any term, condition, or stipulation of a bond.

(d) *Return of definitive Government obligations; risk of loss.* Definitive Government obligations to be returned to the obligor will be forwarded at the obligor's risk and expense, either by the bond official, or by a custodian upon receipt of a bond official's authenticated instruction.

§ 225.10 Other agency practices and authorities.

(a) *Agency practices.* Nothing in this part shall be construed as modifying the existing practices or duties of agencies in handling bonds, except to the extent made necessary under the terms of this part by reason of the acceptance of bonds secured by Government obligations.

(b) *Agency authorities.* Nothing contained in this part shall affect the authority of agencies to receive Government obligations for security in cases authorized by other provisions of law.

§ 225.11 Courts.

(a) *General.* Nothing contained in this part shall affect the authority of a court over a Government obligation given as security in a civil action.

(b) [Reserved]

Dated: November 7, 1996.

Russell D. Morris,

Commissioner.

[FR Doc. 96–29216 Filed 11–14–96; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Parts 404 and 407

Seaway Regulations and Rules: Great Lakes Pilotage Rates

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the comment period of the notice of proposed rulemaking and hearing (NPRM) published in the Federal Register on September 25, 1996, (61 FR 50258) which proposed to increase Great Lakes Pilotage Rates. The comment period for this NPRM was scheduled to end on November 12, 1996. This document extends that comment period by 15 days, to November 27, 1996. The extension is necessary to allow commenters additional time to analyze the rulemaking and prepare their comments.

DATES: Any party wishing to present views on the NPRM published on September 25, 1996, (61 FR 50258) may file comments with the Saint Lawrence Seaway Development Corporation (SLSDC) on or before November 27, 1996.

ADDRESSES: Send comments to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Suite 5424, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Scott A. Poyer, Chief Economist, Saint Lawrence Seaway Development Corporation, Office of Great Lakes Pilotage, United States Department of Transportation, 400 7th Street SW., Suite 5424, Washington, DC 20590, room 5421, 1–800–785 2779, or Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Suite 5424, Washington, D.C. 20590, (202) 366–6823.

SUPPLEMENTARY INFORMATION: On September 25, 1996, the SLSDC published a notice of proposed rulemaking and hearing (NPRM) in the Federal Register (61 FR 50258), which proposed to increase Great Lakes pilotage rates. The comment period for the NPRM was scheduled to end on November 12, 1996.

A public hearing announced in the NPRM was held on October 22, 1996, at the Crowne Plaza at Detroit Metro Airport, 8000 Merriman Road, Romulus, MI. During the hearing several commenters requested additional time to analyze the NPRM and file comments. Subsequent to the hearing, the SLSDC received written comments asking for an extension of the comment period. A number of commenters requested the extension because they believe an increase in Great Lakes pilotage rates may have a potentially large effect on commerce in the Great Lakes region and that they needed more time to complete a thorough analysis of the NPRM and its possible effects.

Because additional time is needed for commenters to complete their analysis and prepare their comments, the comment period for the NPRM published on September 25, 1996, (61 FR 50258) is extended 15 days, and will now end on November 27, 1996.

Issued at Washington, D.C. on November 12, 1996.

Saint Lawrence Seaway Development Corporation.

Gail C. McDonald,

Administrator.

[FR Doc. 96–29386 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–61–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 96–6]

''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is proposing amendments to the regulations regarding the deposit of the ''best edition'' of published motion pictures. The purpose of the proposed rule is to remove the ''most widely distributed gauge'' as a selection factor of the ''best edition'' and add new videotape formats to the prioritized list of material preferences based on current industry practices.

DATES: Comments should be received on or before December 6, 1996.

ADDRESSES: If sent BY MAIL, ten copies of written comments should be addressed to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366. If BY HAND, ten copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM–407, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Sections 407 and 408 of title 17, United States Code, require that for published works the copies or phonorecords deposited in the Copyright Office be of the ''best edition.'' ''The 'best edition' of a work is the edition, published in the United States, at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes,'' 17 U.S.C. 101.

''When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the 'best edition'.'' 37 CFR 202, APP. B. The Copyright Office has published regulations that set out the Library's specific criteria on what is the best edition. *See generally* 37 CFR 202.19, 202.20 and Appendix B to Part 202 — ''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress. These regulations give the selection criteria to be applied in determining the best edition of each of several types of materials, these criteria list formats in descending order of importance. *Id*. The criteria for ''Motion Pictures'' is set forth in 37 CFR 202, APP. B III.

For a number of years, the Library of Congress has used ''gauge in which most widely distributed'' as a high ranking preference in its selection of both film print and videotape. At its inception, this criterion permitted the Library to acquire copies that met the Library's standards for archival quality while working to the benefit of the motion picture industry as well. Copies originally deposited to meet this criterion were typically 35mm prints rather than the more limited 70mm prints and ¾'' videotapes rather than the 2'' videotape broadcast medium.

Over the years, the application of this criterion began to work against the archival interests of the Library. The primary reason for this change has been the wide use of VHS ½'' videotape. For the last ten years, when two or more tape gauges have been distributed, the VHS ½'' videotape typically has been the most widely distributed and therefore under the Library's criteria, the best edition. The Library does not consider this particular ½'' gauge to represent an acceptable archival quality medium. The Library has concluded that use of the ''most widely distributed gauge'' in the area of film prints is now detrimental to the interests of the Library of Congress.

During this same period, the 1'' videotape became the industry standard as the broadcast gauge, and the 2'' gauge became almost obsolete. The 1'' gauge is less expensive and bulky than the 2'' gauge and is an excellent archival medium. At this time, therefore, the 1'' format is the highest quality format in the videotape medium.

The television industry is currently widely using several new ½'' videotape formats, including the Betacam and the D–2 cassette, because of their high quality. These formats were not available when the best edition criteria were developed. The Library has determined that both of these formats meet its archival standards and are superior to the ¾'' videotape.

The Office is, therefore, proposing to amend its regulations to remove the ''gauge in which most widely distributed'' as a criterion in Appendix B, III and to add the new high quality videotape formats.

List of Subjects in 37 CFR Part 202

Claims, Copyright.

Proposed Regulations

In consideration of the foregoing, the Copyright Office amends 37 CFR part 202 in the manner set forth below:

PART 202—[AMENDED]

Appendix B to Part 202—''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress

1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

2. In part 202. Appendix B, ''III. Motion Pictures'' is revised to read as follows:

* * * * *

III. Motion Pictures

Film medium is considered a better quality than any other medium. The formats under ''film'' and ''videotape'' are listed in descending order of preference:

A. Film:

1. Preprint material with special arrangement.
2. 35mm positive prints.
3. 16mm positive prints.

B. Videotape:

1. One-inch open reel tape.
2. Betacam cassette.
3. D–2 cassette.
4. Videodisc.
5. Three-quarter inch cassette.
6. One-half inch VHS cassette.

* * * * *

Dated: November 4, 1996.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–29199 Filed 11–14–96; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD–FRL–5652–1]

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; clarification and corrections.

SUMMARY: This document contains a clarification and corrections to the

proposed rulemaking, the NSR Reform rulemaking, which was published Tuesday, July 23, 1996 (61 FR 38249). The NSR Reform rulemaking proposes to revise regulations for the approval and promulgation of implementation plans, and the requirements for preparation, adoption, and submittal of implementation plans governing the NSR programs mandated by parts C and D of title I of the Clean Air Act.

FOR FURTHER INFORMATION CONTACT: Daniel deRoeck, Information Transfer and Program Integration Division, MD–12, Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541–5593, telefax (919) 541–5509.

SUPPLEMENTARY INFORMATION:

Clarification

The EPA proposed the Clean Unit exclusion as a simplified applicability test for changes to existing emissions units that already are well controlled. See 61 FR 38255–38258. The proposal is intended to require that in order for an existing emissions unit to qualify as a ''clean unit'' the unit must have a federally enforceable emissions limit that ''is comparable'' to the best available control technology or lowest achievable control technology requirements for that type of unit, whichever would otherwise be applicable to the proposed change. The relevant regulatory language is contained in proposed § 51.165(a)(1)(v)(C) (*10*) through (*13*) of the nonattainment NSR rules, §§ 51.166(b)(2)(iii)(L) (*1*) through (*4*), and 52.21(b)(2)(iii)(L) (*1*) through (*4*) of the PSD rules, and is referenced in § 52.24(f) of the statutory restriction on new sources (construction ban). In each rule, EPA intended that eligibility for the clean unit exclusion is to be contingent upon several criteria being satisfied. However, in the proposed language in § 51.165 it may not be clear to the reader that each of the criteria under paragraphs (a)(1)(v)(C)(*10*) through (a)(1)(v)(C)(*13*) must be satisfied in order for an emissions unit to qualify for the exclusion. Because of a problem with the overall structure of the regulations at § 51.165, it is not feasible to make a simple correction without first restructuring the overall regulation. Instead, for purposes of interpreting and commenting on the proposal the reader is advised to read the ''Clean Unit'' exemption as provided in §§ 51.166(b)(2)(iii)(L) (*1*) through (*4*) and 52.21(b)(2)(iii)(L) (*1*) through (*4*) (as corrected below) for the correct interpretation of the proposed exclusion. The EPA is considering the most effective way to restructure § 51.165 to correct the problem, and intends to make the necessary restructuring at the time of promulgation of final rulemaking.

Need for Correction

As published, the preamble and proposed amendments to the regulations at §§ 51.166 and 52.21, contain errors which are misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on July 23, 1996 of the proposed regulations 40 CFR 51.166 and 52.21, which were the subject of FR Doc. 96–17544, are corrected to read as follows:

Correction to Preamble

1. On page 38258, in the first column, in section II.C.4., Description of the Clean Facility Proposal, in the third sentence, the reference ''§§ 51.165(a)(1)(v)(C)(*11*),'' is corrected to read ''§§ 51.165(a)(1)(v)(C)(*14*),''.

§ 51.166 [Corrected]

2. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*2*)(*iii*), the last line is corrected by removing the period (''.'') and adding a semicolon ('';'').

3. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*3*), the last line is corrected by adding the word ''and'' after the semicolon.

4. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*4*), the last line is corrected by removing the text ''; and'' and adding a period (''.'').

§ 52.21 [Corrected]

5. On page 38337, in the third column, in § 52.21, paragraph (b)(2)(iii)(L)(*2*)(*iii*), the last line is corrected by removing the period (''.'') and adding a semicolon ('';'').

6. On page 38337, in the third column, in § 52.21, paragraph (b)(2)(iii)(L)(*3*), the last line is corrected by adding the word ''and'' after the semicolon.

7. On page 38337, in the third column, in § 52.21, in paragraph (b)(2)(iii)(L)(*4*), the last line is corrected by removing the text ''; and'' and adding a period (''.'').

Dated: November 8, 1996.

Mary Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–29356 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[IN72–1b; FRL–5647–8]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve two State Implementation Plan (SIP) revision requests submitted by the State of Indiana on March 14, 1996, and June 17, 1996. The state requested redesignation of portions of Marion, LaPorte, and Wayne Counties and all of Vigo County to attainment for SO2. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

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

ADDRESSES: Copies of the revision request are available for inspection at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353–4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch AR–18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr at (312) 353–4366.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 10, 1996.
David A. Ullrich,
Acting Regional Administrator.
[FR Doc. 96–28873 Filed 11–14–96; 8:45 am]
BILLING CODE 6560–50–P

[FRL–5650–4]

RIN 2060–AG85

40 CFR Part 194

Decision to Certify Whether the Waste Isolation Pilot Plant Complies With the 40 CFR Part 191 Disposal Regulations and the 40 CFR Part 194 Compliance Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance Notice of Proposed Rulemaking (ANPR).

SUMMARY: The Environmental Protection Agency (EPA) intends to certify whether or not the Waste Isolation Pilot Plant (WIPP) will comply with EPA's environmental radiation protection standards for the disposal of radioactive waste. The WIPP is being constructed by the Department of Energy (DOE) near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste. Pursuant to the 1992 WIPP Land Withdrawal Act, as amended, EPA must certify that the WIPP will comply with EPA's standards for disposal, and other statutory requirements must be met, before DOE may commence disposal of radioactive waste at the WIPP.

EPA will determine whether the WIPP will comply with EPA's standards for disposal based on the application submitted by the Secretary of Energy. DOE's compliance certification application was received by the EPA on October 29, 1996, and a copy may be found in EPA's public dockets (see Additional Docket Information at the end of this notice). The Administrator will make a determination as to the completeness of the application in the near future and will notify the Secretary, in writing, when the Agency deems the application ''complete.'' EPA will evaluate the ''complete'' application in determining whether the WIPP will comply with the radiation protection standards for disposal. The Agency requests public comment on all aspects of the DOE's application.

DATES: Comments in response to today's document and on DOE's compliance application must be received by March 17, 1997. Public hearings will be held in New Mexico during the public comment period. A separate announcement will be published in the Federal Register to provide public hearing information.

ADDRESSES: Comments and requests for public hearings should be submitted, in duplicate, to: Docket No. A–93–02, Air Docket, room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. See additional docket information in the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Mary Kruger or Betsy Forinash; telephone number: (202) 233–9310; address: Radiation Protection Division, Mail Code 6602J, U.S. Environmental Protection Agency, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The Waste Isolation Pilot Plant (WIPP) was authorized in 1980, under section 213 of the Department of Energy (DOE) National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164, 93 Stat. 1259, 1265), ''for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States.'' The WIPP is being constructed by the DOE near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste.

The 1992 WIPP Land Withdrawal Act (Pub. L. 102–579)[1] limits radioactive waste disposal in the WIPP to transuranic radioactive wastes generated by defense-related activities. Transuranic waste is defined as waste containing more than 100 nano-curies per gram of alpha-emitting radioactive isotopes, with half-lives greater than twenty years and atomic numbers greater than 92. The Act further stipulates that radioactive waste shall not be transuranic waste if such waste also meets the definition of high-level radioactive waste, has been specifically exempted from regulation with the concurrence of the Administrator, or has been approved for an alternate method of disposal by the Nuclear Regulatory Commission. The transuranic radioactive waste proposed for disposal in the WIPP consists of materials such as rags, equipment, tools, protective gear, and sludges that have become contaminated during atomic energy defense activities. The radioactive component of transuranic waste consists of man-made elements created during the process of nuclear fission, chiefly isotopes of plutonium.

The EPA is required by the WIPP Land Withdrawal Act to evaluate and certify whether the WIPP will comply with subparts B and C of 40 CFR part 191—known as the ''disposal regulations.'' These regulations limit releases of radioactive materials from disposal systems for radioactive waste, and require implementation of measures to provide confidence for compliance with the radiation release limits. Additionally, the regulations limit radiation doses to members of the public, and protect ground water resources by establishing maximum concentrations for radionuclides in ground water.

The WIPP Land Withdrawal Act also calls for EPA to establish criteria implementing the disposal regulations at the WIPP. EPA published final criteria (40 CFR part 194) on February 9, 1996. *See* 61 FR 5224. Thus, EPA will implement its environmental radiation protection standards, 40 CFR part 191, by applying the WIPP compliance criteria, 40 CFR part 194, to the proposed disposal of transuranic radioactive waste at the WIPP. For more information about 40 CFR part 191, refer to Federal Register documents published in 1985 (50 FR 38066–38089, Sep. 19, 1985) and 1993 (58 FR 66398–66416, Dec. 20, 1993). For more information about 40 CFR part 194, refer to Federal Register documents published in 1996 (61 FR 5224–5245, Feb. 9, 1996) and 1995 (60 FR 5766–5791, Jan. 30, 1995).

The DOE may not begin to emplace transuranic waste underground for disposal at the WIPP until EPA certifies that the WIPP will comply with the disposal regulations, and all other requirements of section 7(b) of the WIPP Land Withdrawal Act, as amended, have been satisfied. As required by section 8(d) of the amended WIPP Land Withdrawal Act, EPA's decision on whether the WIPP complies with the disposal regulations will be accomplished by rulemaking in accordance with the notice-and-comment requirements of the Administrative Procedure Act (5 U.S.C. 553). In addition to these general requirements, EPA developed specific provisions for public involvement in the WIPP compliance certification rulemaking. The public participation criteria found in § 194.61, § 194.62, § 194.63, and § 194.67 of the WIPP compliance criteria provide time periods for public comment, allow opportunities for public hearings, and otherwise enable public access to

[1] The 1992 WIPP Land Withdrawal Act was amended by the ''Waste Isolation Pilot Plant Land Withdrawal Act Amendments,'' which were part of the National Defense Authorization Act for Fiscal Year 1997.

information specifically related to EPA's certification rulemaking.

With today's document, the Agency announces its intention to commence a public rulemaking to certify whether the WIPP facility complies with the disposal regulations. On October 29, 1996, DOE submitted an application for certification of compliance to EPA. A copy of the application is available for inspection in EPA's public dockets described below. The Agency's comments on draft versions of the compliance certification application are also available in public dockets. The EPA will evaluate the complete application in determining whether the WIPP complies with the radiation protection standards for disposal. In addition, EPA will consider public comment and other information relevant to WIPP's compliance. EPA requests comment on all aspects of the DOE's application.

EPA will make a determination in the near future as to the completeness of the application, as a preliminary step in its more extensive technical review of the application. The EPA may request additional information as necessary from DOE to ensure the completeness of the compliance application. EPA will provide DOE with written notification of its completeness determination. All correspondence between EPA and DOE regarding the completeness of the compliance application will be placed in the public dockets.

EPA will make a final decision certifying whether the WIPP facility meets the disposal regulations after several additional regulatory steps, including technical analysis of the application, issuing a notice of proposed rulemaking in the Federal Register, providing additional opportunity for public comment, holding public hearings in New Mexico, analyzing public comment, and issuing a final rule in the Federal Register that is accompanied by a document summarizing and addressing significant comments. This ''response to comments'' document will be available in the public dockets.

Additional Docket Information

The Agency is currently maintaining the following public information dockets: (1) Docket No. A–93–02, located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460 (open from 8:00 a.m. to 4:00 p.m. on weekdays); (2) EPA's docket in the Government Publications Department of the Zimmerman Library of the University of New Mexico located in Albuquerque, New Mexico, (open from 8:00 a.m. to 9:00 p.m. on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, and 1:00 p.m. to 9:00 p.m. on Sunday); (3) EPA's docket in the Fogelson Library of the College of Santa Fe in Santa Fe, New Mexico, located at 1600 St. Michaels Drive (open from 8:00 a.m. to 12:00 midnight on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, 1:00 p.m. to 9:00 p.m. on Sunday); and (4) EPA's docket in the Municipal Library of Carlsbad, New Mexico, located at 101 S. Halegueno (open from 10:00 a.m. to 9:00 p.m. on Monday through Thursday, 10:00 a.m. to 6:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday). As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

List of Subjects in 40 CFR Part 194

Environmental protection, Administrative practice and procedure, Nuclear materials, Plutonium, Radiation protection, Radionuclides, Transuranics, Uranium, Waste treatment and disposal.

Dated: November 5, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–29352 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2620

[WO–130–1820–00–24 1A]

RIN 1004–AC71

State Grants—Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove the regulations at 43 CFR subpart 2627 addressing grants made to the State of Alaska. This subpart restates statutory requirements and explains how the State of Alaska files selection applications under the Alaska Statehood Act and the Act of January 21, 1929 (University Grant). BLM is proposing to remove 43 CFR 2627 because its provisions are outdated and not necessary for program implementation.

DATES: *Comments:* Commenters must submit comments by January 14, 1997. BLM will consider comments received or postmarked on or before this date in the preparation of the final rule.

ADDRESSES: *Comments:* You may hand-deliver your comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You may transmit comments electronically via the Internet to: WOComment@wo.blm.gov. Please include ''attn: AC71'' and your name and address in your message. If you do not receive a conformation from the system that we have received your Internet message, contact us directly.

FOR FURTHER INFORMATION CONTACT: Erica Petacchi, Regulatory Management Group, Bureau of Land Management, at (202) 452–5084.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the commenter is addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background and Discussion of Rule

BLM proposes to remove 43 CFR 2627 because its provisions are no longer necessary or useful, specifically:

1. A substantial portion of these regulations explain requirements the State must follow when filing applications for land under the Alaska Statehood Act. The time period for filing new applications under the Alaska Statehood Act expired on January 3, 1994;

2. A substantial portion of these regulations simply restate the provisions of the Alaska Statehood Act. Congress changed many provisions of the Alaska Statehood Act in Section 906(e) of the Alaska National Interest Lands Conservation Act, but the regulations were never revised to reflect those changes;

3. The Alaska Statehood Act, as modified by the Alaska National Interest Lands Conservation Act, contains sufficient detail for processing State selection applications; and

4. The BLM's land transfer processes, including land transfers to the State of Alaska, are being reviewed by a National Reinvention Laboratory for the purpose of increasing efficiency and improving customer service. New procedures will be written if the Laboratory concludes there is a need for significant change in the way BLM processes State selection applications.

The removal of the regulations would not be retroactive, and BLM would replace the current regulations with a statement that:

(a) BLM will process applications filed by the State of Alaska under the Alaska Statehood Act according to the regulations in existence at the time of filing; and

(b) BLM will process applications filed by the State of Alaska under the Act of January 21, 1929, according to the regulations in existence at the time of filing, unless the State and BLM enter into a subsequent exchange or agreement.

Also unaffected by the proposed removal of subpart 2627 are the three sets of regulations referred to in current subpart 2627: 43 CFR 2620; 43 CFR 2094; and 43 CFR 1824.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this rule, which proposes to remove the obsolete regulations at 43 CFR Part 2627, is a purely technical action. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix I, Item 1.10, and that the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

BLM has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule proposes to remove obsolete regulations concerning land selections by the State of Alaska. There are no small entities affected by the proposed rule.

Unfunded Mandates Reform Act

Removal of 43 CFR part 2627 will not result in any unfunded mandate to State, local or tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year.

Executive Order 12612

This rule would not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment.

Executive Order 12630

This rule does not represent a government action that interferes with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of ''policies that have takings implications.'' Since the primary function of the rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this Executive Order.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that this rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Executive Order 12988

The Department has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author: The principal author of this rule is Olivia Short, Bureau of Land Management, Regulatory Management Team, 1849 C Street N.W., Washington, D.C. 20240; Telephone: (202) 452–0345 (Commercial or FTS).

List of Subjects in 43 CFR Part 2620

Land Management Bureau; State Grants, Alaska; Public lands.

For the reasons stated above, and under the authority of 43 U.S.C. 1740, part 2620, Group 2600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 2620—STATE GRANTS—[AMENDED]

1. The authority citation for part 2620 continues to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201.

2. Subpart 2627 is revised to read as follows:

Subpart 2627—Alaska

§ 2627.1 The Bureau of Land Management will process applications filed by the State of Alaska under the Alaska Statehood Act according to the regulations in existence at the time of filing. The Bureau of Land Management will process applications filed by the State of Alaska under the Act of January 21, 1929, according to the regulations in existence at the time of filing, unless the State and the Bureau of Land Management enter into a subsequent exchange or agreement.

[See Code of Federal Regulations (CFR) for 43 CFR Chapter II, revised as of October 1, 1995.]

Dated: November 7, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–29307 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–84–P

43 CFR Part 5040

[WO–130–1820–0024 1A]

RIN 1004–AC93

Sustained-Yield Forest Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend 43 CFR 5040 to remove obsolete or unnecessary sections and update the remaining regulations that are still necessary for the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon (referred to in this proposed rule as O. and C. lands). Subpart 5042, concerning master units, an administrative subdivision of the O. and C. lands established in 1946 and 1947 to facilitate the establishment

of sustained-yield forest units and cooperative agreements, will be removed. BLM finds these 12 master units no longer necessary due to the changes in timber marketing and transportation patterns and the lack of interest in cooperative agreements. BLM still needs provisions for the determination of annual productive capacity and the establishment of sustained-yield forest units in the event it concludes such determinations are appropriate to reflect timber market conditions and to further the purposes of the Act of August 28, 1937 (50 Stat. 874, 43 U.S.C. 1181a). The section on exchanges of O. and C. lands merely restates the statutory language of the Act of July 31, 1939 (53 Stat. 1144), and will be removed from the Code of Federal Regulations (CFR). By streamlining the regulations, BLM will be able to remove unnecessary or obsolete regulations from the CFR. By removing the section on master units, BLM will be able to apportion the allowable timber sale quantity to the six western Oregon BLM districts more efficiently.

DATES: Submit comments by January 14, 1997. BLM will consider comments postmarked on or before this date.

ADDRESSES: You may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., N.W., Washington, D.C.; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, D.C. 20240. You may transmit comments electronically via the Internet to WOComment@wo.blm.gov. Please include ''AC 93'' and your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly.

FOR FURTHER INFORMATION CONTACT: Lyndon Werner, Telephone: 503–952-6071 or Dwight Fielder, Telephone: 202–452–7758.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written comments on the proposed rule should:

(a) Be specific;

(b) Be confined to issues pertinent to the proposed rule;

(c) Explain the reason for any recommended change;

(d) Reference the specific section or paragraph of the proposal which the commenter is addressing, where possible.

BLM may not necessarily consider or include in the Administrative Record for the final rule written comments postmarked or electronic comments received after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

BLM has determined that the existing regulations on master units and cooperative sustained-yield units are obsolete and should be removed from the CFR. The regulation on the establishment of Sustained-Yield Forest Units is still necessary, and BLM will rewrite this section to remove references to Master Units and Cooperative Sustained-Yield Units. The section on Exchanges is still relevant, but is merely a restatement of the statutory language, and will be removed.

The Act of August 28, 1937 (50 Stat. 874, 43 U.S.C. 1181) (hereafter ''the Act''), provides that the portions of the O. and C. lands under the jurisdiction of the Department of the Interior that are classified as timber lands and powersite lands valuable for timber should be managed for permanent forest production. The Act also provides that the timber on these lands must be sold, cut, and removed in conformity with the principle of sustained-yield, for the purposes of:

(a) Providing a permanent source of timber supply;

(b) Protecting watersheds;

(c) Regulating stream flow;

(d) Contributing to the economic stability of local communities and industries; and

(e) Providing recreational facilities.

Section 1 of the Act authorizes the Secretary of the Interior to treat the O. and C. lands as a single unit subject to the principle of sustained-yield or to subdivide the O. and C. lands into smaller sustained-yield forest units to facilitate sustained-yield management. If the Secretary determines that sustained-yield forest units are necessary, then he must establish the boundary lines of these units so that each unit will provide, so far as practicable, a permanent source of raw materials for the support of dependent communities and regional industries. The Secretary may establish boundaries of such forest units only after the Department conducts hearings in the vicinity of such lands.

Section 1 of the Act also authorized the Secretary to determine the annual productive capacity for the O. and C. lands and to limit timber sales from any particular sustained-yield forest unit to such capacity.

Between 1939 and 1941 the General Land Office (GLO), BLM's predecessor agency, devised a plan to divide the O. and C. lands into 12 master units. These master units were not required by the Act but were created to facilitate implementation of the Act. In each unit, the GLO plan assured continual timber production within the limits of the allowable cut. GLO also compiled basic silvicultural and geographical information and a formula for calculating potential productive capacity. Each master unit would serve as the basis for a permanent source of timber supply and an effective means for sustaining dependent communities.

In 1942, GLO produced a ''Forest Management Handbook'' to be used in determining which units would provide the best sites for cooperative agreements between the holders of Federal and private forest lands in the O. and C. checkerboard. In 1945, GLO proposed a new plan to subdivide the 12 master units into 110 cooperative agreement areas, but cooperative agreements were never established. In 1946 and 1947, 12 Secretarial Orders established the 12 master units and their appurtenant marketing areas. The marketing area restrictions required that the processing of timber from western Oregon BLM timber sales occur in the same marketing area in which it was purchased.

The period between 1942 and 1957 was highly contentious with large and small operators contesting several cooperative agreements and the marketing area restrictions. Opponents at highly charged local hearings expressed concerns about monopoly versus free enterprise and leveled charges of conspiracy and favoritism against Federal officials. Congress held hearings on the issues and proposed legislation, but it never passed. The controversy also produced two lawsuits.

In 1956, the chairman of the New York State College of Forestry conducted a study to analyze the effectiveness and desirability of marketing areas. The report asserted that changes in costs, production techniques, transportation patterns, and marketing methods of the lumber industry since 1937 had made the program obsolete and that the marketing areas did not constitute any major base for sustained-yield management. The report recommended that the marketing areas be abolished but that the master units be retained as a means of assuring community stability. BLM abolished the marketing areas in 1957 and never established cooperative agreements involving O. and C. lands. A detailed accounting of this history is contained

in BLM's Billion-Dollar Checkerboard by Elmo Richardson, Forest History Society, Santa Cruz, California, 1980.

The current 43 CFR part 5040 regulations provide for BLM to establish master units as a basis for studies leading to the formulation of plans for sustained-yield forest units and cooperative agreements authorized by the O. and C. Lands Act. Under the current regulations, BLM is to establish sustained-yield forest units within the boundaries of each master unit in such manner that each forest unit contains sufficient land to furnish a sustained supply of timber to forest industries upon which a local community depends and to constitute a suitable base for a cooperative agreement. For the same reasons identified in the previously mentioned study, the master units are obsolete and are no longer based upon logical boundaries, given today's marketing patterns and economical log transportation distances. BLM has never formally established sustained-yield forest units as a subdivision of the master units. There is no current evidence to suggest any interest in the establishment of cooperative agreements, although they are authorized by the Act. BLM still needs regulations to establish sustained-yield forest units as an appropriate and efficient means to further the purposes of the Act. However, the establishment of master units before the establishment of sustained-yield units is an unnecessary and inefficient step. In addition, the current number of master units (which, by default, are serving as sustained-yield units) appears to be excessive to apportion efficiently the sustainable allowable sale quantity to the six western Oregon BLM districts.

Therefore, the current regulations dealing with master units and appurtenant marketing areas (Subpart 5042) and with cooperative sustained-yield agreements (Subpart 5044) are being removed. Subpart 5044 concerning land exchanges is also being removed as stated above.

III. Discussion of Proposed Rule

This proposed rule would enhance the management efficiency of BLM by removing obsolete requirements from the CFR and by removing duplicative provisions that may be found in the underlying statutes. This proposed rule would allow BLM to dissolve the existing master units and establish more appropriately configured sustained-yield forest units.

Subpart 5040—Sustained-Yield Unit and Cooperative Agreements, would be removed in its entirety. This section is merely a restatement of the language in the Act, and its removal will have no impact on BLM's customers.

Subpart 5041—Annual Productive Capacity, would be rewritten for clarity but not changed in any substantial way. BLM will continue to declare the annual productive capacity of the O. and C. lands under the principle of sustained-yield. This change will have no impact on BLM's customers.

Subpart 5042—Master Units, would be removed in its entirety. For the reasons presented in the Background section above, BLM does not need to designate master units as an interim step to designating sustained-yield forest units and cooperative agreements. This removal would have no effect on BLM's customers. The currently designated master units would remain in effect until this rule is published as final and BLM completes the process for the designation of sustained-yield forest units.

Subpart 5043—Sustained-Yield Forest Units, would be revised to improve clarity and consistency with the removal of Subpart 5042—Master Units. The revision would have no effect on BLM's customers because it does not diminish the level of public involvement in BLM's determination of sustained-yield forest units.

Subpart 5044—Cooperative Sustained-Yield Agreements, would be removed in its entirety. This removal would have no effect on BLM's customers. There are currently no cooperative sustained-yield agreements or any apparent interest in their designation. If this changes, the O. and C. Lands Act provides for their designation and regulations governing their designation can again be published.

Subpart 5045—Exchanges, would be removed in its entirety. This removal would have no effect on BLM's operations, because BLM would still have the authority to exchange O. and C. lands under the Act of July 31, 1939.

The remaining sections of part 5040 would be rewritten and renumbered in a new part 5040.

IV. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the proposed rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously. BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**) and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the Written Comments section above, or contact us directly.

Paperwork Reduction Act

This rule does not contain collections of information that require the Office of Management and Budget approval under 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

BLM has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The proposed rule provides a new process by which BLM may establish sustained yield forest units. Before any units may be established, BLM must hold public hearings in the areas affected by the proposed units. This gives any potentially affected small entity the chance to provide input to BLM which could influence the outcome of the proposals. The O. and C. Lands Act provides that when BLM establishes sustained yield forest units it must establish units that provide a permanent source of raw materials to support local communities and industries, giving due consideration to established forest products operations.

Unfunded Mandates Reform Act

BLM has determined that this proposed rule is not significant under the Unfunded Mandates Reform Act of 1995 because it will not result in State, local and tribal government, in the aggregate, or private sector, expenditure of $100 million or more in any one year. The proposed rule will not significantly or uniquely affect small governments.

Executive Order 12612

The proposed rule would not have a substantial direct effect 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, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment.

Executive Order 12630

The proposed rule does not represent a government action that interferes with constitutionally protected property

rights or would result in a taking of private property.

Executive Order 12866

BLM has determined that the proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. The rule is therefore not subject to review by the Office of Management and Budget under section 6(a)(3) of that order.

Executive Order 12988

The Department has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this rule is Lyndon Werner, Bureau of Land Management, Oregon State Office OR–931, P.O. Box 2965, Portland, Oregon 97208, 503–952–6071.

List of Subjects for 43 CFR Part 5040

Forests and forest products, Land Management Bureau, Public lands.

Dated: November 7, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

For the reasons stated above, and under the authority of 43 U.S.C. 1740, BLM proposes to revise Part 5040, Group 5000, Subchapter E, Chapter II of Title 43 of the Code of Federal Regulations to read as follows:

PART 5040—SUSTAINED-YIELD FOREST UNITS [AMENDED]

Sec.

Authority: 43 U.S.C. 1181e; 43 U.S.C. 1740.

§ 5040.1 Under what authority does BLM establish sustained-yield forest units?

BLM is authorized, under the O. and C. Lands Act and the Federal Land Policy and Management Act, to divide the lands it manages in western Oregon into sustained-yield forest units. BLM establishes units that contain enough forest land to provide, insofar as practicable, a permanent source of raw materials to support local communities and industries, giving due consideration to established forest products operations.

§ 5040.2 What will BLM do before it establishes sustained-yield forest units?

Before BLM designates sustained-yield forest units, it will:

(a) Hold a public hearing in the area where it proposes to designate the units. BLM will provide notice, approved by the BLM Director, to the public of any hearing concerning sustained-yield forest units. This notice must be published once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the forest units are situated. BLM may also publish the notice in a trade publication; and

(b) Forward the minutes or meeting records to the BLM Director, along with an appropriate recommendation concerning the establishment of the units.

§ 5040.3 How does BLM establish sustained-yield forest units?

After a public hearing, BLM will publish a notice in a newspaper of general circulation in the county or counties affected by the proposed units, stating whether or not the BLM Director has decided to establish the units. If the BLM Director determines that the units should be established, BLM will include in its notice information on the geographical description of the sustained-yield forest units, how the public may review the BLM document that will establish the units, and the date the units will become effective. BLM will publish the notice before the units are established.

§ 5040.4 What is the effect of designating sustained-yield units?

Designating new sustained-yield forest units abolishes previous O. and C. master unit or sustained-yield forest unit designations.

§ 5040.5 How does BLM determine and declare the annual productive capacity?

(a) If BLM has not established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to the O. and C. lands, treating them as a single unit.

(b) If BLM has established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to each separate forest unit.

(c) If it occurs that BLM has established sustained-yield forest units for less than all of the O. and C. lands, then BLM will determine and declare the annual productive capacity as follows:

(1) BLM will treat sustained-yield forest units as in paragraph (b) of this section; and

(2) BLM will treat any O. and C. lands not located within sustained-yield forest units as a single unit.

[FR Doc. 96–29306 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–117, N.1]

Federal Motor Vehicle Safety Standards; Power-operated Window, Partition and Roof Panel Systems

RIN 2127–AG36

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document responds to a petition for rulemaking from Michael Garth Moore, Esq. requesting two amendments to Standard No. 118, *Power-operated window, partition, and roof panel systems*. This document denies one request, but grants the other. It denies the petitioner's request to commence rulemaking to require that all power windows automatically reverse power when they encounter resistance because the agency has concluded that such a requirement would be unreasonably costly. This document grants the petitioner's other request and proposes to require each power operated window, interior partition, and roof panel in a motor vehicle to be equipped with a switch designed so that contact by a form representing a child's knee would not cause the window, partition or panel to close.

DATES: Comments are due January 14, 1997.

ADDRESSES: Comments should refer to the Docket Number referenced above and must be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4:00 p.m.). Do not send originals of comments to any person named below.

FOR FURTHER INFORMATION CONTACT:

(Technical information) Richard Van Iderstine, Office of Safety Performance Standards, NHTSA (Phone: 202–366–5280; FAX: 202–366–4329);

(Legal information) Paul Atelsek, Office of Chief Counsel, NHTSA (Phone: 202–366–2992; FAX: 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Background Information

Standard No. 118 specifies requirements for power operated window, partition, and roof panel systems [1] to minimize the likelihood of death or injury from their accidental operation. It applies to passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 4536 kilograms or less.

Standard No. 118 has two sets of requirements: One addressing operating mechanisms whose design is such that one can presume they will be operated only when a driver is present or close enough to a vehicle to supervise children inside and another addressing mechanisms whose design is such that the presence of child supervision cannot be presumed. Paragraph S4 of the standard lists specific conditions under which power windows may close without further restriction because driver presence can be presumed. The most familiar condition is the presence of the ignition key in the ''on'', ''start'' or ''accessory'' position. The other listed conditions include actuation after the key is removed but before either front door has opened and the use of short range remote controls requiring continuous activation.

Paragraph S5 addresses window operating mechanisms which can be operated in circumstances in which adult supervision cannot be presumed by requiring an automatic window reversal safety feature to prevent high squeezing forces on persons caught in a closing window. This paragraph responds to industry interest in using remote controls of unrestricted range and automatic window closing devices. It also contains a provision stating that windows using this feature are not subject to the window closing restrictions of paragraph S4. While the agency is not aware of any vehicle presently equipped with a window reversal system certified to comply with paragraph S5, it presumes that industry is designing practical systems that will be certified with this provision in the future.

II. Petition for Rulemaking

On September 26, 1995, Michael Garth Moore, an attorney in Hilliard, OH, petitioned NHTSA to amend Standard No. 118 in two ways. First, the petitioner requested that the agency require all power windows be equipped with the automatic reversal safety feature of paragraph S5 of Standard No. 118. Currently, as noted above, the requirement for an automatic reversal safety feature applies only to power windows designed to be closed with remote controls of unrestricted range and to power windows equipped with automatic closing devices. Mr. Moore stated that automatic reversal features are proven technology and economically feasible for mandatory installation. The petitioner further stated that while it is difficult to determine the magnitude of the child injury/fatality problem, preventing even one catastrophic injury or fatality is warranted, given the minimal costs associated with such a requirement.

Mr. Moore's second request was that the agency modify the Standard to prevent inadvertent closure of power windows. The petitioner believed that if its request were adopted, inadvertently placing pressure on the area of the controls would not cause power windows to close, unless the vehicle occupant applied the pressure with his or her fingers in a manner intended to operate the window. To accomplish this, Mr. Moore asked the agency to require that power window switches meet two requirements. First, he asked that manufacturers be required to protect the switches either by shielding them or by placing them in a less accessible location, such as in a recess. Second, he asked that the manufacturers design switches so that ''pressure on any control can only cause the window/partition/roof panel to open'' thereby preventing inadvertent window closure. The petitioner did not specify the circumstances about which he was concerned (i.e., when the key was in the accessory position). The petitioner claimed that such features would protect a child left in a vehicle with the engine running or with the key in the accessory position, since the child would no longer be able to inadvertently close a power window by kneeling or standing on the arm rest or console and contacting the switch. The petitioner was concerned that there was a risk of death or severe injury if the inadvertent closing occurs while a child's head or limb is protruding from the window or sunroof opening.

III. Agency Determination

A. Mandatory Automatic Reversal Feature

After reviewing Mr. Moore's request to require that all powered windows be equipped with an automatic reversal feature, NHTSA has determined that such a requirement would be unreasonably expensive and not practicable with present technology. Based on discussions with manufacturers, the agency estimates that the consumer cost of the present automatic window reversal device is approximately $100 per window for force sensing technology. The cost for a vehicle with four power windows would thus be $400. The petitioner did not provide any information to substantiate his claim that such automatic reversal systems are less costly. Also, the present devices prevent reliable window closure in the presence of snow, ice, and even the friction of cold or tight weatherstripping. Consequently, the present window reversal safety devices operate only during express-up window closure and are overridden by the normal closure mode.

The compliance costs of a performance requirement takes on greatly added significance when it is considered for adoption as a universal mandatory requirement as opposed to a requirement associated with a compliance option, especially a relatively rarely selected option. In the latter case, a manufacturer can decide whether to choose that option and assume the costs of the requirements associated with it. For example, Standard No. 118 permits manufacturers to design power windows to close through the operation of remote controls of unrestricted range or weather sensors if the manufacturers equip those windows with a complying automatic reversal system. When such a requirement is included in a standard as a condition to choosing a particular option, the cost effectiveness of the requirement is not a primary issue.

In the former case, a manufacturer cannot choose not to bear the cost. Although manufacturers technically could choose not to provide power windows, the realities of the market are that this is not really a choice available to manufacturers with respect to many models, particularly the upper end ones. For those models, the petitioner's request to require that all power windows be equipped with automatic reversal systems is an example of a universal mandatory requirement. In the context of such a requirement, cost effectiveness is a primary issue as it bears on the requirement's satisfaction of the statutory requirements for practicability and reasonableness.

The purpose of paragraph S5's automatic reversal requirement is to make it possible to provide

[1] The term ''power window'' is used throughout this document to include all power operated windows, interior partitions and roof panels.

manufacturers with more design freedom regarding additional methods for closing power windows by ensuring that those methods meet minimum levels of safety. Manufacturers have been able to take only limited advantage of that freedom because of the technological limitations and high costs of currently developed automatic reversal systems. For example, the most expensive models of several German luxury automobiles have express-up power windows with an automatic reversal device, but these devices operate on the principle of force sensing and cannot satisfy the petitioner's expectations for several reasons.

The devices cause the closure force of windows to be limited when they are in the express-up mode, but a force low enough to protect passengers is insufficient to close the windows reliably. Snow, ice, and even the friction of cold or tight weatherstripping can prevent window closure. Consequently, the reversal device is disabled during the normal speed operation of the window to ensure closure, and it is not used on rear side windows. Also, the automatic reversal devices in these German automobiles were designed to conform to a German performance standard that affords less protection to small limbs than does Section S5 of Standard No. 118, because it allows considerable window movement after an obstruction is encountered. Therefore, the present technology for window reversal fails to deliver both the safety performance desired by the petitioner and the practicability to close windows under common driving conditions.

Based on the above considerations, NHTSA has concluded that the present technology for automatic window reversal does not provide the safety performance desired by the petitioner. Further, it would not be practicable to redesign that technology so as to provide that performance and retain the ability to close windows under certain common conditions, such as ice and snow. Finally, regardless of the performance limitations of the present technology, the cost of complying with a mandatory requirement is currently too great. Accordingly, the agency denies the request for rulemaking concerning automatic reversal systems.

B. Special Switches

After reviewing Mr. Moore's request to amend Standard No. 118 with respect to shielding the switch which operates a power window, NHTSA has decided to propose amending the Standard. Specifically, the agency is proposing that, if a switch used to close a power operated window is contactable by a rigid spherical ball 25 mm (1″) in diameter, pressing that ball in a nondestructive way against the switch in any direction shall not cause the window to close. As detailed below, a 25 mm ball is considered by the agency to be generally representative of the bent knee of a child under the age of six. The agency believes that this proposed requirement would accomplish goals of the petitioner's request to protect against the inadvertent closure of powered windows. The agency requests comments about the appropriateness of this proposed requirement and whether a 25 mm ball is representative of the size and shape of a hard, rounded object such as a child's knee or flat softer tissue such as a foot sole, arm, or and leg.

NHTSA believes that the proposal is appropriate because children by their nature are curious, and they often put limbs and heads through open windows, while leaning, sitting, standing or kneeling on arm rests and consoles containing switches that control power windows and sunroofs. A simple switch improvement would reduce accidental window raising by children. Nevertheless, it cannot protect unsupervised children from the consequences of willful window activation.

NHTSA has only limited information about the number of unattended children injured by closing windows. NHTSA does periodically receive calls from lawyers, doctors, and the public describing deaths and serious injuries of unattended children in power window accidents. However, the agency has not been able to determine conclusively the number of such accidents since they are not reported in the traffic accident tracking systems maintained by NHTSA. A one year census performed by the United States Consumer Product Safety Commission of selected hospital emergency rooms for power window injuries identified only 10 cases in which people were injured by the unintentional closing of a powered window. Most were of minor severity, and none involved unattended children. While this number of reported cases may be extrapolated to an estimate of about 500 injuries annually nationwide, it provides no information to assess the benefits that shielded switches would provide unattended children.

NHTSA believes that the proposed requirement is practicable since a large proportion of newly designed vehicles with power windows already have switches that are recessed or that must be lifted rather than pressed in order to actuate the system to close. Given adequate lead time, the agency believes that the cost to manufacturers and their customers of installing power window switches that comply with this requirement would be negligible. From a human factors perspective, such switches are a simple expedient to address the most preventable as well as potentially serious type of power window accident.

Notwithstanding the petitioner's request to require both that the switches be redesigned so that their mode or direction of operation [2] guards against inadvertent window closing and that switches be either shielded or recessed, NHTSA has decided not to propose that manufacturers take both approaches, since either approach would be sufficient by itself to minimize the incidence of unintentional closings of power windows.

NHTSA recognizes that the automotive industry has equipped many new vehicle lines with switches designed to prevent inadvertent window closure, but it is unaware of any industry consensus standard or other performance standard which influences the design of such switches. Absent such information, the agency has decided to propose a 25 mm ball contact test as a simple but objective performance criterion which it believes distinguishes the new safety switches from the older designs criticized by the petitioner. The test ball's size and shape represents the portions of the body that might inadvertently come in contact with a power window switch, e.g., hard, rounded objects such as a child's knee or flat soft tissue such a foot soles, arms and legs. The ball test would enable the agency to distinguish between safe and unsafe switch designs. The intent of the proposal is to increase the incorporation of good switch designs already in use rather than to require further switch design changes that might be unreasonably costly.

In general, the agency would prefer to establish performance requirements for power window safety switches on the basis of industry consensus standards reflecting the present trend toward their use in many vehicles of newer design. Federal law generally requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus standards bodies when such technical standards are available; see section 12(d) of Pub. L. 104–113. If relevant standards exist or are under consideration by organizations such as the Society of Automotive Engineers

[2] An example is a switch that must be pulled or lifted in a inward direction, roughly perpendicular to the inside plane of the door.

(SAE) and the Japanese Society of Automotive Engineers (JSAE), then NHTSA anticipates relying on those consensus requirements in its further consideration of this issue.

While there would be additional compliance and certification cost resulting from this requirement, such costs are minimized by the simplicity of the test and would be an incidental increment to the cost of power windows.

Proposed Effective Date

The amendments would be effective three years after publication of the final rule in the Federal Register. A long lead time is appropriate to allow power window safety switches to become part of vehicle redesign plans, thereby eliminating the cost of altering existing vehicle designs to the extent possible.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866. Further, it has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is to accelerate a design trend already under way to make power window switches safe against inadvertent closure by children. It is anticipated that the costs of the final rule would be so minimal as not to warrant preparation of a full regulatory evaluation, especially if the lead time were sufficient to avoid changes in vehicles whose designs have been finalized.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that a final rule based on this proposal would have a significant effect upon the environment. The composition of switches for power windows would not change from those presently in production.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. For the reasons stated above and below, I certify that this rulemaking action would not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and motor vehicle equipment, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, the long leadtime is expected to reduce the costs to negligible levels.

Executive Order 12612 (Federalism)

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice

A final rule based on this proposal would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.118 would be revised by adding new section S6, which would read as follows:

§ 571.118 Standard No. 118; Power operated window, partition and roof panel systems.

* * * * *

S6. Switches. Any switch that can be used to close a power operated window, partition, or roof panel system shall not cause such window, partition or system to begin closing when the switch is contacted in any non-destructive manner by a rigid spherical ball of 25 mm diameter.

* * * * *

Issued on November 8, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–29368 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 103196B]

Fisheries of the Northeastern United States; Amendment 6 to the Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 6 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries for Secretarial review and is requesting comments from the public. Amendment 6 is intended to implement management measures to prevent overfishing of the Atlantic squids and butterfish and to allow for seasonal restrictions in the *Illex* squid fishery to improve yield per recruit.

DATES: Comments on Amendment 6 must be received on or before January 14, 1997.

ADDRESSES: Send comments to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope ''Comments on SMB 6''.

Copies of Amendment 6, the environmental assessment, and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq*.) (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to NMFS, on behalf of the Secretary of Commerce, for review. The Magnuson-Stevens Act also requires that NMFS, upon receiving the plan or amendment for review, immediately publish a document that the plan or plan amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

Amendment 6 would revise overfishing definitions for *Loligo* and *Illex* squid, and butterfish, adjust the fishery closure trigger for these species from 80 percent to 95 percent of domestic annual harvest, revise limits on bycatch of these species when a fishery is closed, and establish a mechanism for seasonal closures in the *Illex* squid fishery.

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

Dated: November 8, 1996.

Bruce Morehead,

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

[FR Doc. 96–29247 Filed 11–8–96; 4:06 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 222
Friday, November 15, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notice of Appealable Decisions for the Northern Region; Idaho, Montana, North Dakota, and Portions of South Dakota and Eastern Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Northern Region to publish legal notice of all decisions subject to appeal under 36 CFR 215 and 217 and to publish notices for public comment and notice of decision subject to the provisions of 36 CFR 215. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after November 15, 1996. The list of newspapers will remain in effect until another notice is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Kristine M. Lee; Regional Appeals and Litigation Coordinator; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329–3647.

The newspapers to be used are as follows:

Northern Regional Office

Regional Forester decisions in Montana:

The Missoulian, Great Falls Tribune, and The Billings Gazette. Regional Forester decisions in Northern Idaho and Eastern Washington:

The Spokesman Review.

Regional Forester decisions in North Dakota: Bismarck Tribune.

Regional Forester decisions in South Dakota: Rapid City Journal.

Beaverhead/Deerlodge—Montana Standard.

Bitterroot—Ravalli Republic.

Clearwater—Lewiston Morning Tribune.

Custer—Billings Gazette (Montana), Bismarck Tribune (North Dakota), Rapid City Journal (South Dakota).

Flathead—Daily Interlake.

Gallatin—Bozeman Chronicle.

Helena—Independent Record.

Idaho Panhandle—Spokesman Review.

Kootenai—Daily Interlake.

Lewis & Clark—Great Falls Tribune.

Lolo—Missoulian.

Nez Perce—Lewiston Morning Tribune.

Supplemental notices may be placed in any newspaper, but time frames/deadlines will be calculated based upon notices in newspapers of record listed above.

Dated: November 8, 1996.

Kathleen A. McAllister,

Deputy Regional Forester.

[FR Doc. 96–29292 Filed 11–14–96; 8:45 am]

BILLING CODE 3410–11–M

California Coast Province Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Province Advisory Committee (PAC) will meet from 8:30 a.m. to 5 p.m., on December 5, 1996, at the Discovery Inn, Landmark Conference Room, 1340 No. State St., Ukiah, CA. Agenda items to be covered include: (1) PAC evaluation, focus for future meetings and set next meeting dates; (2) National Park Service Watershed Plan review and comment; (3) Report and recommendations from PAC/SCERT Subcommittee on future years' watershed restoration activities; (4) Report and recommendations from Salvage Subcommittee; (5) Report and recommendations from Public/Private Subcommittee; (6) Agency updates; and (7) Open public forum. The PAC will also meet December 6, 1996, for an optional field trip beginning at 9:15 a.m. at the Upper Lake Ranger District and concluding at 2:30 p.m. The purpose of the field trip is to visit Fork Fire rehabilitation activities on the Mendocino National Forest. All California Coast Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (916) 934–3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (916) 934–3316.

Dated: November 8, 1996.

Daniel K. Chisholm,

Forest Supervisor.

[FR Doc. 96–29335 Filed 11–14–96; 8:45 am]

BILLING CODE 3410–FK–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 16, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Laundry Service
Fleet Industrial Supply Command—Norfolk, Norfolk, Virginia
NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, Virginia

Laundry Service
Puget Sound Naval Shipyard Galley and Bachelor Officers' Quarters (BOQ), Bremerton, Washington
NPA: Northwest Center for the Retarded, Seattle, Washington

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–29360 Filed 11–14–96; 8:45 am]

BILLING CODE 6353–01–P

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: December 16, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 30, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 FR 55243) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Tie Down, Cargo, Aircraft
1670–00–725–1437

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–29361 Filed 11–14–96; 8:45 am]

BILLING CODE 6353–01–P

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 16, 1996.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following service has been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Janitorial/Custodial, Bell Hall, Building 111, Fort Leavenworth, Kansas

NPA: The Helping Hand of Goodwill Industries Extended Employment Sheltered Workshop, Inc., Kansas City, Missouri

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96–29443 Filed 11–14–96; 8:45 am]

BILLING CODE 6353–01–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: November 21, 1996; 9:00 a.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., S.W., Washington, D.C. 20547.

Closed Meeting: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b. (c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b. (c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b. (c)(2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Brenda Thomas at (202) 401–3736.

Dated: November 13, 1996.

David W. Burke,

Chairman.

[FR Doc. 96–29497 Filed 11–13–96; 3:38 pm]

BILLING CODE 8320–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the Florida Advisory Committee to the Commission will meet from 6:00 p.m. to 10:00 p.m. on Tuesday, December 3, 1996, and from 9:00 a.m. to 5:00 p.m. on Wednesday, December, 4, 1996, at City Council Chambers, City Hall, 175 Fifth Street, North, St. Petersburg, Florida 33701. The purpose of the meeting on the evening of Tuesday, December 3, 1996, is to hear from community leaders, business owners, and ministers on the status of race relations and police-community relations in St. Petersburg in the aftermath of events of October 24, 1996. The Committee will hear from Federal, State, and local government officials on Wednesday, December 4, 1996, on the actions taken and/or proposed regarding the subject.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rabbi Solomon Agin, 941–433–0018, or Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 5, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–29321 Filed 11–14–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Montana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the Montana Advisory Committee to the Commission will meet from 6:00 p.m. to 8:00 p.m. on Monday, December 9, 1996, and from 8:45 a.m to 8:00 p.m. on Tuesday, December 10, 1996, at the Sheraton Billings Hotel, 27 North 27th Street, Billings, Montana 59101. The purpose of the meeting on Monday, December 9, 1996, is to brief Committee of Commission and regional activities and review materials and procedures for the factfinding meeting on equal educational opportunity for Native American students on Montana public schools. The Committee will hold a factfinding meeting on Tuesday, December 10, 1996, on equal educational opportunity for Native American students in Montana public schools.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rev. Phillip Caldwell, 406–452–4345, or John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1400 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 5, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–29322 Filed 11–14–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Mammal Takings—Stranding Reports.

Agency Form Number: NOAA 89–864.

OMB Control Number: 0648–0178.

Type of Request: Extension of a currently approved collection.

Burden: 1,333 hours.

Number of Respondents: 350 respondents with approximately 4,000 responses.

Avg. Hours Per Response: 20 minutes.

Needs and Uses: Under the Marine Mammal Protection Act (MMPA), selected individuals can take marine mammals if it is (1) for the protection or welfare of the animal(s) or (2) for the protection of the public health and welfare. These takings involved stranded animals, dead or alive. Marine mammal reports provide baseline information on marine mammal mortalities, human interactions, and population dynamics. The information is submitted primarily by volunteer members of the marine mammal stranding network who are specifically authorized by NMFS. The information is used by NMFS in administering the MMPA.

Affected Public: Not-for-profit institutions, individuals, federal and state governments.

Frequency: On occasion as strandings occur.

Respondent's Obligation: Voluntary for individuals; Mandatory for state governments.

OMB Desk Officer: Adele Morris, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Adele Morris, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: November 4, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–29268 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–22–P

Bureau of Export Administration

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Sensors and Instrumentation Technical Advisory Committee will be held December 10, 1996, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street between Constitution and Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Election for Technical Advisory Committee Chair.
3. Presentation on regulations reform.
4. Update on foreign policy report.
5. Presentation on license processing and outreach program.
6. Update on the Nuclear Suppliers Group.
7. Presentation on the Missile Technology Control Regime.
8. Report on the status The Wassenaar Arrangement.
9. II–IV presentation.
10. Presentation of papers or comments by the public.

Executive Session

11. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA/BXA–Room 3886C, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 13, 1995, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: November 12, 1996.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 96–29311 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Order No. 854]

Grant of Authority for Subzone Status, Zeneca Inc. (Agricultural Chemicals), Mobile County, AL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the City of Mobile, Alabama, grantee of Foreign-Trade Zone 82, for authority to establish special-purpose subzone status at the agricultural chemical manufacturing plant of Zeneca Inc., located in Mobile County, Alabama, was filed by the Board on March 11, 1996, and notice inviting public comment was given in the Federal Register (FTZ Docket 20–96, 61 FR 11608, 3/21/96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 82E) at the Zeneca Inc. plant in Mobile County, Alabama, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 4th day of November 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–29240 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 853]

Grant of Authority For Subzone Status Cedar Chemical Corporation (Agricultural and Specialty Chemicals); West Helena, Arkansas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Little Rock Port Authority, submitted on behalf of the Arkansas Department of Industrial Development, grantee of Foreign-Trade Zone 14, for authority to establish special-purpose subzone status at the agricultural and specialty chemical manufacturing facility of Cedar Chemical Corporation located in West Helena, Arkansas, was filed by the Board on January 19, 1996, and notice inviting public comment was given in the Federal Register (FTZ Docket 6–96, 61 FR 3000, 1/30/96);

Whereas, on April 15, 1996, the application was amended to withdraw the manufacture of Trometamol from the scope of the request; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application, as amended, is in the public interest;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 14B) at the Cedar Chemical Corporation plant in West Helena, Arkansas, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 4th day of November 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–29239 Filed 11–14–96; 8:45 am]

BILLING CODE: 3510–DS–P

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of antidumping and countervailing duty administrative reviews and requests for revocation in part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to revoke one countervailing duty order in part.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 353.22(a) and 355.22(a)(1994), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. The Department also received a timely request to revoke in part the countervailing duty order on certain agricultural tillage tools from Brazil.

Initiation of Reviews

In accordance with sections 19 CFR 353.22(c) and 355.22(c), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. The Department is not initiating an administrative review of any exporters and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under section 353.22(a) (19 CFR 353.22(a)). The Department will issue preliminary results of these reviews within 245 days of the last day of the anniversary month of each finding/order. The Department will issue notices of final results of this review within 120 days of publication in the Federal Register of the review-specific notices of preliminary results, unless it extends specific due dates in accordance with section 751(a)(3) of the Act.

Antidumping duty proceedings	Period to be reviewed
JAPAN: Tapered Roller Bearings, 4 Inches and Under	
A–588–054	10/1/95–9/30/96
NSK Ltd., Koyo Seiko Co., Ltd., Fuji Heavy Industries, MC International	
JAPAN: Tapered Roller Bearings, Over 4 Inches	
A–588–604	10/1/95–9/30/96
NTN Corporation, NSK Ltd., Koyo Seiko Co., Ltd., Fuji Heavy Industries, MC International	
MALAYSIA: Extruded Rubber Thread	
A–557–805	10/1/95–9/30/96
Filati Lastex Sdn. Bhd., Filmax Sdn. Bhd., Heveafil Sdn. Bhd., Rubberflex Sdn. Bhd., Rubfil Sdn. Bhd.	
THE PEOPLE'S REPUBLIC OF CHINA: Lock Washers	
A–570–822	10/1/95–9/30/96
Hangzhou Spring Washer Plant, Zhejiang Wanxin Group Co., Ltd.	
Countervailing Duty Proceedings	
BRAZIL: Certain Agricultural Tillage Tools*	
C–351–406	1/1/95–12/31/95
Marchesan Implementos e Maquinas Argicolas ''TATU'' S.A.	

AA*Marchesan has submitted a request for partial revocation of the order under 19 CFR 355.25(a)(3). The Department will examine the request for revocation to determine whether Marchesan meets the threshold requirements for revocation under 19 CFR 355.25(a)(3).

If requested within 30 days of the date of publication of this notice, the Department will determine, where appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to any of these reviews if the subject merchandise is sold in the United States through an importer which is affiliated with such exporter or producer.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: November 8, 1996.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–29364 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–808]

Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping administrative review.

SUMMARY: On August 16, 1995, the Department of Commerce (the Department) published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on chrome-plated lug nuts (lug nuts) from the People's Republic of China (PRC) (60 FR 48687). This review covers shipments of this merchandise to the United States during the period September 1, 1993, through August 31, 1994. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Donald Little, Elisabeth Urfer, or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–4733.

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.

SUPPLEMENTARY INFORMATION:

Background

The Department published in the Federal Register an antidumping duty order on lug nuts from the PRC on April 24, 1992 (57 FR 15052). On September 2, 1994, the Department published in the Federal Register (59 FR 45664) a notice of opportunity to request an administrative review of the antidumping duty order on lug nuts from the PRC covering the period September 1, 1993, through August 31, 1994.

On September 21, 1994, in accordance with 19 CFR 353.22(a)(1994), the petitioner, Consolidated International Automotive, Inc., requested that we conduct an administrative review of China National Automotive Industry I/E Corp. (China National); China National Machinery & Equipment Import and Export Corporation, Jiangsu Co., Ltd. (Jiangsu); Rudong Grease Gun Factory (Rudong); China National Automotive Industry I/E Corp., Nantong Branch (Nantong); China National Automotive Industry Shanghai Automobile Import & Export Corp. (Shanghai Automobile); Tianjin Automotive Import & Export Co. (Tianjin); China National Automobile Import and Export Corp., Yangzhou Branch (Yangzhou); and Ningbo Knives & Scissors Factory (Ningbo). We published a notice of initiation of this antidumping duty administrative review on October 13, 1994 (59 FR 51939).

On August 16, 1995, the Department published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on lug nuts from the PRC (60 FR 48687). There was no request for a hearing. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

On April 19, 1994, the Department issued its ''Final Scope Clarifications on Chrome-Plated Lug Nuts from Taiwan and the PRC.'' The scope, as clarified, is described in the subsequent paragraph. All lug nuts covered by this review conform to the April 19, 1994, scope clarification.

Imports covered by this review are one-piece and two-piece chrome-plated lug nuts, finished or unfinished. The subject merchandise includes chrome-plated lug nuts, finished or unfinished, which are more than 11/16 inches (17.45 millimeters) in height and which have a hexagonal (hx) 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 millimeters). 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-plated lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not included in the scope of this review. Chrome-plated lock nuts are also not subject to this review.

Chrome-plated lug nuts are currently classified under subheadings 7318.16.00.15, 7318.16.00.45, and 7318.16.00.80 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

This review covers the period September 1, 1993, through August 31, 1994, and eight producers/exporters of Chinese lug nuts.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case and rebuttal briefs from petitioner and Rudong.

Comment 1: Petitioner concurs with the Department's decision to use the best information available (BIA) for non-responding parties, and argues that the Department should apply partial BIA to Rudong. Petitioner states that, while Rudong did respond to the Department's requests for information, Rudong submitted erroneous cost information relating to packing costs, reported out-of-date factors of production values rather than actual factors-of-production and factory overhead for the period of review (POR), and included a substantial additional amount for electricity that is unexplained. Petitioner further asserts that scrap amounts reported by Rudong were incorrect, and that the Department could not verify the percentage of materials purchased from each supplier.

For the six non-responding companies, petitioner contends that the Department should apply a first-tier BIA rate of 44.99 percent from the final results of the second administrative review (1992–1993). Petitioner argues that the use of this rate is supported by the record and follows applicable law and administrative practice.

Rudong disagrees with petitioner's assertion that partial BIA should be administered with respect to its factors of production. Rudong argues that it has been fully responsive and cooperative in this review. Rudong contends that the Department was able to verify the data used in the preliminary results and that no reason exists to reject these verified data. Rudong states that this claim for BIA, or partial BIA, is without any basis whatsoever, and the Department should reject petitioner's claim that Rudong should be punished with BIA in this administrative review.

Department's Position: We agree with petitioner, in part. As in the preliminary results, we have determined that it is appropriate, in accordance with Section 776(c) of the Tariff Act, to apply first-tier BIA to the six non-responding firms. In deciding what to use as BIA, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information. 19 CFR 353.37 (b). Thus, the Department may determine, on a case-by-case basis, what constitutes BIA. When a company refuses to cooperate with the Department or otherwise significantly impedes the proceedings, we use as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the less-than-fair-value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the country of origin. When a company substantially cooperates with our requests for information and substantially cooperates in verification, but fails to provide the information requested in a timely manner or in the form required or is unable to substantiate it, we use as BIA the higher of (1) the highest rate ever applicable to the firm for the same class or kind of merchandise from either the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in this review for the class or kind of merchandise for any firm from the same country of origin. (See Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order: Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From France, et. al. (58 FR 39729, (July 26, 1993).)

We have applied BIA to sales made by China National, Jiangsu, Yangzhou, Ningbo, Shanghai Automobile, and Tianjin. Because these firms did not respond to our questionnaire, as BIA we have applied the highest margin ever calculated in the investigation or this or the prior review, which is 44.99 percent.

Contrary to petitioner's claim, Rudong did not report an unexplained amount for electricity; however, at verification we did find an additional charge for electricity. The question of whether to make an adjustment for this additional amount is moot because we have determined that it is appropriate to use factors of production rather than cost to calculate foreign market value (FMV) (see comment 2). We verified the amounts of electricity we used in our calculations. Similarly, because we used factors of production, petitioner's comments regarding packing costs are moot. We agree with petitioner that we could not fully verify the exact percentage of material purchased from each supplier; this was due to the way in which Rudong keeps its records. These percentages are relevant to the calculation of the transportation component of the materials factor for transportation of materials to the factory. To value transportation we used ranges of distance, *e.g.*, up to 100 kilometers, up to 250 kilometers, etc. We used this methodology because the best surrogate data for transportation was in ranges of distance (see Memorandum to the File, ''Factor Values Used for the Preliminary Results of the Third Administrative Review,'' dated August 3, 1995). For materials that fell within a single distance range, the inability to verify the exact percentage of material from each supplier is moot because there would be no difference between the rates for each supplier. For those materials which fell into more than one category of distance, as partial BIA we used the longest distance range for all transportation for that input.

We agree with petitioner that Rudong reported factors of production that were out of date with respect to the POR, from schedules last updated in 1992 and 1993, rather than its actual experience during the POR. We found, at verification, that these were the most recent schedules that Rudong had, and that Rudong used these schedules in its normal course of business. We also agree with petitioner that Rudong reported scrap amounts which were also incorrect. However, we disagree that these errors were serious enough to warrant partial BIA. As is our general practice, we were able to make minor corrections to the figures reported by Rudong following verification. We replaced submitted figures which were erroneous with verified figures. Therefore, we have not applied partial BIA to Rudong with respect to these items.

Comment 2: Rudong argues that the Department incorrectly concluded in the preliminary results that the lug nut industry in the PRC was not market-oriented. Rudong contends that, based on the facts on the record, the lug nut industry is market-oriented, and that the Department should so determine for purposes of the final results. Rudong notes that the Department held that Rudong had not demonstrated that the lug nuts industry met the market-oriented industry (MOI) test set forth, as follows, in the Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order: Chrome-plated Lug Nuts from the People's Republic of China, 57 FR 15052 (April 24, 1992) (Amended Final):

> (1) For the subject merchandise, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-owned production or allocation of production of the merchandise, whether for export or domestic consumption in the non-market economy country would be an almost insuperable barrier to finding a market-oriented industry.
>
> (2) The industry producing the merchandise under review should be characterized by private or collective ownership. There may be state-owned enterprises in the industry but substantial state ownership would weight heavily against finding a market-oriented industry.
>
> (3) Market-determined prices must be paid for all significant inputs, whether material or non-material (e.g. labor and overhead), and for all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

Rudong notes that the Department concluded that the lug nut industry failed the MOI test for two reasons: first, the Department had not received information from every producer of lug nuts in the PRC; second, the Department found that Rudong did not submit evidence that demonstrated that a significant portion of its suppliers' industries are not subject to significant government control and state-required production and demonstrated that the state involvement in these industries has changed since the *Amended Final.*

Rudong notes that it has repeatedly made statements, which are certified and on the record, that to its knowledge it is the only lug nuts producer in the PRC. According to Rudong, petitioner's

argument regarding the need for government corroboration that Rudong is the only lug nuts producer leads to a situation in which MOI status itself prevents Rudong from proving its MOI status. Because the industry is an MOI, Rudong contends, there is no government control, and the government cannot certify who is part of that particular industry. Rudong contends that, in the absence of any evidence whatsoever of additional Chinese producers of lug nuts and given its certifications of no additional producers, the Department should conclude that Rudong was the sole lug nuts producer during the POR.

Rudong contests the Department's conclusion that it did not submit evidence demonstrating that a significant portion of its supplier industries are not subject to significant government control and state-required production. Rudong argues that, in its supplemental questionnaire response, it provided statements from its suppliers of steel rod and chemicals, indicating that each particular supplier was free of state control, that the industry of which that supplier was a member was also free of state control, and that the supplier's prices to Rudong were set without any government interference. Rudong argues that the Department itself was able to verify that Rudong's suppliers themselves are free of government control, and affirms that it already has submitted certifications that the relevant industries in the PRC are free of government control and interference, except for small quantities of government purchases in unrelated sectors of the steel industry.

Rudong further argues that the Department cannot conclude that no individual sector of the huge PRC steel industry could be market-driven simply because of the existence of possible state influence over a minor sector. Rudong contends that this is contrary to the third element of the Department's own three-part MOI test, which allows insignificant state-required production in an MOI. Rudong contends that if the Department were to examine the steel industry in any other market-oriented country, it would undoubtedly find some mandatory production of steel in every country that had even a minor defense industry. Rudong argues that the relevant steel supplier industry for purposes of an MOI determination is the steel rod industry in the region in which Rudong manufactures lug nuts.

Petitioner states that the Department appropriately determined that the PRC lug nut industry was not an MOI and properly applied factors of production to determine Rudong's FMV. Petitioner contends that although the Department has assigned Rudong a separate rate based on lack of government control of its operations, this does not mean that the entire PRC industry as a whole is market-oriented.

Petitioner maintains that, although Rudong asserts that it is the only PRC producer of lug nuts, it has failed to provide objective corroboration of this claim. Petitioner further maintains that the Department's attempts to obtain further information on this point have been frustrated by lack of response from both the PRC government and the Chinese Chamber of Commerce for Imports & Exports of Machinery & Electronics (China Chamber). Petitioner claims that, in spite of its efforts, the Department has been unable to determine whether there are additional PRC producers of lug nuts. Petitioner argues that it is insufficient that Rudong alone has responded, and that the Department must be certain that it has obtained responses from all PRC producers before evaluating whether the PRC industry is market-oriented.

Petitioner states that, although Rudong claims its suppliers pay market-determined prices for all inputs, Rudong has failed to produce information that would allow evaluation of its claim despite having been provided an extended opportunity to do so. Petitioner also states that Rudong has provided conclusory, unsupported statements from several of its suppliers claiming that they are free from government control and that such statements are unverified.

Petitioner contends that Rudong's submission does not address the overarching question of Chinese steel and chemical industries. Petitioner argues that, regardless of the nominal ''independence'' of Rudong's suppliers, the Department has properly recognized that the industries supplying materials must be market-driven. Petitioner also argues that Rudong has not provided any evidence that it pays market-determined prices for steel or chemical inputs, that these two industries that provide key inputs were free from state control, or that the demand factors support a claim that the steel and chemical industries in the PRC are demand-driven.

Department's Position: We disagree with Rudong. Rudong has not demonstrated that the prices for steel and chemical inputs in the PRC are market-determined. We further disagree that it is sufficient to find a segment of a particular industry, such as the steel wire rod manufacturers in a particular province, to be free of government control, as price and quantity decisions made by the state for the PRC steel industry could affect the local steel wire rod industry. Rudong simply has not demonstrated that the central government did not direct production or set prices in this case.

Rudong has focused narrowly on its suppliers, providing certificates stating that its suppliers are free of government control; however, even if its suppliers are free of government control, this would not prove that there is no government control of the industry. We concluded in the *Amended Final* that such a narrow focus on Rudong's suppliers was not sufficient for determining that an industry was a MOI. We stated:

> The absence of explicit government involvement in these transactions is not sufficient to warrant the conclusion that the prices for these inputs are market-driven. Instead, it is necessary to examine whether market forces are at work in determining the steel and chemical prices in general within the PRC.
>
> For example, it may be the case that the state purchases large quantities of the input in question. Where this is so, it is reasonable to assume that the state's purchases affect the quantity available to non-state consumers and the prices they would pay. Also, where the state owns many of the input producers and where the input is an important commodity fundamental to the operation of the larger economy, it is not at all clear that the pricing and production of those input producers would mirror those of privately-owned, profit maximizing enterprises.
>
> For the [sic] reasons, it is necessary to look beyond direct state involvement in the specific transactions between the manufacturer under investigation and its suppliers to ascertain whether market forces are actually at work in determining the input prices.

Amended Final, 15053. For this administrative review, Rudong has not demonstrated that there have been any changes to the industries from which it sources its materials that would compel us to reconsider the determination we made in the *Amended Final.*

Furthermore, Rudong has not put any information on the record to support its claim that its suppliers do not pay state-set prices for their input materials. In addition, Rudong has argued that there have been only small quantities of government purchases in unrelated sectors of the steel industry, but has not put any information on the record to support this point.

We agree with petitioner's contention that the record lacks objective corroboration of Rudong's claim that it is the only PRC producer of lug nuts. We disagree with Rudong's deduction that the lack of response from the PRC government is indicative of the lack of government control in the industry. We

do not know why the government failed to respond to our request for information. We note that we did not request information directly from the China Chamber.

Based on the foregoing, we have not considered the lug nuts industry to be an MOI for this review.

Comment 3: Rudong contends that the Department should select a more accurate measure of surrogate steel prices. Rudong argues that the Department should use the actual price for steel paid by Rudong under an MOI analysis (see comment 2 above). Moreover, Rudong contends, for the factors-of-production analysis conducted for preliminary results, the Department used Indian import value statistics that overstated the value of steel.

Rudong argues that the steel surrogate price information the Department used in its preliminary results is less accurate and authoritative than the prices published in *Steel Scenario,* an Indian journal, and submitted by Rudong for this review. Rudong claims that the Department should rely on prices in *Steel Scenario* for several reasons. First, Rudong contends that the Indian steel import statistics the Department used are for a different period than this review, necessitating a rough and potentially distortive inflation adjustment based on the wholesale price index, while the *Steel Scenario* information is for each month of the POR. Second, Rudong asserts that the import data are for a less precise basket category of iron and steel, and, therefore, may include products that are not used in the production of lug nuts, while the *Steel Scenario* information is for the precise product—iron and steel rounds approximately 16 mm in diameter and steel and iron wire rods approximately 8 mm in diameter—that Rudong used to make lug nuts in the PRC.

Rudong observes that it might be argued that, because the Indian import statistics specify relatively low-grade low-carbon steel, and the *Steel Scenario* data do not, the Indian import statistics are more precise; however, Rudong argues, this leads to the conclusion that the *Steel Scenario* pricing data are too high, not too low. Third, Rudong asserts that the import data are for imports of steel into India, not prevailing market rates in India, whereas it used local, and not imported, steel. The *Steel Scenario* data, Rudong contends, show the prevailing market rates in India. Rudong further contends that use of the publicly-available-published-information (PAPI) from *Steel Scenario,* unlike use of the import statistics, is consistent with the Department's established policy, as stated in Notice of Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination: Furfuryl Alcohol From the People's Republic of China, 59 FR 65009 (December 16, 1994) (*Furfuryl Alcohol*).

Rudong argues that the Indian import statistics do not agree with any other available data by a wide margin. Rudong argues that this could be because either the imported steel is a very special steel, used for particular purposes, and is, therefore, far more expensive, or the merchandise has simply been misclassified under the HTS.

Petitioner asserts that the Department should continue to determine steel wire rod values based on Indian import statistics. Petitioner argues that the tariff descriptions provide narrow coverage for nearly all raw materials and packing and avoid problems of over-inclusiveness.

Petitioner claims that the Department properly declined to rely on Rudong's surrogate data for the preliminary results and argues that the Department should continue to do so. Petitioner argues that rounds are not the raw material used in producing lug nuts, and cites to the verification report and factors memorandum. Petitioner further notes that the steel scrap data the Department used in the preliminary results indicate that Rudong's production process begins with wire rod, not the further-fabricated rounds.

Petitioner also asserts that prices Rudong submitted cover both iron and steel products, and that Rudong used steel rod, not iron rod, in manufacturing lug nuts; therefore, in petitioner's view, reliance on Rudong data would produce a distorted value for steel.

Petitioner argues that Rudong's proffered prices cover sales in only two Indian cities and there is no way to determine whether they are determinative of prices in India generally. Petitioner argues that, by contrast, import data provide a nationwide average from which the Department can determine the value of steel rod.

Rudong contends that petitioner's factual assertions are wrong; furthermore, even under petitioner's analysis, the Department should use Rudong's submitted surrogate prices. Rudong states that its suggested surrogate prices were for wire rod, and notes that, while it also submitted rounds price data, it does not assert that the Department should use these data. In addition, Rudong contends that, although the category of product it reported in its submission was ''iron and steel,'' it seems obvious that the category ''wire rod'' consists of steel, and not iron.

Petitioner alleges that Rudong submitted new factual information in its case brief and that the Department should strike such information from the record.

Department's Position: We agree with Rudong and petitioner, in part. In *Furfuryl Alcohol,* cited by Rudong, the Department stated:

> In determining which surrogate value to use for each factor of production that was not sourced from a market-economy country, we selected, where possible, from publicly available published information that is: (1) An average non-export value; (2) representative of a range of prices within the period of investigation if submitted by an interested party, or most contemporaneous with the POI; (3) product-specific; and (4) tax-exclusive.

Furfuryl Alcohol, 65011 (December 16, 1994). We agree with Rudong that the information in *Steel Scenario* is more contemporaneous with the POR than are the import statistics; however, the latter are more product-specific and are tax exclusive. Furthermore, the data Rudong submitted do not indicate the grade and specifications of the metal in the rounds and wire rods.

We noted in *Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review,* 60 FR 48687 (September 20, 1995), covering the 1991–1992 and 1992–1993 administrative reviews of the antidumping duty order, that the Indian import statistics are more specific in that they indicate the carbon content of the steel, whereas by contrast, *Steel Scenario* does not specify either the carbon content of the steel or other chemicals present in the steel. Carbon content is a more important determinant of price than size. We further note that *Steel Scenario* prices include taxes and levies, without indicating the amount of taxes and levies included. Our objective is to value steel at prices at which it is available in the surrogate country.

With respect to the petitioner's argument that Rudong submitted new information in its case brief, we disagree. The information Rudong submitted supported its argument, rather than presented new facts for the record.

However, we agree with Rudong that the prices of the imported steel wire rod are out of line with other data. We compared the same ''basket'' HTS number for the United States, the European Union, Canada, and Indonesia and found that steel wire rod import prices to be relatively the same in these

countries, and significantly lower than Indian steel wire rod import prices. Indonesia is also comparable to the PRC in terms of level of economic development and Indonesia has some lug nut production, albeit not as great as India. (*See Memorandum to Laurie Parkhill from David Mueller,* dated June 9, 1995, ''Chrome-Plated Lug Nuts from the People's Republic of China: Non-market Economy Status and Surrogate Country Selection,'' and *Memorandum to the File from Donald Little,* dated July 20, 1995, ''India: Significant Production of Comparable Merchandise,'' which are on file in the Central Records Unit (room B099 of the Main Commerce Building).)

Therefore, for these final results we have used Indonesian steel wire rod import prices. These import prices are also for a basket category of steel wire rod imports, as are the Indian import prices, but are consistent with steel wire rod prices in other countries. They also do not include taxes. (See memorandum to the file from Elisabeth Urfer, ''Comparison of Import Statistics in the 1993–1994 Administrative Review of Chrome-plated Lug Nuts from the PRC,'' dated November 5, 1996.)

Comment 4: Rudong alleges that the Department made a number of clerical errors in its preliminary results. Rudong states that, for a series of observations for the factor amounts of chromium acid and sulfuric acid nickel, the Department omitted one zero after the decimal, and for the factor amounts of polisher the Department erred in the quantity consumed. Rudong further argues that the Department erred by not allowing for scrap and waste for certain group numbers.

Department's Position: We agree with Rudong, in part. We have corrected clerical errors for chromium acid, polisher, and scrap and waste; however, we disagree that we made a clerical error for sulfuric acid nickel. We have reexamined the figures for sulfuric acid nickel in the verification exhibits and in the calculation and have not found an omitted zero after the decimal.

Therefore, we have continued to use the verified amount for sulfuric acid nickel (*see* verification exhibit 19).

Comment 5: Rudong argues that the Department should remove an amount for ''research and development'' from surrogate factory overhead because, as a mature industry, Rudong incurs no research and development expense. Rudong argues that, similarly, surrogate selling, general and administrative expenses should not include royalties, selling commissions or advertising, but notes that these amounts have no impact on the results.

Department's Position: We disagree with Rudong. Factory overhead is a combination of elements; while Rudong may not incur research and development, there may be other factory overhead expenses it does incur which are not included in the surrogate factory overhead. Because we do not have detailed knowledge of the components of Rudong's factory overhead, and thus cannot make an adjustment for all differences, it would be inappropriate to make a partial adjustment for research and development. The Department has rejected item-by-item evaluation of overhead components in the past. (See Notice of Final Determinations of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium From the Russian Federation, 60 FR 16440 (March 30, 1995), and Final Determination of Sales at Less Than Fair Value; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the Hungarian People's Republic, 52 FR 17428 (May 8, 1987).) Based on the foregoing, we have not excluded research and development expense from factory overhead.

Comment 6: Rudong contends that there are calculation errors in the use of import statistics for steel and adhesive tape factor values. Rudong argues that the Department should exclude steel imports from North Korea, and adhesive tape imports from the PRC, Croatia, and North Korea.

Department's Position: We agree with Rudong that there was a clerical error in our calculations with respect to adhesive tape. The allegation of a clerical error with respect to steel is moot since we are using Indonesian import statistics for the final results (see comment 3 above). For these final results, we have excluded PRC and North Korean imports of adhesive tape, and recalculated the value for adhesive tape accordingly. We included import values for Croatia because we consider Croatia to be a market-economy country. This is because Croatia was part of Yugoslavia before its division into independent states, and Yugoslavia was considered to be a market-economy country.

Comment 7: Rudong asserts that the Department should use gross rather than standard weights for steel. Rudong notes that at verification the Department collected actual net, actual gross, and standard weights of steel and chemicals consumed in the lug nut production process. Rudong notes that the Department determined that gross weights should have been used in the response, and substituted gross weights for chemicals in the preliminary results, but apparently inadvertently did not do this for steel. Rudong argues that, for the sake of consistency, for the final results the Department should use the gross figures for actual steel consumed, as shown in verification exhibit 21.

Department's Position: We disagree with Rudong. For steel consumption Rudong submitted what it labeled ''standard'' and ''gross'' weights. These were both standard amounts from schedules which Rudong uses in its normal course of business. ''Standard'' weight represents the weight of a piece of rod that will be cut into several smaller rods before being finished into lug nuts. The ''gross'' weight is the weight of the smaller pieces of rod cut from the larger rods. The ''standard'' steel weight is more appropriate for purposes of evaluating steel usage because it includes amounts for the ends of the larger steel wire rods, whereas ''gross'' weights do not. At verification, we tested these amounts and found that they reflected Rudong's actual experience. (*See* verification report at page 16.)

We disagree with Rudong that we made any substitutions to chemicals beyond breaking ''other chemicals'' into the appropriate chemicals used in the production of lug nuts. We used exhibit 19, a schedule of chemical material consumption, to do so. We note that this exhibit did not distinguish chemical consumption by gross and standard weights.

Additional Change for the Final Results

For these final results we have recalculated labor using data from the Yearbook of Labor Statistics (YLS). As we stated in the Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China, 61 FR 19026, April 30, 1996, the IL&T reports estimates based not on actual wage rates, but on rates stipulated in various Indian laws. Therefore, we have not used IL&T data for the final results. The YLS provides wage rates on an industry-specific basis. We used the daily wage rate specified for SIC code 381, ''manufacture of fabricated metal products, except machinery and equipment,'' because the description of the various industries this category covers was the best match for the lug nut industry. Having found the IL&T data to be an inappropriate source for wage rates, it would be inappropriate to use the *IL&T* data to differentiate among skill levels. Because the YLS provides wage rates from 1990, we inflated the data for the review period, using the consumer price index, published in the International Monetary Fund's International Financial Statistics.

Final Results of Review

As a result of the comments received, we have changed the results from those presented in our preliminary results of review. Therefore, we determine that the following margins exist as a result of our review:

Manufacturer/exporter	Time period	Margin (percent)
Jiangsu Rudong Grease Gun Factory, also known as China Nantong HuangHai Auto Parts Group Co., Ltd	09/01/93–08/31/94	5.93
China National Machinery & Equipment Import & Export Corp., Nantong Branch	09/01/93–08/31/94	[1]44.99
PRC Rate	09/01/93–08/31/94	44.99

[1] No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries.

Individual differences between United States price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of these final results for all shipments of lug nuts from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) For Rudong and Nantong, which have separate rates, the cash deposit rates will be the company-specific rates indicated above; (2) for the companies named above which did not respond to our questionnaire (China National, Jiangsu, Yangzhou, Ningbo, Shanghai Automobile, and Tianjin) and for all other PRC exporters, the cash deposit rate will be the PRC rate for the 1993–1994 period; (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates shall remain in effect until publication of the final results of the next administrative review.

This notice also 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 orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CR 353.34(d)(1). Timely written notification of the 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 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. 96–29242 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–808]

Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping administrative review.

SUMMARY: On July 9, 1996, the Department of Commerce (the Department) published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on chrome-plated lug nuts (lug nuts) from the People's Republic of China (PRC) (61 FR 36025). This review covers shipments of this merchandise to the United States during the period September 1, 1994 through August 31, 1995. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Tamara Underwood (202–482–0197), Elisabeth Urfer (202–482–4052), or Maureen Flannery (202–482–4733), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Applicable Statute and Regulations

Unless otherwise stated, 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 stated, all citations to the Department's regulations are references to the regulations as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the Federal Register an antidumping duty order on lug nuts from the PRC on April 24, 1992 (57 FR 15052). On September 12, 1995, the Department published in the Federal Register (60 FR 47349) a notice of opportunity to request an administrative review of the antidumping duty order on lug nuts from the PRC covering the period September 1, 1994, through August 31, 1995.

On September 28, 1995, in accordance with 19 CFR 353.22(a), Consolidated International Automotive Inc. (Consolidated) requested that we conduct an administrative review of China National Automotive Industry I/E Corp. (China National); China National Machinery & Equipment Import and Export Corporation, Jiangsu Co., Ltd. (Jiangsu); Jiangsu Rudong Grease Gun Factory (Rudong); China National Automotive Industry I/E Corp., Nantong Branch (Nantong); China National Automotive Industry Shanghai Automobile Import & Export Corp. (Shanghai Automobile); Tianjin Automotive Import & Export Co. (Tianjin); China National Automobile Import and Export Corp., Yangzhou Branch (Yangzhou); and Ningbo Knives

& Scissors Factory (Ningbo). We published a notice of initiation of this antidumping duty administrative review on October 12, 1995 (60 FR 53165).

On July 9, 1996, the Department published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on lug nuts from the PRC (61 FR 36025). There was no request for a hearing. The Department has now completed this review in accordance with section 751 of the Act.

Scope of Review

On April 19, 1994, the Department issued its ''Final Scope Clarifications on Chrome-Plated Lug Nuts from Taiwan and the PRC.'' The scope, as clarified, is described in the subsequent paragraph. All lug nuts covered by this review conform to the April 19, 1994 scope clarification.

Imports covered by this review are one-piece and two-piece chrome-plated lug nuts, finished or unfinished. The subject merchandise includes 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 (hx) 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 millimeters). 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-plated lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not included in the scope of this review. Chrome-plated lock nuts are also not subject to this review.

Chrome-plated lug nuts are currently classified under subheadings 7318.16.00.15, 7318.16.00.45, and 7318.16.00.80 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

This review covers the period September 1, 1994 through August 31, 1995.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case briefs from petitioner and Rudong. We received a rebuttal brief from Rudong.

Comment 1: Petitioner concurs with the Department's decision to use facts available (FA) for firms that refused to cooperate in the review. Petitioner argues that, where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available for failure to cooperate, section 776(b) of the Act authorizes the Department to use an inference adverse to the interests of the respondent in choosing FA.

For the seven non-responding firms, petitioner contends that the Department should continue to apply the highest antidumping duty rate from any prior segment of the proceeding, 44.99 percent, based upon the final results of the second administrative review (1992–1993).

Department's Position: We agree with petitioner. In accordance with Section 776 of the Act, we have for these final results continued to use FA for Nantong, Yangzhou, Ningbo, Jiangsu, China National, Tianjin, and Shanghai Automobile. These firms did not respond to the Department's antidumping questionnaire. (See Chrome-Plated Lug Nuts From The People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review, July 9, 1996 (61 FR 36025).) Accordingly, we have continued to use adverse FA for these firms for the final results.

Comment 2: Petitioner asserts that the Department appropriately determined that the PRC lug nut industry was not a market-oriented industry (MOI) and properly applied factors of production to determine Rudong's normal value (NV). Petitioner contends that, although the Department assigned Rudong a separate rate based on lack of government control of its operations, this does not mean that the entire PRC lug nut industry is market-oriented. Petitioner cites the criteria applied in the Department's determination in Sulfur Dyes from China, Final Determination of Sales at Less than Fair Value (58 FR 7537) (February 8, 1993):

(1) There must be virtually no involvement by the government in setting prices or amounts to be produced of the merchandise under investigation.

(2) The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry, but substantial state ownership weighs against a finding of market-oriented industry.

(3) Market-determined prices must be paid for all significant inputs, whether material or non-material, and for an all but insignificant portion of all the inputs accounting for the total value of the merchandise under investigation.

Petitioner maintains that, although Rudong asserts that it is the only PRC producer of lug nuts, it failed to provide objective corroboration of this claim. Petitioner further maintains that the Department's attempts to obtain further information on this point have been frustrated by lack of response from both the PRC government and the Chinese Chamber of Commerce for Imports & Exports of Machinery & Electronics (China Chamber). Petitioner claims that, in spite of its efforts, the Department has been unable to determine whether there are additional PRC producers of lug nuts. Petitioner argues that it is insufficient for the Department to rely upon Rudong's response alone to determine that it is an MOI. Petitioner contends that the Department must be certain that it has obtained responses from all PRC producers before determining whether the PRC industry is market-oriented.

Petitioner further argues that, before an industry is considered ''market oriented,'' it must demonstrate that it pays market-determined prices for all significant inputs and for all but an insignificant portion of all the inputs accounting for the total value of the merchandise under review. Petitioner states that, although Rudong claims its suppliers pay market-determined prices for all inputs, Rudong failed to produce information that would allow evaluation of this claim. Petitioner also contends that statements from Rudong's suppliers regarding the absence of government control over their industry are unsupported and unverified. Petitioner maintains that the suppliers of water and electricity to Rudong are ''All People-owned'' and the information supplied by Rudong on vendor ownership is contradictory.

Petitioner contends that Rudong's submission does not address the overarching question of the status of the Chinese steel and chemical industries. Petitioner argues that, regardless of purported ''independence'' of Rudong's suppliers, the Department properly recognized that the industries supplying materials must be market-driven. Petitioner further argues that Rudong has not provided any information concerning the steel and chemical industries nor evidence that costs for raw materials are not distorted by government control in the steel and chemical industries.

Rudong disagrees with petitioner regarding Rudong's MOI claim. Rudong argues that petitioner's argument ignores Rudong's repeated statements, certified and on the record, that, to its knowledge, it is the only producer of lug nuts in the PRC. Rudong asserts that the Chinese government would be able to certify this only if the government controlled the lug nut industry. Rudong maintains that the Department incorrectly presumes that other

producers exist because Rudong supplied no evidence to the contrary. Rudong argues that the petitioner failed to produce evidence that any other lug nut producers exist in the PRC.

Rudong argues that statements, certified and on record, from its suppliers corroborate the absence of government control and provide varying input prices that are sufficient evidence that Rudong purchases its inputs at market prices. Rudong claims that input prices vary from order to order and from supplier to supplier and that it has put on the record certified statements from suppliers that they are free from government control and interference. Rudong asserts that only unrelated sectors of the steel industry are government controlled. Rudong contends that it does not know what else it can provide to prove the negative.

Department's Position: Rudong submitted with its January 25, 1996 questionnaire response a request that we treat the lug nuts industry as an MOI. Rudong claims that it acquires material inputs at market prices and that, accordingly, we should find that the Chinese lug nuts industry is an MOI and use Rudong's home market sales and/or costs as the basis of NV.

Rudong's support of this argument is focused narrowly on certificates provided by its suppliers stating that they are free of government control; however, even if Rudong's suppliers are free of government control, this would not prove absence of government control in the suppliers' industries. We concluded in the Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order: Chrome-plated Lug Nuts from the People's Republic of China, 57 FR 15052 (April 24, 1992) (*Amended Final*) that such a narrow focus on Rudong's suppliers is not sufficient for determining that an industry was an MOI. We stated:

> The absence of explicit government involvement in these transactions is not sufficient to warrant the conclusion that the prices for these inputs are market-driven. Instead, it is necessary to examine whether market forces are at work in determining the steel and chemical prices in general within the PRC. For example, it may be the case that the state purchases large quantities of the input in question. Where this is so, it is reasonable to assume that the state's purchases affect the quantity available to non-state consumers and the prices they would pay. Also, where the state owns many of the input producers and where the input is an important commodity fundamental to the operation of the larger economy, it is not at all clear that the pricing and production of those input producers would mirror those of privately-owned, profit maximizing enterprises.
>
> For the [sic] reasons, it is necessary to look beyond direct state involvement in the specific transactions between the manufacturer under investigation and its suppliers to ascertain whether market forces are actually at work in determining the input prices.

Amended Final, 15053. For this administrative review, Rudong has not demonstrated that there have been any changes to the industries from which it sources its materials that would compel us to reconsider the determination we made in the *Amended Final*. In addition, Rudong has argued that there have been only small quantities of government purchases in unrelated sectors of the steel industry, but has not put any information on the record to support this point.

We agree with petitioner's contention that the record lacks objective corroboration of Rudong's claim that it is the only PRC producer of lug nuts. We disagree with Rudong's deduction that the lack of response from the PRC government is indicative of the lack of government control in the industry. We do not know why the government failed to respond to our request for information.

Based on the foregoing, we determine the lug nuts industry in the PRC is not an MOI for this review.

Comment 3: Petitioner supports the Department's use of India as the surrogate market economy country to determine valuation in the factors of production. Petitioner submits that India meets both statutory criteria: India is at a level of economic development comparable to that of the PRC, and India has significant production of lug nuts. Petitioner also supports the use of India as the surrogate country because there is a full set of surrogate data available to value factors of production. This eliminates the need to obtain and use valuation data from multiple surrogate countries.

Department's Position: Except for our valuation of the steel wire rod (*see* Comment 4 below), we have continued to rely on India as a surrogate country for factor valuation because India is at a level of economic development comparable to that of the PRC and has significant production of lug nuts.

Comment 4: Rudong objects to the Department's use of steel prices from the Government of India import statistics, stating that these prices are more than twice as high as all other available data, especially in light of the requirements for corroboration in the URAA, and that they should be changed for the final results.

Rudong alleges that the factor value for steel should be based on Indian market prices for steel wire rod published in *Steel Scenario*. Rudong contends that *Steel Scenario* is a reputable professional journal which publishes actual market prices in India. Rudong argues that prices from *Steel Scenario* are corroborated by their general agreement with the prices listed in other sources, while the surrogate prices chosen by the Department are completely out of line with any other source. Rudong maintains that prices from *Steel Scenario* are for a period contemporaneous to the period of review (POR), whereas Government of India import statistics are from a different period, and must be adjusted by a potentially distortive inflation factor. Additionally, Rudong states that *Steel Scenario* reports prices for the same input product as Rudong uses to produce lug nuts, whereas the import statistics are for a ''basket'' category. Rudong asserts that *Steel Scenario* reports actual market data collected by professionals knowledgeable in the industry and in the market; import statistics, Rudong claims, depend upon product classifications by the importer who may be guided more by the import duty level than the product characteristics. Finally, Rudong argues that *Steel Scenario* prices are the best information regarding such factors in the market economy country because they are actual market values in India, while, by contrast, import statistics reflect the customs value of imported merchandise.

Rudong asserts that the Department's choice of import statistics results in landed, duty-paid steel prices in India—a relatively poor developing country—that are not only over 100% higher than the free-market prices paid by Rudong, but also over 100% higher than the corresponding prices in the United States, a wealthy developed country. Rudong claims that there is no other available steel price anywhere that approaches the extraordinarily inflated surrogate prices imputed by the Department. Rudong suggests the Department use the Indian market prices listed in *Steel Scenario* because the prices are in the same range as those prices paid by Rudong and reflect the prevailing market prices for the exact months of the period under review.

Rudong states that the Department's surrogate number does not agree with any of the other available data by a wide margin. Rudong contends that this may be because the Department incorrectly used surrogate steel prices from a somewhat arbitrary ''basket'' HTS category comprising ''other'' bars and rods. Rudong argues that the steel included in this basket may be a special

and more expensive type used for particular purposes and not relevant to this case. Also, Rudong contends, the Department's surrogate prices may not agree with other available data due to simple misclassification under the HTS. Rudong argues that, in significant part, import statistics measure only the HTS category chosen by importers to classify merchandise and are therefore, not a precise measure. Rudong argues that, whatever the source of distortion, the import statistics are not an appropriate measure of the price of steel used by Rudong, and should not be used by the Department in the final results.

Rudong contends that the only potential distortion risked by using *Steel Scenario* is that prices therein include excise and sales taxes, and therefore may be overstated. Rudong argues that this distortion can be adjusted for by adjusting the price downwards. Rudong argues that the Department routinely adjusts for this tax factor when it uses prices published in Chemical Weekly, and cites, as an example, a memorandum to the file from the ''Bicycles Team'': ''Final Determination in the Antidumping Duty Investigation of Bicycles from the People's Republic of China: Factors Valuation'' (initialed April 22, 1996). Rudong maintains that even using unadjusted, overvalued steel prices from *Steel Scenario* would be more reasonable than using Indian import statistics.

Petitioner contends that the Department should rely on the same surrogate values from Indian import statistics for valuing raw materials and packing costs that were used in the preliminary results. Petitioner states that the tariff descriptions provide narrow coverage for nearly all raw materials and packing materials used by the Chinese producer, which avoids the problem of over inclusiveness.

Petitioner argues that the Department should continue to use Indian import statistics for steel valuation. Petitioner states that these data include material from which Rudong produced lug nuts during the period of review, and therefore are the most accurate information on this issue.

Petitioner argues that the Department should continue to decline use of steel price data submitted by Rudong as the Department did in the preliminary results, because they are for rounds and not steel wire rod. Petitioner asserts that steel rounds are not the raw material used in lug nut production. Petitioner contends that applying such data would distort the value of steel. Petitioner submits that the use of steel wire rods in the production of lug nuts was verified by the Department.

Additionally, petitioner asserts that the steel prices submitted by Rudong represent sales prices in two Indian cities and may not be representative of steel prices in India generally. Petitioner claims that the Indian import statistics provide nationwide average prices for steel in India.

Petitioner further contends that the steel scrap data used by the Department reflect that the production process of lug nuts begins with the steel wire rod, not the further-fabricated steel rounds. Petitioner notes that the respondent failed to point out that the Department would have to adjust the scrap calculations to eliminate scrap accounted for by the production of rounds from rod. Petitioner claims that other adjustments—to energy and labor—would also be necessary to pretend that the production process starts with rounds, instead of rod.

Rudong contends that petitioner's assertions are wrong, and that, even under petitioner's analysis, the Department should use the surrogate prices submitted by Rudong. Rudong states that it submitted prices for both wire rod and rounds because it is unclear why steel wire rod data is preferable to steel rounds data. In addition, Rudong contends that, although the broad category of product reported in Rudong's submission was for ''iron and steel,'' it is apparent that the category ''wire rod'' consists of steel and not iron.

Department's Position: We agree with Rudong, in part. We agree with Rudong that the information in *Steel Scenario* is more contemporaneous with the POR; however, the data submitted by Rudong do not indicate the grade and specifications of the metal. We noted in Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review, 60 FR 48687 (September 20, 1995), covering the 1991–1992 and 1992–1993 administrative review periods that the Indian import statistics are more specific in that they indicate the carbon content of the steel, whereas by contrast, *Steel Scenario* does not specify either the carbon content of the steel or other chemicals present in the steel. Carbon level is a more important determinant of price than size. We further note that *Steel Scenario* prices include taxes and levies, without indicating the amount of taxes and levies included. Our objective is to value steel at prices at which it is available in the surrogate country. Furthermore, we are not convinced that the prices shown in *Steel Scenario* are more representative of prices available in India than are import statistics. While Rudong has put on the record of this review data that would allow us to adjust for taxes, it has not assuaged our other concerns regarding the use of *Steel Scenario.*

However, in reviewing the Indian import data for steel wire rod, in comparison with prices of steel wire rod imported into other countries, we found that Indian import prices were significantly higher than prices of imports into other countries we examined. We compared the same ''basket'' HTS number for the United States, the European Union, Canada, and Indonesia and found that steel wire rod import prices to be relatively the same in these areas, and significantly lower than Indian steel wire rod import prices. Indonesia is also comparable to the PRC in terms of level of economic development and Indonesia has some lug nut production, albeit not as great as India. (See Memorandum to Laurie Parkhill from David Mueller, dated March 15, 1996, ''Chrome-Plated Lug Nuts from the People's Republic of China: Non-market Economy Status and Surrogate Country Selection,'' and Memorandum to the File from Elisabeth Urfer, dated June 14, 1996, ''India: Significant Production of Comparable Merchandise,'' which are on file in the Central Records Unit (room B099 of the Main Commerce Building).) Therefore, for these final results we have used Indonesian steel wire rod import prices. These import prices are also for a basket category of steel wire rod imports, as are the Indian import prices, but are consistent with steel wire rod prices in other countries. They also do not include taxes. (*See* memorandum to the file from Tamara Underwood, ''Comparison of Steel Prices in the 1994–1995 Administrative Review on Lug Nuts from the PRC'' dated October 30, 1996.)

Comment 5: Petitioner submits that the Department should continue to use as the surrogate labor rate data from the Economist Intelligence Unit's Investing, Licensing, and Trading Conditions Abroad (*IL&T*), as the Department did for the preliminary results.

Department's Position: We disagree with petitioner with regard to the use of the *IL&T* data. For the final results, we have recalculated the labor rates, using data from the Yearbook of Labor Statistics (*YLS*). As we stated in the Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China, 61 FR 19026, April 30, 1996, the *IL&T* reports estimates based not on actual wage rates, but on rates stipulated in various

Indian laws. See Memorandum to the File From Tamara Underwood, ''Labor Valuation Changes in Lug Nuts Final Calculation'', dated November 6, 1996. Therefore, we have not used *IL&T* data for the final results. The *YLS* provides wage rates on an industry-specific basis. We used the daily wage rate specified for SIC code 381, ''manufacture of fabricated metal products, except machinery and equipment,'' because the description of the various industries this category covers was the best match for the lug nut industry. Having found the *IL&T* data to be an inappropriate source for wage rates, it would be inappropriate to use the *IL&T* data to differentiate among skill levels. Because the *YLS* provides wage rates from 1990, we inflated the data for the review period, using the consumer price index, published in the International Monetary Fund's International Financial Statistics.

Final Results of Review

As a result of the comments received, we have changed the results from those presented in our preliminary results of review. Therefore, we determine that the following margins exist as a result of our review:

Manufacturer/exporter	Time period	Margin (percent)
Jiangsu Rudong Grease Gun Factory, also known as China Nantong HuangHai Auto Parts Group Co., Ltd.	09/01/94–08/31/95	2.70
China National Machinery & Equipment Import & Export Corp., Nantong Branch	09/01/93–08/31/94	44.99
PRC rate	09/01/94–08/31/95	44.99

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of these final results for all shipments of lug nuts from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) For Rudong and Nantong, which have separate rates, the cash deposit rates will be the company-specific rates stated above; (2) for the companies named above which did not respond to our questionnaire (China National, Jiangsu, Yangzhou, Ningbo, Shanghai Automobile, and Tianjin), and for all other PRC exporters, the cash deposit rate will be the PRC rate stated above; (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates shall remain in effect until publication of the final results of the next administrative review.

This notice also 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 orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the 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 section 751(a)(1) of the 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. 96–29243 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–427–811]

Certain Stainless Steel Wire Rods From France: Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Jacques or Jean Kemp, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–3434 or (202) 482–4037, respectively.

Scope of the Review

The products covered by this administrative review are certain stainless steel wire rods (SSWR), products which are hot-rolled or hot-rolled annealed, and/or pickled rounds, squares, octagons, hexagons, or other shapes, in coils. SSWR are made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling, are normally sold in coiled form, and are of solid cross section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed, and pickled. The most common size is 5.5 millimeters in diameter.

The SSWR subject to this review is currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

Amendment of Final Results

On September 11, 1996, the Department of Commerce (the Department) published the final results of the administrative review of the antidumping duty order on certain stainless steel wire rods from France (61 FR 47874). This review covered Imphy S.A., and Ugine-Savoie, two manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is August 5, 1993, through December 31, 1994.

On September 17, 1996, counsel for the petitioning companies Al Tech Specialty Steel Corp., Armco Stainless &

Alloy Products, Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., United Steelworkers of America, AFL-CIO/CLC (''petitioners'') filed allegations of clerical errors with regard to the final results in the first administrative review of the antidumping duty order of certain stainless steel wire rods from France manufactured by Imphy and Ugine-Savoie (''respondents''). We also received allegations from respondents on September 18, 1996. Respondents submitted rebuttal comments on September 20, 1996 and petitioners submitted their rebuttal comments on September 25, 1996. The allegations and rebuttal comments of both parties were filed in a timely fashion.

Petitioners alleged that the Department made four ministerial errors in the final results.

First, petitioners contend that the Department inputted an incorrect date for the calculation of credit expenses for U.S. sales with missing pay date information. Second, petitioners contend that the Department incorrectly applied an exchange rate to respondents' reported marine insurance expenses that were already denominated in U.S. dollars. Third, petitioners argued that the Department failed to include repacking expenses in its calculation of total expenses incurred by respondents in the United States which was subsequently used by the margin calculation program to calculate CEP profit. Fourth, petitioners alleged that the Department failed to use the correct computer code to cap the CEP offset by the amount of indirect selling expenses incurred in the United States.

Respondents did not object to petitioners' ministerial allegations but argued that certain computer coding suggested by petitioners was incorrect (For further discussion of respondents' arguments concerning the computer code to correct these clerical errors, please see Memorandum from Joseph A. Spetrini to Robert S. LaRussa dated November 6, 1996 (''Memorandum'')). Although respondents did not object to petitioners' ministerial error allegation regarding repacking expenses, they argued that to assure consistent treatment, the Department should also include repacking as an expense which is deducted from U.S. revenue, in calculating total actual profit.

After a review of petitioners' allegations, we agree with petitioners' allegations and have corrected these errors for the amended final results. We also agree with respondents' argument and will include repacking expenses in the calculation of the U.S. selling expense (''SELLEXPU'') variable to ensure consistent treatment in the calculation of total actual profit. For the computer code we used to correct these ministerial errors, please see the Memorandum.

Respondents alleged that the Department's margin calculation program failed to match sales without regard to level of trade when a control number (CONNUM) was sold in the U.S. at both the end user level of trade and the distributor level of trade. Respondents alleged that in these instances, all constructed export price (CEP) and constructed export price/further manufactured (CEP/FM) sales of the CONNUM were compared to constructed value, rather than to home market sales of comparable merchandise.

We agree that this is a clerical error and have corrected it for the amended final results.

Second, respondents alleged that in determining CEP profit, the Department neglected to include expenses and profit on those sales in France that failed the arm's-length test. Respondents contend that the Department should amend the margin calculation program by including the arm's-length dataset.

Petitioners contend that respondents are not making a ministerial error allegation but challenging the Department's decision to exclude sales that failed the arm's-length test from the calculation of CEP profit. Petitioners also note that the Department employed the same methodology in the preliminary results and that respondents did not dispute the methodology in their case briefs. Petitioners argue that since the Department must disregard a respondents' sales to its affiliated parties as a basis for normal value if such sales are not arm's-length transactions, the expenses associated with such sales should also be disregarded in the CEP profit calculation. Petitioners contend that respondents' allegation of a clerical error is misplaced and should be rejected.

We disagree with respondents that this is a ministerial error. The exclusion of related party sales from the calculation of CEP profit is a methodological issue. Consequently, it is inappropriate to change the CEP profit methodology at this time as a ministerial error. Moreover, the Department used the same methodology in the preliminary results and the respondents did not address this issue in their case briefs for the preliminary results.

Third, respondents alleged that the Department inadvertently overstated CV profit on the sales used in its computation of CV, by failing to take packing expense into account.

We agree that this is a clerical error and have corrected the error for the amended final results.

Fourth, respondents alleged that we failed to make a circumstance of sale adjustment for credit expense in constructed value comparisons.

Petitioners objected to this ministerial error allegation and contend that respondents have raised a challenge to a methodological decision by the Department that was included in the preliminary results but was never challenged by respondents. Petitioners argue that having failed to question this methodology in the preliminary results, it is improper for respondents to make a ministerial error allegation.

We disagree that this is a ministerial error. A circumstance of sale adjustment for credit expense in constructed value comparisons is a methodological issue. It is not the Department's policy to make a circumstance of sale adjustment for credit expense in constructed value comparisons (see, e.g. Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy, 61 FR 30326, 30360 (June 14, 1996). Thus, it is inappropriate to alter the constructed value comparison as a ministerial error. Moreover, the Department used this methodology in the preliminary results and the respondents did not address this issue in their case briefs.

Fifth, respondents alleged that the Department's margin calculation program erroneously multiplied the aggregate amount of the margin calculated by product, sale type and importer by the quantity sold. Also, respondents stated that there is no need for separate calculations by importer and that the Department should compute a uniform duty assessment amount or rate.

Petitioners agree with respondents that the Department's calculations inadvertently multiplied the aggregate amount of the margin found for each category (which already reflected the quantity) by the quantity sold resulting in a clerical error. However, petitioners state that respondents' argument concerning assessment instructions were considered and rejected by the Department in the final results of the first administrative review. Consequently, petitioners state that it is inappropriate for respondents to raise this issue again in the context of ministerial error allegations.

We agree that the Department's calculations inadvertently multiplied the aggregate amount of the margin found for each category by the quantity

sold resulting in a clerical error. We disagree with respondents' assertion that the issue of separate calculations by importer versus a uniform duty assessment rate is a ministerial error; it is a methodological issue.

Amended Final Results of Review

As a result of our review, we have determined that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Imphy/Ugine-Savoie	8/5/93–12/31/94	14.15

The Department shall determine, and the Customs service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of review for all shipments of certain stainless steel wire rods from France entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates for those firms as stated above; (2) for previously 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, or the original 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) the cash deposit rate for all other manufacturers or exporters will continue to be 24.51 percent for stainless steel wire rods, the all others rate established in the LTFV investigations. See Amended Final Determination and Antidumping Duty Order: Certain Stainless Steel Wire Rods from France, (59 FR 4022, January 28, 1994).

These deposit requirements, when imposed, 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 section 353.34(d) of the Department's regulations. Timely 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 section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: November 7, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29241 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–P

INTERNATIONAL TRADE ADMINISTRATION

[A–821–803]

Titanium Sponge From the Russian Federation; Notice of Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On July 29, 1996, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping finding on titanium sponge from the Russian Federation (Russia). This notice of final results covers the review period of August 1, 1994 through July 31, 1995. This review covers one manufacturer, Berezniki Titanium-Magnesium Works (AVISMA), and two trading companies, Interlink Metals & Chemicals, Inc. (Interlink) and Cometals, Inc. (Cometals). We gave interested parties an opportunity to comment on the preliminary results. We received comments from AVISMA, Interlink, Cometals, and Titanium Metals Corporation (TIMET), a petitioner. A public hearing was held on September 11, 1996. Based on our analysis of these comments, we have changed the final results from those presented in the preliminary results of review.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Amy S. Wei or Zev Primor, Office of AD/CVD Enforcement, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

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 the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On July 29, 1996, the Department published in the Federal Register (61 FR 39437) the preliminary results of the 1994–1995 administrative review of the antidumping finding on titanium sponge from Russia (33 FR 12138, August 28, 1968). This notice of final results covers the review period for August 1, 1994 through July 31, 1995, covering one manufacturer, AVISMA, and two trading companies, Interlink and Cometals.

On September 12, 1996, the Department requested that AVISMA provide the Harmonized System (HS) classified data from the United Nations Trade Commodity Statistics (UN Trade Statistics) for Brazil for all factors of production and by-products used to calculate normal value in the preliminary results. AVISMA provided this data on September 19, 1996.

The Department has conducted this review in accordance with section 751 of the Act.

Scope of the Review

The product covered by this administrative review is titanium sponge from Russia. Titanium sponge is chiefly used for aerospace vehicles, specifically, in construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines. Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS)

subheading 8108.10.50.10. The HTS item number is provided for convenience and Customs' purposes. The written description remains dispositive as to the scope of the product coverage.

The review period (POR) is August 1, 1994 through July 31, 1995, covering one manufacturer, AVISMA, and two trading companies, Interlink and Cometals.

Analysis of Comments Received

Comment 1: AVISMA and Interlink argue that, in order to value inputs and by-products for the calculation of normal value, the Department should use the six-digit Harmonized System (HS) classifications for the UN Trade Statistics instead of the Standard International Trade Classification (SITC) for the UN Trade Statistics, which was used in the preliminary results. AVISMA and Interlink claim that the HS-based trade data is more accurate, and the surrogate values would change significantly for vanadium oxychloride, copper powder, carbon electrodes, and chlorine. AVISMA states that it only provided HS-based data when it differed substantially from the SITC-based data, and, therefore, found no need to submit the HS-based data for the remaining inputs and by-products. By using the HS-based data, AVISMA and Interlink argue that the Department would not need to use basket categories for the materials in its normal value calculation.

TIMET argues that the Department should continue to use the SITC-classified UN data, which it used in the preliminary results. TIMET contends that where the SITC-based data helps the respondent, the respondent does not argue to change to the HS-based data, and vice versa. TIMET assumes that AVISMA did not argue for HS-based usage for all costs because it would not better its position.

Department's position: We agree with AVISMA and Interlink that, in order to ensure the most accurate valuation of factors, the HS-based classification system should be used when available. On balance, the more specific HS-based data is more appropriate than the broader SITC-classification system categories. While the Department will continue to select surrogate material values from one uniform database (*i.e.*, the UN Trade Statistics), when the value for the product is broken out more specifically using the same source but a different data set, it would be unreasonable for the Department not to choose the more specific value over basket amounts.

In order to obtain the complete listing of HS-based data for material inputs, on September 12, 1996, the Department requested the Brazilian HS-classified data from the UN Trade Statistics for all factors of production and by-products used to calculate normal value. See Department's letter to Berezniki Titanium-Magnesium Works (AVISMA), September 12, 1996. On September 19, 1996, AVISMA submitted to the Department HS-based data for all but four inputs, for which the appropriate HS-based classification was not apparent (*i.e.*, titanium turnings and steel sheet) or the HS-based data did not exist because there were no imports during the period (*i.e.*, argon and polyethylene bags). See Letter from Wilmer, Cutler & Pickering to the Department, September 19, 1996.

In applying the HS-based data set, because copper and aluminum were each divided into two HS-based categories for lamenar and non-lamenar characteristics, AVISMA argued that the Department should use the HS-based data for non-lamenar copper and aluminum, rather than the data for the lamenar categories. See *Id*. On October 4, 1996, we contacted the U.S. Geological Survey regarding the difference between lamenar and non-lamenar aluminum and copper. Lamenar aluminum or copper is shaped similar to flakes, and non-lamenar aluminum or copper is granular. See Memo to File Regarding Telephone Conversation with U.S. Geological Survey, October 4, 1996. Because the copper and aluminum used in producing titanium sponge are in powdered form, the copper and aluminum are more likely to be granular.

Therefore, we are using the HS-based data for non-lamenar copper and aluminum.

For the remaining inputs and by-products, we used the HS-based data when available. If the HS-based data was not clear or existent, we used the SITC-based data.

Comment 2: AVISMA and Interlink argue that the Brazilian rail freight rate, which was obtained from the U.S. Consulate in Belo Horizonte and used by the Department in the preliminary results, applies to small cargos being transported small distances. AVISMA stated that it transported some materials (especially ilmenite and anthracite) in large quantities over long distances. AVISMA and Interlink stated in their brief that the Department's use of the Consulate rate is inconsistent with the economics of titanium sponge production. As a result, AVISMA and Interlink contacted Rede Ferroviaria S.A. (RFFSA), the Brazilian federal railroad, to obtain rail rates over long distances for dolomite and similar ores in Central East and Southeast regions of Brazil for the 1994–1995 period. AVISMA argues that the RFFSA rates are more realistic because they demonstrate a declining average rate per ton per kilometer as the transport distance increases. In addition, AVISMA obtained similar rail rate information from tariff rates of Burlington Northern Santa Fe Railroad, to demonstrate that the U.S. rates are consistent with the RFFSA rail rates.

AVISMA argues that the RFFSA rates are more precise than the Consulate information and more accurate for determining what a producer in Brazil would pay to transport its merchandise.

AVISMA contends that the submitted RFFSA tables are representative of AVISMA's inputs and do not vary greatly among the commodities for which it supplied data.

TIMET argues that AVISMA provided piecemeal data for Brazilian freight rates similar to the piecemeal data provided for materials. TIMET claims that AVISMA only provided partial information which is favorable to it, rather than providing the entire data and allowing the Department to make its own decision. Therefore, TIMET argues that the Department must reject this data and continue to use the Brazilian freight rates provided by the Consulate.

Department's position: We agree with AVISMA that the Department should use the most accurate rail rates available. AVISMA stated that the RFFSA rates supplied by AVISMA are mileage-based, apply to several commodities similar to ilmenite and anthracite, and cover two large areas where most of the country's economic activity occurs. Given the limitations on the availability of publicly available published information on Brazilian rail rates, the rates that AVISMA provided from RFFSA provide a more accurate estimation of the rail rates paid in a surrogate country.

Because the Department is required to value the factors of production based on the best available information regarding values in a surrogate country, we have determined that the RFFSA rail rates are more accurate surrogates for the transportation rates for ilmenite and anthracite than the rates used in the preliminary results. See Section 773(c)(1) of the Act. In addition, the Department has stated its preference to use publicly available published information, rather than information from embassies or consulates, from the surrogate country to value any factors for which such information is available.

See Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, 57 FR 21058, 21062 (1982)(Comment 4).

Although petitioner contends that AVISMA is only providing piecemeal data for freight rates, the Department individually values each input from a surrogate country. If more accurate information exists on the record for a certain input, regardless of the party submitting the information, then it should be used in order to secure the most accurate value possible for that input. Therefore, we are using the RFFSA rail rates to compute transportation costs for ilmenite and anthracite.

Because these rail rates were established in July 1994, which is prior to the review period, we are adjusting these rail rates to reflect inflation through the POR using the wholesale price indices (WPI) published by the International Monetary Fund (IMF).

Comment 3: AVISMA argues that the selling, general, and administrative (SG&A) expense ratios used by the Department in the preliminary results are unadjusted for the effects of inflation. AVISMA argues that the Department should use the SG&A ratio provided by respondent (*i.e.,* 8.75 percent) or only use the SG&A ratio for one Brazilian company, RIMA Industrial, because its ratio is more representative of the costs that AVISMA would incur if valued in a market economy.

TIMET argues that the Department should continue to use the data submitted in the Silicon Metal from Brazil administrative reviews. TIMET contends that the percentages provided by AVISMA and Interlink do not report that they are adjusted for inflation. In addition, because the period for the Silicon Metal from Brazil review is almost identical to the review period for titanium sponge from Russia and the 1994 Brazilian financial statements used by the Department also coincide with the titanium sponge review period, TIMET argues that an adjustment for inflation is not required. However, if the Department decides to adjust for inflation, TIMET argues that any inflation-adjusted ratios should be calculated on the basis of Electrosilex and RIMA data, two of the respondents in the Silicon Metal from Brazil review, because they are reliably adjusted for inflation.

In addition, TIMET states that the Department should include the SG&A ratio from Electrosilex's financial statements, which was inadvertently excluded in the preliminary results, because a public version of its 1994 financial statements exists on the 1993–1994 Silicon Metal from Brazil administrative review record.

TIMET further asserts that the record does not prove that the data submitted by AVISMA and Interlink is more reliable than the audited and verified data submitted and used in the Silicon Metal from Brazil administrative reviews.

Department's position: We agree with TIMET that the record does not demonstrate that AVISMA's and Interlink's surrogate SG&A ratio information is more reliable; both sets of data are adjusted for inflation, according to the notes in the financial statements, and the SG&A ratio used in the preliminary results is derived from information that was utilized by the Department in its preliminary results for the Silicon Metal from Brazil reviews. See Preliminary Results of Antidumping Duty Administrative Review; Silicon Metal From Brazil, 61 FR 46779 (September 5, 1996). In addition, because we used 1994 financial statements from the Silicon Metal from Brazil review, which are contemporaneous with the review period of this case, an additional adjustment for inflation is not necessary.

In calculating the weighted-averaged SG&A ratio for the preliminary results from the companies reviewed in the Silicon Metal from Brazil review, Electrosilex's SG&A ratio was incorrectly omitted. Therefore, we are including the SG&A ratio of Electrosilex in our normal value calculations.

Comment 4: Cometals argues that nothing requires the Department to calculate separate cash deposit rates for Cometals and Interlink. Cometals contends that the locations of these entities in market economy countries are not sufficient grounds for the Department to automatically assign these companies separate rates. Cometals further contends that the statute directs the Department to assign a single cash deposit rate to future imports of AVISMA merchandise. Cometals states that under the Department's ''knowledge test,'' if AVISMA, the producer, knows the U.S. destination of its merchandise at the time of sale, Cometals and Interlink will not be acting as exporters, and it, therefore, would be inappropriate to assign Cometals and Interlink separate cash deposit rates from AVISMA (which could apply to sales in future review periods).

Cometals claims that, in the preliminary results, the Department did not address that AVISMA changed its marketing and distribution practices with its resellers at the beginning in May 1995. Because of these new practices, Cometals contends that AVISMA has control over pricing on its future sales of titanium sponge to the United States. Therefore, Cometals argues, all of these sales should be subject to the same cash deposit rate (citing Final Results of Antidumping Duty Administrative Review; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, 56 FR 31692, 31699 (July 11, 1991); *Federal-Mogul Corp.* v. *United States,* 813 F.Supp. 856, 867 (CIT 1993); *Torrington Co.* v. *United States,* 44 F. 3d 1572, 1578 (Fed.Cir. 1995)). Cometals argues that Cometals and Interlink offered essentially the same prices and same products to customers. Cometals claims that, if the deposit rates are not equalized between Cometals and Interlink, Cometals will be forced out of the U.S. titanium sponge market.

However, in order to determine the single cash deposit rate for AVISMA, Cometals, and Interlink, Cometals argues that this rate should not be based on the ''country-wide'' rate. Cometals states that the ''country-wide'' rate is inappropriate because: (1) The rate was determined more than 10 years ago in the 1982–1983 administrative review; (2) the rate is based on factors of production data from Japan, and this review is based on surrogate information from Brazil; (3) the rate is not a rate established for AVISMA, but for another company (*i.e.,* Techsnabexport); and (4) AVISMA has demonstrated, in this review, *de jure* and *de facto* absence of government control over its operations and is entitled to a separate rate. Cometals suggests that the Department should calculate AVISMA's cash deposit rate based on either the weighted-average dumping margin on all reviewed entries by Cometals and Interlink during the POR or the weighted-average export price from AVISMA to its resellers during the review period as the facts available.

TIMET agrees with Cometals that the Department must establish a single cash deposit rate for all future entries of titanium sponge, after completion of this review, sold for export to the United States by AVISMA, Cometals, or Interlink. TIMET argues that any merchandise sold after May 1995 by AVISMA, Cometals, or Interlink is, in fact, an export sale to the United States by AVISMA. TIMET contends that a lack of a single cash deposit rate would allow any foreign producer or exporter to change its deposit rate by simply

hiring a new agent. However, TIMET argues that AVISMA's cash deposit rate should be the rate established in the most recent administrative review for AVISMA, because the statute requires that the existing cash deposit rate remain in effect until the Department completes a review of sales for export to the United States by that exporter.

AVISMA and Interlink argue that section 751(a)(2) of the Act requires the cash deposit for future shipments by an individual exporter to be set through a margin analysis of entries of that exporter's merchandise during the most recent administrative review. AVISMA and Interlink argue that once an exporter demonstrates that it is not dumping, the exporter is entitled to the presumption that its future exports will not be subject to dumping duties. AVISMA and Interlink argue that annual administrative reviews will determine whether that presumption was incorrect. In addition, AVISMA and Interlink argue that a cash deposit rate has never been affected by post-review period or end-of-the-review period developments, and the statement of the changed relationship between AVISMA and Interlink is only applicable to the 1994–1995 review period.

Department's position: We agree with AVISMA and Interlink. In calculating the dumping margin, Section 751(a)(2) of the Act states that the Department ''shall determine the normal value and export price (or constructed export price) of each entry of the subject merchandise, and the dumping margin for each such entry.'' With regard to assessment and cash deposit rates, section 751(a)(2)(C) states that this ''determination under this paragraph shall be the basis for the assessment of countervailing or antidumping duties on entries of merchandise covered by the determination and for deposits of estimated duties.'' For this review, we calculated margins for each exporter, on the basis of the calculated normal value and export price, and have used these margins as the basis for assessment and estimated cash deposit rates, in accordance with the statute, as stated above.

While the Department is not required to use the same method of calculation for assessment and cash deposit rates (as confirmed in the court cases cited by Cometals above), Cometals and TIMET have not demonstrated a basis for establishing a single cash deposit rate for AVISMA, Cometals and Interlink in this review and disregarding the distinct assessment rates applied to each of these firms. Cometals and TIMET argue that AVISMA changed its relationship with its resellers during the review period and, therefore, AVISMA will have control over the pricing of its future sales of the merchandise under review to the United States. Significantly, however, there are no sales during the review period made under this changed sales relationship; the evidence of record confirms that the only reported sales were made at a time when AVISMA did not have such control. Interlink and Cometals thus rely entirely on assertions of AVISMA's intent to change its practice. In the absence of any sales made under this new approach, however, the Department has no adequate means to verify that AVISMA will, in fact, rely on this new distribution approach in the future; it is, at best, a statement of future intent that can change. It is entirely plausible that AVISMA and its resellers will restructure that relationship in other ways and that sales in the next review will be based on some other distribution approach. As reviews fundamentally focus on our evaluation of sales during the period in question, we look to evidence of the manner in which actual sales were made as the strongest basis for our determination of marketing relationships. Accordingly, based on the actual sales reviewed, we find no reason to establish a single cash deposit rate for AVISMA, Interlink, and Cometals.

Further, in establishing AVISMA's cash deposit rate, we determined that, because AVISMA made no shipments to the United States during the review period, AVISMA's rate will remain the Russia country-wide rate. Although AVISMA made a separate rate claim, because there are no sales to the United States by AVISMA, we are not able to evaluate the company's separateness request.

We disagree with Cometals' contention that the Department, in the absence of shipments, is obligated to corroborate the country-wide rate that has been based, in earlier reviews, on facts available. Corroboration applies in cases where the Department has determined that a manufacturer/exporter should be assigned a dumping margin based on adverse facts available, as stated in section 776(b) in the Act. In this review, because AVISMA had no shipments during the review period, we are continuing to include AVISMA in the country-wide rate of 83.96 percent, the same rate that AVISMA has received in all prior administrative reviews of titanium sponge.

Comment 5: Because the Department compared certain stockpile merchandise sold to the United States with a normal value based on AVISMA's current production, Cometals claims that the dumping margins were artificially increased. To account for the physical differences in the material due to aging and deterioration, Cometals argues that the Department should adjust for differences in merchandise (difmer). Cometals contends that this adjustment should be made because there is a clear price differential between fresh and stockpiled titanium sponge, and the presence of stockpile material in the world market is only a temporary situation that reflects Russia's transition to a market economy. Cometals suggests that the Department can determine the difmer adjustment by comparing the weighted-average prices of stockpile and fresh titanium sponge submitted by Cometals.

TIMET argues that the Department's practice is to make allowances for differences in merchandise based on the cost of production (COP), not on differences in market value, as proposed by Cometals. However, TIMET argues that Cometals has not submitted any information regarding differences between the COP of stockpile and fresh titanium sponge nor any information on the physical differences between stockpile and fresh titanium sponge and the rate at which such deterioration is occurring. Also, TIMET contends that Cometals has had ample time to request a difmer adjustment and provide the information to the Department. For these reasons, TIMET argues that a difmer adjustment should not be granted. However, if the Department determines to make a difmer adjustment for stockpile material, TIMET argues that storage costs must be added to normal value before a difmer adjustment may be deducted.

Department's position: We agree with TIMET that a difmer adjustment should not be granted based on the price differential between stockpiled and newly-produced merchandise. This practice is consistent with the treatment of stockpiled material in the final determination of sales at less than fair value for magnesium from Russia. See March 22, 1996 Calculation Memorandum (Public Version) for the Final Antidumping Duty LTFV Determination on Pure Magnesium and Alloy Magnesium from the Russian Federation, A–821–805, at 6. Moreover, normal value is calculated based on the factors of production used to produce titanium sponge valued in a surrogate country. There is no information on the record which would indicate that the stockpiled titanium sponge is physically different from newly-produced titanium sponge, or that the stockpiled merchandise is subject to a different production process than that of the newly-produced titanium sponge.

Therefore, because the production costs for these items were the same, we assigned the same normal value for the stockpiled and newly-produced material.

Comment 6: Cometals contends that the Department erred in deducting foreign inland freight to Cometals' warehouse and Russian brokerage expenses in the calculation of Cometals' export price, because they were incurred by Cometals' supplier rather than by Cometals.

TIMET explains that the statute requires that export price be reduced by charges incident in bringing the merchandise from the ''original place of shipment in the exporting country'' to the United States. However, TIMET argues that if the home market country is a NME, the Department compares the export price to normal value based on the factors of production. TIMET contends that certain adjustments are made to the export price to reach an ''ex-factory'' price to be compared to normal value. If the Department does not deduct the referenced movement expenses from export price, TIMET argues that the Department has not calculated an ''ex-factory'' price and has overstated the U.S. price.

Department's position: We agree with Cometals that adjustments for the foreign inland freight to Cometals' warehouse and Russian brokerage expenses should not be deducted from the export price. Section 772(c)(2)(A) of the Act states that export price shall be reduced by the expenses ''incident to bringing the subject merchandise from the original place of shipment in the exporting country to the place of delivery in the United States.'' When a reseller, not the producer, is considered the exporter, the ''original place of shipment'' is the point from which the reseller shipped the merchandise. In this review, we consider the ''original place of shipment'' to be the locations of Cometals' or Interlink's warehouses. Therefore, we are only deducting those movement expenses from export price which were incurred from the resellers' warehouses to the U.S. customer.

However, the antidumping statute requires an ''apples-to-apples'' comparison. See *Torrington Co.* v. *United States*, 66 F.3d 1347, 1352 (Fed.Cir. 1995). Therefore, in order to calculate normal value at the same point of shipment, we are including in normal value an amount for the inland freight from the producer to the resellers' warehouses and for Russian brokerage. This calculation is in accordance with section 773(c)(1) of the Act, which provides that the normal value will be based on, among other things, the ''cost of containers, coverings, and *other expenses*'' (emphasis added). It is necessary to include these expenses for bringing the subject merchandise to the resellers' warehouses to calculate the normal value at the original places of shipment.

Comment 7: TIMET argues that the Department should inquire whether Interlink has antidumping duty reimbursement (rebate) arrangements with its customers.

Department's position: It has been our consistent policy that evidence of reimbursement is necessary before we can consider making an adjustment to U.S. price. As there is no evidence on the record that Interlink reimbursed customers for antidumping duties in this review, it is not appropriate to include this factor in our calculation. At the time of liquidation, the U.S. Customs Service will require the importer to certify that it has not entered into any agreement with the exporter or producer to be reimbursed for antidumping duties. If any reimbursement is uncovered, it will be handled as our regulations instruct under 19 CFR 353.26 at that time.

Comment 8: TIMET argues that the Department must adjust U.S. price for export taxes, in accordance with the statute and regulations. According to TIMET, the calculation of U.S. price is not affected by the fact that these taxes are paid in an NME country. TIMET contends that nothing in the statute allows the Department to ignore export taxes, because the taxes are direct selling expenses, and the failure to deduct such direct selling expenses does not allow a valid comparison of ex-factory prices.

AVISMA and Interlink argue that export taxes should not be deducted because: (1) AVISMA did not pay export taxes on exports to the United States during the review period; (2) Cometals and Interlink were the exporters and neither company paid an export tax; (3) Russian export taxes are not included and have no effect on the export prices; and (4) the export tax paid by an NME producer to its government does not represent a ''real cost,'' and, therefore, should not be deducted.

Department's position: We agree with AVISMA and Interlink. Section 772(c)(2)(B) of the Act states that the Department shall reduce export price by ''the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject merchandise to the United States.'' For purposes of this review, Interlink and Cometals, not AVISMA, are the exporters of the merchandise. In the export price transactions between Interlink/Cometals and its customer in the United States, neither Interlink nor Cometals incurred export taxes as defined by section 772(c)(2)(B).

Moreover, the Department has determined that it is not required to deduct export tax payments made between a NME producer and its NME government, pursuant to section 772(c)(2)(B) of Act. Section 772(c)(2)(B) provides that export taxes are to be deducted only if they (1) are paid on exports to the United States and (2) included in the export price of the merchandise under investigation. In a NME, the Department has no basis for determining that a tax payment from the producer to the government is included in the price. The statutory treatment of NMEs—as seen in sections 771(18), 773(c), the legislative history, and applicable judicial rulings—reflects the fact that cost and pricing structures in a NME are inherently unreliable. Russia's designation as a NME obligates the Department to reject NME values, substituting instead the ''surrogate'' factor prices and costs identified in comparable market economy countries. A NME-imposed export tax, however, cannot be valued in this fashion, and to make a deduction for the export tax amounts would unreasonably isolate one part of the web of transactions between government and producer. See Pure and Alloy Magnesium from the Russian Federation, 60 FR 16,440, 16,448 (1995)(comment 10). An export tax charged for one purpose may be offset by government transfers provided for another purpose. In such circumstances, the Department has no basis for determining whether and to what extent a tax might be reflected in a price. This is the very type of internal NME transfer that the statute directs the Department to reject.

Comment 9: TIMET argues that the Department should use the average of electricity prices provided by the Brazilian Regional Commission for Electrical Integration, rather than the Brazilian prices provided by AVISMA, which allegedly do not include all appropriate charges and are not representative of the entire country. TIMET argues that electricity prices in Brazil should include the following four components: (1) Demand charges; (2) consumption charges; (3) tax; and (4) premium charges, if applicable. TIMET argues that it is unclear whether the electricity rate used by the Department includes these components. Moreover, TIMET contends that Electrobras, the source that the Department used for electricity rates, accounts for less than 50 percent of the electricity in Brazil.

TIMET further contends that there is no indication that the rates used by the Department are average prices from Electrobras.

If the Department decides to apply the Electrobras rate, TIMET argues that the Department should use the A2 Electrobras rate, which, TIMET claims, most industrial users in Brazil receive. TIMET points to the lack of evidence on the record justifying the use of the A1 rate. To qualify for the A1 rate, TIMET claims that a user must meet certain consumption standards and have a 230-kilovolt (kV) system. Whereas AVISMA's consumption of electricity meets the required standard, there is no evidence on the record that AVISMA has a 230-kV system. TIMET argues that the AVISMA plant was built in an economic system where electricity was ''free'' and AVISMA, therefore, had no incentive to reduce costs by locating near a 230-kV system.

AVISMA argues that because it was found to be entitled to the A1 rate in the magnesium investigation, AVISMA necessarily qualifies for the A1 rate in titanium sponge production because titanium sponge production is more energy-intensive than magnesium production. In fact, AVISMA contends, Brazil was selected as a surrogate in the magnesium investigation because it has a large energy-intensive aluminum producing sector. According to AVISMA, TIMET's argument ''contradicts the economics of titanium sponge production.'' Although TIMET argues that only a small number of users receive the A1 rate in Brazil, AVISMA contends that it would take advantage of the 230 kV lines if it were located in Brazil given the economics of production. Therefore, AVISMA asserts that it would therefore qualify for the A1, rather than the A2, electricity rate.

AVISMA also argues that the Electrobras prices for the review period are actual average prices, taken from actual monthly bills incurred by each class of users supplied by Electrobras, as discussed in the magnesium investigation. AVISMA argues that the Electrobras price data is representative because it is a holding company for Brazil's federal government and accounts for nearly 60 percent of Brazil's installed generation capacity. AVISMA also explains that Electrobras accounts for 66 percent of all transmission lines in Brazil in voltages of 230 kV or higher. Furthermore, AVISMA argues that TIMET's electricity price is flawed because it is not a weighted average, is not restricted to the largest users of electricity, and has nothing to do with actual prices paid for electricity in Brazil.

With regard to electricity taxes, AVISMA argues that there is sufficient Departmental precedent for using a tax-exclusive electricity price because the Department does not want to confuse the price to the producer with the overlay of governmental activity in the exporting country.

Department's position: We agree with AVISMA that the A1 Electrobras rate is the appropriate electricity rate to use for AVISMA in this review. The evidence on the record indicates that Electrobras electricity prices are representative of the electricity prices charged in Brazil and that the prices include the applicable demand and consumption charges cited by TIMET. With regard to the treatment of taxes in surrogate prices, the Department's practice is to value each factor of production, where possible, with publicly available published information which is tax-exclusive. See Preliminary Results of Antidumping Duty Administrative Review; Sebacic Acid from the People's Republic of China, 61 FR 46440, 46442 (September 3, 1996). Therefore, we believe the use of the Electrobras rate is consistent with Departmental policy.

With regard to which Electrobras rate to apply, the Court of International Trade (CIT) upheld the Department's decision to apply the A1 Electrobras rate to AVISMA for purposes of the final determinations of sales of less than fair value for pure magnesium and alloy magnesium from the Russian Federation. See *Magnesium Corp. of America, et al.*, v. *U.S.*, Slip Op. 96–148 (August 27, 1996). The CIT determined that the record indicated that the magnesium industry required enough electricity to qualify for the lowest rate, A1. The CIT stated that, ''(b)ased on the evidence on the record, it is reasonable to conclude that magnesium producers use electricity at the lowest rate available,'' given that electricity constitutes a large portion of the costs incurred in the production of magnesium. See Id., at 18. In addition, the CIT also determined that the record evidence demonstrated that a planned magnesium investment in Brazil would have an energy line of 230 kV. See Id.

For the preliminary results, we calculated the number of kilowatt hours needed to produce one metric ton, based on verified figures. The calculation demonstrated that AVISMA's kilowatt capacity was significantly higher than the minimum necessary to receive the A1 rate. In addition, because AVISMA produces both titanium sponge and magnesium at its production facility, it would be reasonable to assume that total magnesium/titanium sponge production would require an even greater demand for electricity than what is required for only the magnesium production. Therefore, based on the evidence on the record, we determined that it is reasonable to apply the A1 Electrobras rate as a surrogate electricity value for AVISMA.

Comment 10: TIMET contends that the Department erroneously adjusted normal value for by-products of magnesium production (*i.e.*, magnesium chloride and KAMA compound). In addition, TIMET argues that AVISMA did not prove that it made sales of its by-products because these actual sales were not submitted on the record. Therefore, the Department cannot assume that these sales were made and cannot adjust for the by-products. See Frozen Concentrated Orange Juice from Brazil: Final Determination of Sales at Less Than Fair Value, 51 FR 8324, 8329 (March 17, 1987).

AVISMA argues that magnesium is an input in producing titanium sponge. Accordingly, AVISMA included the costs in producing magnesium, such as energy consumption, as a part of the build-up of costs for producing titanium sponge. Therefore, AVISMA contends that all of the by-products reported, including those resulting from magnesium production, were related to the titanium sponge production. AVISMA argues that the Department verified that magnesium chloride qualifies as a by-product. AVISMA also argues that KAMA compound is produced in electrolyzers, which are dedicated to producing magnesium for titanium sponge production. In addition, AVISMA argues that the Department's spot-checking of by-products at verification provides the Department with the information necessary to confirm the validity of AVISMA's by-product claims.

Department's position: We agree with AVISMA. With regard to the verification of the by-product sales, in the Department's initial questionnaire, we only requested that AVISMA report the amount of by-products produced per unit of subject merchandise. See Department's Request for Information, September 20, 1995, at D–6. In order to verify the amount of by-products reported by AVISMA, we requested that AVISMA provide proof of sales and requested that AVISMA demonstrate, through a trace of its accounting books, its factor calculations for selected by-products. No discrepancies were found. See AVISMA's verification report, July 10, 1996, at 11.

With regard to the inclusion of by-products from magnesium production in the calculation of normal value for purposes of the titanium sponge review,

we agree with AVISMA that these by-products should be used to offset the cost of manufacturing for titanium sponge production. AVISMA produces magnesium specifically for its own consumption in titanium sponge production as well as for commercial sale. See AVISMA's Supplemental Questionnaire Response, March 26, 1996, at Attachment 9. Therefore, a portion of the magnesium production flows directly into the titanium sponge production. Because of this, AVISMA reported the inputs to produce magnesium as inputs for titanium sponge production, and the Department valued these factors to compute normal value in order to be reflective of AVISMA's actual production process. Because these by-products result from the actual production of titanium sponge, they are factors whose value must be taken into account in our calculation of the normal value. See Final Determination of Sales of Less Than Fair Value; Pure Magnesium from Ukraine, 60 FR 16432, 16435 (March 30, 1995), Comment 6. Therefore, we are continuing to grant an offset for those by-products which directly result from the production of titanium sponge.

Comment 11: When valuing costs for by-products, TIMET argues that the Department should adjust the UN Trade Statistics data downward for profit in order to value the by-products by cost, not sales.

AVISMA argues that the Department's policy is to use sales value, not COP, when valuing by-product offsets. See Final Results of Silicon Metal from Argentina (59 FR 65336, 65340 (December 14, 1993)), Final Determination of Sebacic Acid from PRC (59 FR 28053, 28056 (May 31, 1994)), and Final Determination of Coumarin from PRC (59 FR 66895, 66900 (December 28, 1994)).

Department's position: We agree with AVISMA. The Department's practice is to value by-product offsets using import values as surrogates for the ex-factory, freight-exclusive prices from suppliers to consumers because we believe this is the best estimate for the market values of the by-products in this case. See Magnesium Final Determination, Comment 5, at 16447; Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China, 61 FR 19027, 19030 (April 30, 1996). Accordingly, we have continued to value by-product offsets using the import prices provided in the UN Trade Statistics.

Comment 12: TIMET argues that the Department must exclude AVISMA's claimed by-product deduction for copper melt from its calculation of normal value. TIMET contends that the copper melt by-product is new information presented at the verification, and, therefore, the Department is not allowed to accept such untimely information.

AVISMA argues that the copper melt by-product claim was presented as a minor revision on the first day of verification. See AVISMA's Verification Exhibits, July 10, 1996, Exhibit A–1.

Department's position: We agree with TIMET. The Department's regulations at 19 CFR 353.31(a)(ii) allows parties to submit factual information for consideration until the earlier of the date of publication of notice of preliminary results of review or 180 days after the date of publication of notice of initiation of the review. The Department accepts new information at verification only when (1) the need for that information was not evident previously, (2) the information makes minor corrections to information already on the record, or (3) the information corroborates, supports, or clarifies information already on the record. Consistent with our practice, the Department does not consider AVISMA's copper melt by-product claim at verification as acceptable new information. In addition, AVISMA did not alert the Department that it had included a previously unreported by-product in the minor corrections presented at verification. Therefore, the Department is revising its calculation of normal value to exclude the by-product offset for copper melt.

Comment 13: Given the hyperinflation in Brazil, TIMET argues that in calculating normal value, the Department should account for the effects of inflation on the input pricing data which was originally reported in U.S. dollars.

AVISMA argues that it would be impossible for the Department to properly account for variables such as exchange rates and currency reform. Further, AVISMA notes that once an input is priced in U.S. dollars, the inflation rate in Brazil becomes irrelevant.

Department's position: We agree with AVISMA. It is not necessary or appropriate to make adjustments to these U.S. dollar values for Brazilian inflation. Moreover, because we do not know the dates or exchange rates used to convert these values into dollars, we could not determine any such adjustment. In addition, because the data contained in the UN Trade Statistics is nearly contemporaneous with the review period, the effect of any dollar inflation adjustment would likely be small. See Magnesium Final Determination, Comment 16, at 16449.

Comment 14: At verification, AVISMA stated that it routinely discards the source documentation for its material flow ledgers after three months. TIMET argues that the Department should instruct AVISMA not to discard this documentation for future verifications.

AVISMA states that it is now aware of the importance of maintaining the source documentation for its material flow ledgers, and has no problem with the suggestion.

Department's position: We agree with TIMET and advise AVISMA to maintain the source documentation for its material flow ledgers for purposes of verification.

Final Results of Review

As a result of the comments received, we have revised our preliminary results and determine that the following margins exist:

Manufacturer/ exporter	Review period	Margin (percent)
Russia-wide rate	8/1/94–7/31/95	83.96
Cometals, Inc.	8/1/94–7/31/95	28.31
Interlink Metals & Chemicals	8/1/94–7/31/95	0.00

The Department shall determine, and the US Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and normal value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirement will be effective for all shipments of titanium sponge from Russia entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for merchandise manufactured and exported to the United States by AVISMA will be the Russia-wide rate established in these final results of review; (2) the cash deposit rates for merchandise manufactured by AVISMA and exported to the United States by Interlink or Cometals will be those rates established for Interlink or Cometals in these final results of review; (3) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original LTFV investigation or a previous review and have a separate rate, the cash deposit

rate will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (4) for Russian manufacturers or exporters not covered in the LTFV investigation or in this or prior administrative reviews, the cash deposit rate will continue to be the Russia-wide rate; and (5) the cash deposit rate for non-Russian exporters of subject merchandise from Russia that were not covered in the LTFV investigation or in this or prior administrative reviews will be the rate applicable to the Russian supplier of that exporter. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26(b) 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 the only reminder to parties subject to administrative protective order (APO) in this review of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the 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 section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: November 8, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–29365 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DS–P

North American Free Trade Agreement Article 1904 Binational Panel Reviews: Applications of Individuals To Serve on Binational Dispute Settlement Panels for Review of Antidumping and Countervailing Duty Matters

AGENCY: Department of Commerce, International Trade Administration, NAFTA Secretariat, U.S. Section.

ACTION: Invitation for applications from U.S. candidates for nomination to the roster of persons eligible to serve on binational panels convened to review antidumping and countervailing duty matters under Chapter 19 of the North American Free Trade Agreement.

SUMMARY: Chapter 19 of the North American Free Trade Agreement (NAFTA) provides for the establishment of a roster of individuals, unaffiliated with the U.S., Canadian or Mexican Governments, who are willing to serve on binational panels convened to review: (1) Final determinations in U.S., Canadian or Mexican antidumping or countervailing duty (AD/CVD) proceedings involving imports from other countries party to NAFTA; and (2) amendments to a NAFTA Party's antidumping or countervailing duty statutes. This notice invites applications from U.S. citizens wishing to be considered for inclusion on the roster of candidates eligible to be selected to serve on such panels and summarizes eligibility criteria for roster members and panelists.

DATES: Eligible citizens are encouraged to apply by November 22, 1996 to be considered for nomination to the roster in January 1997.

FOR FURTHER INFORMATION CONTACT: For further information concerning the form of the application, contact Sybia Harrison, Legal Assistant, Office of the General Counsel, Office of the U.S. Trade Representative (USTR) at (202) 395–3432. For information concerning Chapter 19 or the duties involved, contact Amelia Porges, Senior Counsel for Dispute Settlement, USTR, (202) 395–7305, or James R. Holbein, U.S. Secretary, NAFTA Secretariat (202) 482–5438.

SUPPLEMENTARY INFORMATION:

(1) Review of AD/CVD Determinations

Chapter 19 of NAFTA does not affect the right of NAFTA Parties (Canada, Mexico and the United States) to impose antidumping or countervailing duties in accordance with their national laws, including against products of other NAFTA Parties. Final administrative determinations under those laws are subject to review by binational panels, rather than by national courts, if requested by an appropriate U.S., Canadian or Mexican party to the proceeding, to the extent that such determinations involve products of a NAFTA Party. Binational panels decide whether such determinations are in accordance with the relevant national law, using the standard of review that would have been applied by a national court in such circumstances. A panel may uphold the determination or remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a binational ''Extraordinary Challenge Committee'' composed of current and former judges. The United States, Canada and Mexico are obligated under Chapter 19 to give effect to final panel decisions.

(2) Review of Amendments to AD/CVD Statutes

Chapter 19 also provides that at the request of the United States, Canada or Mexico, a binational panel will review and issue a declaratory opinion concerning whether an amendment to another NAFTA Party's AD/CVD statues made after entry into force of the NAFTA is inconsistent with the provisions of the General Agreement on Tariffs and Trade (GATT), the GATT Antidumping or Subsidies Codes, any successor agreements to which all three Parties are a party, or the object and purposes of the NAFTA.

Composition of Panels

Chapter 19 provides for the development of a roster of at least 75 potential panelists, with each government selecting at least 25 individuals. A separate five-person panel will be formed for each review of an AD/CVD administrative determination or statutory amendment. To form a panel, the two governments involved will each appoint two panelists, normally by drawing upon individuals from the roster. If the governments cannot agree upon the fifth panelist, they will decide by lot which of them shall select the fifth panelist from the roster. The majority of individuals on each panel must be lawyers in good standing, and the chair of the panel must be a lawyer.

Criteria for Eligibility

Chapter 19 sets out a number of criteria for determining the eligibility of individuals to be included on the roster. Roster members must be U.S., Canadian or Mexican citizens, and must be of good character and of high standing and repute. They are to be chosen strictly on the basis of their objectivity, reliability, sound judgment and general familiarity with international trade law. Panelists may not be affiliated with any of the three governments.

Judges and retired judges are particulary encouraged to appy.

Selection Criteria and Procedures

Section 402 of the NAFTA Implementation Act and the accompanying Statement of Administrative Action establish U.S. implementing procedures and requirements for the selection of U.S. members of the roster. Section 402 provides that U.S. roster members are to be selected in accordance with the eligibility criteria set out in Chapter 19 of the NAFTA and without regard to political affiliation. Individuals who would have a conflict of interest in the exercise of the duties of a panelist will not be selected as roster members.

Under section 402, an interagency group, chaired by the United States Trade Representative (the USTR) must prepare a list of candidates qualified to be chosen by the United States as roster members. After consulting with the Senate Committee on Finance and the House Committee on Ways and Means in accordance with the requirements and schedule set out in section 402, the USTR will select the final list of U.S. candidates to serve on the roster.

Remuneration

Panelists will be remunerated at the rate of 400 Canadian dollars per day (approximately US$300 at current exchange rates) for each day of actual service, if they are chosen to serve on a panel.

Procedures for Applications

Applications must be typewritten and submitted along with 12 copies by November 22, 1996 to: Section 402 Committee, Room 223, Office of the General Counsel, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506. Applications should be headed ''Application for Inclusion on NAFTA Chapter 19 Roster on Panelists'' and must include the following information:

1. Name of the applicant.
2. Business address, telephone number and, if available, fax number.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and address of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including current bar admissions, if any.
9. A list and copies of publications, testimony and speeches, concerning subsidies or antidumping or countervailing duty law. Judges or former judges should list relevant judicial decisions.
10. Summary of any current and past employment by, or consulting or other work for, the U.S., Canadian or Mexican Governments.
11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 et seq., and the dates of all registration periods.
12. List of proceedings brought under U.S., Canadian or Mexican antidumping or countervailing duty laws regarding imports of U.S., Canadian or Mexican products in which applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.
13. A short statement of qualifications and availability for service on Chapter 19 panels, including information relevant to the applicant's: (a) familiarity with international trade law; and (b) willingness and ability to make time commitments necessary for service or panels.
14. Names, addresses, telephone and, if available, fax number of three individuals willing to provide information to USTR concerning the applicant's qualifications for service, including the applicant's familiarity with international trade laws, character, reputation, reliability, and judgment.

Note: Information provided by applicants in response to the above questions will be used by the interagency group for the purpose of initial screening of candidates. Further information regarding financial interest and affiliations may be requested from prospective candidates at a later stage of the selection process for purposes of assessing conflicts of interest, and the appearance of such conflicts, in respect to service on panels. Individuals selected as roster members may be required to make additional, specific disclosures in regard to conflicts and appearance of conflicts in connection with their appointment to particular panels. Copies of publications and speeches submitted under item 8 above will be returned to the applicant upon request. Information submitted will be subject to public disclosure. Any information that should not be disclosed to the public should be clearly indicated as such on each page of the submission.

Current Members

Current members of the Chapter 19 roster who are interested in continuing to serve on Chapter 19 panels should provide any updated information in response to this notice. Current members who are no longer interested in serving on panels should notify USTR so that they can be removed from the list. Individuals who have previously applied but have not been selected for a final candidate list may reapply.

False Statements

Pursuant to section 402(c)(5) of the Act, false statements by an applicant to USTR regarding their personal or professional qualification, or financial or other relevant interest, which bear on the applicant's suitability for placement on rosters and appointment to panels are subject to criminal sanctions under 18 U.S.C. 1001.

Dated: October 23, 1996.

James R. Holbein,

United States Secretary, NAFTA Secretariat.

[FR Doc. 96–29316 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–GT–M

National Institute of Standards and Technology

Public Meeting on a National Council for Laboratory Accreditation (NACLA)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: This notice announces a public meeting to discuss a proposal to establish a National Council for Laboratory Accreditation (NACLA). The ACIL (formerly American Council of Independent laboratories), the American National Standards Institute (ANSI), and the National Institute of Standards and Technology (NIST) organized and have been co-sponsoring an informal Laboratory Accreditation Working Group (LAWG) with the aim of reducing inefficient duplication of accreditation requirements. The LAWG now seeks consensus to implement a unified and comprehensive U.S. infrastructure to meet national laboratory accreditation needs in both the public and private sectors. All interested parties are invited to attend this meeting and to participate in discussions of proposed implementation plans.

The proposed organization is intended to serve as an infrastructure with broad U.S. acceptance that provides uniform procedures for accreditation and recognition of laboratory competence in product testing or calibration. Meeting participants will have an opportunity to review and discuss documents and concepts developed as a basis for realizing and implementing a more

effective U.S. laboratory accreditation infrastructure. This infrastructure will foster national and international recognition and will effectively reduce the current duplication and unnecessary costs of laboratory accreditation.

DATES: The meeting will take place on Tuesday, January 7, 1997, at 9:00 a.m.

ADDRESSES: The meeting will be held in the Green Auditorium at the national Institute of Standards and Technology, Gaithersburg, Maryland.

To obtain a registration form to attend the meeting, or for further information, interested parties are requested to contact Mrs. Judith Baker at NIST, telephone (301) 975–4000, facsimile (301) 963–2871, e-mail baker@nist.gov. The registration fee is expected to be $60.

FOR FURTHER INFORMATION CONTACT: For technical content contact Belinda Collins, Director, Office of Standard Services, telephone (301) 975–4000, facsimile (301) 963–2871, e-mail bcollins@nist.gov.

SUPPLEMENTARY INFORMATION:

Background

The LAWG, consisting of the three original sponsoring organizations joined by other representatives of government and private sector users of laboratory accreditation, accreditors and laboratories, undertook preliminary planning for NACLA based on inputs from a variety of sources concerned with laboratory accreditation. After evaluating problems, surveying needs, and identifying key issues, the LAWG drafted a ''Proposed Structure for the National Council for Laboratory Accreditation'' which contains a plan for establishing and implementing NACLA. It is anticipated that NACLA will be established and incorporated by representatives of the U.S. private sector, but that governmental agencies will subsequently participate actively to derive benefit for themselves and for the nation's economic well-being.

The ''Proposed Structure for the National Council for Laboratory Accreditation,'' which will be published in a later Federal Register notice prior to the meeting, includes organizational and operational concepts to satisfy the needs identified by public and private sector organizations.

An earlier public forum was held in October 1995 and reported in NIST Special Publication 902, ''Proceedings of the Open Forum on Laboratory Accreditation at the National Institute of Standards and Technology, October 13, 1995.'' At that meeting, representatives of accreditors, laboratories, and users of laboratory accreditation from industry and government agreed that a unified national system is essential to satisfy domestic economic requirements and to facilitate trade. It was agreed that any infrastructure, to be successful, must be acceptable to all affected parties. It was also agreed that, for any given product, the goal is one test by a laboratory accredited by a competent authority, with the results accepted nationally, and even globally. The essential concept was put forth in the challenges raised by the National Research Council study of Standards, Conformity, Assessment and Trade, ''* * * domestic policies and procedures for assessing conformity of products and processes to standards require urgent improvement.'' The National Technology Transfer and Advancement Act of 1995 (Pub.L. 104–113), charges NIST with coordinating Federal, state and local conformity assessment activities with those of the private sector to eliminate unnecessary duplication and complexity. The planned NACLA activities respond to this challenge.

ACIL, ANSI, and NIST are cosponsoring another Public Forum on January 7, 1997, on establishing the National Council for Laboratory Accreditation; to describe the initial plans; discuss issues for implementing efficient and appropriate accreditation procedures; and to provide for reciprocity in mutual recognition of laboratory competence. NACLA aims to address the widely recognized need to eliminate unnecessary burdens of laboratory accreditation by a streamlined system that eliminates current duplication in laboratory accreditation and to reduce costs. The LAWG seeks to achieve consensus on the planning documents so that an organization which reflects national priorities and needs can be established by the private sector parties at interest with broad governmental participation and support. All organizations and individuals concerned with laboratory accreditation are invited to attend and to express their views.

On January 7, 1997, participants are encouraged to join in an open exchange of ideas and to comment on the proposed establishment of NACLA. Specific topics include discussion of NACLA purposes and functions, operational procedures and processes, composition of a Board of Directors, Stakeholder(s) Committees and their scope, Secretariat, membership, and other issues leading to ''one-stop-shopping'' in testing and laboratory accreditation.

Dated: November 12, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–29378 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 110596A]

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 Standing and Special Reef Fish Scientific and Statistical Committee (SSC).

DATES: The meeting will be held on December 9, 1996, from 8:00 a.m. to 5:00 p.m., and on December 10, 1996, from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The meetings 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: Steven Atran, Population Dynamics Statistician; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The Reef Fish SSC will review Reef Fish Stock Assessment Panel (RFSAP) and Socioeconomic Panel (SEP) reports regarding a new stock assessment for vermilion snapper, an update of the 1995 stock assessment for red snapper, a stock assessment for greater amberjack, and discussions regarding biological information and landings data for other amberjack species. The SSC will review any recommendations of the RFSAP and SEP regarding allowable biological catch (ABC) ranges for these species, and they may develop recommendations of ABC or total allowable catch (TAC) for submission to the Council. The SSC may also recommend future data gathering and research needs.

Under the Reef Fish Fishery Management Plan's (FMP) framework procedure for setting TAC, when an ABC range has been specified, the Council may implement through a regulatory amendment a TAC, which is then allocated between the recreational

and commercial sectors, and quotas, bag limits, size limits, and other measures needed to attain TAC. If an ABC range and TAC are not specified, the Council must use the more lengthy process of a full plan amendment to implement any changes to management measures.

The SSC will also review an options paper for development of an amendment to the FMP for Reef Fish Resources of the Gulf of Mexico, regarding development of a red snapper license limitation system. The issues include basic initial allocation and bycatch provisions, licenses issued to persons or vessels, historical captains, transferability of licenses, number of licenses that can be owned by one entity, transferability of landing records related to initial eligibility for licenses, fishing season dates, duration of license limitation system, allocation of a portion of the commercial quota for bycatch during closed season, and appeals board for license eligibility. The options paper also contains alternatives regarding the harvest of reef fish in traps other than fish traps.

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 2, 1996.

Dated: November 7, 1996.

Bruce C. Morehead,

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

[FR Doc. 96–29244 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 110596B]

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 Red Snapper Advisory Panel (AP).

DATES: This meeting will be held on December 11, 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: Steven Atran, Population Dynamics Statistician; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review the Reef Fish Stock Assessment Panel (RFSAP) and Socioeconomic Panel (SEP) reports regarding a new stock assessment for vermilion snapper, an update of the 1995 stock assessment for red snapper, and discussions regarding biological information and landings data for amberjack species. The AP will review any recommendations of the RFSAP and SEP regarding allowable biological catch (ABC) ranges for these species, and they may develop recommendations of ABC or total allowable catch (TAC) for submission to the Council. The AP may also recommend future data gathering and research needs.

Under the Reef Fish Fishery Management Plan's framework procedure for setting TAC, when an ABC range has been specified, the Council may implement through a regulatory amendment a TAC, which is then allocated between the recreational and commercial sectors, and quotas, bag limits, size limits, and other measures needed to attain TAC. If an ABC range and TAC are not specified, the Council must use the more lengthy process of a full plan amendment to implement any changes to management measures.

The AP is comprised of fishermen and other user groups who advise the Council on fishery issues.

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 4, 1996.

Dated: November 7, 1996.

Bruce C. Morehead,

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

[FR Doc. 96–29245 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Fiji

November 8, 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: 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 limit for Categories 338/339/638/639 and sublimit for 338–S/339–S/638–S/639–S are being increased for carryover and carryforward, respectively.

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 3003, published on January 30, 1996; and 61 FR 15925, published on April 10, 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 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 8, 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 24, 1996, as amended on April 5, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Fiji 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]
338/339/638/639	1,202,776 dozen of which not more than 960,257 dozen shall be in Categories 338–S/339–S/638–S/639–S [2].

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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.96–29271 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Restraint Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

November 8, 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); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted, variously, for swing, special shift and carryforward used.

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 66266, 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 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 8, 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 Hong Kong 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 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 restraint limit [1]
Group I	
200–229, 300–326, 360–369, 400–414, 464–469, 600–629 and 665–670, as a group.	227,637,870 square meters equivalent.
Sublevel in Group I	
218/225/317/326	70,061,523 square meters of which not more than 3,915,484 square meters shall be in Category 218(1) [2] (yarn dyed fabric other than denim and jacquard).
Group II	
237, 239, 330–359, 431–459 and 630–659, as a group.	851,713,396 square meters equivalent.
Sublevels in Group II	
239	5,242,598 kilograms.
331	4,133,486 dozen pairs.
347/348	6,710,726 dozen of which not more than 6,621,062 dozen shall be in Categories 347–W/348–W [3]; and not more than 5,017,693 dozen shall be in Category 348–W.
359(1) [4] (coveralls, overalls and jumpsuits).	610,432 kilograms.
445/446	1,344,077 dozen.
638/639	4,801,782 dozen.
648	1,108,099 dozen of which not more than 1,131,740 dozen shall be in Category 648–W [5].
659(1) [6] (coveralls, overalls and jumpsuits).	656,038 kilograms.
Within Group II subgroup	
336	223,246 dozen.
342	557,009 dozen.
351	1,206,358 dozen.
636	295,749 dozen.
642	226,606 dozen.
651	300,353 dozen.
Group III	
831–844 and 847–859, as a group.	42,743,440 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 218(1): all HTS numbers except 5209.42.0060, 5209.42.0080, 5211.42.0060, 5211.42.0080, 5514.32.0015 and 5516.43.0015.

[3] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[4] Category 359(1): 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.

[5] Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

[6] Category 659(1): 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 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. 96–29269 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Malaysia

November 8, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6712. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted, variously, for swing, special swing, carryover and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62394, 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 8, 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 textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia 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 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	Twelve-month limit [1]
331/631	2,081,302 dozen pairs.
336/636	479,855 dozen.
338/339	1,221,338 dozen.
341/641	1,500,291 dozen of which not more than 557,431 dozen shall be in Category 341.
347/348	495,673 dozen.
350/650	118,373 dozen.
351/651	255,452 dozen.
363	869,085 numbers.
438–W [2]	14,526 dozen.
634/635	809,495 dozen.
638/639	506,926 dozen.
645/646	146,509 dozen.
647/648	1,515,568 dozen of which not more than 1,082,389 dozen shall be in Category 647–K [3] and not more than 1,082,389 dozen shall be in Category 648–K [4].
Group II	
201, 222–224, 229, 239, 330, 332, 349, 352–354, 359–362, 369, 400–434, 436, 438–O [5], 439, 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 618, 621, 622, 624–630, 632, 633, 643, 644, 649, 652–654, 659, 665–670, 831–834, 836, 838, 839, 840 and 843–859, as a group.	50,325,374 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 438–W: only HTS numbers 6104.21.0060, 6104.23.0020, 6104.29.2051, 6106.20.1010, 6106.20.1020, 6106.90.1010, 6106.90.1020, 6106.90.2520, 6106.90.3020, 6109.90.1540, 6109.90.8020, 6110.10.2080, 6110.30.1560, 6110.90.9074 and 6114.10.0040.

[3] Category 647–K: only HTS numbers 6103.23.0040, 6103.23.0045, 6103.29.1020, 6103.29.1030, 6103.43.1520, 6103.43.1540, 6103.43.1550, 6103.43.1570, 6103.49.1020, 6103.49.1060, 6103.49.8014, 6112.12.0050, 6112.19.1050, 6112.20.1060 and 6113.00.9044.

[4] Category 648–K: only HTS numbers 6104.23.0032, 6104.23.0034, 6104.29.1030, 6104.29.1040, 6104.29.2038, 6104.63.2010, 6104.63.2025, 6104.63.2030, 6104.63.2060, 6104.69.2030, 6104.69.2060, 6104.69.8026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.9052 and 6117.90.9070.

[5] Category 438–O: only HTS numbers 6103.21.0050, 6103.23.0025, 6105.20.1000, 6105.90.1000, 6105.90.8020, 6109.90.1520, 6110.10.2070, 6110.30.1550, 6110.90.9072, 6114.10.0020 and 6117.90.9025.

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.96–29273 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Mauritius

November 8, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: November 15, 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 this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Categories 338/339 is being increased for 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 November 19, 1995). Also see 60 FR 62402, 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 8, 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, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Mauritius 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 increase the limit for Categories 338/339 to 474,755 dozen [1], as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 96–29272 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

New Visa Stamp for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius

November 12, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: December 1, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

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).

Beginning on December 1, 1996, the Government of Mauritius will start issuing a new export visa stamp for shipments of textile products, produced or manufactured in Mauritius and exported from Mauritius on or after December 1, 1996. There will be a one-month grace period, from December 1, 1996 through December 31, 1996, during which goods exported from Mauritius may be accompanied by either the old or new export visa stamp. Goods exported from Mauritius on or after January 1, 1997 must be accompanied by the new export visa stamp.

A facsimile of the new visa stamp is on file at the U.S. Department of Commerce, Office of Textiles and Apparel, 14th and Constitution Avenue, NW., room 3104, Washington, DC.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1995.

See 60 FR 62076, published on December 4, 1995.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 12, 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 28, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes export visa requirements for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Mauritius.

Effective on December 1, 1996, you are directed to amend the November 28, 1995 directive to provide for the use of a new export visa stamp issued by the Government of Mauritius to accompany shipments of textile products, produced or manufactured in Mauritius and exported from Mauritius on or after December 1, 1996.

Goods exported from Mauritius during the period December 1, 1996 through December 31, 1996 may be accompanied by either the old or new export visa stamp. Goods exported from Mauritius on or after January 1, 1997 must be accompanied by the new export visa stamp.

A facsimile of the visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa stamp shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 96–29348 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Philippines

November 8, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: November 15, 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 this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6713. 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 345 is being increased by an additional 10 percent allowance for hand-crocheted items.

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 62412, published on December 7, 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 8, 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 Novembr 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996.

Effective on November 15, 1996, you are directed to increase the limit for Category 345 to 179,851 dozen [1], as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–29270 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1995.

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

November 12, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 18, 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) 927–6719. 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 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 61 FR 3004, published on January 30, 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 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 12, 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 24, 1996, 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 Taiwan and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 18, 1996, you are directed to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement concerning textile products from Taiwan:

Category	Twelve-month limit [1]
Group I	
200–224, 225/317/326, 226, 227, 229, 300/301/607, 313–315, 360–363, 369–L/670–L/870 [2], 369–S [3], 369–O [4], 400–414, 464–469, 600–606, 611, 613/614/615/617, 618, 619/620, 621–624, 625/626/627/628/629, 665, 666, 669–P [5], 669–T [6], 669–O [7], 670–H [8] and 670–O [9], as a group.	606,699,521 square meters equivalent.
Sublevels in Group I	
619/620	14,405,591 square meters.
625/626/627/628/629	18,745,075 square meters.
Sublevels in Group II	
331	298,373 dozen pairs.
336	117,920 dozen.
338/339	973,112 dozen.
345	123,212 dozen.
347/348	1,535,616 dozen of which not more than 1,309,866 dozen shall be in Categories 347–W/348–W [10].
359–H/659–H [11]	5,080,174 kilograms.
433	14,233 dozen.
435	26,340 dozen.
443	51,021 numbers.
631	5,333,818 dozen pairs.
633/634/635	1,783,990 dozen of which not more than 1,047,094 dozen shall be in Categories 633/634 and not more than 927,860 dozen shall be in Category 635.
638/639	6,644,492 dozen.
647/648	5,404,466 dozen of which not more than 5,141,289 dozen shall be in Categories 647–W/648–W [12].

Category	Twelve-month limit [1]
Within Group II Subgroup	
342	228,024 dozen.
447/448	21,068 dozen.
636	405,737 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 870; Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6090; Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015, 4202.92.6090 (Category 369–L); and 6307.10.2005 (Category 369–S).

[5] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[6] Category 669–T: only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9030.

[7] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000 (Category 669–P); 6306.12.0000, 6306.19.0010 and 6306.22.9030 (Category 669–T).

[8] Category 670–H: only HTS numbers 4202.22.4030 and 4202.22.8050.

[9] Category 670–O: all HTS numbers except 4202.22.4030 4202.22.8050 (Category 670–H); 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025 (Category 670–L).

[10] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[11] Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060; Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[12] Category 647–W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

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. 96–29347 Filed 11–14–96; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice of 60-day review and comment period on the Revision of the AmeriCorps*VISTA Alumni Locator Card.

SUMMARY: The AmeriCorps*VISTA Alumni Locator Card is being updated to omit the questions relating to the 30th Anniversary and change the mailing address of the Corporation.

DATES: AmeriCorps*VISTA will consider written comments on the proposed revised alumni card received no later than January 10, 1997. The Corporation for National Service is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Send comments to: Diana London, Deputy Director, AmeriCorps*VISTA CNS, 1201 New York Ave., NW, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Alice Burke, 202/606–5000, ext 225.

SUPPLEMENTARY INFORMATION: The card needs to be updated to replace the word ''VISTA'' with ''AmeriCorps*VISTA''; replace the word ''Volunteer'' with ''Member''; replace the word ''Agency'' with ''Corporation''; add another line for AmeriCorps*VISTA Site; remove the question ''I would be willing to 'Join VISTA 30th Anniversary Planning Committee' ''; and change the mailing address from ''VISTA Alumni, 1100 Vermont Avenue NW Ste 8100, Washington, DC 20277–2909'' to ''AmeriCorps*VISTA Alumni, 1201 New York Avenue NW #9101–A, Washington, DC 20277–2909''. Where the card originally said ''You may release my name and address to former VISTA Volunteer groups for future volunteer-related events'', we have changed to read ''Do you wish your name to be released to other Alumni Groups?'' Yes____ No____.

The card will be used by Corporation personnel and Alumni groups (only with the explicit written permission of the respondent). The purpose of the card is to enhance communications between the Corporation and former AmeriCorps*VISTA members to provide them with information on Corporation activities and to assist in volunteer recruitment activities.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 7, 1996.

Diana London,

*Deputy Director, AmeriCorps*VISTA.*

[FR Doc. 96–29263 Filed 11–14–96; 8:45 am]

BILLING CODE 6050–28–P

Proposed Collection; Comment Request

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of 60-day review and comment period on the Revision of the 1997–1998 AmeriCorps Leaders Program Application Leader and Site Applications.

SUMMARY: The Office of the AmeriCorps Leaders Program announces a 60-day review and comment period during which AmeriCorps programs and the public are encouraged to submit comments on suggested revisions to the AmeriCorps Leaders Program Leader and Service Site Applications. The Leader application is submitted by AmeriCorps Members nominated by their program directors. The Leader's application has been revised and reduced to a one-page Part B, to take advantage of the already existing AmeriCorps application (Part A), thus

reducing duplication of effort for applicants. The Service Site application is submitted by AmeriCorps programs who want to host an AmeriCorps Leader. The Service Site application questions have also been slightly modified to provide additional clarity on the proposed role of the Leader and support mechanisms available to the Leader.

DATES: The Corporation for National and Community Service, AmeriCorps Leaders Program Office will consider written comments on the AmeriCorps Leaders Program Leader and Site Applications received within 60 days from the date of publication. The Corporation for National Service is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Send comments to Julie Catlett, Deputy Director, AmeriCorps Leaders Program, Corporation for National and Community Service, 1201 New York Avenue, N.W., Room 9710–B, Washington, D.C., 20525

FOR FURTHER INFORMATION CONTACT: Julie Catlett (202) 606–5000, Extension 164.

SUPPLEMENTARY INFORMATION:

Purpose of the Revisions

(1) AmeriCorps Leaders Program Leader Application and Reference Forms—as part of a Corporation-wide effort to reduce duplication of effort, the AmeriCorps Leaders Program has agreed to utilize the Part A AmeriCorps Application for basic recruitment information gathering. Therefore, some revision of our application was necessary to accommodate to the new Part A. The AmeriCorps Leaders Program developed the Part B portion to attain more detailed information on the applicant's leadership experiences, skills, and references. There is also a section added to assist the AmeriCorps Leaders Program in finding an appropriate Service Site match for the Leader.

(2) AmeriCorps Leaders Program Site Application—

- Contact Information—Contact Information was rephrased and separated to distinguish between the person authorized to submit the application and the person who will ultimately supervise the AmeriCorps Leader.
- Program Description—Additional question added to request the Grant Identification Number of the program to assist in determining the eligibility of the program. Questions removed were the Number of Participants as this information was deemed extraneous and Amount of Time in Operation as this question became irrelevant to selection.
- Program's Need for an AmeriCorps Leader—This set of three questions has been combined and rephrased to encourage programs to view this program as a learning experience for the Leader, rather than an extra set of hands for their program. Therefore, parts A and B have been combined and programs must now justify why their program is best suited to providing a leadership service-learning experience that not only educates the Leader but also satisfies the needs of the program. Part C has been separated out as a new question to emphasize the importance of building sustainability into the proposal.
- Job Description—Programs are now required to document how AmeriCorps Leaders will carry out their shared responsibilities to the national service arena with support documentation from State Commissions and/or Parent Organizations indicating they support the activities. The responsibilities of the Leader have been rephrased and clarified to emphasize that the AmeriCorps Leaders Program is a service leadership training program and that the experiences and responsibilities of the Leader in a Service Site should be complementary to their training curriculum and designed to enhance the growth of the Leader while meeting the needs of the program.
- Recruitment and Selection of a Leader—The section regarding nomination has been cut, programs are now only able to nominate one candidate and the candidate is required to sign the Site application if they intend to return to that program. This will immediately indicate Leaders and Sites who are ''instant matches.'' The section regarding the Leader's experience in one of the issue areas listed has been broadened to allow for the changing emphasis of AmeriCorps programs.
- Support for the Leader—One question has been added regarding both in-kind and financial support of the AmeriCorps Leader. The question seeks to ensure that the Site is prepared to functionally support the AmeriCorps Leader by providing an appropriate place to work and access to office equipment and supplies, and to financially support the Leader's activities should the description of the Leader's responsibilities indicate such a financial need. (An example would be providing reimbursement for travel expenses if the Leader is required to visit Members across a state.) The section on supervision has been eliminated, the only information required will be the contact information on the first page.

These documents are available in alternate format upon request (202–606–5000 ext. 164).

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 8, 1996.

Meri C. Ames,

Director, AmeriCorps Leaders Program.

[FR Doc. 96–29286 Filed 11–14–96; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Fort Bliss Mission and Master Plan, Fort Bliss, Texas

AGENCY: U.S. Army Air Defense Center and Fort Bliss, Fort Bliss, Texas, Department of the Army.

ACTION: Notice of intent.

SUMMARY: The Department of the Army is updating the Installation Master Plan for Fort Bliss, Texas, and New Mexico. As a part of its efforts to manage military training and to provide effective stewardship of installation lands, the Army will prepare an Environmental Impact Statement (EIS) on the overall missions and activities at Fort Bliss in accordance with the National Environmental Policy Act (NEPA), Public Law 91–190 (42 U.S.C. 4341). It will evaluate potential impacts from existing mission activities and reasonably foreseeable mission and activity changes projected for Fort Bliss

as the installation adopts revisions to the installation's Master Plan, the Integrated Natural Resources Management Plan, Cultural Resources Management Plan, and the Range Modernization Plan.

Fort Bliss has approximately 1.1 million acres of land in Texas and New Mexico comprising a complex of facilities and ranges to support training and test activities of the U.S. Army and other organizations. The main components of this complex include the main cantonment area (which houses most support facilities), Biggs Army Airfield, and three military training ranges: South Fort Bliss, Dona Ana Range, and McGregor Range.

The installation is the home of the Army Air Defense Artillery (ADA) Center and Fort Bliss, the Army Air Defense Artillery School, and over 30 tenant units. It is among the largest Army posts in the continental United States (CONUS) and is the only troop training installation in CONUS capable of supporting long-range missile firings.

The following organizations are currently located or anticipated for stationing on the installation:

- The Test and Experimentation Command's Air Defense Artillery Test Directorate provides the ADA Center with an independent organization capable of conducting air defense weapons experimentation, force development, and operational testing.
- Joint Task Force Six provides assistance and support to various law enforcement agencies with drug interdiction missions.
- The U.S. Army Sergeants Major Academy trains enlisted leaders.
- The William Beaumont Army Medical Center, a part of the Army Medical Command, provides full-service medical treatment for all military services in Arizona, New Mexico, and West Texas.
- Fort Bliss is the home station for the German Air Force Command in the United States and Canada, and the German Air Defense School.
- Four ADA Brigades aligned under the U.S. Army Forces Command are scheduled to be stationed at Fort Bliss.

Alternatives: The EIS will identify existing mission activities and reasonably foreseeable mission and activity changes projected for Fort Bliss through the installation's Master Plan, Integrated Natural Resources Management Plan, Cultural Resources Management Plan, and Range Modernization Plan. The EIS will describe the existing environment, cultural and natural resources, social, economic, and environmental justice conditions and impacts to those existing conditions associated with the overall mission of Fort Bliss. The EIS will consider reasonable alternatives including the status quo, implementation of the Master Plan, and full mobilization of active Army and reserve forces planned for Fort Bliss as described in the installation's Mobilization Plan.

Significant issues that will be addressed are current and planned Fort Bliss activities that could potentially impact over 1.1 million acres of the installation. Within this area are at least 13,900 known archaeological sites, 2,000 of which may be eligible for listing in the National Register of Historic Places, and potentially five federally listed endangered or threatened species. Implementation of the Master Plan will also result in demolition and new construction of facilities throughout the main cantonment area.

Additional significant issues that must be considered but will be covered with their own environmental documentation are: Continued withdrawal of land from public domain (McGregor Range) for military training; and the U.S. Air Force's Holloman Air Force Base proposal to locate a target area on McGregor Range.

Scoping: Scoping meetings in connection with this EIS will be held in three communities: Las Cruces and Alamogordo, New Mexico, and El Paso, Texas. Meeting times and locations will be published in local newspapers. These meetings will provide the opportunity for the public to become aware of the EIS and for the Army to gather public input regarding the scope of the study. Those unable to attend the scheduled scoping meetings may submit written comments regarding the scope of the EIS throughout the scoping period. A mailing list has been prepared for public scoping and review throughout the process of preparation of this PEIS. This list includes local, state and Federal agencies with jurisdictions or other interests in the project. In addition, the mailing list includes all adjacent property owners, affected municipalities and other interested parties such as conservation organizations. Anyone wishing to be added to the mailing list should contact the person identified below.

For Further Information: Please direct written questions or comments concerning the scope of the Fort Bliss Mission and Master Plan EIS to: Mr. Keith Landreth, Chief of the Cultural/Natural Resource Division, Directorate of Environment, U.S. Army Air Defense Center and Fort Bliss, ATTN: ATZC–DOE–C, Fort Bliss, Texas 79916; telephone (915) 568–3782.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety, and Occupational Health) OASA (I, L&E).

[FR Doc. 96–29328 Filed 11–14–96; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Cancellation of Notice of Intent to Prepare an Environmental Impact Statement for a Municipal Solid-Waste Landfill Proposed by Resource Investments, Inc. in Pierce County, Washington

AGENCY: Seattle District, U.S. Army Corps of Engineers, DoD.

ACTION: Cancellation notice.

SUMMARY: The Seattle District, Corps of Engineers hereby cancels its Notice of Intent to prepare an Environmental Impact Statement (EIS) as published in FR, Vol. 59, No. 74, page 18373, 18 April 1994. A Draft EIS was finalized in December 1995 for the proposed municipal solid waste landfill.

The Notice is canceled because the permit application for the proposed landfill was denied on 30 September 1996 and completion of the Final EIS is not required. The basis for permit denial was that Resource Investments, Inc. failed to clearly demonstrate that there are no less environmentally damaging practicable alternatives for achieving the project purpose; and that the proposed landfill represents an unacceptable risk to public health and safety due to the potential contamination of the Central Pierce County Aquifer System.

FOR FURTHER INFORMATION CONTACT: Questions can be forwarded to Mr. James Green, Regulatory Branch, Operations Divisions, Seattle District, Corps of Engineers, Post Office Box 3755, Seattle, WA 98124–3755, Phone (206) 764–3495.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–29334 Filed 11–14–96; 8:45 am]

BILLING CODE 3710–ER–M

DEPARTMENT OF ENERGY

Intent to Establish the Advisory Committee on Appliance Energy Efficiency Standards

AGENCY: Department of Energy.

ACTION: Notice of intent to establish.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), and Title 41, Code of Federal Regulations (CFR), Subpart 101–6, Final Rule on Federal Advisory Committee Management, I hereby certify the Advisory Committee on Appliance Energy Efficiency Standards is necessary and in the public interest in connection with the performance of duties imposed on the Department of Energy by law. This notice of intent follows consultation with the Committee Management Secretariat of the General Services Administration, pursuant to 41 CFR Subpart 101–6.10.

The purpose of the Committee is to provide the Secretary of Energy with advice, information, and recommendations on the appliance energy efficiency standards rulemaking process. The Committee will provide an organized forum for a diverse set of interested stakeholders and technically adept individuals to conduct an in-depth assessment of the Appliance Standards rulemaking process.

Committee members will be chosen to ensure an appropriately balanced membership to bring into account a diversity of viewpoints, including representatives from manufacturer trade associations, energy conservation advocates, utilities, state energy offices, and others who may significantly contribute to the deliberations of the committee. All meetings of this Committee will be noticed ahead of time in the Federal Register.

Further information regarding this Advisory Committee may be obtained from Michael McCabe, Director, Office of Codes and Standards, EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (telephone: 202–586–9155).

Issued in Washington, DC on November 12, 1996.

JoAnne Whitman,

Deputy Advisory Committee Management Officer.

[FR Doc. 96–29382 Filed 11–14–96; 8:45 am]

BILLING CODE 6450–01–P

Secretary of Energy Advisory Board Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board—Openness Advisory Panel.

Dates and Times: Tuesday, December 3, 1996, 1:30 pm–5:30 pm; Wednesday, December 4, 1996, 8:30 am–5:00 pm.

Place: Covington and Burling Law Firm, Conference Center (11th Floor), 1201 Pennsylvania Avenue, NW, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: David Cheney, Acting Executive Director, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–7092.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The purpose of the Openness Advisory Panel is to provide advice to the Secretary of Energy Advisory Board regarding the current status and strategic direction for the Department's classification and declassification policies and programs, as well as other aspects of the Department's ongoing Openness Initiative. The Panel's work will help institutionalize the Department's Openness Initiative.

Tentative Agenda

Tuesday, December 3, 1996

1:30 pm–2:00 pm—Opening Remarks
2:00 pm–3:00 pm—Overviews of the DOD and CIA Openness Programs
3:00 pm–5:00 pm—Subgroup Reports and Discussion: Priorities in Declassification, Accessibility, Declassification Productivity, Legal Issues
5:00 pm–5:30 pm—Public Comment
5:30 pm—Adjourn.

Wednesday, December 4, 1996

8:30 am–5:00 pm—Working Session.

A final agenda will be available at the meeting.

Public Participation: The Chairman of the Panel is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, D.C. the Panel welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Panel will make every effort to hear the views of all interested parties. Written comments may be submitted to David Cheney, Acting Executive Director, Secretary of Energy Advisory Board, AB–1, 1000 Independence Avenue, SW, Washington, DC 20585.

Minutes: Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 am and 4:00 pm, Monday through Friday except Federal holidays.

Issued at Washington, DC, on November 12, 1996.

Rachel Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–29383 Filed 11–14–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[RP96–129–000]

Trunkline Gas Company; Notice of Informal Settlement Conference

November 8, 1996.

Take notice that an informal settlement conference will be convened in these proceedings on November 14, 1996 at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Marc G. Denkinger (202) 208–2215 or Lorna J. Hadlock (202) 208–0737.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29274 Filed 11–14–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP96–213–000, CP96–213–001, CP96–559–000]

Columbia Gas Transmission Corporation; Texas Eastern Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Market Expansion Project and Request for Comments on Environmental Issues

November 8, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed by Columbia Gas Transmission Corporation (Columbia) and Texas Eastern Transmission Corporation (TETCO) in the Market

Expansion Project.[1] In total, the Market Expansion Project involves about 99 miles of new, loop, and replacement pipeline, 2 new compressor stations totaling 18,500 hp, work at 15 existing compressor stations (including constructing, relocating, or uprating of 53,299 hp and abandoning 5,700 hp), 38 new storage field wells and well enhancement work at about 277 existing wells (divided among 14 existing storage fields), 2 new meter stations, and modifications at 12 existing meter stations.

The facilities are spread over the states of Virginia, West Virginia, Ohio, Pennsylvania, and Maryland. This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Columbia wants to expand the capacity of its pipeline and storage systems in order to serve its customers' requests for new or increased firm services. In total, Columbia proposes to provide 506,795 decatherms per day (Dth/d) of additional daily firm storage and transportation services to be phased over a 3-year period beginning in 1997. Columbia seeks authority to:

- Construct 50 miles of new, loop, and replacement pipeline and uprate the MAOP of about 282 miles of pipeline.
- Construct, relocate, and/or uprate about 23,650 horsepower (hp) of compression at 11 existing compressor stations, construct 18,500 total hp at two new compressor stations, raise the certificated hp level of five units at four existing compressor stations by 3,549 hp, and abandon about 5,700 hp of compression.
- Increase the performance capability of 14 existing storage fields, including construction of 38 new storage wells, construction of about 23 miles of 4- to 24-inch-diameter storage field pipeline, abandonment of about 7 miles of 2- to 10-inch-diameter storage field pipeline, construction of 4,700 hp of compression at 1 existing storage field compressor station, and ''well enhancement'' work at about 277 existing storage wells.
- Upgrade or replace facilities at 12 existing meter stations and construct 2 new meter stations.

Also, in order to provide the proposed firm entitlements to its customers, Columbia proposes to lease 141,500 Dth/d of firm capacity from Texas Eastern Transmission Corporation (TETCO). In order to provide the required capacity, TETCO proposes to:

- Replace about 26 miles of idled 20- and 24-inch-diameter pipeline in 3 sections.
- Upgrade 2 existing compressor stations by a total of 8,000 hp, and construct 13,400 hp of compression at 1 existing compressor station.
- Upgrade an existing interconnection with Columbia.

The general location of the project facilities is shown in appendix 1.[2] Tables 1–A through D, also in appendix 1, list the pipeline, horsepower, meter station, or storage field activity occurring at each location shown on the maps. If you are interested in obtaining detailed maps of a specific portion of the project or what specific work is occurring at the various storage fields, contact Howard Wheeler at the address below.

Land Requirements for Construction

Construction of the proposed facilities would require the disturbance of about 1,900 acres of land. Following construction, about 500 acres would be maintained as new pipeline right-of-way, or new aboveground facility sites. The remaining 1,400 acres of land would be restored and allowed to revert to their former use or are already dedicated to use as pipeline right-of-way, or storage field use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues.

By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on these areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Public safety.
- Land use.
- Cultural resources.
- Air quality and noise.
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approved or not approved the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Columbia and TETCO. This preliminary list of issues may be changed based on your comments and our analysis.

- The proposed work at Columbia's Crawford Storage Field in Ohio may potentially affect two Federally listed endangered species, the Indiana bat and the American burying beetle. The work proposed at Columbia's Line V–243, Line V–50, and Line L System uprate (all in Ohio) may also affect the Indiana bat.
- Columbia's proposed Line SM123 in West Virginia may potentially affect three Federal species of concern, the Butternut tree, Grays saxifrage, and the Cerulean warbler.
- Erosion and slope stability may be a problem along Columbia's proposed Line SM123 and Line KA, Flat Top Discharge Loop (both in West Virginia).
- There are a total of 15 high quality cold water fisheries and 6 high quality

[1] Columbia's and TETCO's applications were filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in theFederal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

warm water fisheries and 3 trout stocking fisheries crossed by the proposed facilities.

- Columbia plans to open cut the New River (a high quality warm water fishery) for a crossing width of 1,660 feet.
- A portion of Texas Eastern's Big-Inch and Little Big-Inch pipelines, which are eligible for inclusion in the National Register of Historic Places, will be affected by the project.
- 145 historic and prehistoric archaeological sites, 79 historic structures, 1 historic district and 3 cemeteries may be affected by the project.
- Two new compressor stations will be constructed, one in Shenandoah County, Virginia and one in Lincoln County, West Virginia.

Public Participation

We have mailed this notice to individuals whose property is affected by construction proposed in the project, to Federal, state, and local governments, soil conservation districts, environmental agencies such as the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, various local environmental groups, and libraries and newspapers in the project area.[3]

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.W., Washington, DC 20426;
- Reference Docket Nos. CP96–213–000, CP96–213–001, and CP96–559–000;
- Send a *copy* of your letter to: Mr. Howard Wheeler, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., N.E., PR–11.2, Washington, DC, 20426; and
- Mail your comments so that they will be received in Washington, DC on or before December 9, 1996.

If you do not want to sent comments at this time but sill want to receive a copy of the EA, please return the Information Request (appendix 2). If you do not return the Information Request you will be taken off the mailing list.

Become an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3).

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project, including more detailed maps of specific areas, is available from Mr. Howard Wheeler, EA Project Manager, at (202) 208–2299.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–29275 Filed 11–14–96; 8:45 am]

BILLING CODE 6717–01–M

[3] Certain individuals whose property would be affected by the well enhancement work at some of the 277 existing wells have not been notified. Only those wells where well enhancement work is planned for 1997 are known by Columbia at this time. The individual wells where well enhancement work will be planned for 1998 and 1999 are not known at this time and therefore, those individuals have not been notified.

Office of Hearings and Appeals

Determination of Excess Petroleum Violation Escrow Funds for Fiscal Year 1997

AGENCY: Office of Hearings and Appeals, U.S. Department of Energy.

ACTION: Notice of determination of excess monies pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986.

SUMMARY: The Petroleum Overcharge Distribution and Restitution Act of 1986 requires the Secretary of Energy to determine annually the amount of oil overcharge funds held in escrow that is in excess of the amount needed to make restitution to injured parties. Notice is hereby given that $29,996,617 of the amounts currently in escrow is determined to be excess funds for fiscal year 1997. Pursuant to the statutory directive, these funds will be made available to state governments for use in specified energy conservation programs.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0107, (202) 426–1492 [Mann]; (202) 426–1449 [Klurfeld].

SUPPLEMENTARY INFORMATION: The Petroleum Overcharge Distribution and Restitution Act of 1986 (hereinafter PODRA), contained in Title III of the Omnibus Budget Reconciliation Act of 1986, Public Law 99–509, establishes certain procedures for the disbursement of funds collected by the Department of Energy (hereinafter DOE) pursuant to the Emergency Petroleum Allocation Act of 1973 (hereinafter EPAA) or the Economic Stabilization Act of 1970 (hereinafter ESA). These funds, commonly referred to as oil overcharge funds, are monies obtained through enforcement actions instituted to remedy actual or alleged violations of those Acts.

PODRA requires the DOE, through the Office of Hearings and Appeals (hereinafter OHA), to conduct proceedings under 10 CFR Part 205, Subpart V, to accept claims for restitution from the public and to refund oil overcharge monies to persons injured by violations of the EPAA or the ESA. In addition, PODRA requires the Secretary of Energy to determine annually the amount of oil overcharge funds that will not be required for restitution to injured parties in these refund proceedings and to make this excess available to state governments for use in four energy conservation programs. This determination must be published in the Federal Register within 45 days after the beginning of each fiscal year. The Secretary has delegated this responsibility to the OHA Director.

Notice is hereby given that based on the best currently available information, $29,996,617 is in excess of the amount that is needed to make restitution to injured parties.

To arrive at that figure, the OHA has reviewed all accounts in which monies covered by PODRA are deposited. PODRA generally covers all funds now in DOE escrow which are derived from alleged violations of the EPAA or the ESA, with certain exclusions. Excluded are funds which (1) have been identified for indirect restitution in orders issued prior to enactment of PODRA; (2) have been identified for direct restitution in a judicial or administrative order; or (3) are attributable to alleged violations of regulations governing the pricing of crude oil and subject to the settlement agreement in *In re The Department of*

Energy Stripper Well Exemption Litigation, M.D.L. No. 378 (D. Kan., July 7, 1986). As of September 30, 1996, the total in escrow subject to the PODRA procedures was $127,538,107

The OHA has employed the following methodology to determine the amount of excess funds. We took special account of the provision of PODRA which directs that ''primary consideration [be given] to assuring that at all times sufficient funds (including a reasonable reserve) are set aside for making [direct] restitution.'' Thus, in proceedings in which refund claims are pending, we have on a claim-by-claim basis examined pending claims and established reserves sufficient to pay the amount of these claims. The reserves also include all refunds ordered by the OHA since the end of the last fiscal year on September 30, 1996, but not yet paid. For proceedings in which all claims have been considered or in which no claims have been filed, and the deadline for filing claims has passed, all funds remaining are excess. Small amounts of interest accrued, until transfer, on funds in accounts that were closed (with a zero balance) in the fiscal year 1996 PODRA determination (60 FR 57413 (1995)) are included as part of the ''excess'' for fiscal year 1997. No ''other commitments'' are reflected in the reserves.

As indicated above, the total escrow account equity subject to PODRA is $127,538,107. The total amount needed as reserves for direct restitution in those cases is $97,541,490. When the figure is subtracted from the former, the remainder—$29,996,617—is the amount in fiscal year 1997 that is ''in excess'' of the amount that will be needed to make restitution to injured persons. Appendix A sets forth for each refund case within the OHA's jurisdiction the total amount eligible for distribution under PODRA and the ''excess'' amount.

Accordingly, $29,996,617 will be transferred to a separate account within the United States Treasury and made available to the States for use in the designated energy conservation programs in the manner prescribed by PODRA.

Dated: November 8, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX A—AMOUNT AVAILABLE IN FY 1997

Name of firm	Consent Order No.	OHA Case No.	Equity as of September 30, 1996	Amount available under PODRA
A–1 Exxon	999K90080T	HEF–0509	$116.15	$116.15
Agway, Inc	RTYA00001Z	KEF–0102	74.37	74.37
Alameda Chevron	900Z06251T	LEF–0093	30.28	30.28
Alameda Chevron	999K90081T	LEF–0093	56.08	56.08
Anchor Gasoline Corporation	740S01247Z	KEF–0120	5,241,334.38	600,000.00
AOC Acquisition Corporation	RCKH016A1Z	LEF–0003	9,656,790.32	0.00
APTOS Shell	999K90083T	LEF–0092	178.68	178.68
Atlantic Richfield Co (ARCO)	RARH00001Z	HEF–0591	18,928,646.41	8,000,000.00
Automatic Comfort Corp	110H00519A	LEF–0005	2.39	2.39
BEACON Bay Enterprises, Inc	999K90120T	LEF–0074	87,662.01	87,662.01
Beacon Oil Co	910S00008Z	HEF–0203	0.01	0.01
Bell Fuels Inc	570H00195T	LEF–0061	39,345.23	0.00
Ben's Exxon Service	999K90085T	HEF–0512	118.42	118.42
Berryesse Chevron	999K90086T	LEF–0095	113.57	113.57
Bill Wren's Shell	999K90087T	LEF–0096	170.02	170.02
Bob Hutchinson, Inc	900Z02252T	LEF–0080	7.29	7.29
Bob's Broadway	900Z40056T	LEF–0075	60.25	60.25
Buchanan Shell Inc	900Z10250T	LEF–0081	15.28	15.28
C J King Chevron	999K90089T	LEF–0109	186.37	186.37
Capitol 66 Oil Company	422H00238T	LEF–0067	18,257.71	0.00
Clearview Gulf	640Z00670T	LEF–0076	16.81	16.81
Crescent Oil Company	930H00094Z	LEF–0044	7.90	7.90
Crude Oil Purchasing Inc	6A0X00269T	LEF–0058	108,582.50	0.00
Cumberland Farms Dairy Inc	120K00497T	LEF–0068	7,185.50	0.00
Cutting Shell Service	999K90091T	LEF–0097	187.35	187.35
Dalco Petroleum	660T00642Z	HEF–0060	3,555.12	3,555.12
Diamond Industries, Inc	320H00097Z	KEF–0130	0.02	0.02
E–Z Service Inc	400H00220T	LEF–0077	320,847.15	320,847.15
Eason Oil Company	740S01314Z	LEF–0040	5,404,444.77	0.00
Ed Gularte Chevron	999K90095T	LEF–0098	243.40	243.40
Ed's Exxon	939K90097T	LEF–0078	72.57	72.57
Elwood Chevron Service	999K90098T	LEF–0085	3,497.05	3,497.05
Empire Gas Corporation	720T00521Z	KEF–0048	521,290.30	520,000.00
Enron Corporation	730V00221Z	KEF–0116	22,497,355.02	0.00
Este Oil Company	533H00163T	LEF–0062	73,005.26	0.00
Exxon Corporation	REXL00201Z	KEF–0087	0.01	0.01
G & G Oil Company	550H00332T	LEF–0063	56,863.02	0.00
General Equities, Inc	110H00527Z	HEF–0078	1,399.00	1,399.00
General Petroleum	550H00075T	LEF–0064	26,706.13	0.00
Getty Oil Company	RGEA00001Z	HEF–0209	6,185,470.84	0.00
Good Hope Refineries Inc	150S00154Z	HEF–0211	3,772,819.36	0.00
Gratex/Compton Corp	6A0X00340W	VEF–0012	2,524,327.91	0.00
Gulf Oil Corporation	RGFA00001Z	HEF–0590	3,999,743.57	0.00
Gulf States Oil & Refining	6E0S00057T	LEF–0073	579,124.84	0.00
Half Moon Bay Exxon	999K90099T	LEF–0087	72.57	72.57
Houma Oil Co	640H10422W	VEF–0023	410,829.04	0.00
Houston/Pasadena Apache Oil Co	BJBBBBBBBB	VEF–0022	18,531.10	0.00
Hudson Oil Co Inc	740S01258W	VEF–0011	8,748,498.97	0.00

APPENDIX A—AMOUNT AVAILABLE IN FY 1997—Continued

Name of firm	Consent Order No.	OHA Case No.	Equity as of September 30, 1996	Amount available under PODRA
Hughes Burlingame Shell	999K90100T	LEF–0110	284.24	284.24
Indian Wells Oil Company	710V02002Z	KEF–0103	0.51	0.51
Intercoastal Oil Co	940X00076T	LEF–0057	33,517.90	0.00
Jaguar Petroleum Inc	640X00444T	LEF–0059	74,703.35	0.00
Jedco Inc	421K00107W	VEF–0024	4,108.66	0.00
Jim Campbell Shell	900Z03255T	LEF–0082	4.98	4.98
Joe Berube Services	999K90101T	LEF–0099	323.97	323.97
Kenny Larson Oil Co	000H00439W	HEF–0104	17,595.02	10,000.00
Kickapoo Oil	570H00214T	LEF–0069	47,267.34	0.00
Lampton-Love Inc	422T00013T	LEF–0070	15,034.20	0.00
MacMillan Oil Company, Inc	730T00031Z	LEF–0046	818,160.58	250,000.00
Marathon Petroleum Co	RMNA00001Z	KEF–0021	2,106.17	2,106.17
Maxwell Oil Co	000H00425Z	HEF–0125	17,901.95	0.00
MdDowell Exxon	999K90104T	LEF–0100	273.08	273.08
Metrolpolitan Petroleum Co, Inc	412H00171Z	LEF–0032	33,499.21	15,189.21
Milbrae Shell	900Z06293T	LEF–0079	50.14	50.14
Miles Union Service	900Z03258T	LEF–0083	34.58	34.58
Mockabee Gas & Fuel Co	311H00342W	VEF–0001	64,975.84	64,975.84
Murphy Oil Corporation	RMUH01983Z	KEF–0095	353.76	353.76
N C Ginther Company	710V03022T	LEF–0060	5,681.72	0.00
Oasis Petroleum Corp	940X00217Z	LEF–0007	2,064,262.61	0.00
Permian Corporation	650X00246T	LEF–0035	1,526,565.99	0.00
Petaluma Standard Service	999K90106T	LEF–0101	155.21	155.21
Pete Alijian Chevron	999K90062T	LEF–0089	0.75	0.75
Product Tracking—PODRA	999DOE005W	N/A	97,680.57	97,680.57
Quantum Chemical Corporation	720V01245Z	LEF–0011	18.15	18.15
Quintana Energy Corp et al	650X00356Z	KEF–0131	129.23	129.23
Reco Petroleum Inc	320H00304T	LEF–0065	30,657.64	0.00
Redhill Mobil and Towing	999K90109T	LEF–0088	133.92	133.92
Regalia's Chevron Service	999K90110T	LEF–0102	347.04	347.04
Reinauer Petroleum Company Inc	240H00492Z	KEF–0110	82.96	82.96
Ron's Shell	900Z10251T	LEF–0084	32.87	32.87
Sandusky's Union Service	999K90068T	LEF–0111	110.68	110.68
Shaw & 99 Chevron	999K90061T	LEF–0090	0.57	0.57
Shell Oil Company	RSHA00001Z	KEF–0093	5,383,827.31	0.00
Skinney's Inc	400H00227T	LEF–0071	18,527.76	0.00
Skycrest Shell	999K90112T	LEF–0112	87.22	87.22
SOS Monarch Oil Corp	240H00498T	LEF–0066	6,830.58	0.00
Starr Union Service	999K90067T	LEF–0103	264.33	264.33
Strasburger Enterprises, Inc	400H00219Z	LEF–0014	134.10	134.10
Sunset Blvd Car Wash	999K90113T	LEF–0091	2,046.45	2,046.45
Tenth Street Chevron	999K90115T	LEF–0104	276.77	276.77
Tesoro Petroleum Corp	BUBBBBBBBB	KEF–0128	3,511,758.67	1,500,000.00
Texaco Inc	RTXE006A1Z	KEF–0119	21,312,124.70	18,512,124.70
Tom's Coffee Tree Chevron	999K90116T	LEF–0105	175.17	175.17
Vermont Morgan Corp	110H00514T	LEF–0072	23,479.66	0.00
Vessels Gas Processing, Ltd	740V01387W	VEF–0007	2,317,987.42	0.00
Wallace ARCO Service	999K90117T	LEF–0106	80.08	80.08
Walt's Shell	999K90118T	LEF–0107	138.09	138.09
Weber's Chevron Service	999K90119T	LEF–0108	312.49	312.49
Witco Chemical Corp	240S00054Z	HEF–0227	866,168.40	0.00
Totals			127,538,106.89	29,996,617.95

[FR Doc. 96–29358 Filed 11–14–96; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5652–3]

Proposed Settlement; Gasoline Distribution NESHAP Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act (''Act''), notice is hereby given of a proposed settlement of *American Petroleum Institute* v. *U.S. Environmental Protection Agency,* No. 95–1098 (D.C. Cir.).

This case involves a challenge to the final rule, entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1),'' that established limits for emissions of various hazardous air pollutants from gasoline bulk terminals and gasoline pipeline breakout stations under section 112(d) of the Act. 59 F.R. 64,303 (Dec. 14, 1994). The major action the Environmental Protection Agency (the Agency) would take under this proposed settlement would be to modify the emissions estimation formulas in the rule to reflect additional hazardous air pollutant emissions at gasoline bulk terminals and pipeline breakout

stations, thereby increasing the accuracy and utility of the formulas.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement from persons who were not named as parties to the litigation in question. The Agency or the Department of Justice may withhold or withdraw consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Copies of the settlement, which includes the revised emissions estimation formulas, are available from Jacqueline Jordan, Cross-Cutting Issues Division (2322), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–7622. Written comments should be sent to Jonathan Averback, Air and Radiation Division, Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and must be submitted on or before December 16, 1996.

Copies of the settlement also are available through the Technology Transfer Network (''TTN''), which is an Agency electronic bulletin board that may be accessed by dialing (919) 541–5472 for up to a 14,400 baud modem; this service is free except for the cost of the phone call. The TTN is also available on the Internet (access: http://ttnwww.rtpnc.epa.gov). If more information on the TTN is needed, call the HELP line at (919) 541–5472.

Dated: November 4, 1996.

Scott C. Fulton,

Acting Assistant Administrator and General Counsel.

[FR Doc. 96–29354 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5652–2]

Proposed Settlement Agreement; Title I SIPs for the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement: Withdrawal.

SUMMARY: Notice was previously given, in accordance with Section 113(g) of the Clean Air Act (''Act''), as amended, 42 U.S.C. 7413(g), of a proposed settlement agreement concerning litigation instituted against the Environmental Protection Agency (''EPA'') by Citizens for Balanced Transportation (''CBT''). See 61 FR 52941–42 (Oct. 9, 1996). The lawsuit concerns EPA's alleged failure to perform nondiscretionary duties with respect to taking action on state implementation plans (''SIPs'') regulating carbon monoxide (''CO'') and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (''PM–10'') emissions, and/or promulgating a federal implementation plan (''FIP'') as to these control requirements for the Denver Metropolitan Area in the State of Colorado. Publication of that notice was premature, and is hereby being withdrawn. The EPA regrets any inconvenience to the public.

Dated: November 7, 1996.

Scott C. Fulton,

Acting, General Counsel.

[FR Doc. 96–29355 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–5474–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed November 04, 1996 Through November 08, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960523, Final EIS, COE, FL, Coast of Florida Erosion and Storm Effects Study Region III, Construction, Operation and Maintenance, Shore Protection Project, Palm Beach, Broward and Dade Counties, FL, Due: December 09, 1996, Contact: Michael Dupes (904) 232–1689.

EIS No. 960524, Final EIS, AFS, CA, Snowy Trail Off-Highway Vehicle Re-Route, Smith Fork Parcel of Los Padres National Forest, Approval and Implementation, Mount Pinos Ranger District, Ventura County, CA, Due: December 09, 1996, Contact: Mark Bethke (805) 245–3731.

EIS No. 960525, Draft EIS, NAS, AL, CA, MS, Engine Technology Support, Advanced Space Transportation Program, With Emphasis on Liquid Oxygen and Kerosene Engine Technology Development, Test Sites: Marshall Space Flight Center (MSFC) in Huntsville, AL; Stennis Space Center (SSC) near Bay St. Louis, MS and Phillips Laboratory, Edward Air Force Base, CA, Due: December 30, 1996, Contact: Carsten Goff (202) 358–0007.

EIS No. 960526, Draft EIS, FHW, PA, Central Bradford County Traffic Improvement Project, Construction US 6 Highway through Towanda Borough and North Towanda Township to US 220, Bradford County, PA, Due: January 10, 1997, Contact: Manual A. Marks (717) 782–3461.

EIS No. 960527, Draft EIS, FHW, AR, MS, AR, Great River Bridge, Construction, US 65 in Arkansas to MS–8 in Mississippi, Funding, COE Section 404 Permit and US Coast Guard Bridge Permit, Desha and Arkansas Counties, AR and Bolivar County, MS, Due: December 30, 1996, Contact: Wendall L. Meyer (501) 324–6430.

EIS No. 960528, Draft EIS, FHW, AR, US 71 Relocation, Construction extending from US 70 in DeQueen to I–40 near Alma, AR, Funding and COE Section 404 Permit, Sevier, Polk, Scott, Sebastian and Crawford Counties, AR, Due: January 10, 1997, Contact: Wendall L. Meyer (501) 324–6430.

EIS No. 960529, Final EIS, FRC, WA, Cushman Hydroelectric Project (FERC No. 460), Relicensing, North Fork Skokomish River, Mason County, WA, Due: December 09, 1996, Contact: John Blair (202) 219–2845.

EIS No. 960530, Draft EIS, DOE, SC, Savannah River Site, Shutdown of the River Water System (DOE/EIS–0268D), Implementation, Aiken, SC, Due: December 30, 1996, Contact: Andrew R. Grainger (800) 242–8269.

EIS No. 960531, Final EIS, DOE, TN, GA, TX, SC, MO, Programmatic EIS–Stockpile Stewardship and Management Project, Reduced Nuclear Weapons Stockpile in the Absence of Underground Testing, Eight Sites: Oak Ridge Reservation (ORR), Savannah River Site (SRS), Kansas City Plant (KCP) Pantex Plant, Los Alamos Nat'l Lab., Lawrence Livermore Nat'l Lab., Sandia Nat'l and Nevada Test, Due: December 09, 1996, Contact: Alfred W. Feldt (202) 586–5449.

Dated: November 12, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–29380 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5474–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 21, 1996 Through October 25, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended.

Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1996 (61 FR 15251).

Final EISs

ERP No. F–FHW–K40204–CA River Street Widening in Santa Cruz, Improvements from Water Street to Highway 1, Funding and Right-of-Way Grant, Santa Cruz County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–GSA–K81023–NV Las Vegas Federal Building—United States Courthouse Site Selection and Construction, Central Business District, City of Las Vegas, Clark County, NV.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–MMS–A02239–00 Gulf of Mexico and Offshore Alaska Outer Continental Shelf (OCS) Oil and Gas Leasing Program 1997 to 2002 for 16 Lease Sales on Five-Year Leasing Program.

Summary: Review of the Final EIS/Regulation has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

Regulations

ERP No. R–ACH–A99211–00 36 CFR Part 800 Protection of Historic Properties, Notice of Proposed Rulemaking.

Summary: Review of the proposed rule has been completed. The action was found to be beneficial in that it emphasizes coordinating its review requirements with those of the National Environmental Policy Act. No formal comment letter was sent to the preparing agency.

Dated: November 12, 1996.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 96–29381 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5651–8]

Notice of Data Availability on the Hazardous Waste Characteristics Scoping Study

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of a report entitled ''Hazardous Waste Characteristics Scoping Study.'' This report was prepared by the Agency under a May 17, 1996 consent agreement with the Environmental Defense Fund to investigate if there are gaps in coverage in the existing hazardous waste characteristics under the Resource Conservation and Recovery Act (RCRA), as well as the nature and extent of such gaps. The study presents EPA's methodology for identifying potential gaps, as well as the results of the analyses conducted. The Scoping Study is a final product; however, EPA will accept information relevant to the findings of the Scoping Study to be considered in follow-on activities.

DATES: Copies of EPA's Hazardous Waste Characteristics Scoping Study will be available from the RCRA Information Center (RIC) after November 15, 1996. Electronic access via the internet will be available after November 25, 1996.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–96–ERDA–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcradocket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–96–ERDA–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically and confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

The Hazardous Waste Characteristics Scoping Study and any public comments are available for viewing in the RIC, located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703–603–9230. The public may copy a maximum of 100 pages from any docket at no charge. Additional copies cost $0.15/page. For information on accessing paper and/or electronic copies of the document, see the ''Supplementary Information'' section.

FOR FURTHER INFORMATION CONTACT: Persons needing further information regarding this notice should contact Tamara M. Irvin, Office of Solid Waste, 5304W, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (703)–308–9907; e-mail:irvin.tamara@epamail.epa.gov. General questions about the regulatory requirements under RCRA should be directed to the RCRA Hotline, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M St. SW, Washington, DC 20460; telephone: toll-free at 800–424–9346, TDD: 800–553–7672, or locally at 703–412–9810.

SUPPLEMENTARY INFORMATION: Under the Resource Conservation and Recovery Act Section 3001, EPA is charged with defining which solid wastes are hazardous by identifying the characteristics of hazardous waste and listing particular hazardous wastes. The current hazardous waste characteristics are ignitability, corrosivity, reactivity, and toxicity. As stated above, EPA entered into a consent decree with the Environmental Defense Fund to conduct a study investigating if there are potential gaps in these characteristics, as well as the nature and extent of such gaps.

For a paper copy of the Hazardous Waste Characteristics Scoping Study please contract the RIC at the address in the **ADDRESSES** section of this notice. The study is also available in electronic format on the internet. Follow these instructions to access the study.

WWW: http://www.epa.gov
Gopher: gopher.epa.gov/epaoswer
Dial-up: 919 558–0335

If you are using the gopher or direct dial-up; once you are connected to the EPA Public Access Server, look for the report in the following directory: EPA Offices and Regions/Office of Solid Waste and Emergency Response (OSWER)/Office of Solid Waste (RCRA)/Hazardous Waste Identification.

FTP: ftp.epa/gov
Login: anonymous
Password: your Internet address
Files are located in/pub/gopher/OSWRCRA.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is

the paper record maintained at the location described in **ADDRESSES** above.

Dated: November 8, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96–29353 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5651–6]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; in re: Industri-Plex Superfund Site; Woburn, MA

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed prospective purchaser agreement and request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to enter into a prospective purchaser agreement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of Massachusetts Port Authority, Massachsuetts Bay Transportation Authority, Massachusetts Highway Department of the Executive Office of Transportation and Construction, and the Commonwealth of Massachusetts for injunctive relief or for costs incurred or to be incurred by EPA in conducting response actions at the Industri-Plex Superfund Site in Woburn, Massachusetts.

DATES: Comments must be provided on or before December 16, 1996.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Mailcode RCG, Boston, Massachusetts 02203, and should refer to: Agreement and Covenant Not to Sue Re: Regional Transportation Center, Industri-Plex Superfund Site, Woburn, Massachusetts, U.S. EPA Docket No. CERCLA–I–96–1047.

FOR FURTHER INFORMATION CONTACT: Daniel H. Winograd, U.S. Environmental Protection Agency, J.F.K. Federal Building, Mailcode RCT, Boston, Massachusetts 02203, (617) 565–3686.

SUPPLEMENTARY INFORMATION: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.*, notice is hereby given of a proposed prospective purchaser agreement concerning the Industri-Plex Superfund Site in Woburn, MA. The settlement was approved by EPA Region I, subject to review by the public pursuant to this Notice. Massachusetts Port Authority, Massachsuetts Bay Transportation Authority, Massachusetts Highway Department of the Executive Office of Transportation and Construction, and the Commonwealth of Massachusetts, have executed signature pages committing them to participate in the settlement. Under the proposed settlement, Massachusetts Port Authority, Massachsuetts Bay Transportation Authority, and Massachusetts Highway Department of the Executive Office of Transportation and Construction will construct and operate a regional transportation center that will improve air quality by reducing private automobile traffic otherwise destined for Logan Airport and the City of Boston. In addition, all of the settling parties agree to abide by institutional controls and to provide access to the property. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of CERCLA Section 101 *et seq.* which provides EPA with authority to consider, compromise, and settle a claim under Sections 106 and 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice will have approved this settlement in writing prior to the agreement becoming effective. EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Daniel H. Winograd, U.S. Environmental Protection Agency, JFK Federal Building, Mailcode RCT, Boston, Massachusetts 02203, (617) 565–3686.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Mailcode RCG, Boston, Massachusetts (U.S. EPA Docket No. CERCLA–I–96–1047).

Dated: November 1, 1996.

John DeVillars,

Regional Administrator.

[FR Doc. 96–29351 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5651–1]

Proposed National Pollutant Discharge Elimination System General Permit and Reporting Requirements for the Final Beneficial Reuse or Disposal of Municipal Sewage Sludge

AGENCY: Environmental Protection Agency (EPA).

ACTION: Pursuant to section 405(f)(1) of the Clean Water Act (CWA) EPA is proposing a General Permit to treatment works treating domestic sewage (TWTDS), including publicly owned treatment works (POTWs), in the State of Louisiana. Notice is for the draft general permit for the land application, surface disposal, and disposal in a municipal solid waste landfill (MSWLF) of sewage sludge generated during the treatment of domestic sewage in a treatment works.

SUMMARY: The CWA states that all permits issued under section 402 include requirements for the use and disposal of sludge that implement the regulations established (40 CFR Part 503 and 40 CFR Part 258) pursuant to section 405(d) of the CWA.

The State of Louisiana was authorized to implement the National Pollutant Discharge Elimination System (NPDES) program on August 27, 1996. It is not applying for authorization to implement the sewage sludge program. The Louisiana Pollutant Discharge Elimination System permits issued to wastewater treatment facilities will not provide permit coverage for disposal of sewage sludge. EPA is proposing this permit to assure sewage sludge is beneficially reused or disposed in accordance with regulations to protect human health and the environment. The 40 CFR Part 503 Standards found in 58 FR 9248, 9404 consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Reuse or disposal methods addressed in the general permit include sewage sludge applied to the land, placed on a surface disposal site, and disposed in a municipal solid waste landfill. This notice requests comments on the general permit.

DATES: Comments on the proposed permit must be received on or before

January 14, 1997. See **HEARINGS** for information on hearing dates.

ADDRESSES: The public should send an original and two copies of their comments addressing any aspect of this notice to Ellen Caldwell, Administrative Support Office of the Water Quality Protection Division (6WQ–O) U.S. Environmental Protection Agency Region 6, 1445 Ross Ave. Suite 1200, Dallas, Texas 75202 (214) 665–7513.

The public record is located at EPA Region 6, and is available upon written request. Requests for copies of the public record should be addressed to Ellen Caldwell at the address above. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed draft general permit or a complete copy of the entire fact sheet and general permit contact Ellen Caldwell, Administrative Support Office of the Water Quality Protection Division (6WQ–O), U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Suite 1200, Dallas, Texas 75202 (214) 665–7513.

HEARINGS: A meeting and public hearing will be held on December 12, 1996, at the following location: Maynard Ketchum Building, Rm. #326, Jimmy Swaggart Bible College Campus, 7220 Bluebonnet, Baton Rouge, Louisiana.

The public meeting will begin at 2:00 pm and end at 5:00 pm. The public hearing will begin at 7:00 pm with registration beginning at 6:30 pm. The public meeting will provide information on the permit conditions. The public can make formal statements and comments for the public record at the public hearing.

SUPPLEMENTARY INFORMATION:

I. Framework of Permitting System

Regulated entities include:

Category	Examples of regulated entities
Treatment Works Treating Domestic Sewage.	Publicly Owned Treatment Works (Municipalities).
Treatment Works Treating Domestic Sewage.	Sewage Sludge Treatment Devices (Including Blenders of Sewage Sludge).
Treatment Works Treating Domestic Sewage.	Wastewater Treatment Devices.
Treatment Works Treating Domestic Sewage.	Federal Facilities Treating Domestic Sewage.
Treatment Works Treating Domestic Sewage.	Owners of Land Dedicated to the Disposal of Sewage Sludge.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your operation is regulated by this action, you should carefully examine the applicability criteria found in 40 CFR Subpart 122.21(c)(2) of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 405(f) of the CWA requires that any permit issued under section 402 of the Act to a POTW or any other TWTDS shall include the requirements established pursuant to section 405(d) of the CWA, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, Part C, of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act.

II. Permitting

A. Permit Application Regulations

1. Regulations requiring POTW NPDES/Sludge Permit Coverage

In accordance with 40 CFR Subpart 122.21(c)(2), all POTWs and any other existing TWTDS are required to apply for a NPDES permit. POTWs generating/treating/blending/disposing of sewage sludge are subject to the application submission deadlines as defined in the February 19, 1993, Federal Register. 40 CFR Subpart 122.21(a) excludes persons covered by general permits from requirements to submit individual permit applications. Coverage under this general permit will eliminate the operators need to reapply for an individual sewage sludge permit.

2. Regulations Requiring All Other TWTDS Coverage

All other TWTDS must apply for a permit. A TWTDS is defined in 40 CFR Subparts 122.2 and 501.2 as ''a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This includes facilities that generate sewage sludge or otherwise effectively control the quality or change the characteristics (e.g., blenders) of sewage sludge or the manner in which it is disposed. In addition, all TWTDS disposing of sewage sludge in a State-permitted Municipal Solid Waste Landfill (MSWLF) must also apply for a permit. 40 CFR Part 503 requires all sewage sludge disposed in an MSWLF meet the requirements in 40 CFR Part 258 concerning the quality of the materials disposed.

3. Application of General Permit

This public notice specifies that official notification is required for coverage under this general permit. Notifying EPA under a general permit is a mechanism which can be used to establish an accounting of the number of permittees covered by the general permit, the nature of operations at the facility generating the sewage sludge, and the identity and location of sludge disposal sites. This type of information is appropriate since the sewage sludge is being monitored and tracked. This permit will apply to all TWTDS (including POTWs) covered by permitting requirements under 40 CFR Part 503 and 40 CFR Part 258.

4. Individual Permit Application Requirements

The requirements for an individual permit application are found in 40 CFR Subpart 501.15(a)(2). The information is intended to develop the site-specific conditions generally associated with individual permits. Individual permit applications may be needed under several circumstances. Examples include: General permits, where the TWTDS authorized by a general permit to final reuse or dispose sewage sludge, is requesting to be excluded from the coverage of the general permit by applying for a permit (see 40 CFR Subpart 122.28(b)(2)(iii) for EPA issued general permits); or the Director requiring a TWTDS authorized by a general permit to apply for an individual permit (see 40 CFR Subpart 122.28(b)(2)(ii) for EPA issued general permits).

III. Draft General Permit for Final Beneficial Reuse and Disposal of Municipal Sewage Sludge

A. Today's Notice

Today's notice proposed a general permit for final beneficial reuse and disposal of municipal sewage sludge in Louisiana. The following portion provides notice for the draft general permit and accompanying fact sheet for a general Sewage Sludge permit in Louisiana. This draft general permit is intended to cover the final beneficial

reuse and disposal of municipal sewage sludge in accordance with the *Standards for the Use or Disposal of Sewage Sludge,* 40 CFR Part 503. The proposed permit contains: The Federal guidelines to insure that the permittee's practices do not pose a threat to human health and the environment due to toxic pollutants and pathogens.

Effective Date of Requirements

This permit shall be effective upon issuance.

EPA Contacts

United States EPA, Region 6, Water Quality Protection Division (6WQ–PM). First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202.

Comment Period Closes

The comment period ends 60 days following the publication of this general permit in the Federal Register.

B. Preamble for Draft General Permit

1. Coverage Under the Proposed General Permit

Types of Final Sludge Reuse or Disposal Practices Covered. Those facilities generating sewage sludge or used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. The permit being proposed is intended to cover all TWTDS (including POTWs) in the State of Louisiana with requirements for the final reuse or disposal of municipal sewage sludge.

Designated Treatment Works Treating Domestic Sewage. The Regional Administrator may designate any facility a TWTDS if he or she becomes aware of facilities which do not automatically fit the definition of TWTDS, but finds that the facility poses a potential for adverse effects on the public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503.

POTWs with Pending Application. Some existing TWTDS have submitted applications in accordance with NPDES requirements and have remained unpermitted due to the administrative work load and priorities. All of these applicants will gain coverage under the sewage sludge program through the issuance of this permit. Region 6 believes this benefits those applicants without a permit. Any permittee desiring an individual permit may petition the Director in accordance with 40 CFR Subpart 122.28(b)(3)(iii).

2. Permit Conditions

a. Description of draft permit conditions. The conditions of this draft permit have been developed to be consistent with the self-implementing requirements of the 40 CFR Part 503 regulations. The draft permit contains requirements for TWTDS (including POTWs) that land apply municipal sewage sludge, surface dispose municipal sewage sludge, and dispose of municipal sewage sludge in a municipal solid waste landfill.

(1) For sewage sludge that is land applied, permit conditions specifically address the following: (A) Requirements specific to bulk sewage sludge for application to the land meeting class A or B pathogen reduction and the cumulative loading rates in Table 2 of the permit, or class B pathogen reduction and the pollutant concentrations in Table 3 of the permit. (B) Requirements specific to bulk sewage sludge meeting pollutant concentrations in Table 3 of the permit and Class A pathogen reduction requirements. (C) Requirements specific to sludge sold or given away in a bag or other container for application to the land that does not meet the pollutant concentrations in Table 3 of the permit.

(2) For sewage sludge that is surface disposed, permit conditions specifically address the following: (A) Requirements specific to surface disposal sites without a liner and leachate collection system. (B) Requirements specific to surface disposal sites with a liner and leachate collection system.

(3) For sewage sludge that is disposed in a municipal solid waste landfill, 40 CFR Subpart 503.4 states that permit conditions require sewage sludge disposed to meet the quality requirements of 40 CFR Part 258. Major POTWs (those POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more, or any POTW required to have an approved pretreatment program under 40 CFR Subpart 403.8(a)) disposing of sewage sludge in a municipal solid waste landfill are required to conduct a TCLP test once/permit life to determine if the sludge is hazardous as well as an annual paint filter test to assure that the sludge does not contain free liquids. Compliance with these testing requirements will assure that the sewage sludge meets the quality requirements.

b. Sludge Quality Limitations. Specific numerical permit conditions for metals are dependent upon the quality of the sludge as well as the method used by the TWTDS for the final reuse or disposal of municipal sewage sludge.

V. Economic Impact

EPA believes that this proposed general permit will be economically beneficial to the regulated community. It provides an economic alternative to the individual application process the facilities covered by this permit would otherwise have to face. The requirements are consistent with those already imposed by effective federal regulations and State requirements.

An economic analysis was prepared when the 40 CFR Part 503 regulations were proposed and finalized. Region 6 believes that the general permit conditions provide the same requirements as the self-implementing requirements under the 40 CFR Part 503 rule. Also Region 6 believes that this general permit is the most economical permitting option available to all TWTDS with NPDES application requirements.

VI. Compliance With Other Federal Regulations

A. National Environmental Policy Act

CWA Section 511(c)(1) excludes this action from the National Environmental Policy Act of 1969.

B. Endangered Species Act

The Endangered Species Act (ESA) of 1973 requires Federal Agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) that any actions authorized, funded, or carried out by the Agency (e.g., EPA issued sewage sludge permits requiring compliance with the conditions in the Part 503 regulations) are not likely to adversely effect the continued existence of any federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species (see 16 U.S.C. 1536(a)(2), 50 CFR Part 402 and 40 CFR Subpart 122.49(c)).

Accordingly, sewage sludge final reuse and disposal activities that are likely to adversely effect species are not eligible for permit coverage under this sewage sludge general permit.

To be eligible for coverage under the sewage sludge general permit, applicants are required to review the list of species and their locations and which are described in the instructions for completing the application requirements under this permit. If an applicant determines that none of the species identified are found in the parish in which the TWTDS, surface

disposal site, land application site or MSWLF is located, then there is no likelihood of an adverse effect and they are eligible for permit coverage. Applicants must then certify that their operation is not likely to adversely affect species and will be granted sewage sludge general permit coverage 48 hours after the date of the postmark on the envelope used to mail in the notification.

If species are found to be located in the same parish as the TWTDS, surface disposal site, land application site, or MSWLF then the applicant next must determine whether the species are in proximity to the sites. A species is in proximity if it is located in the area of the site where sewage sludge will be generated, treated, reused or final disposed. If an applicant determines there are no species in proximity to the potential sites, then there is no likelihood of adversely affecting the species and the applicant is eligible for permit coverage.

If species are in proximity to the sites, as long as they have been considered as part of a previous ESA authorization of the applicant's activity, and the environmental baseline established in that authorization is unchanged, the applicant may be covered under the permit. For example, an applicant's activity may have been authorized as part of a section 7 consultation under ESA, covered under a section 10 permit, or have received a clearance letter. The environmental baseline generally includes the past and present impacts of all federal, state and private actions that were contemporaneous to an ESA authorization. Therefore, if a permit applicant has received previous authorization and nothing has changed or been added to the environmental baseline established in the previous authorization, then coverage under this permit will be provided.

In the absence of such previous authorization, if species are in proximity to the sites, then the applicant must determine whether there is any likely adverse effect upon the species. This is done by the applicant conducting a further examination or investigation which includes contacting the Services for a determination on potential adverse effects of endangered species. If the applicant determines that there likely is, or will likely be an adverse effect, then the applicant is not eligible for general permit coverage.

All TWTDS applying for coverage under this permit must provide in the notification to EPA the following information: (1) a determination as to whether there are any species in proximity to the sites, and (2) a certification that their sewage sludge treatment, reuse, or disposal are not likely to adversely affect species or are otherwise eligible for coverage due to a previous authorization under the ESA. Coverage is contingent upon the applicant's providing truthful information concerning certification and abiding by any conditions imposed by the permit.

TWTDS who are not able to determine that there will be no likely adverse effect to species or habitats and cannot sign the certification to gain coverage under this sewage sludge general permit, must apply to EPA for an individual sludge only permit. As appropriate, EPA will conduct ESA § 7 consultation when issuing such individual permits.

Regardless of the above conditions, EPA may require that a permittee apply for an individual sewage sludge permit on the basis of possible adverse effects on species or critical habitats. Where there are concerns that coverage for a particular discharger is not sufficiently protective of listed species, the Services (as well as any other interested parties) may petition EPA to require that the discharger obtain an individual NPDES permit and conduct an individual section 7 consultation as appropriate.

In addition, the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fisheries and Wildlife Service (as well as any other interested parties) may petition EPA to require that a permittee obtain an individual sewage sludge permit. The permittee is also required to make the recordkeeping information required by the 40 CFR Part 503 regulations and the permit available upon request to the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fisheries and Wildlife Service Regional Director, or his/her authorized representative.

These mechanisms allow for the broadest and most efficient coverage for the permittee while still providing for the most efficient protection of endangered species. It significantly reduces the number of TWTDS that must be considered individually and therefore allows the Agency and the Services to focus their resources on those discharges that are indeed likely to adversely affect water-dependent listed species. Straightforward mechanisms such as these allow applicants with expedient permit coverage, and eliminates ''permit limbo'' for the greatest number of permitted discharges. At the same time it is more protective of endangered species because it allows both agencies to focus on the real problems, and thus, provide endangered species protection in a more expeditious manner. Prior to the publication of the public notice of this draft permit in the Federal Register, both Services concurred that the draft permit will not adversely affect listed species. Comments submitted by both agencies were addressed in the draft permit as requested.

C. National Historic Preservation Act

The National Historic Preservation Act (NHPA) prohibits Federal actions that would affect a property that either is listed on, or is eligible for listing, on the National Historic Register. EPA therefore cannot issue permits to treatment works treating domestic sewage (including publicly owned treatment works (POTWs) affecting historic properties unless measures will be taken such as under a written agreement between the applicant and the State Historic Preservation Officer (SHPO) outlining all measures to be undertaken by the applicant to mitigate or prevent adverse effects to the historic property. Therefore, under today's permit land applying, surface disposing, or disposing of sewage sludge in a municipal solid waste landfill may be covered only if the action will not affect a historic property that is listed or is eligible to be listed in the National Historic Register, or the operator has obtained and is in compliance with a written agreement signed by the State Historic Preservation Officer (SHPO) that outlines measures to be taken to mitigate or prevent adverse effects to the historic site. Prior to the publication of the public notice of this draft permit in the Federal Register, the Louisiana Department of Culture, Recreation, and Tourism determined it had no objections to the general permit based on the NHPA. Comments submitted by the agency were addressed in the draft permit as requested.

D. Executive Order 12291

Executive Order 12291 requires EPA to prepare a Regulatory Impact Analysis (RIA) for major regulations, which are defined by certain levels of costs and impacts. For example, the Executive Order specifies that a regulation imposing an annual cost and benefits to the economy of $100 million or more is considered ''major'' under the terms of the Order. According to the Executive Order, the RIA should contain descriptions of both potential costs and benefits.

Based on EPA's estimate of the incremental costs of complying with the

final 40 CFR Part 503 regulation, the Agency does not consider the final 40 CFR Part 503 regulation to be a major rule as defined in Executive Order 12291. Hence, since this permit reflects only the provisions in the final 40 CFR Part 503 regulations, compliance with this general permit is not considered a major impact.

E. Paperwork Reduction Act

The annual public reporting burden for the collection of information imposed by this general permit is the same as that imposed by the now final 40 CFR Part 503 regulations. Respondent reporting and record keeping burden for this collection of information includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information. The information collection requirements were submitted and approved to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

F. Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to analyze the impact of a regulation on small businesses, small governmental jurisdictions, and small organizations. The purpose of this analysis is to determine the extent to which the general permit, as a result of the regulations, has an impact on small entities and the nature of those impacts.

The total estimated compliance costs for the final 40 CFR Part 503 regulation and for this general permit, since the conditions are the same, for small entities is $14.1 million, the majority of which is attributed to land application and surface disposal of sewage sludge. Of the total estimated costs for all small entities, 73 percent is attributed to entities (treatment works and septage haulers) that place sewage sludge on a surface disposal site.

Estimated compliance costs for the 40 CFR Part 503 regulation and this general permit for small publicly and privately owned treatment works are $11.0 million for direct and indirect costs including $0.4 million for cost of reading and interpreting the regulation. Thus, compliance costs for small treatment works are only about 23 percent of the total estimated compliance costs for all treatment works and firms. EPA has judged that small privately or publicly owned treatment works are not subject to substantial compliance costs under 40 CFR Part 503.

Signed this 15th day of October, 1996.

Oscar Ramirez, Jr.

Acting Director, Water Quality Protection Division (6WQ), EPA Region 6

[FR Doc. 96–29178 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Emergency Review and Approval

November 8, 1996.

SUMMARY: The Federal Communications, 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 Commissions 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.

Note: The Commission is seeking emergency approval for these information collections by December 12, 1996, under the provisions of 5 CFR Section 1320.13.

DATES: Written comments should be submitted on or before December 12, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, N.W., Washington, DC 20503 or fain__t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Governments.

Number of Respondents: 8,475. (5,475 cable operators and 3,000 local franchise authorities (''LFAs'').

Estimated Time Per Response: 1–15 hours.

Total Annual Burden: The following are estimates of paperwork burdens imposed on cable operators and local franchising authorities with respect to the FCC Form 1240 information collection requirement. The modification to the Form 1240 rate methodology requirements only pertains to first-time filings of FCC Form 1240. Also, the modification merely results in permitting operators to project and recoup certain costs sooner, rather than later. This results in no measurable burden revision for this information collection. Also, if there was an additional burden significant enough to be measured, any burden added to an operator's first Form 1240 filing would be cancelled out by the decreased burden in completing the second Form 1240 filing. The Commission therefore reports the estimated burden for the Form 1240 information collection requirement as it currently exists in the OMB inventory.

Burden for operators: We estimate that 25% of operators will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 75% of operators are estimated to employ in house staff to complete the filing. 1,369 filings (25% contracted out) × 1 hour = 1,369 hours. 4,106 filings (75% in house) × 15 hours = 61,590 hours.

Additionally, 76.933(g)(2) states: If an LFA has taken no action within the 90-day review period, then the proposed rates may go into effect at the end of the review period, subject to a prospective rate reduction and refund if the LFA subsequently issues a written decision disapproving any portion of such rates. However, if an operator inquires as to whether the LFA intends to issue a rate

order after the initial review period, the LFA or its designee must notify the operator of its intent in this regard within 15 days of the operator's inquiry. We estimate this will occur in 25% of the instances when Form 1240s are filed by cable operators with their LFAs. 25% of 3,000 = 750 inquiries at an estimated 1 burden for each inquiry = 750 hours. Total burden hours to operators = 1,369 + 61,590 + 750 = 63,709 hours.

Burden to LFAs: The Commission estimates there will be 3,000 FCC Form 1240s filed with LFAs, annually. Average LFA reviewing time for each FCC Form 1240 is estimated to be 8 hours. 3,000 × 8 hours = 24,000 burden hours.

Additionally, we estimate 750 responses to operator requests pursuant to 76.933(g)(2). 750 notifications at an estimated 1 burden hour for each notification = 750 hours. Total burden hours to LFAs = (3,000 × 8 hrs.) + (750 × 1 hr.) = 24,750 hrs.

Total burden hours for all respondents = 63,799 + 24,750 = 88,549 hours.

Costs for Respondents: $2,084,450. We estimate an annual purchase of 4,000 diskette versions of FCC Form 1240 @ $5 per diskette = $20,000. Printing, photocopying and postage costs incurred by respondents is estimated to be $2 per form (5,475 filings × $2) = $10,950. We estimate Form 1240 assistance will be performed by legal and accounting contractors at an average of $100/hour for 25% of the filings. $100/hour × 1,369 filings (25% of Form 1240 filings) × 15 hours = $2,053,500.

Total respondent costs: $20,000 + $10,950 + 2,053,500 = $2,084,450.

Needs and Uses: On September 22, 1995, the Commission released the Thirteenth Order on Reconsideration (''Order''), FCC 95–397, MM Docket No. 92–266, which adopted a new optional rate adjustment methodology permitting cable operators to make annual rate changes to their basic service tiers (''BSTs'') and cable programming service tiers (''CPSTs''). Operators electing to use this methodology adjust their rates once per year to reflect reasonably certain and reasonably quantifiable changes in external costs, inflation, and the number of regulated channels that are projected for the 12 months following the rate change. To enable operators to use this optional rate adjustment methodology the Commission created FCC Form 1240 Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Subsequent to the availability of FCC Form 1240, the Commission received numerous requests for waiver of certain rate adjustment requirements contained in the Order. Therefore, on, Novemeber 1, 1996, the Commission released an Order, DA 96–1804, which grants for all cable operators' initial Form 1240 filing, a waiver of the requirement that only costs that have actually been incurred may be included in the true-up period. Specifically, an operator's initial Form 1240 filing may now include projected changes in costs, inflation, channels and subscriber information attributable to the period between the last date for which historical cost data is available and the effective date of the new rates. These projections must be accompanied by a separate calculation and explanation of the basis for the costs (for the period between the last full month for which actual cost data is available and the effective date of the new rate). The creation of this blanket waiver modifies the Form 1240 information collection requirement and therefore requires the approval of the Office of Management and Budget.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29299 Filed 11–14–96; 8:45 am]

BILLING CODE 6712–01–P

Public Information Collection Requirement Submitted to Office of Management and Budget (OMB) for Review

November 6, 1996.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, 44 U.S.C. Section 3507. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10236, NEOB, Washington, D.C. 20503, (202) 396–0651. For further information, contact Dorothy Conway, Federal Communications Commission, (202) 418–0217.

Note: The Commission has requested emergency review of this collection by November 29, 1996, under the provisions of 5 CFR 1320.13.

Title: Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96–61.

Form No.: N/A.

OMB Control No.: 3060–0704.

Action: Revised Collection.

Respondents: Business or other for-profit entities.

Estimated Annual Burden: 519 respondents; 266.2 hours per response (avg.); 138,175.5 hours total annual burden.

Needs and Uses: In the Second Report and Order (Order), adopted in CC Docket No. 96–61, the Commission eliminated the requirement that nondominant interexchange carriers file tariffs for interstate, domestic, interexchange telecommunications services. In order to facilitate enforcement of such carriers' statutory obligation to geographically average and integrate their rates, and to make it easier for customers to compare carriers' service offerings, the Order requires affected carriers to maintain, and to make available to the public in at least one location, information concerning their rates, terms and conditions for all of their interstate, domestic interexchange services.

The foregoing estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the burden estimates or any other aspect of the collection of information including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project, Washington, D.C. 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29300 Filed 11–14–96; 8:45 am]

BILLING CODE 6712–01–P

[Report No. 2164]

Petitions for Reconsideration of Action in Rulemaking Proceedings

November 12, 1996.

A Petition for reconsideration has been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed December 2, 1996. See Section 1.4(b) (1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Rulemaking to Amend Parts 1, 2, 21 and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz

Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, and to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services. (CC Docket No. 92–297).

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29297 Filed 11–14–96; 8:45 am]

BILLING CODE 6712–01–M

[Correction to Report No. 2162]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

November 12, 1996.

Report No. 2162, released November 5, 1996 listed the below Petition for Reconsideration. The subject listed the petition as a FM Table of Allotments instead of a TV Table of Allotments.

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Waverly, NY and Altoona, PA) (MM Docket No. 96–11, RM–8742).

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29296 Filed 11–14–96; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1143–DR]

Maine; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maine (FEMA–1143–DR), dated October 28, 1996, and related determinations.

EFFECTIVE DATE: November 4, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 26, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 96–29372 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1143–DR]

Maine; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–1143–DR), dated October 28, 1996, and related determinations.

FOR FURTHER INFORMATION CONTACT: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in letter dated October 28, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Maine, resulting from severe storms, heavy rains, high winds, and inland and coastal flooding beginning on October 20, 1996, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Sharon Stoffel of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maine to have been affected adversely by this declared major disaster:

Cumberland and York Counties for Individual Assistance, Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–29373 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1142–DR]

Massachusetts; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Massachusetts (FEMA–1142–DR), dated October 25, 1996, and related determinations.

EFFECTIVE DATE: November 4, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 25, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 96–29374 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1142–DR]

Massachusetts; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Massachusetts (FEMA–1142–DR), dated October 25, 1996, and related determinations.

EFFECTIVE DATE: October 25, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 25, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Massachusetts, resulting from extreme weather conditions and flooding on October 20, 1996, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Massachusetts.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Alma C. Armstrong of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Massachusetts to have been affected adversely by this declared major disaster:

Essex, Middlesex, Norfolk, Plymouth and Suffolk Counties for Individual Assistance, Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–29375 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1144–DR]

New Hampshire; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Hampshire (FEMA–1144–DR), dated October 29, 1996, and related determinations.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 29, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New Hampshire, resulting from the Fall Northeaster rainstorm on October 20–23, 1996, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of New Hampshire.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Gary Pierson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Hampshire to have been affected adversely by this declared major disaster:

Hillsborough, Rockingham, and Strafford Counties for Individual Assistance, Public Assistance and Hazard Mitigation.

Grafton, Merrimack, and Sullivan Counties for Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–29371 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1136–DR]

Puerto Rico; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico, (FEMA–1136–DR), dated September 11, 1996, and related determinations.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Puerto Rico is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 11, 1996:

The municipalities of Aguadilla, Anasco, and Las Marias for Public Assistance (already designated for Individual Assistance and Hazard Mitigation).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 96–29376 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1135–DR]

Virginia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA–1135–DR), dated September 6, 1996, and related determinations.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 6, 1996:

Hampton City for Individual Assistance and Hazard Mitigation (already designated for direct Federal assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 96–29377 Filed 11–14–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

Federal Housing Finance Board

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 56546, November 1, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, November 7, 1996.

CHANGE IN THE MEETING: Previously announced Board meeting time as been changed from 10:00 a.m to 12:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–29420 Filed 11–12–96; 4:29 pm]

BILLING CODE 6725–01–P

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 56546, November 1, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m. Thursday, November 7, 1996.

CHANGES IN THE MEETING: The following topic was added to the open portion of the meeting:

- Final Rule Amending 12 CFR, Part 902 to Include Waiver Provision.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–29423 Filed 11–12–96; 4:29 pm]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 9, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. East Coast Bank Corporation Employee Stock Ownership Plan Trust, Ormond Beach, Florida; to become a bank holding company by acquiring 40 percent of the voting shares of East Coast Bank Corporation, Ormond Beach, Florida, and thereby indirectly acquire Bank at Ormond By-The-Sea, Ormond Beach, Florida.

2. Peoples Bancorp, Inc., Carrollton, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank of West Georgia, Carrollton, Georgia, in organization.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Independent Bancorp, Limited, Little Chute, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Little Chute, Little Chute, Wisconsin.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Security Bancshares, Inc., Amory, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Security Bank of Amory, Amory, Mississippi.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Denison Bancshares, Inc. of Holton, Holton, Kansas; to acquire 6 percent of the voting shares of Denison State Bank, Holton, Kansas.

E. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First Mineola, Inc., Mineola, Texas; to become a bank holding company by acquiring and merging with The First Mineola Corporation, Mineola, Texas, and thereby indirectly acqure The First National Bank, Mineola, Texas.

2. New Albany, Inc., Albany, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Albany Bancshares, Inc., Albany, Texas, and Albany Bancshares Nevada Financial Corporation, Reno, Nevada, and thereby indirectly acquire First National Bank Albany/ Breckenridge, Albany, Texas.

In connection with this application, Albany Bancshares will be merged with

and into New Albany; the surviving bank holding company will be renamed Albany Bancshares, Inc.

Board of Governors of the Federal Reserve System, November 8, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29249 Filed 11–14–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 29, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. HSBC Americas, Inc., Buffalo, New York; HSBC Holdings, PLC, London, United Kingdom; and HSBC Holdings BV, Amsterdam, Netherlands; to acquire First Federal Savings and Loan Association of Rochester, Rochester, New York, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29248 Filed 11-14-96; 8:45 am]

BILLING CODE 6210-01-F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, November 20, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed 1997 Federal Reserve Board budget.
2. Proposed 1997 budget for the Office of Inspector General.
3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: November 13, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29434 Filed 11–13–96; 11:05 am]

BILLING CODE 6210–01–P

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 11:00 a.m., Wednesday, November 20, 1996, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, assignments, promotions, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

DATED: November 13, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29435 Filed 11–13–96; 11:05 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 942–3328]

Victoria Bie d/b/a Body Gold; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the La Jolla, California-based dietary supplement manufacturer from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them; from misrepresenting the results of any test, study, or research; and from representing that any testimonial or endorsement is the typical or ordinary experience of users of the advertised product, unless the claim is substantiated or unless Bie discloses the generally expected results clearly and prominently. The agreement settles allegations that Bie made unsupported claims about weight loss and health benefits for chromium picolinate dietary supplements.

DATES: Comments must be received on or before January 14, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Claude Wild, III, Federal Trade Commission, Denver Regional Office, 1961 Stout Street, Suite 1523, Denver, CO 80294. (303) 844–2272. Sohni Bendiks, Federal Trade Commission, Denver Regional Office, 1961 Stout Street, Suite 1523, Denver, CO 80294. (303) 844–3923.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission—s Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Victoria Bie d/b/a Body Gold.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising claims made by Victoria Bie d/b/a Body Gold in selling dietary supplements. The Commission's complaint in this matter alleges that respondent advertised and sold products containing chromium picolinate, (-)hydroxycitric acid and L-carnitine.

Regarding chromium picolinate, the complaint charges that respondent represented without adequate substantiation that chromium picolinate causes weight and fat loss (rapidly and without diet or strenuous exercise), lowers cholesterol levels, increases human metabolism, increases lean body mass, builds muscle, controls appetite and sugar cravings, regulates blood sugar and increases energy and/or stamina. The complaint also charges that respondent represented without adequate substantiation that testimonials in her advertisements and promotional materials reflect the typical and ordinary experiences of members of the public who have used products containing chromium picolinate. Finally, the complaint charges that respondent falsely claimed that scientific studies supported her claims that chromium picolinate reduces body fat, causes rapid body fat loss, increases lean body mass and builds muscle, causes significant weight loss, significantly reduces serum cholesterol, lowers or regulates blood sugar, and increases energy or stamina.

Regarding L-carnitine, the complaint charges that respondent represented without adequate substantiation that taking L-carnitine as a supplement reduces body fat, causes weight loss, tones muscles, increases stamina, and enhances athletic performance. The complaint also charges that respondent represented without adequate substantiation that testimonials in her advertisements and promotional materials reflect the typical or ordinary experience of members of the public who have used products containing L-carnitine.

Regarding (-)hydroxycitric acid, the complaint alleges that respondent represented without adequate substantiation that CitriGold, which is a combination of chromium picolinate and (-)hydroxycitric acid, causes weight loss, reduces body fat, and controls appetite.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent respondent from engaging in similar acts and practices in the future.

Part I of the proposed order requires respondent to cease and desist from representing that chromium picolinate, CitriGold, or any other food, dietary supplement, or drug reduces body fat, causes weight loss, causes rapid weight or fat loss, causes weight or fat loss without dieting or strenuous exercise, reduces serum cholesterol levels, increases human metabolism, increases lean body mass and builds muscle, increases energy or stamina, controls appetite and/or cravings for sugar, and regulates blood sugar, unless respondent possesses competent and reliable scientific evidence that substantiates the representation.

Part II of the proposed order requires respondent to cease and desist from representing that L-carnitine, or any food, dietary supplement, or drug improves fat metabolism, causes fat loss, causes weight loss, tones muscles, enhances athletic performance and/or increases stamina, unless respondent possesses competent and reliable scientific evidence that substantiates the representation.

Part III of the proposed order requires that respondent cease and desist from making any representation regarding the performance, benefits, efficacy or safety of any food, dietary supplement or drug unless, at the time of making such representation, respondent possesses competent and reliable scientific evidence that substantiates the representation.

Part IV of the proposed order requires that respondent cease and desist from misrepresenting in any manner the existence, contents, validity, results, conclusions or interpretations of any test or study.

Part V of the proposed order requires that respondent cease and desist from representing that any endorsement of a product or program represents the typical or ordinary experience of members of the public unless, at the time of making such representation, the representation is true, and respondent possesses and relies upon competent and reliable evidence that substantiates the representation. However, respondent may use such endorsements if the statements in the endorsement are true, and if respondent discloses clearly and prominently, close to the endorsement, what the generally expected results would be in the depicted circumstances or, the limited applicability of the endorser's experience to what consumers may generally expect to achieve.

Parts VI and VII of the proposed order permit respondent to make certain representations on labels as specifically permitted under Food and Drug Administration regulations or standards.

The proposed order also requires the respondent to maintain materials relied upon to substantiate the claims covered

by the order (Part VIII); to notify the Commission of any proposed change in the company that might affect compliance with the order (Part IX); to distribute copies of the order to all agents, representatives and employees (Part X); and to file one or more reports detailing compliance with the order (Part XI). The order also contains a provision that it will terminate after twenty (20) years absent the filing of a complaint against respondent alleging violation of the order (Part XII).

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–29265 Filed 11–14–96; 8:45 am]

BILLING CODE 6750–01–P

[File No. 912–3336]

Conopco, Inc.; Van Den Bergh Foods Company; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the New York City-based manufacturer of margins and spreads from making unsubstantiated or false health or nutrient content claims for any of the margarine and butter products it markets. In addition, in any advertisement including a ''no cholesterol'' claim for a margarine or spread that contains a significant amount of fat, Conopco has agreed to clearly state the total fat content. The agreement settles Commission allegations stemming from Conopco's national advertising campaign for Promise margarine that focused on consumers' heart health concerns.

DATES: Comments must be received on or before January 14, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Anne V. Maher, Federal Trade Commission, S–4002, 6th and Pennsylvania Ave, NW, Washington, DC 20580. (202) 326–2987. Rosemary Rosso, Federal Trade Commission, S–4002, 6th and Pennsylvania Ave, NW, Washington, DC 20580. (202) 326–2174.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Conopco, Inc. (''Conopco''), a wholly-owned subsidiary of Unilever United States, Inc., doing business as Van Den Bergh Foods Company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charges Conopco with engaging in deceptive advertising of the ''Promise'' line of margarines and spreads, which are marketed by Van Den Bergh Foods Company, an operating division of Conopco. The complaint challenges television and print advertisements for Promise spread, Promise Extra Light margarine and Promise Ultra (26%) spread (hereinafter sometimes referred to as ''Promise margarines and spreads''). According to the complaint, television and print advertisements for Promise margarines and spreads represented that eating these products would help reduce the risk of heart disease. According to the complaint, at the time it made the representation, Conopco neither possessed nor relied upon a reasonable basis that substantiated such representation.

The complaint also alleges that advertisements for Promise margarines and spreads represented that these foods are low in total fat. This representation is alleged to be false and misleading. At the time the advertisements were disseminated, Promise spread contained 9.5 grams of fat per 14 gram serving and 34 grams of fat per 50 grams, Promise Extra Light margarine contained 5.6 grams of fat per 14 gram serving and 20 grams of fat per 50 grams, and Promise Ultra (26%) contained 3.64 grams of fat per 14 gram serving and 13 grams of fat per 50 grams.

The complaint also alleges that advertisements for Promise spread represented that Promise spread is low in saturated fat. This representation is also alleged to be false and misleading. At the time the advertisements were disseminated, Promise spread contained 1.6 grams of saturated fat per 14 gram serving with 17 percent of calories derived from saturated fat.

The complaint also alleges that advertisements for Promise spread and Promise Extra Light margarine represented that Promise spread and Promise Extra Light margarine have no dietary cholesterol. According to the complaint, Conopco failed to adequately disclose that Promise spread and Promise Extra Light margarine contain a significant amount of total fat. In light of the representation that Promise spread and Promise Extra Light margarine have no dietary cholesterol, the total fat content of the products would be material to consumers and the failure to adequately disclose total fat content is alleged to be deceptive.

The consent order contains provisions designed to remedy the violations charged and to prevent Conopco from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits Conopco from misrepresenting that eating Promise margarines and spreads or any other margarine or spread will help to reduce the risk of heart disease or that any margarine or spread has the ability to cause or contribute to any risk factor for a disease or any health-related condition unless at the time of making such representation Conopco possesses and relies upon a reasonable basis consisting of competent and reliable

scientific evidence that substantiates the representation. Under the order, any representation relating to the ability of any margarine or spread to reduce the risk of heart disease or to cause or contribute to any risk factor for a disease or any health-related condition that is specifically permitted in labeling by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990 will be deemed to have a reasonable basis.

Part II of the order prohibits Conopco from misrepresenting the existence or amount of fat, saturated fat, cholesterol or calories of any margarine or spread. Part II also provides that if any representation covered by this Part conveys any nutrient content claim defined (for purposes of labeling) by any regulation promulgated by the Food and Drug Administration, compliance with this Part shall be governed by the qualifying amount for such defined claim as set forth in that regulation.

Part IIIA of the order requires Conopco, in any advertisement or promotional material for any margarine or spread that contains the disclosure level of fat as set forth in final regulations concerning cholesterol content claims as promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990, that refers, directly or by implication, to the amount of cholesterol in such food, to disclose clearly and prominently the total number of grams of fat per serving. Part IIIB of the order requires that for three years Conopco also disclose, in any advertisement or promotional material for any margarine or spread sold under the Promise brand name that contains the aforementioned disclosure level of fat, the percentage of calories derived from fat or a statement that the margarine or spread is not a ''low fat'' food.

Part IV provides that the order shall not prohibit representations specifically permitted in labeling for any margarine or spread by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

Part V defines the terms used in the order. Part VI requires Conopco to maintain copies of all material relating to advertisements covered by the order and all documents relating to substantiation of advertising claims covered by the order. Part VII requires Conopco to notify the Commission of any changes in the corporate structure that might affect compliance with the order. Part VIII requires Conopco to distribute copies of the order to certain company officials and employees and certain other representatives and agents of the company. Part IX provides that the order will terminate after twenty years under certain circumstances. Part X requires Conopco to file with the Commission one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–29266 Filed 11–14–96; 8:45 am]

BILLING CODE 6750–01–P

[File No. 932–3282]

Nutrition 21; Selene Systems, Inc.; Herbert H. Boynton; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the San Diego-based dietary supplement manufacturer and its president from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them, and from misrepresenting the results of any test, study, or research. The settlement also requires Nutrition 21, which holds the exclusive U.S. license on the patent rights to chromium picolinate, to send its customers who resell the supplement to the public a notice of the Commission's allegations and a request to stop using sales materials making the challenged claims. The agreement settles allegations that Nutrition 21 made unsupported claims about weight loss and health benefits for chromium picolinate dietary supplements.

DATES: Comments must be received on or before January 14, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Loren G. Thompson, Federal Trade Commission, S–4002, 6th St. and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–2049. Beth Grossman, Federal Trade Commission, S–4002, 6th St. and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3019.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a consent order from Nutrition 21, a limited partnership, Selene Systems, Inc., a general partner of Nutrition 21, and Herbert H. Boynton, President of Selene Systems, Inc. (''respondents'').

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns chromium picolinate, a nutrient patented by the United States Department of Agriculture. Respondents hold the exclusive license to manufacture and sell chromium picolinate in the United States. The Commission's proposed complaint alleges that the respondents represented without a reasonable basis in their advertisements that chromium picolinate: (a) Significantly reduces body fat; (b) causes significant weight

loss; (c) causes significant weight loss without diet or exercise; (d) causes long-term or permanent weight loss; (e) increases lean body mass and builds muscle; (f) significantly increases human metabolism; (g) controls appetite and reduces cravings for sugar; (h) significantly reduces total and LDL serum cholesterol; (i) significantly lowers elevated blood sugar levels; and (j) is effective in the treatment and prevention of diabetes. The proposed complaint also alleges that respondents represented without a reasonable basis that ninety percent of adults in the United States do not consume diets with sufficient chromium to support normal insulin function, resulting in increased risk of overweight, heart disease, elevated blood fat, high blood pressure, and diabetes. Finally, the proposed complaint alleges that respondents falsely represented that a number of those claims were supported by scientific studies.

The proposed consent order contains provisions designed to prevent the respondents from engaging in similar acts and practices in the future. Part I of the proposed order prohibits respondents from making the challenged representations for chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representations.

Part II of the proposed order prohibits respondents from making any representation about the benefits, performance, efficacy, or safety of chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part III of the proposed order prohibits respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part IV of the proposed order requires respondents to send notification letters to past, current, and future purchasers for resale of chromium picolinate. The letter describes the Commission's allegations and the terms of the order, and advises recipients to stop using promotional materials making the challenged claims.

Parts V through IX of the proposed order relate to respondents' obligation to maintain records, distribute the order to current and future officers and employees, notify the Commission of changes in corporate structure or in the individual's employment, and file compliance reports with the Commission. Part X provides that the order will terminate after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–29264 Filed 11–14–96; 8:45 am]

BILLLING CODE: 6750–01–P

[File No. 952–3366]

Universal Merchants, Inc.; Steven Oscherowitz; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the Los Angeles, California-based dietary supplement manufacturer and its president from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them; from misrepresenting the results of any test, study, or research; and from representing that any testimonial or endorsement is the typical or ordinary experience of users of the advertised product, unless the claim is substantiated or unless Universal Merchants discloses the generally expected results clearly and prominently. The agreement settles allegations that Universal Merchants made unsupported claims about weight loss and health benefits in infomercials for its Chromatrim and Chromatrim 100 chromium picolinate chewing gum products.

DATES: Comments must be received on or before January 14, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard L. Cleland, Federal Trade Commission, H–466, 6th and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3088.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent for Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Universal Merchants, Inc., the marketer of ChromaTrim, a chewing gum containing chromium picolinate sold as a weight loss aid, and its president, Steven Oscherowitz, hereinafter sometimes referred to as respondents.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter alleges that the respondents made unsubstantiated claims that ChromaTrim (1) reduces body fat, (2) causes significant weight loss, (3) significantly reduces body fat and causes weight loss without dieting or exercise, (4) increases lean body mass and builds muscle, and (5) controls appetite and craving for sugar. The complaint further alleges that respondents falsely represented that these effects have been demonstrated through scientific studies. In addition, the complaint alleges that respondents made unsubstantiated claims that (1) testimonials from consumers appearing

in ChromaTrim advertisements reflect the typical or ordinary experience of users and (2) that nine out of ten people suffer decreased ability to burn fat, preserve muscle, and control hunger and cravings because of a chromium deficiency.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the order requires substantiation for claims that ChromaTrim (1) significantly reduces body fat, (2) causes significant weight loss, (3) significantly reduces body fat or causes weight loss without dieting or exercise, (4) increases lean body mass or builds muscle, and (5) controls appetite or craving for sugar. Similarly, Part I prohibits the claim that nine out of ten people do not consume enough chromium to support normal insulin function, resulting in decreased ability to burn fat, preserve muscle, and control hunger and cravings, unless, such claim is substantiated by competent and reliable scientific evidence at the time it is made.

Part II of the proposed order requires substantiation for any health benefits, performance, efficacy or safety claim for any food, dietary supplement, or drug. Part III prohibits the misrepresentation of any test, study, or research. Part IV prohibits proposed respondents from representing that any testimonial is the typical or ordinary experience of users unless such claim is substantiated or respondents disclose, clearly and prominently, what the generally expected results would be or that consumers should not expect similar results. Parts V and VI allow representations permitted for drugs by the Food and Drug Administration or for foods under the Nutrition Labeling and Education Act. Part VII requires proposed respondents to maintain certain records for five years, and Part VIII requires proposed respondents to distribute a copy of the order to certain persons who have responsibilities subject to the order. Part IX requires the corporate respondent to notify the Commission of any changes in the corporation that may affect compliance with the order and Part X requires that Steven Oscherowitz notify the Commission of changes in employment or of his affiliation with any new employment. This provision is effective for five years. Part XI requires that the proposed respondents file a compliance report and Part XII sunsets the proposed order at twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–29267 Filed 11–14–96; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Policy Division, FAR Secretariat; Stocking Change of an Optional Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/FAR Secretariat is changing the stocking of the following Standard form because of low user demand: OF 1419, Abstract of Offers—Construction.

Since this form is now authorized for local reproduction, you can obtain the updated camera copy in two ways:

On the internet. Address: http://www.gsa.gov/forms, or:

From CARM, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: FAR Secretariat, (202) 501–4755.

DATES: Effective November 15, 1996.

Dated: November 6, 1996.

Theodore D. Freed,

Standard and Optional Forms Management Officer.

[FR Doc. 96–29291 Filed 11–14–96; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science; Administration of National Awards Programs

AGENCY: The President's Council on Physical Fitness and Sports, OPHS, DHHS.

ACTION: Notice of opportunity to administer awards program.

SUMMARY: The President's Council on Physical Fitness and Sports (''PCPFS'') seeks an organization capable of administering a series of financially self-sustaining PCPFS activities involving awards and recognitions.

DATES: To receive consideration, all proposals must be received by 4:00 p.m., December 9, 1996, by Christine Spain, Director of Research, Planning, and Special Projects, PCPFS at the address set out below. Proposals will meet the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date. Private metered postmarks will not be acceptable as proof of timely mailing. Hand delivered requests must be received by 4:00 p.m., December 9, 1996. Proposals that are received after the deadline date will be returned to the sender.

FOR FURTHER INFORMATION CONTACT:

Christine Spain, Director of Research, Planning, and Special Projects, President's Council on Physical Fitness and Sports, Suite 250, 701 Pennsylvania Avenue, NW., Washington, DC 20004 (202) 272–3425.

SUPPLEMENTARY INFORMATION: The PCPFS seeks an organization capable of administering a series of financially self sustaining PCPFS awards which presently include the ''President's Challenge Physical Fitness Awards Program'', the ''State Champion Award'' and the ''National Physical Fitness Demonstration Center Award.''

1. The President's Challenge Physical Fitness Awards Program

This program recognizes students' physical fitness achievement, ages 6–17, on five fitness test items.

(a) Students scoring at the 85th percentile or above (based on national norms) on all test items are eligible for the Presidential Physical Fitness Award and receive a Presidential certificate and emblem.

(b) The National Physical Fitness Award is available for boys and girls who score at the 50th percentile or above on the five test items and consists of an emblem and/or a certificate of recognition.

(c) The Participant Physical Fitness Award recognizes boys and girls who attempt all five test items on the ''President's Challenge'' but whose scores fall below the 50th percentile on one or more of them. Students earn an embroidered Participant emblem and/or a certificate of recognition for their accomplishments.

(d) The Health Fitness Award can be earned by youngsters whose test scores meet or exceed the specified health criteria on each of the five items comprising the President's Challenge Health Fitness Test. Award standards are based upon health-related criteria. Students earn an embroidered emblem and/or a certificate of recognition.

2. The State Champion Award

This award is granted to three schools in each state which qualify the highest percentage of eligible students for the Presidential Physical Fitness Award. Schools receive a certificate of recognition, and each student in the school who received the Presidential Physical Fitness Award receives a State Champion emblem.

3. The National Physical Fitness Demonstration Centers

This award focuses attention on individual schools, recognized by State Departments of Education, which have outstanding programs of physical education that contribute to students' physical fitness. Each Demonstration Center receives a certificate and a pennant distributed by the State Director. Organizations (schools, youth and community groups, etc.) which participate in the PCPFS awards programs purchase the award and recognition materials directly from the administering organization.

The organization selected shall furnish the necessary personnel, materials, services and facilities to administer this PCPFS program (awards, recognitions and activities), including the purchase and/or production of all award materials; distribution of award materials; promotion; statistical evaluations of programs; quarterly and annual budget and demographic reports; and other administrative duties. These duties will be determined in a Memorandum of Agreement and an annual plan. The organization will be expected to provide input regarding new activities or initiatives to support the program, and recommend methods to improve program usage and promotion. The organization also will work with the PCPFS to consider other recognitions/programs bearing the President's Council on Physical Fitness and Sports and/or Presidential insignias.

An organization interested in administering the programs should submit pertinent information regarding its qualifications for evaluation purposes on each of the following areas: (1) Experience in administering national awards programs; (2) Discussion of specific work previously performed or currently being performed, with particular emphasis on those national projects dealing with physical fitness, sports or other physical activities of a similar nature, with schools and organizations; (3) Personnel: name, professional qualifications and specific experience of key personnel who would be available to work on these projects; (4) Facilities: availability and description of facilities required to administer the program as well as computer based telecommunication resources; (5) Financial Management: discussion of experience in developing an annual budget and collecting and managing monies from organizations or individuals; (6) Proposed plan for managing the President's Council on Physical Fitness and Sports awards programs, including such financial aspects as cost of award materials, promotion, distribution and program management. The organization will be selected by the PCPFS based on its qualifications and capability to administer a program of this nature.

Dated: November 12, 1996.

Sandra Perlmutter,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 96–29287 Filed 11–14–96; 8:45 am]

BILLING CODE 4160–17–M

Centers for Disease Control and Prevention

ICD–9–CM Coordination and Maintenance Committee Meeting

The National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: ICD–9–CM Coordination and Maintenance Committee (C&M).

Times and Dates: 10 a.m.-Open, December 5, 1996; 8:30 a.m.-3:30 p.m., December 6, 1996.

Place: Auditorium, Health Care Financing Administration Building, 7500 Security Boulevard, Baltimore, Maryland 21244.

Status: Open.

Purpose: The ICD–9–CM Coordination and Maintenance Committee will be holding its final meeting of the year. This meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, ninth-revision, clinical modification. Topics to be discussed include Crohn's disease, obstetric chapter modifications, febrile convulsions, external cause modifications, hepatitis carrier, high-risk screening mammogram, update on ICD–10 Procedure Coding System, partial ventribulectomy, thalamic stimulation for tremors, arthroplasty with cement spacers, and addenda.

Agenda items are subject to change as priorities dictate.

Notice: In the interest of security, the Department of Health and Human Services has instituted stringent procedures for entrance into the building by non-government employees. Thus, persons without a government identification card will need to show photo identification and sign-in.

Contact Persons for More Information: Substantive program information may be obtained from Amy Gruber, Health Care Financing Administration, 7500 Security Boulevard, Room C5–06–27, Baltimore, Maryland 21244, telephone 410/786–1542, or Donna Pickett, Co-chair, ICD–9–CM Coordination and Maintenance Committee, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050, extension 142.

Dated: November 7, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–29290 Filed 11–14–96; 8:45 am]

BILLING CODE 4160–18–P

Food and Drug Administration

[Docket No. 96P–0212]

Determination That Ibuprofen 200-Milligram Capsule Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that ibuprofen (Midol®) 200-milligram (mg) capsule was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDA's) for ibuprofen 200-mg capsule.

FOR FURTHER INFORMATION CONTACT: Andrea C. Masciale, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as ''the listed drug,'' which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

Ibuprofen (Midol®) 200-mg capsule is the subject of approved ANDA's 70–626 and 71–002. On September 7, 1987, Sterling Winthrop, Inc., (Winthrop) obtained approval to market the ibuprofen 200-mg capsule. Winthrop never in fact marketed this drug product. The right to market the Midol® 200-mg capsule was subsequently transferred to Bayer Corp., which never marketed the drug product and has indicated that it has no plans to market it in the future.

On June 27, 1996, Private Formulations, Inc., submitted a citizen petition (Docket No. 96P–0212/CP1) under 21 CFR 10.30 to FDA requesting that the agency determine whether ibuprofen 200-mg capsule was withdrawn from sale for reasons of safety or effectiveness. FDA has determined that, for purposes of §§ 314.161 and 314.162(c), never marketing an approved drug product is equivalent to withdrawing the drug from sale.

FDA has reviewed its records and under §§ 314.161 and 314.162(c) has determined that the ibuprofen 200-mg capsule was not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will maintain ibuprofen 200-mg capsule in the ''Discontinued Drug Product List'' contained in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' The ''Discontinued Drug Product List'' lists, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to ibuprofen 200-mg capsule may be approved by the agency.

Dated: November 7, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–29238 Filed 11–14–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96N–0391]

Review of Infant Formula Nutrient Requirements for Preterm Infants; Announcement of Study; Request for Scientific Data and Information; Announcement of Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Life Sciences Research Office (LSRO) of the Federation of American Societies for Experimental Biology (FASEB) is about to undertake an assessment of the energy and macronutrient levels in infant formulas intended for preterm infants who are of low birth-weight because of their premature birth. The agency has requested that LSRO/FASEB provide an up-to-date scientifically documented report based on its assessment. FDA intends to consider this report and other relevant information in deciding whether a modification of the levels of energy and macronutrients listed in the FDA regulation for term infant formulas is necessary for formulas intended to meet the special needs of preterm infants. To assist in the preparation of its scientific report, LSRO/FASEB is inviting the submission of scientific data and information bearing on this topic. LSRO/FASEB will also provide an opportunity for oral presentations at an open meeting.

DATES: LSRO expects to hold an open meeting on this topic during the period January 2, 1997, to March 31, 1997. FDA and LSRO will announce the date of the meeting as soon as it is set. Requests to make oral presentations must be submitted in writing by December 23, 1996. Written presentations of scientific data, information, and views should be submitted on or before the date of the open meeting.

ADDRESSES: The open meeting will be held in the Chen Auditorium, Lee Bldg., Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD. Written requests to make oral presentations of scientific data, information, and views at the open meeting should be submitted to Daniel J. Raiten (address below) and to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Two copies of the scientific data, information, and views are to be submitted to each office. These two copies are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel J. Raiten, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814–3998, 301–530–7030, or Linda H. Tonucci, Center for Food Safety and Applied Nutrition (HFS–456), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5372.

SUPPLEMENTARY INFORMATION: FDA has a contract (223–92–2185) with FASEB concerning the analysis of scientific issues that bear on the safety of foods and cosmetics. The objectives of this contract are to provide information to FDA on general and specific issues of scientific fact associated with the analysis of human nutrition.

Formulas for infants with low birth-weight are currently regulated as exempt infant formulas under the Federal Food, Drug, and Cosmetic Act (the act). Exempt infant formulas may have nutrients or nutrient levels that are different from those that are codified in 21 CFR 107.100, if the manufacturer of the infant formula can justify the nutrient deviation. LSRO will perform a review to consider the scientific basis for providing different recommendations for energy and macronutrients (protein, fat, including long-chain polyunsaturated fatty acids (LCPUFA's), and carbohydrates) in formulas for low birth-weight preterm infants.

FDA is announcing that it has asked FASEB, as a task under contract 223–92–2185, to provide FDA's Center for Food Safety and Applied Nutrition with an up-to-date review of the nutrient requirements of preterm infants and the resultant effects of new information about nutritional needs on recommendations for levels of nutrients in formulas for preterm infants. In response to this request, FASEB has directed LSRO to obtain state-of-the-art, scientific information on infant nutrient requirements and related scientific questions on specifications for preterm infant formula. The LSRO/FASEB will undertake a study and prepare a documented scientific report that summarizes the available information related to these questions.

LSRO, in consultation with expert scientists and professional organizations

involved in the field of infant nutrition (e.g., American Academy of Pediatrics (AAP), the Food and Nutrition Board (FNB) of the National Academy of Sciences), will perform a review of the scientific and medical literature with a particular emphasis on studies published since 1986, when Congress last amended the infant formula provisions of the act. Requirements of other governmental bodies will also be considered in this review. Specifically, LSRO will address the following issues:

(1) What scientific basis is there to support requirements for energy and macronutrients (protein, fat, and carbohydrate) in infant formulas intended for use by preterm infants as distinct from the requirements for energy and macronutrients in formulas for term infants? The American Academy of Pediatrics, the European Society for Pediatric Gastroenterology and Nutrition, and the Canadian Pediatric Society have proposed some nutrient requirements for preterm infants distinct from those for term infants. Has scientific knowledge advanced to the point that distinct composition standards for energy and macronutrients in formulas for these preterm infants are warranted?

(2) Nutrient requirements of hospitalized preterm infants who are fed enteral formulas are sometimes described according to stages such as a first or transition stage (between birth and 10 days of age), a stable growing stage (from about 10 days until discharge from hospital, 6 to 8 weeks after birth), and a post-discharge stage (from discharge home to approximately 1 year of age). Is there scientific evidence to justify more than one set of energy and macronutrient requirements to support growth and development of the hospitalized preterm infant at the different stages of development? If so, how should the stages be defined? Are the energy and macronutrient requirements for infant formulas for term infants sufficient for healthy post-discharge preterm infants? Is there scientific evidence to support specific deviations from current nutrient standards for healthy post-discharge preterm infants and if so, what would they be and to what stage (age/weight) should these special formulas be given?

(3) Does available evidence establish the essentiality of addition of subcomponents of the macronutrients (specifically, taurine, carnitine, and LCPUFA's) to formulas for preterm infants, and if so, does the evidence establish what the amount and ratios of these compounds should be in the formula? For example, the Canadian ''Guidelines for the Composition and Clinical Testing for Formulas for Preterm Infants'' (p. 17) finds that term infant formulas containing adequate and balanced 18:2n-6 and 18:3n-3 fatty acids do not require addition of the 20 and 22 carbon n-6 and n-3 fatty acids. Is there evidence to suggest that this finding has application to preterm infant formulas? If so, is there an optimum level and ratio of 18:2n-6 and 18:3n-3 fatty acids in formulas for preterm infants?

Does the available evidence address the issue of safety of various sources of these LCPUFA's for use in preterm infant formulas? If so, is there a safe source of LCPUFA's?

(4) Does available evidence establish the essentiality of addition of nucleotides to formulas for preterm infants, and if so, does the evidence establish what the amounts should be in the formulas?

LSRO will use these questions as a guide in its research and in the drafting of its report. LSRO notes that the recommendations derived from the answers to the above questions will be made in consultation with liaisons from the American Academy of Pediatrics' Committee on Nutrition and the Institute of Medicine's Food and Nutrition Board. A comprehensive final report that documents and summarizes the results of the evaluation will be prepared.

FDA and FASEB are announcing that the LSRO/FASEB expects to hold an open meeting on this topic during the period January 2, 1997 to March 31, 1997. FDA and FASEB will announce the date of the meeting as soon as it is set. The open meeting will be held in the Chen Auditorium, Lee Bldg., FASEB (address above). FASEB anticipates that the open meeting will last 1 day, depending on the number of requests to make oral presentations. Requests to make oral presentations at the open meeting must be submitted in writing by December 23, 1996. Written requests to make oral presentations of scientific data, information, and views at the open meeting should be submitted to Daniel J. Raiten (address above) and to the Dockets Management Branch (address above). Two copies of the material to be presented must be submitted to each office on or before the date of the open meeting.

FDA and FASEB are also inviting submission of written presentations of scientific data, information, and views. These materials should be submitted on or before the date of the open meeting. Two copies of the written materials must be submitted to each office.

Under its contract with FDA, FASEB will provide the agency with a scientific report on or about September 30, 1997.

Dated: November 5, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–29303 Filed 11–14–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[HCFA–8003]

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Extension, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Home and Community-Based Services Waiver Requests; *Form No.:* HCFA–8003; *Use:* Under a Secretarial waiver, States may offer a wide array of home and community-based services to individuals who would otherwise require institutionalization. States requesting a waiver must provide certain assurances, documentation and cost & utilization estimates which are reviewed, approved and maintained for the purpose of identifying/verifying States' compliance with such statutory and regulatory requirements; *Frequency:* Other—When a State requests a waiver or amendment to a waiver; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 50; *Total Annual Responses:* 140; *Total Annual Hours:* 8,200.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410)

786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Analysis and Planning Staff, Attention: Linda Mansfield, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: November 7, 1996.

Edwin J. Glatzel,

Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–29313 Filed 11–14–96; 8:45 am]

BILLING CODE 4120–03–P

Office of Inspector General

Publication of the Medicare Beneficiary Advisory Bulletin on HMO Arrangements

AGENCY: Office of Inspector General, HHS.

ACTION: Notice.

SUMMARY: This Federal Register notice sets forth a recently issued Medicare Beneficiary Advisory Bulletin, developed in cooperation with the Health Care Financing Administration's Office of Managed Care, that identifies potential fraud and abuse issues related to the enrollment, the provision of services, and the disenrollment of Medicare program beneficiaries in health maintenance organizations (HMOs). This Advisory Bulletin has been made available to many consumer and health care association groups, and is now being reprinted in this issue of the Federal Register as a means of ensuring greater public awareness of beneficiary rights regarding HMO participation and services.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer, Office of Management and Policy, (202) 619–0089.

SUPPLEMENTARY INFORMATION: The Office of Inspector General was established by Congress to find and eliminate fraud, waste and abuse. It periodically issues Special Fraud Alerts and Advisory Bulletins to show Medicare beneficiaries where and how to look for potential problems. The Health Care Financing Administration's Office of Managed Care works to ensure that Medicare beneficiaries are given quality health care in their HMO plans.

This specific bulletin is designed to help beneficiaries identify and report improper practices, and should be helpful to Medicare beneficiaries who are thinking about joining an HMO as well as to those who are already enrolled. Specifically, this bulletin provides information about HMO obligations and beneficiary rights regarding HMO enrollment, including a Medicare beneficiary's rights to enroll in an HMO regardless of age or health status. It also gives detailed information on a beneficiary's rights to medical services, such as emergency and out-of-area care, their rights to disenroll, and provides examples of situations in which beneficiaries have the right to file a complaint or appeal an HMO's decision.

A reprint of this Medicare Beneficiary Advisory Bulletin follows.

MEDICARE BENEFICIARY ADVISORY BULLETIN

What Medicare Beneficiaries Need To Know About Health Maintenance Organization (HMO) Arrangements: Know Your Rights

Introduction

If you are thinking of joining a Medicare contracting health maintenance organization (HMO), or are enrolled in an HMO, this advisory bulletin gives you important information. In addition, this bulletin also tells you how you can get help and where you can make complaints if you believe any of your rights have been violated or the HMO has acted inappropriately.

What Are Medicare Contracting HMOs?

Medicare contracts with HMOs to provide a full range of Medicare benefits to you. Medicare contracting HMOs must give you all the health care services that are covered under the Medicare program, except hospice services (See your Medicare Handbook for specific details). In addition, HMOs may offer additional benefits, either at no charge or for an additional charge.

There are two types of Medicare contracting HMOs - risk HMOs and cost HMOs. Most HMOs are risk HMOs, and this bulletin deals exclusively with risk HMOs [1].

In general, if you enroll in a risk HMO plan, sometimes called a health plan or plan:

- You must get all of your medical care through the plan's doctors, hospitals, skilled nursing facilities, home health agencies, and other health care providers. You are ''locked-in'' to receive care through your HMO plan. You may, however, get emergency care and unforseen out-of-area urgently needed care when necessary from non-plan providers. Some plans may offer a point-of-service option which allows members to use non-plan providers in certain cases.
- You must select a primary care doctor participating in the plan. This doctor is responsible for coordinating your care. You must obtain a referral from this doctor in order to see a specialist or obtain other services through the plan.

Part I: Enrollment and Disenrollment Rights

Enrollment Rights

When you are considering enrolling in an HMO, the HMO:

- Must provide you with complete and accurate information
- Must enroll you without regard to your health status
- Must not offer you gifts or other financial inducements to encourage you to enroll.

Complete and Accurate Information

Before you decide to enroll in a plan, HMO sales, marketing or other plan representatives must give you complete and accurate information about the benefits and the services their HMO provides.

Make sure the HMO representative tells you whether the HMO offers any additional benefits besides those benefits covered under the Medicare program. If so, there may be limits on how often you can use the benefits or how much the HMO will pay for them.

For example, if you take prescription drugs, you should ask the plan before you enroll if the drugs you take are covered. If the drugs are covered, ask about whether there are limits to the coverage and whether you are required to use certain pharmacies.

[Note: Many plans do not cover all prescription drugs. Plans may set a maximum dollar amount on the drugs they cover each quarter or each year.]

In addition, the HMO representative must tell you if the HMO requires copayments for any services, including drugs, and the amount of such copayments.

[Note: Additional benefits and copayments may change each year.]

Make sure that sales, marketing or other plan representatives tell you about how their HMO operates and about all HMO providers and facilities that will be available to you in your area. This

[1] You should find out whether the HMO you are considering joining is a risk or cost HMO. If it is a cost HMO, be sure to request additional information about the operation and benefits associated with this type of plan. Some of the issues raised in this bulletin may also apply to cost HMOs.

includes the home health agencies and skilled nursing facilities associated with their HMO. Make sure you understand if there are any limitations on using the HMO-affiliated providers. For example, certain hospitals may only be used for special services such as transplants. Some doctors may only work at certain hospitals or with certain specialists.

Make sure you understand which primary care doctors will accept you as a new patient. Some doctors may not be accepting new patients. Also make sure you understand under what circumstances and how frequently you can change primary care doctors and what happens if any of your doctors leave the plan. In addition, sales, marketing and other plan representatives must tell you that you will be ''locked-in'' to the HMO and its providers once you enroll and what this will mean to you.

Sales, marketing and other plan representatives must tell you that when you enroll in a risk HMO, you cannot continue to use any of your current doctors or hospitals unless they are affiliated directly with the HMO.

If your current doctor is affiliated with the HMO, you still need to be sure that he or she can accept you as an HMO patient.

If you should choose to go to a doctor or hospital not affiliated with your plan, you will have to pay the entire bill yourself.

Sales, marketing and other plan representatives must clearly and accurately describe, and must not misrepresent, HMO benefits and services.

Medicare law prohibits HMO representatives from enrolling you in an HMO without your permission.

- You are not required to sign any HMO forms unless you are enrolling in an HMO. If a sales representative gives you a form to sign and you are not sure what it is, do not sign it. The plan may not ask you to sign what they say is either a form requesting more information, or an acknowledgement that you heard a sales presentation or received information about the HMO, if the form is really an enrollment form.
- Do not give the HMO your Medicare or Social Security number unless you are enrolling.
- HMO marketing representatives are not allowed to come to your home unless you have given them permission in advance. This restriction applies to any personal residence, including your room in a nursing home, rest home or assisted living arrangement.

If you received false, misleading or incomplete information, then you may have been improperly enrolled in an HMO. If so, you have the right to be retroactively disenrolled and to return to traditional Medicare coverage, or to enroll in another HMO.

[Note: Of course, you can disenroll from an HMO at any time. See Disenrollment section. Also, enrolling in a new Medicare HMO automatically disenrolls you from your current HMO.]

Enrollment Without Health Screenings

An HMO must enroll all eligible Medicare beneficiaries who want to enroll, regardless of their age, health status or the amount or cost of the health services needed.

HMOs are not allowed to make you undergo a health screening before you enroll. Pre-enrollment health screening or questions about your health or physical status are against the law. These screenings can be used by the HMO to identify sick beneficiaries and those with chronic conditions, and to discourage them from enrolling.

[Note: There are two exceptions to the rule about health screening before enrollment. An HMO can ask you whether you are receiving kidney dialysis or have received a kidney transplant, or whether you are receiving hospice services. If you are receiving these services or have these conditions, you can not enroll in an HMO.]

Before you enroll, sales, marketing or other HMO plan representatives should not ask:

- How often you visit the doctor
- How many doctors you have
- How many times you have been hospitalized in the last year
- Whether you have any conditions for which you take medicine on a regular basis, or
- Whether you exercise regularly.

Also be alert for improper screenings when an HMO requires or offers:

- Free physical exams before enrollment
- Free screening or diagnostic tests at health fairs or at marketing presentations.

In addition, watch for sales, marketing or other HMO plan representatives who tell you that the HMO would not be a good choice for you because (1) referrals to specialists would be limited, (2) you might have to wait for services, or (3) services would be more limited in an HMO.

After you enroll, the HMO may ask you questions, give you questionnaires to fill out, or give you a physical exam to assist them in providing your care.

Enrollment Without Being Offered Free Gifts or Other Inducements

It is illegal for an HMO to offer you free gifts or incentives to get you or anyone else to enroll in an HMO.

HMOs are not allowed to offer you free gifts to encourage you to enroll or as a reward for attending marketing presentations. They are not allowed to offer incentives to get you to recommend them to your friends either. These incentives are not allowed because they could affect your decision to enroll or to recommend that a friend enroll. It's okay for the HMO to offer promotional materials worth less than $10, such as key chains, mugs and calendars, as well as light refreshments at a marketing presentation, as long as these are given to everyone regardless of their decision to enroll.

Disenrollment Rights

Disenrollment Is Your Decision

Once you are enrolled in an HMO, you may wish to disenroll at some point. Whether you stay enrolled in or leave an HMO, it is your decision. Your HMO cannot try to keep you from disenrolling nor can the HMO try to get you to leave.

When You Decide To Leave Your HMO

HMOs must process written requests for disenrollment in a timely manner.

HMOs may not delay, withhold disenrollment information or forms, or otherwise make it hard for you to disenroll from a plan. If you want to disenroll from your HMO because you are unhappy or dissatisfied with services, or for any other reason, your HMO should help you disenroll. You must submit a written request to disenroll, and the HMO should help you complete any necessary paperwork.

[Note: Whoever has authority under State law to make health care decisions for you can enroll you in or disenroll you from an HMO.] You may also go to a Social Security office to disenroll from your HMO.

Make sure your HMO tells you the date when your disenrollment is effective. It is usually the first day of the month following receipt of your disenrollment request. If you get services from a non-HMO provider when you are still a member of your HMO, neither your HMO nor Medicare will pay.

[Note: If you disenroll from a HMO and have any pre-existing medical conditions, many Medicare supplemental insurance (Medigap) policies will not sell you a policy or will impose a waiting period for those conditions. That means you could be without supplemental insurance coverage for that condition for a period of time unless you enroll in another HMO. Also, some Medigap policies only have open enrollment periods once a year. Remember to look for a policy that will provide coverage for your pre-existing conditions, and will be available when you disenroll.]

If Your HMO Encourages You To Disenroll

The premiums that your HMO gets from the Medicare program are designed to reimburse the plan for all the covered services you need. The HMO is not allowed to try to get you to leave or to delay or deny you services because you need heart surgery, transplants, long term nursing or rehabilitative services or other expensive treatments.

Your HMO must not encourage you to disenroll:

- Because it will be expensive to treat your condition or meet your medical needs.
- By delaying expensive medical care for a long time, or by denying such care.
- By telling you that you can re-enroll in the HMO after you have received the necessary high cost services outside the HMO.

Unless you enroll in another HMO, if you disenroll from the HMO to get a specific service or procedure, you will have to pay any deductibles or coinsurance under the payment rules of the traditional Medicare program.

Part II: Your Rights to Medical Services in an HMO

The next part of this advisory bulletin tells you about your rights to medical services and benefits in a Medicare contracting HMO once you are enrolled.

Your Rights to Services

When you are enrolled in an HMO, you have a right to:

- Medically necessary care in a timely manner.
- Emergency medical care and unforseen out-of-area urgent care.

Your HMO must provide all medically necessary covered services. Covered services include all the benefits provided under the Medicare program and any additional services offered by the HMO.

Your HMO must have enough qualified primary care and specialty care doctors, as well as other health care providers and facilities, to provide you with all medically necessary covered services. If the HMO does not have enough qualified providers, it must arrange for services to be provided to you outside the plan at no extra cost to you.

HMOs must make necessary medical care and services available and accessible to you. The HMO may not:

- Create or permit delays like repeated busy signals when you call to make appointments.
- Make you wait an unreasonably long time for appointments.
- Unreasonably restrict the days or hours that you may be seen by the plan's providers.
- Create or permit unreasonable delays in arranging for surgery, hospitalization or other services by using review or approval mechanisms.
- Inappropriately deny or limit referrals to specialists in or outside the plan.
- Unreasonably limit the amount of nursing home, home health or therapy services.

Getting Emergency and Out-of-Area Care

Your HMO must pay for emergency care and for unforseen urgently needed out-of-area care you get from non-HMO health care providers, including necessary follow-up care.

Emergency Care

Emergencies are situations when you need medical care immediately because of sudden or suddenly worsening illness or injury, and the time needed to reach your plan doctor or hospital appears to you to risk permanent damage to your health.

Your HMO must not:

- Tell you that you can only get emergency care through its doctors and at its facilities.
- Require you to get prior authorization for emergency services.
- Deny your claim for emergency services after you get the services, because what appeared to be an emergency condition turned out not to be an emergency condition.

If you believe you have an emergency, you may seek emergency care outside the plan and the HMO must cover and pay for those emergency services you got from the outside provider. Your HMO must pay for all procedures performed during the evaluation and treatment of your emergency condition, unless those services were completely unrelated to the emergency condition. If possible, you should call (or have someone call) your HMO as soon as possible when receiving emergency care.

[Note: You should be aware that hospitals are required by law to provide screening for emergency medical conditions. If necessary, hospitals must provide stabilizing treatment or arrange for an appropriate transfer to another facility, whether or not your HMO authorizes these services. The hospital may not refuse to provide emergency services to you because your HMO will not authorize such services.]

Out-of-Area Urgent Care

Urgent care situations are when you have an unexpected illness or injury while you are temporarily outside the HMO's service area. Your HMO must pay for your urgent care if:

- Your illness or injury is unexpected; and
- You are temporarily away from the HMO service area; and
- Your illness or injury requires medical care which cannot be delayed until you return home.

If possible, you should call (or have someone call) your HMO as soon as possible when receiving out-of-area urgent care.

Transfers From Another Facility

An HMO may not attempt to transfer you back to its own facility from another facility outside its plan before the non-HMO facility decides that your condition is stabilized.

Coverage of Follow-Up Care

Your HMO must cover all medically necessary follow-up care related to your emergency condition, or unforseen out-of-area urgent care, provided outside the plan if that care cannot be delayed without adverse medical effects to you.

Part III: How To Make a Complaint

You should be aware that you and your HMO may disagree about what care is medically necessary.

You have the right to appeal if you believe that medically necessary care has been denied, reduced or terminated inappropriately.

Here are some examples of situations in which you have the right to appeal:

- Your doctor does not prescribe covered treatments or tests, refer you to a specialist, or does not admit you for hospital services you believe you need.
- Your HMO refuses to authorize or provide tests, treatments or referrals recommended by your primary care doctor.
- Your HMO does not authorize a second opinion on the need for surgery. (Second opinions are a Medicare covered benefit.)
- Your HMO or your doctor decides to reduce or terminate services you are already receiving, such as home health care or physical therapy, or decides to discharge you from a nursing home.
- You encounter an unreasonable delay or difficulty in arranging for surgery, hospitalization, tests, doctor visits or any other needed services, and you believe this is a way of denying you care.
- Your HMO will not pay your claims for emergency care or out-of-area urgent care you received from a non-HMO provider.
- A decision is made to discharge you from a hospital before you believe you are ready to be discharged.

[Note: When you are in the hospital and your HMO decides that you do not need to be there any longer, you can ask for immediate review by a Peer Review Organization (PRO). If you ask for a immediate review, you can stay in the hospital at no charge during the review. The review usually takes at least 24 hours.]

The Appeals Process

Your HMO is required to notify you when it denies, reduces or terminates services or payment for services. (Whether or not you have written notification, you may appeal.) The HMO must also provide you with written information about your appeal rights and the process you must follow, including time frames for each step.

The appeals process begins with your written request to the HMO asking it to review the denial, reduction or termination. If the HMO does not reverse its decision, the appeal automatically goes next to an independent review organization that contracts with Medicare to review HMO denials. If the review organization does not decide fully in your favor, you may request a hearing from Medicare.

If you need help in deciding whether to appeal, or if you have questions regarding what you must do to appeal, you can contact your local or State Insurance Counselling and Assistance (ICA) Program. Call the Medicare Hotline at 1–800–638–6833 to get the number of the ICA in your area.

Complaints About Quality

If you have complaints about the quality of care you have received by your HMO or any of its providers, including hospitals, skilled nursing facilities and home health agencies, you can complain to your HMO or a Peer Review Organization (PRO). PROs are groups of doctors and health care professionals that monitor the quality of care provided to Medicare beneficiaries. Call the Medicare Hotline or your ICA to get the number of the PRO serving your area (See Part IV: Where to Go For Help). The PRO will investigate your complaint.

Other Complaints

If you have other complaints about the HMO, such as physician demeanor or adequacy of the facilities, contact your HMO directly. Your HMO must have written procedures, including time frames, for investigating these types of complaints (also called grievances). The HMO representatives will review these complaints and notify you in writing of their conclusions.

Part IV: Where To Go for Help

What You Need To Do if You Believe Your HMO Is Not Meeting Its Obligations or May Be Violating Your Rights

- Complain directly to the HMO. You must write to your HMO asking it to reconsider its decision to deny, reduce or terminate care, coverage or payment. Every HMO is required to have a process to handle complaints, and the HMO must give you detailed information on how to file a complaint.
- Contact your local or State Insurance Counselling and Assistance Program (ICA) which has been set up to assist Medicare beneficiaries in resolving problems with, or answering questions about, their Medicare benefits. To obtain the phone number of your ICA, you can call the Medicare toll-free Hotline at 1–800–638–6833 or your local area Agency on Aging office. To obtain the number of your local aging office, you can call 1–800–677–1116 (the Eldercare locator number).
- Contact the HHS Office of Inspector General through its toll-free Hotline at 1–800–HHS–TIPS (1–800–447–8477), or contact the HCFA Medicare toll-free Hotline at 1–800–638–6833. Contacting one of these offices about improper practices will not resolve your individual problem, but may help to stop any improper practices.

Quiz Yourself

There are several important questions you should ask yourself regarding HMO participation.

Do you know:

- What lock-in into an HMO means?
- The role of your primary care doctor?
- How the HMO's referral process works?
- The HMO's rules and responsibilities about paying for emergency and out-of-area urgent care?
- Whether HMO enrollment is a good choice for you if you travel or are out of the HMO service area for long periods of time?
- How to disenroll from an HMO?
- How to complain if you have a problem?

Dated: October 18, 1996.

Michael Mangano,

Principal Deputy Inspector General.

[FR Doc. 96–28377 Filed 11–14–96; 8:45 am]

BILLING CODE: 4150–04–P

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the national Cancer Institute Initial Review Group:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: Subcommittee A—Cancer Center Subcommittee.

Date: December 18–19, 1996.

Time: 8 a.m.

Place: The Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David E. Maslow, PhD., 6130 Executive Blvd., Room 643A, Bethesda, Md 20892, Telephone: 301–496–2330.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29340 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

Agenda/Purpose: To review and evaluate grant applications.

Name of Subcommittee: Subcommittee D—Clinical Studies.

Date: December 12–13, 1996.

Time: 8 a.m.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Martin H. Goldrosen, Ph.D., National Cancer Institute, NIH, Executive Plaza North, Room 635C, 6130 Executive Boulevard, MSC 7405, Bethesda, MD 20892–7405, Telephone: 301/496–7930.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could

reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29341 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Advisors, National Cancer Institute meeting which was published in the Federal Register (61 FR 55811) on October 29, 1996 to change the location and time of the meeting.

The Board was scheduled to meet in Building 31C, Conference Room 10 at 8:30 a.m. on November 21 and 22. The location and times have been changed to Building 31, Conference Room 6, at 8 a.m. on November 21 and 22.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29344 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Scientific and Commercial Development of Fusion Proteins That Include Antibody and Non-Antibody Portions

AGENCY: National Cancer Institute, National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) seeks one or more companies that can collaboratively pursue the pre-clinical and clinical development of Fusion Proteins That Include Antibody and Non-Antibody Portions. The following disease states are of interest: neoplasia, arteriosclerosis, tumor vascularization, fibrotic diseases, psoriasis and wound healing. The National Cancer Institute, Laboratory of Cellular and Molecular Biology has developed an assay system to identify receptor agonists and antagonists using fusion protein technology. The selected sponsor will be awarded a CRADA with the National Cancer Institute for the co-development of agents identified using the fusion protein technology.

ADDRESSES: Questions about this opportunity may be addressed to Jeremy A. Cubert, M.S., J.D., Office of Technology Development, NCI, 6120 Executive Blvd. MSC 7182, Bethesda MD 20892–7182, Phone: (301) 496–0477, Facsimile: (301) 402–2117, from whom further information may be obtained.

DATES: In view of the important priority of developing new agents for the treatment or prevention of cancer, interested parties should notify this office in writing no later than [FR: insert date 60 days after date of publication]. Respondents will then be provided an additional 30 days for the filing of formal proposals.

SUPPLEMENTARY INFORMATION: ''Cooperative Research and Development Agreement'' or ''CRADA'' means the anticipated joint agreement to be entered into by NCI pursuant to the Federal Technology Transfer Act of 1986 and amendments (including 104 P.L. 133) and Executive Order 12591 of October 10, 1987 to collaborate on the specific research project described below.

The Government is seeking one or more companies which, in accordance with the requirements of the regulations governing the transfer of agents in which the Government has taken an active role in developing (37 CFR 404.8), can further develop the identified compounds and related diagnostic methods through Federal Food and Drug Administration approval and to a commercially available status to meet the needs of the public and with the best terms for the Government. The government has applied for domestic and foreign patent applications directed to Fusion Proteins That Include Antibody and Non-Antibody Portions.

The Fusion Proteins comprise an IgG sequence covalently joined at the IgG hinge and Fc domain to a non-antibody effector domain such as a ligand, toxin, or receptor. The effector domain or IgG non-antibody portion may be linked to a heterologous signal peptide to facilitate secretion. The resulting fusion protein exhibits the effector properties of both the antibody and non-antibody portions. Applications of this technology include development of diagnostic methods to monitor binding and expression of a protein of interest *in vitro, in vivo* and *in situ* (i.e. immunohistochemistry). In addition, the technology can be used to identify agonists and antagonists that modulate the binding of an effector molecule to its target. Fusion proteins may also be employed as a therapeutic to deliver radiation, a cytotoxic agent or a drug directly to a target cell.

The LCMB, Division of Basic Sciences, NCI is interested in establishing a CRADA with one or more companies to assist in the development of diagnostic, screening and therapeutic applications of the technology. The Government will provide all available expertise and information to date and will jointly pursue pre-clinical and clinical studies as required, giving the company full access to existing data and data developed pursuant to the CRADA. The successful company will provide the necessary scientific, financial and organizational support to establish clinical efficacy and possible commercial status of subject compounds and/or diagnostic and therapeutic applications.

The expected duration of the CRADA will be two (2) to five (5) years.

The role of the National Cancer Institute, includes the following:

1. Construction of fusion proteins comprising a molecule of interest covalently joined to an IgG hinge and FC antibody regions.

2. Expression and harvesting of the resulting fusion protein from conditioned medium of a suitable transfectant such as NIH 3T3 cells.

3. Develop a screen of ligand-HFc on receptor or receptor-HFc on ligand to identify putative agonists and antagonists.

4. Conduct in vitro studies to identify putative agonists and/or antagonists by screening libraries of compounds.

5. Conduct in vitro and in vivo studies to characterize the properties of putative agonists and/or antagonists.

6. Evaluation of test results.

7. Preparation of manuscripts for publication.

8. Relevant Government intellectual property rights are available for licensing through the Office of Technology Transfer, National Institutes of Health. For further information contact Susan Rucker, J.D., NIH Office of Technology Transfer, 6011 Executive Blvd, Suite 325, Rockville, MD 20852, Phone: (301) 496–7056 (ext. 245); Facsimile: (301) 402–0220.

The role of the collaborator company, includes the following:

For agonist/antagonist screening:

1. Provide growth factor or receptor cDNA clones for fusion protein construction if not available in NCI/LCMB clone bank.

2. Scale-up production of fusion proteins constructed by NCI if required.

3. Conduct in vitro studies to identify putative antagonists/agonists by screening libraries of compounds.

4. Conduct in vitro and in vivo studies to characterize the properties of putative antagonists/agonists.

5. Conduct clinical studies of best candidates.

For ligand-mediated histochemical experiments:

1. Test conditioned medium for suitability in histochemical experiments.

2. Screen tumor samples or biopsies for reactivity.

3. Conduct clinical studies of diagnostic test.

Criteria for choosing the company include its demonstrated experience and commitment to the following:

1. Scientific expertise in and demonstrated commitment to the treatment of neoplasia, arteriosclerosis, fibrotic diseases and related disorders.

2. Scientific expertise in and demonstrated commitment to the development of drug delivery systems.

3. Experience in preclinical and clinical drug development.

4. Experience and ability to produce, package, market and distribute pharmaceutical products.

5. Experience in the monitoring, evaluation and interpretation of the data from investigational agent clinical studies under an IND.

6. A willingness to cooperate with the NCI in the collection, evaluation, publication and maintaining of data from pre-clinical studies and clinical trials regarding the subject compounds.

7. Provide defined financial and personnel support for the CRADA to be mutually agreed upon.

8. An agreement to be bound by the DHHS rules involving human and animal subjects.

9. The aggressiveness of the development plan, including the appropriateness of milestones and deadlines for preclinical and clinical development.

10. Provisions for equitable distribution of patent rights to any CRADA inventions. Generally the rights of ownership are retained by the organization which is the employer of the inventor, with (1) an irrevocable, nonexclusive, royalty-free license to the Government and (2) an option for the collaborator to elect an exclusive or nonexclusive license to Government owned rights under terms that comply with the appropriate licensing statutes and regulations.

Dated: November 4, 1996.

Thomas D. Mays,

Director, Office of Technology Development, OD, NCI.

[FR Doc. 96–29346 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–010–M

National Heart, Lung, and Blood Institute; Division of Lung Diseases, Phase II or Phase III Clinical Trails

The National Heart, Lung, and Blood Institute Acute Respiratory Distress Syndrome Network, a group of 10 academic medical centers consisting of 24 hospitals with expertise in clinical research relating to acute adult lung injury, invites letters of interest by December 1, 1996 from private sector companies who have developed novel therapies for acute lung injury and/or acute respiratory distress syndrome (ARDS) and who are interested in collaborating in Phase II or Phase III clinical trials. Letters of interest will not be viewed as a formal commitment, but are invited as a first step in exploring possible future collaborations. Information submitted will be treated as strictly confidential. Letters of interest should include a proposal regarding the nature of possible interactions with the ARDS Network. Network investigators and NHLBI staff will select agents for study based on scientific interests, novelty, feasibility, and availability. It is anticipated that clinical trials of agents selected will be initiated as early as 1997, but later starting dates will also be considered. Letters should be sent by December 1, 1996 to Dorothy Berlin Gail, Ph.D., Director, Lung Biology and Disease Program, Division of Lung Diseases, NHLBI, 6701 Rockledge Drive Room 10100, Bethesda, Maryland 20892–7952.

Dated: November 7, 1996.

Sheila E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 96–29345 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; 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 meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: December 3–5, 1996.

Time: 8 am–5 pm, December 3, 8 am–5 pm, December 4, 8 am to adjournment, December 5.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville MD 20852.

Contact Person: Mary V. Nekola, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate program project applications. 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. The applications and/or proposals and the discussion 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 meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: November 6, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29250 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; 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 meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: November 26, 1996.

Time: 3 pm to adjournment.

Place: 6120 Executive Blvd., Room 400C, Rockville, Maryland (telephone conference call).

Contact Person: Craig A. Jordan, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda, MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate contract proposals.

The meeting will be closed in accordance with the provisions set forth in sections 552(c)(4) and 552(c)(6) Title 5, United States Code. The applications and/or proposals and the discussion 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 meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: November 6, 1996.

Paula N. Hayes,

Acting Committee Management Office, NIH.

[FR Doc. 96–29251 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: December 3, 1996.

Time: 2 p.m.

Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Shirley H. Maltz, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–3367.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: December 3, 1996.

Time: 11:30 a.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: December 9, 1996.

Time: 4 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 6, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29252 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose/Agenda: To review a concept for a proposed contract.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date of Meeting: November 13, 1996 (Telephone conference).

Time: 11:00 a.m.

Place of Meeting: Willco Building, 6000 Executive Blvd., Bethesda, MD 20892–7003.

Contact Person: Sean O'Rourke, 6000 Executive Blvd, Suite 409, Bethesda, Md 20892–7003, 301–443–2861.

The meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the contact person listed in advance of the meeting.

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 Program No. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, alcohol Research Programs; 93.891, Alcohol Research Center Grants; National Institutions of Health)

Dated November 7, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29254 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: SBIR Phase II Topic 34—High Affinity, Inhibitory Antibodies to Human Cytochromes P450.

Date: November 26, 1996.

Time: 9:00 a.m. EST.

Place: National Institute of Environmental Health Sciences North Campus, Building 17 Conference Room 1713 Research Triangle Park, NC.

Contact Person: Dr. John Braun, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446.

Purpose/Agenda: To review and evaluate contract proposals.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552(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, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the contract review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health.)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29343 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: December 2, 1996.

Time: 12:15 p.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

Name of SEP: Biological and Physiological Sciences.

Date: December 2, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4200, Telephone Conference.

Contact Person: Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 4200, Bethesda, Maryland 20892, (301) 435–1219.

Name of SEP: Behavioral and Neurosciences.

Date: December 2, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5170, Telephone Conference.

Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 6701 Rockledge Drive, Room 5170, Bethesda, Maryland 20892, (301) 435–1246.

Name of SEP: Biological and Physiological Sciences.

Date: December 2, 1996.

Time: 3:30 p.m.

Place: NIH, Rockledge 2, Room 5196, Telephone Conference.

Contact Person: Ms. Carol Campbell, Scientific Review Administrator, 6701 Rockledge Drive, Room 5196, Bethesda, Maryland 20892, (301) 435–1257.

Name of SEP: Clinical Sciences.

Date: December 2, 1996.

Time: 5:00 p.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

Name of SEP: Biological and Physiological Sciences.

Date: December 4, 1996.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 5126, Telephone Conference.

Contact Person: Dr. Anne Clark, Scientific Review Administrator, 6701 Rockledge Drive, Room 5126, Bethesda, Maryland 20892, (301) 435–1017.

Name of SEP: Microbiological and Immunological Sciences.

Date: December 4, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4178, Telephone Conference.

Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Microbiological and Immunological Sciences.

Date: December 6, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4178, Telephone Conference.

Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 2892, (301) 435–1146.

Name of SEP: Clinical Sciences.

Date: December 9, 1996.

Time: 9:00 a.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

Name of SEP: Chemistry and Related Sciences.

Date: December 9–11, 1996.

Time: 4:00 p.m.

Place: Stratford Inn, Del Mar, California.

Contact Person: Dr. Nancy Lamontagne, Scientific Review Administrator, 6701 Rockledge Drive, Room 4170, Bethesda, Maryland 20892, (301) 435–1726.

Name of SEP: Behavioral and Neurosciences.

Date: December 13, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5172, Telephone Conference.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 6, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29253 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: December 9, 1996.

Time: 12:00 p.m.

Place: NIH, Rockledge 2, Room 4142, Telephone Conference.

Contact Person: Dr. Edmund Copeland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4142, Bethesda, Maryland 20892, (301) 435–1715.

Name of SEP: Multidisciplinary Sciences.

Date: December 10, 1996.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 5208, Telephone Conference.

Contact Person: Dr. Houston Baker, Scientific Review Administrator, 6701 Rockledge Drive, Room 5208, Bethesda, Maryland 20892, (301) 435–1175.

Name of SEP: Clinical Sciences.

Date: December 12, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4100, Telephone Conference.

Contact Person: Dr. Jeanne Ketley, Scientific Review Administrator, 6701 Rockledge Drive, Room 4100, Bethesda, Maryland 20892, (301) 435–1789.

Name of SEP: Multidisciplinary Sciences.

Date: December 15, 1996.

Time: 6:00 p.m.

Place: Hyde Park Ramada Inn, Chicago, IL.

Contact Person: Dr. Houston Baker, Scientific Review Administrator, 6701 Rockledge Drive, Room 5208, Bethesda, Maryland 20892, (301) 435–1175.

Name of SEP: Multidisciplinary Sciences.

Date: December 15–16, 1996.

Time: 7:00 p.m.

Place: Hyde Park Ramada Inn, Chicago, IL.

Contact Person: Dr. Houston Baker, Scientific Review Administrator, 6701 Rockledge Drive, Room 5208, Bethesda, Maryland 20892, (301) 435–1175.

Name of SEP: Clinical Sciences.

Date: December 16, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4100, Telephone Conference.

Contact Person: Dr. Jeanne Ketley, Scientific Review Administrator, 6701 Rockledge Drive, Room 4100, Bethesda, Maryland 20892, (301) 435–1789.

Name of SEP: Chemistry and Related Sciences.

Date: December 19, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5150, Telephone Conference.

Contact Person: Dr. Zakir Bengali, Scientific Review Administrator, 6701 Rockledge Drive, Room 5150, Bethesda, Maryland 20892, (301) 435–1742.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29342 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of a Partially Exclusive License: Pseudomonas-Exotoxin-Based Fusion Protein Cancer Therapy

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

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a partially exclusive license in the United States and abroad to practice the inventions embodied in U.S. Patent Application Serial No. 08/077,252, entitled ''Recombinant

Disulfide-Stabilized Polypeptide Fragments Having Binding Specificity''; U.S. Patent Application Serial Nos. 08/405,615, 08/463,480, and 08/461,234, all entitled ''Recombinant Pseudomonas Exotoxin with Increased Activity,'' and U.S. Patent Application No. 08/331,398, entitled ''Single-Chain B3 Antibody Fusion Proteins and Their Uses'' to The Therapeutics Division of Boehringer-Mannheim Corporation having a place of business in Rockville, MD. The patent rights in these inventions have been assigned to the United States of America.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR § 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR § 404.7.

The field of use would be limited to Pseudomonas-Exotoxin-based fusion protein cancer therapy.

The present invention relates to modifications of recombinant Pseudomonas exotoxin with insertion of various targeting molecules specific for a given target site. The modified exotoxin of this invention may prove to be a valuable cancer therapeutic when fused to various target-specific cell recognition proteins. The modifications result in reduced non-specific cytotoxicity while increasing target specific cytotoxicity.

ADDRESSES: Requests for a copy of the subject issued patent, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Larry M. Tiffany, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 206; Facsimile: (301) 402–0220.

Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before January 14, 1997 will be considered. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: November 4, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–29255 Filed 11–14–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4124–N–12]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR Part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR Part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD, will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Air Force: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area-MI), Bolling Air Force

Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; Navy: Mr. John J. Kane, Deputy Division Director, Department of the Navy, Real Estate Operations, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; Army: Mr. Derrick Mitchell, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–6083; Energy: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–1191; Transportation: Mr. Crawford F. Grigg, Director, Space Management, SVC–140, Transportation Administration Service Center, Department of Transportation, 400 7th Street, SW., Room 2310, Washington, DC 20590; (202) 366–4246; (These are not toll-free numbers).

Dated: November 8, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 11/15/96

Suitable/Available Properties

Buildings (by State)

Hawaii

Bldgs. S898, S899
Naval Station, Mauka Side
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630078
Status: Excess
Comment: 1320 sq. ft. each, concrete, needs rehab, most recent use—bomb shelters, off-site use only.

Bldg. 1251
Naval Station, Ward Field
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630079
Status: Excess
Comment: 374 sq. ft., concrete foundation and walls, needs rehab, off-site use only.

Bldg. 26
Naval Station, Beckoning Point
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630080
Status: Excess
Comment: 4284 sq. ft., lumber construction, needs rehab, most recent use—office, off-site use only.

Bldg. 1208
Naval Station, Nauka Side
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630081
Status: Excess
Comment: 558 sq. ft., concrete, most recent use—office, needs rehab, off-site use only.

Bldg. 5175
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630082
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 5179
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630083
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 5183
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630084
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 5187
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630085
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 5191
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630086
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 5193
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630087
Status: Excess
Comment: 1328 sq. ft., concrete/wood, most recent use—residential, off-site use only.

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only.

Bldg. 1494
Naval Station, Mauka Side
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630089
Status: Excess
Comment: 560 sq. ft., concrete, needs rehab, most recent use—storage, off-site use only.

Virginia

Bldg. X353
Naval Station
1802 Powhatan Street
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779640016
Status: Unutilized
Comment: 4710 sq. ft., 2-story, most recent use—admin., off-site use only.

Unsuitable Properties

Buildings (by State)

California

Bldg. 918
Sandia National Laboratories
Livermore CA 94550–
Landholding Agency: Energy
Property Number: 419640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration.

Connecticut

Bldg. 10053
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration.

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Florida

Facility 36901
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640006
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Facility 8816
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility 02
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–

Landholding Agency: Air Force
Property Number: 189640008
Status: Unutilized
Reason: Secured Area.

Facility 03
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640009
Status: Unutilized
Reason: Secured Area.

Bldg. 231, Patrick AFB Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640010
Status: Unutilized
Reason: Secured Area.

Bldg. 12734, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640011
Status: Unutilized
Reason: Secured Area.

Bldg. 12708, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Montana

Bldg. 1194
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189640013
Status: Unutilized
Reason: Secured Area.

Bldg. 1198
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189640014
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldgs. T6–69 thru T6–75
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640249
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T6–77 thru T6–79
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640250
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T6–81 thru T6–85
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640251
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–87
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640252
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–88
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640253
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T6–90 thru T6–98
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640254
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6–102
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640255
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–103
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640256
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–105
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640257
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–106
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640258
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–107
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640259
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T6–11 thru T6–26
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640260
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–34
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640261
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–35
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640262
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–39
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640263
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–40
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640264
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–42
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640265
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–43
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640266
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–44
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640267
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–45
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640268
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–46
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640269
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–47
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640270
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–48
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640271
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–50
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640272
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–51
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640273
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–52
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640274
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–53
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640275
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–54
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640276
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–55
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640277
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–56
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640278
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–57
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640279
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–58
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640280
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–2
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640281
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–7
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640282
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–8
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640283
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–9
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640284
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4–18
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640285
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–25
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640286
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–94
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640287
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4–95
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640288
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4–107
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640289
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4–130
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640290
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4–131
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640291
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–132
Fort Indiantown Gap
Annville Co: Lebanon Pa 17003–5011
Landholding Agency: Army
Property Number: 219640292
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T4–133
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640293
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T5–002
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640294
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T5–3
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640295
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T5–4
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640296
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T5–5
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640297
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5–10
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640298
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T5–107
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640299
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5–111
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640300
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–001
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640301
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–002
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640302
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–4
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640303
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–5
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640304
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–6
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640305

Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6–7
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640306
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6–8
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640307
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6–9
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640308
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T7–7
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640309
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T7–8
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640310
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–37
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640311
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–41
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640312
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T8–47
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640313
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–51
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640314
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–52
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640315
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–53
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640316
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–78
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640317
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–79
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640318
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T9–1
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640319
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T9–4
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640320
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T9–9
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640321
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9–22
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640322
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T9–63
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640323
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S10–118
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640324
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–214
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640325
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–215
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640326
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–216
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640327
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 14–301 thru 14–306
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640328
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–308
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640329
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–310
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640330
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–312
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640331
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–314
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640332
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–316
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640333
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–319
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640334
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–400 thru T14–408
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640335
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–412
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640336
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T14–414 thru T14–417
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011

Landholding Agency: Army
Property Number: 219640337
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–419
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640338
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–421
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640339
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–424
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640340
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–59
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640341
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–60
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640342
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–61
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640343
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–63
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640344
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–64
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640345
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–66
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640346
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–67
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640347
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–68
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640348
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–500
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640349
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–501
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640350
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–503
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640351
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–504
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640352
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–505
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640353
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–1
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640354
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–8
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640355
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–11
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640356
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–14
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640357
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–16
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640358
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 11–39 thru 11–43
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640359
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11–44
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640360
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T11–92
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640361
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S13–66
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640362
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S13–67
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640363
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–100
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640364
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–102
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640365
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–110
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640366
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–112
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640367
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–114
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640368
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–116

Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640369
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–118
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640370
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–22
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640371
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–123
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640372
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–200
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640373
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–201
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640374
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–202
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640375
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–204
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640376
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–206
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640377
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–208
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640378
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–212
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640379
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T6–80
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640380
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T2–34
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640381
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T2–33
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640382
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T2–19
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640383
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T16–165
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640384
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T16–151
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640385
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–506
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640386
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–507
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640387
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–508
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640388
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–509
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640389
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–511
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640390
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–520
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640391
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–575
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640392
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T14–576
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640393
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14–819
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640394
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–84
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640395
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T3–103
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640396
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T3–105
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640397
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T3–106
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640398
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–114
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640399
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T16–147
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640400
Status: Unutilized

Reason: Extensive deterioration.
Bldg. S15–1
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640401
Status: Unutilized
Reason: Extensive deterioration.
Bldg. S14–578
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640402
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T14–120
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640403
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T13–169
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640404
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T11–109
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640405
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T11–101
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640406
Status: Unutilized
Reason: Extensive deterioration.
Bldg. S11–90
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640407
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T11–22
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640408
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T11–4
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640409
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T9–17
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640410
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–165
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640411
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–110
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640412
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–59
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640413
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–53, T4–54
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640414
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T2–38 thru T2–40
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640415
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T2–42 thru T2–43
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640416
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T2–47
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640417
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T2–49
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640418
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T3–6
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640419
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T3–27
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640420
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T3–31
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640421
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T3–115
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640422
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–11
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640423
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–37
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640424
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T4–48
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640425
Status: Unutilized
Reason: Extensive deterioration.
Bldgs. T3–29, T3–30
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640426
Status: Unutilized
Reason: Extensive deterioration.
Bldgs. T3–33 thru T3–48
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640427
Status: Unutilized
Reason: Extensive deterioration.
Bldgs. T3–54 thru T3–83
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640428
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T1–1
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640429
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T1–2
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640430
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T1–4
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640431
Status: Unutilized
Reason: Extensive deterioration.
Bldg. T1–6
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army

Property Number: 219640432
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T1–20
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640433
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T1–49
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640434
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T1–59
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640435
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T3–007 thru T3–015
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640436
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T3–17 thru T3–23
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640437
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T3–25 thru T3–26
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640438
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1981
Naval Weapons Station—Q Area
Yorktown Co: York PA 23691–
Landholding Agency: Navy
Property Number: 779640018
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Texas

Bldg. 122, Laughlin AFB Co: Val Verde TX
Landholding Agency: Air Force
Property Number: 189640015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. P–238
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640171
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–611A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640172
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–614
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640173
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–942
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640174
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1144
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640175
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1198
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640176
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1640
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640177
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1701
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640178
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1702
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640179
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–2288
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640180
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640181
Status: Unutilized
Reason: Other.
Comment: Detached latrine.

Bldg. P–6201B
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640182
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–8131
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640183
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–8165
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640184
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–8169
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640185
Status: Unutilized
Reason: Extensive deterioration.

Starr Ranch
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Landholding Agency: Army
Property Number: 219640186
Status: Unutilized
Reason: Floodway.

Virginia

Bldg. T–1000
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219640188
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1118
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219640189
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1404
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219640190
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–12000
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219640191
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–12001
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219640192
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1980
Naval Weapons Station—Aviation Field
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Washington

Bldg. U091B, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219640193
Status: Unutilized
Reason: Extensive deterioration.

Wisconsin

Bldg. 1867, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219640194
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6023, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219640195
Status: Unutilized
Reason: Extensive deterioration.

Wyoming

Bldg. 920, F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189640016
Status: Unutilized
Reason: Secured Area.

Land (by State)

Alaska

Land—Sanak Island
106+acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 879640003
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Texas

Land—Harrison Bayou
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Landholding Agency: Army
Property Number: 219640187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Floodway.

Washington

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 779640019
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

[FR Doc. 96–29156 Filed 11–14–96; 8:45 am]

BILLING CODE 4210–29–M

[Docket No. FR–4168–N–01]

Notice of Sale of HUD-Held Multifamily Mortgage Loans

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of Midwest sale of multifamily unsubsidized mortgage Loans.

SUMMARY: This notice announces the Department's intention to sell unsubsidized mortgage loans (Mortgage Loans), without Federal Housing Administration (FHA) insurance. The majority of the Mortgage Loans are secured by properties located throughout the Midwest region of the United States, with an additional significant concentration located in the New York-New Jersey area. The Mortgage Loans will be offered for sale on a whole loan basis, in a competitive auction. This notice describes the bidding process for these Mortgage Loans. The Mortgage Loans will be offered for sale only to qualified bidders.

DATES: Bidders' Information Packages will be available in late October, 1996 to qualified bidders. Bidding is expected to take place on December 12–13, 1996, and closing is expected to take place from late-December, 1996 to mid-February, 1997.

ADDRESSES AND CONTACTS: Bidders' Information Packages will be available from FHA's Financial Advisor, Cushman & Wakefield. Bidders' Information Packages and information about individual Mortgage Loans (Bid Materials) will be made available only to parties who complete a Confidentiality Agreement and Bidder Qualification Statement and are deemed qualified bidders. To obtain a Confidentiality Agreement and Bidder Qualification Statement contact John Howley at Cushman & Wakefield, at 202–467–0600. Bidders' Information Packages will be forwarded by regular mail unless a party makes special arrangements to receive the information through expedited delivery.

Asset Review Files for all the Mortgage Loans are expected to be available for review by qualified bidders at the due diligence facility located at 1800 M Street, N.W., Suite 300–South, Washington, D.C. 20036, beginning October 28, 1996. The facility will close on or about December 11, 1996. The facility will be open to qualified bidders between the hours of 9:00 a.m. and 6:00 p.m., Eastern Time, Monday through Friday. Access to the facility can be arranged by contacting Rick Copeland, at Tradewinds International, Inc., HUD's due diligence contractor, at (202) 530–0841 Ext. 29. Asset review files may also be ordered from Tradewinds International, Inc. and sent to qualified bidders in the manner described in the Bidders' Information Package.

FOR FURTHER INFORMATION CONTACT: Audrey Hinton, Associate Director for Program Operations, Office of Multifamily Asset Management and Disposition, Room 6160, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410; telephone (202) 708–3730 Ext. 2691. Hearing or speech impaired individuals may call (202) 708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Status of Mortgage Loans

The Mortgage Loans encumber properties located in 25 states, with a significant number of such properties concentrated in the midwest region of the United States, particularly Illinois and Michigan. A listing of the specific properties involved in the Sale will be included in the Bidders' Information Package.

The Mortgage Loans have experienced varying levels of delinquency. As of September 1, 1996, most of the Mortgage Loans were classified as nonperforming or subperforming because they had been delinquent at least once within the past 12 months. Several of the Mortgage Loans, however, are performing, i.e., they have been current in their monthly payments for the last 12 consecutive months. Mortgage Loans included in this Sale that are now current may become in default on or before the date that title is transferred to the successful bidder, while Mortgage Loans included in this Sale that are now in default may become current on or before such date.

Certain Mortgage Loans are subject to provisional workout agreements.

The Bidding Process

General

The Department will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans. Bids may be offered for one or all of the Mortgage Loans, as well as for any combination of the Mortgage Loans. More particularly, a bidder may bid on as many individual Mortgage Loans as the bidder chooses. However, no bidder may bid on more than 20 pools of Mortgage Loans (i.e., combinations of two (2) or more Mortgage Loans). Further, a bidder may condition acceptance of its bids upon its being the successful bidder of Mortgage Loans with either (or both) a minimum or a maximum aggregate unpaid principal balance. The Department will accept those conforming bids that optimize the gross proceeds from the Sale.

Bidders' Information Package

The Bidders' Information Package describes in detail the procedures for participating in the Sale and includes bid forms, a loan sale agreement (Loan Sale Agreement), and certain

information concerning each of the Mortgage Loans, such as the unpaid principal balance and interest rate. Also included in the Bidders' Information Package is a computer diskette with general portfolio information and selected data fields related to each Mortgage Loan.

The Department will distribute the Bidders' Information Packages for a period of approximately 6 weeks prior to the date that bids are due (Bid Date). We expect Bidders' Information Packages to be available on October 23, 1996. The Bidders' Information Package may be supplemented from time to time prior to the Bid Date. Interested parties may request a Bidders' Information Package as described above.

Bid Dates

We expect the bidding to take place on December 12–13, 1996. Deposits. Bidders must include a 5 percent Initial Deposit with their bids. If a bidder submits multiple bids, the Initial Deposit will be limited to 5 percent of the bidder's single largest bid amount. The Initial Deposit for a bidder who has created a pool or a number of pools (but not more than 20 pools as provided above) is limited to 5 percent of the single largest bid amount of the bidder's pool bids. Except as set forth in the Loan Sale Agreement, the successful bidders will be notified within three business days after the Bid Date (Award Date). An additional deposit (Final Deposit) will be required from each successful bidder within 2 business days after the Award Date. The Final Deposit when added to the Initial Deposit must total 10 percent of the bidder's successful bids. More specifically, if a bidder submits multiple individual bids, the Final Deposit when added to the Initial Deposit must total 10 percent of the aggregate unpaid principal of all of the bidder's successful bids. Similarly, if a bidder submits a pool bid or multiple pool bids, the Final Deposit must total 10 percent of the aggregate unpaid principal of all of the bidder's successful pool bids.

Timeliness and Conformity of Bids and Deposits

Each bidder assumes all risks of loss relating to its own bidding mistakes and its failure to deliver, or cause to be delivered, on a timely basis and in the manner specified by the department, each bid form, deposit and loan sale agreement required to be submitted by the bidder.

Ties for High Bidder

In the event there is a tie for a high bid, the Department, through its Financial Advisor, will contact the parties with the tie bid and afford each of them an opportunity to offer a best and final bid. The successful bidder will be the one with the highest bid. If a tie continues after the best and final offers are submitted or the bidders do not respond, or do not respond within the time period established by the Department, the successful bidder will be determined by lottery. Notwithstanding the above, the Department reserves the right to withdraw any Mortgage Loan(s) subject to a tie bid.

Closing

The Department will assign its interest in a Mortgage Loan to a successful bidder at the closing, which is expected to occur no later than February 15, 1996. If the successful bidder fails to abide by the terms of the Loan Sale Agreement, including paying the Department any remaining sums due pursuant to the Loan Sale Agreement and closing on an agreed upon date within the time period provided by the Loan Sale Agreement, the Department shall retain as liquidated damages the Initial and Final Deposit (plus accrued interest) from the successful bidder.

Note. These are expected to be the essential terms of the Sale, but are subject to change. Information regarding any such changes along with any other supplements to the Bidders' Information Package will be made available to parties who request and obtain a Bidders' Information Package. The Loan Sale Agreement, which is included in the Bidders' Information Package, provides additional details. To ensure a competitive bidding process, the terms of sale are not subject to negotiation.

Qualification of Bidders/Ineligible Bidders

Qualified bidders, who are interested parties who have such knowledge and experience in financial and business matters so as to be capable of evaluating the merits and risks of acquiring the Mortgage Loans, and who are not otherwise ineligible to bid (as described below), may bid on the Mortgage Loans.

The following individuals and entities (either alone or in combination with others) are ineligible to bid on any one or combination of the Mortgage Loans included in the Sale:

(1) Any individual or entity debarred from doing business with the Department pursuant to 24 CFR part 24;

(2) Any employee of the Department, any member of any such employee's household, and any entity controlled by any such employee or member of such an employee's household;

(3) Any person or entity that employs or uses the services of an employee of the Department (other than in such employee's official capacity) either: (a) who is involved in the Sale, or (b) to assist in the preparation of a bid for the Mortgage Loans;

(4) Any contractor, subcontractor, advisor or consultant (including any agent of the foregoing) who performed services for or on behalf of the Department in connection with the Sale, or any affiliate of any such contractor, subcontractor, advisor, consultant or agent;

(5) Any individual that was a principal or employee of any entity or individual described in paragraph (4) above at any time during which the entity or individual performed services for or on behalf of the Department in connection with the Sale;

(6) Any individual or entity that uses the services of any person described in paragraph (5) above in preparing its bid on any Mortgage Loan(s).

Furthermore, any entity or individual that served as a loan servicer or performed other services for or on behalf of the Department at any time during the 2-year period prior to December 12, 1996 with respect to any Mortgage Loan included in the Sale is ineligible to bid on such Mortgage Loan. The following also are ineligible to bid on such Mortgage Loan: (a) any affiliate or principal of such entity or individual described in the sentence above, (b) any employee or subcontractor of such entity or individual during that 2-year period, or (c) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such Mortgage Loan.

Due Diligence Facility

During the 6-week period prior to the Bid Date, the due diligence facility will be open to prospective qualified bidders, at which the Department will provide information such as environmental and title reports and market data. The address of the facility is specified above. The Department reserves the right to charge a reasonable fee to recover its costs in duplicating and forwarding any information requested by an interested party, as well as an access fee to the due diligence facility, which will be credited to the purchase of any Asset Review Files.

Application of Replacement Reserve and Certain Escrows

If a Mortgage Loan is delinquent at the time of the Sale, to the extent the

Department determines it is permissible, the Department will apply funds in the replacement reserve and miscellaneous escrow accounts to the amount due to the Department under the Mortgage Loan. Any remaining balances in the replacement reserve and any escrow accounts will be transferred to the new mortgagee. If a Mortgage Loan is current at the time of closing, the funds in the replacement reserve account will be returned to the mortgagor in accordance with such terms and conditions as may be established by the Department.

FHA Reservation of Rights

The Department reserves the right to withdraw Mortgage Loans from the Sale and to terminate the Sale at any time, for any reason, and without liability, prior to the Award Date, without prejudice to its right to include any withdrawn Mortgage Loan in a future sale.

The Department also reserves the right to reject any and all bids, in its sole discretion, for any reason, and without liability.

The Department reserves the right to include in the Sale additional Mortgage Loans.

Mortgage Loan Sale Policy

Almost all of the Mortgage Loans are nonperforming or subperforming. All of the Mortgage Loans are unsubsidized, and there is no project-based Section 8 assistance on any of the projects. Therefore, the Department has determined, pursuant to regulations governing FHA mortgage loan sales, published at 24 CFR part 290, Subpart B (Mortgage Sale Regulations), that the Mortgage Loans will be sold without FHA insurance. The Mortgage Sale Regulations provide for the exclusion of delinquent unsubsidized mortgages from sales where it appears that (1) foreclosure appears unavoidable, and (2) the project is occupied by very low-income tenants who are not receiving housing assistance and would be likely to pay rent in excess of 30 percent of their adjusted monthly income if the mortgage were to be sold and foreclosed (24 CFR 290.35(b)). The Department's interpretation of this provision is set forth in the preamble to the February 6, 1996 interim rule (61 FR 4580–81). The Department has made an administrative determination that the Mortgage Loans do not meet the criteria for exclusion. If the Department determines that any Mortgage Loans meet such criteria, they will be removed from this Sale.

The Department selected a competitive auction as the method to sell the Mortgage Loans in accordance with the requirements of the Mortgage Sale Regulations (*e.g.*, 24 CFR 290.30). This method of sale optimizes the Department's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the quickest and most efficient vehicle for the Department to dispose of the Mortgage Loans.

At one time, the Department considered and discussed with industry participants a loan sale procedure that afforded the borrowers the opportunity to acquire their Mortgage Loans on a noncompetitive basis prior to the Department's offering the Mortgage Loans for sale to others (Borrower Settlement Option). For the reasons set forth above, however, the Department decided to dispose of these Mortgage Loans through a competitive auction.

Freedom of Information Requests

The Department has approved a policy for responding to Freedom of Information Act requests for information on the Department's multifamily mortgage loan sales. The purpose of this policy is to clarify for the public and potential purchasers the types of sales information that will be disclosed in connection with the Department's multifamily mortgage sales program. The policy strikes a balance between the Department's policy of disclosing as much information as possible to the public and its interest in minimizing the harm premature release of this information will have upon bidders, and the harm that release of sensitive and confidential financial information would have on the effectiveness of HUD's loan sale programs, and thus, on the American taxpayer.

Given the forgoing, the Department's policy with respect to Freedom of Information Act requests is summarized as follows:

(i) The Department has determined that after the Award Date it will disclose the aggregate number of bidders and the aggregate proceeds the Department expects from the Sale, as well as the bid information materials that the Department provided to the bidders (provided they are not subject to a privacy or confidentiality exemption).

(ii) After all sales are closed the Department will release: (a) a list of all who received bid materials, (b) a list of all bidders, (c) a list of all winning bidders, and (d) the aggregate amount paid for each successful bid on multiple mortgage loans (whether bid as a pool or otherwise).

(iii) No earlier than one year after all of the sales are closed, the Department will disclose individual winning mortgage loan bid prices.

Scope of Notice

This notice applies to the Midwest Sale of Multifamily Unsubsidized Mortgage Loans, and does not establish the Department's policy for the sale of any other mortgage loans.

Dated: November 8, 1996.

Stephanie A. Smith,

General Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 96–29385 Filed 11–14–96; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Request for Emergency Approval

AGENCY: Fish and Wildlife Service; Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Fish and Wildlife Service (Service) has submitted a proposal for the collection of information described below to the Office of Management and Budget (OMB) for emergency approval under the provisions of the Paperwork Reduction Act of 1995. Copies of the information collection requirement, related forms and explanatory material, may be obtained by contacting the Service's Information Collection Clearance Officer at the phone number listed below. The Service is soliciting comments and suggestions on the requirement as described below.

DATES: Comments must be submitted on or before November 22, 1996.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Interior Department, Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, (MS 224 ARLSQ), 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Phyllis H. Cook, Service Information Collection Clearance Officer, 703/358–1943; 703/358–2269 (fax).

SUPPLEMENTARY INFORMATION:

Comments are invited on: (1) the accuracy of the agency's estimate of the burden of the proposed collection of information; and, (2) ways to minimize the burden of the collection of information on respondents.

Title: Application for National Wildlife Refuge Use Supplemental

Application for National Wildlife Refuge Use in Alaska.

OMB Approval Number: 1018–0014.

Abstract: The Alaska National Interest Lands Conservation Act (ANILCA) was signed into law on December 2, 1980. Its broad purpose is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 1307 of ANILCA contains two provisions concerning persons and entities who are to be given special rights and preferences with respect to providing ''visitor services'' in certain lands under the administration of the Secretary of the Interior, in this context, units of the National Wildlife Refuge System.

Permit applications will be provided by the Service as requested by interested Alaska citizens. The required written forms and/or verbal application information will be used by the Service to ensure that the applicant is: A member of a Native Corporation; and/or a local resident; and/or was engaged in adequately providing visitor services on, or before January 1, 1979; and/or is eligible to receive Cook Inlet Region rights.

Frequency of collection: On occasion.

Description of Respondents: Individuals or households; State, local, or Tribal governments; businesses or other for profit and not-for-profit institutions.

Estimated Completion Time: The reporting burden for FWS Form 3–2001 (Application for National Wildlife Refuge Use) and this supplemental application form is estimated to be 40 hours.

Annual Responses: 10.

Annual Burden Hours: 400 hours.

Dated: November 6, 1996.

Carolyn A. Bohan,

Assistant Director, Refuges and Wildlife.

[FR Doc. 96–29279 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Biological Resources Division; Request for Public Comments on Proposed Information Collection

ACTION: In accordance with OMB regulations 5 CFR 1320, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)), this notice requests public comments on proposed survey of anglers prior to OMB review.

SUMMARY: This notice seeks to satisfy the Office of Management and Budget (OMB) requirement that all agencies developing proposed collections of information provide a 60 day public notification period for the purpose of soliciting comments on proposed collection of information, as specified under OMB regulations 5 CFR part 1320 relating the Paperwork Reduction Act of 1995. The collection of information referred herein applies to the public survey of a sample of anglers nationwide during the months of February, March, and April 1997. The purpose of this survey is to obtain information about anglers preferences, behaviors, motivations, and satisfactions with fishing opportunities that can be used by fisheries management agencies to develop fisheries management plans to enhance angler retention. Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Estimated Completion Time: 20 minutes.

Estimated Number of Respondents: 20,000.

Frequency: One time only.

Estimated Burden Hours: 6,667 hours.

Proposed Dates: February 1–April 30, 1997.

Needs and Uses: To provide State and Federal fisheries management agencies with information that can be used to develop fisheries management plans or angler education programs that will improve angler satisfaction with fishing opportunities.

Affected Public: Randomly selected individuals who are members of North American Fishing Club.

For Further Information Contact: To obtain copies of the survey and to submit comments on this information collection, contact the Bureau clearance officer, U.S. Geological Survey, 208 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313.

Dated: November 8, 1996.

Dennis B. Fenn,

Chief Biologist.

[FR Doc. 96–29236 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[AZ–054–07–1430–00; AZA 29831]

Notice of Realty Action, Recreation and Public Purposes (R&PP) Act Classification, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in La Paz County, Arizona have been examined and found suitable for classification for lease under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands will be used by La Paz County Board of Supervisors for a county park.

Gila and Salt River Meridian, Arizona

T. 11 N., R. 18 W.,

Sec. 28, lots 3 and 4.

The area described contains 51.26 acres.

The lands are not needed for Federal purposes. Lease is consistent with the current BLM land use planning and would be in the public interest. The lease, when issued, will be subject to the following terms, conditions, and reservations.

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove minerals.

4. All valid existing rights documented on the official public land records at the time of lease issuance.

5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona.

Upon publication of this notice in the Federal Register, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed lease

or classification of the lands to the Field Manager, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406.

Classification Comments: Interested parties may submit comments involving the suitability of the lands for a county park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use if consistent with the State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a county park. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Janice Easley, Land Law Examiner, Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona (520) 505–1200.

Dated: November 5, 1996.

William J. Liebhauser,

Field Manager.

[FR Doc. 96–29315 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–32–M

[CO–930–4214–010; COC–60147]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 4,590 acres of National Forest System land for 10 years to provide management alternatives for Forest Service management in the White River National Forest. This notice closes this land to location and entry under the mining laws for up to two years. The land remains open to mineral leasing.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before February 13, 1997.

ADDRESSES: Comments and requests for a meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239–3706.

SUPPLEMENTARY INFORMATION: On October 31, 1996, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. Ch 2):

White River National Forest Sixth Principal Meridian

T. 6 S., R. 83 W.,
Sec. 16, SW¼ and SW¼SW¼NW¼;
Sec. 17, S½ and S½N½;
Sec. 18, S½ and S½N½;
Sec. 19, E½ and E½NW¼;
Sec. 20;
Sec. 21;
Sec. 22, S½SW¼SW¼;
Sec. 27, W½W½;
Sec. 28;
Sec. 29, N½ and SE¼;
Sec. 30, NE¼;
Sec. 33, N½.

The area described contains 4,590 acres of National Forest System land in Eagle County.

The purpose of this withdrawal is to allow the Forest Service to maintain administrative alternatives to management of the land while completing various reports relative to the resources on the land.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2).

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2310.

For a period of two years from the date of publication in the Federal Register, this land will be segregated from the mining laws as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 96–29332 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–JB–P

National Park Service

National Park System Advisory Board; Notice of Meeting

AGENCY: National Park Service, Interior.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the National Park System Advisory Board will be held on November 20–22, 1996, at the U.S. Department of the Interior, 1849 C Street, NW, Washington, DC, rooms, 7000B and 5160. November 20 and 22 are meeting days for the Committees of the Advisory Board. The Committee on National Landmarks will meet in room 7000B on November 20, the full Advisory Board will meet in room 5160 on November 21. All meetings begin at 9:00 am and will adjourn at about 5:00 pm.

On November 21, after remarks from the Director, the Board will be addressed by National Park Service officials on new legislation to reauthorize the Board, as well as other NPS issues. The Board will vote on National Historic Landmark nominations in the afternoon.

The Board may be addressed at various times by other officials of the National Park Service and the Department of the Interior, and other miscellaneous topics and reports may be covered. The order of the agenda may be changed, if necessary, to accommodate travel schedules or for other reasons.

The Board meeting will be open to the public. Space and facilities to accommodate the public are limited and persons will be accommodated on a first-come basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Loran Fraser, Office of Policy, National Park Service, Box 37127, Washington, DC. 20013–7127 (telephone 202–208–7456).

Draft minutes of the meeting will be available for public inspection about 12 weeks after the meeting, in room 2414, Main Interior Building, 1849 C Street, NW, Washington, DC.

Dated: November 7, 1996.

William Shaddox,

Acting Deputy Director, National Park Service.

[FR Doc. 96–29257 Filed 11–14–96; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2) as well as Departmental Policy, 28 C.F.R. 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Broward County, Florida,* Civil Action No. 96–7148 (CIV–MORENO) was lodged with the United States District Court for the Southern District of Florida on October 4, 1996. Under this Decree, the settling defendant, Broward County, Florida, will pay the sum of $66,368.77 to the Hazardous Substances Superfund in partial reimbursement of response costs incurred by the United States Environmental Protection Agency at the Davie Landfill Superfund Site, located in the Town of Davie, Florida. Broward County will also pay for future response costs incurred by EPA at the site, up to certain specified amounts set forth in the Decree.

The Department of Justice will receive for a period of (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Broward County, Florida,* DOJ #90–11–2–1181.

The Decree may be examined at the offices of the United States Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. (20005), 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. (20005). In requesting a copy, please enclose a check in the amount of $5.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–29280 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *FSN, Inc.,* No. 96–5086–CV–SW–8, (W.D. Mo.), was lodged on October 1, 1996, with the United States District Court for the Western District of Missouri. With regard to the Defendant, the Consent Decree resolves a claim filed by the United States on behalf of the United States Environmental Protection Agency (''EPA'') pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

The United States entered into the Consent Decree in connection with Oronogo/Duenweg Mining Belt Site (''the Site''), located in Jasper County, Missouri. The Consent Decree provides that FSN will reimburse the United States $1,000,000 for response costs incurred and to be incurred at the Site. The Site is part of the historic Tri-State Mining District, and is located in the southwest portion of the State of Missouri.

The Department of Justice will receive, for a period of fifteen (15) days from the date of this publication, comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *FSN, Inc.,* DOJ Ref. #90–11–3–1001.

The proposed Settlement Agreement may be examined at the office of the United States Attorney, 1201 Walnut, Suite 2300, Kansas City, Missouri, 64106–2149; the Region 7 Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Settlement Agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $2.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–29281 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Two Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 as Amended

In accordance with Department of Justice policy and 42 U.S.C. 9622(i), notice is hereby given that a proposed partial consent decrees in *United States* v. *International Paper Company, et al.*, Civil No. 94–4681 (BDP); *Warwick Administrative Group, et al.* v. *Avon Products, Inc., et al.*, Civil No. 92–9469 (BDP) (Consolidated Cases), was lodged on November 5, 1996 with the United States District Court for the Southern District of New York. The decrees resolve claims of the United States against Avon Products, Inc. and Orange & Rockland Utilities in the above-referenced action under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'') for contamination at the Warwick Superfund Site in the Town of Warwick, Orange County, New York (the ''Site''). In the proposed partial consent decree, Avon Products, Inc. agrees to pay the United States $1,731, and Orange & Rockland Utilities agrees to pay the United States $1,259 in settlement of the United States' claims for response costs incurred and to be incurred by the Environmental Protection Agency at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to both proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *International Paper Company, et al.*, DOJ Ref. Number 90–11–3–812.

The proposed consent decree may be examined at the Office of the United States Attorney, 100 Church Street, New York, NY 10007; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, NY 10278; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.00 for the partial consent decree with (25 cents per page

reproduction costs) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–29284 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 C.F.R. 50.7 notice is hereby given that a consent decree in *United States of America* v. *Simpson Timber Co. et al.*, No. 96–1890 LKK/GGH (E.D. Cal.), was lodged with the United States District Court for the Eastern District of California on October 29, 1996. The proposed decree concerns alleged violations of sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1344, as a result of the discharge of dredged and fill materials into wetlands located at the Tehama Fiber Farm in Tehama County near Corning, California, by Simpson Timber Company and Simpson Redwood Company (''Simpson'').

The Consent Decree provides for the payment of a civil penalty to the United States, the preservation of environmentally valuable wetlands, and the performance of environmental projects.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Sylvia Quast, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026–3986, and should refer to *United States of America* v. *Simpson Timber Co. et al.*, DJ Reference No. 90–5–1–1–4267.

The proposed consent decree may be examined at the Offices of the United States Attorney for the Eastern District of California, 650 Capitol Mall, Sacramento, California 95814; and the Environmental Protection Agency Region IX Library, 75 Hawthorne Street, 13th Floor, San Francisco, California, 94105, (415) 744–1510.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 96–29283 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act, the Clean Air Act and the Resource Conservation and Recovery Act

Notice is hereby given that a consent decree in *United States* v. *Weirton Steel Corporation*, Civ. Act. No. 5:96–CV–171 (N.D. W.Va.) was lodged on October 31, 1996.

The proposed decree resolves the claims of the Untied States Against Weirton Steel Corporation, the only defendant, under the Clean Air Act, 42 U.S.C. 7401, *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.* for violations occurring at Weirton's steel mill in Weirton, West Virginia. The decree obligates Weirton (1) to pay a civil penalty of $3,180,954; (2) to carry out two environmentally beneficial projects to reduce air pollution below levels allowed by law; and (3) to implement comprehensive injunctive relief to assure future compliance with the environmental laws.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Weirton Steel Corporation*, DOJ Ref. No. 90–5–1–1–4339.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $35.00 (25 cents per page reproduction costs), payable to the Consent Decree Library. Attachments to the proposed consent decree can be obtained for additional amount.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96–29282 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree in Resource Conservation and Recovery Act and Clean Water Act Civil Enforcement Action

In accordance with the Departmental Policy, 28 C.F.R. 50.7, notice is hereby given that a Consent Decree in *United States* v. *Wheeling-Pittsburgh Steel Corporation*, Civil Action No. 5–96–3CV–20, was lodged with the United States District Court for the Northern District of West Virginia on November 4, 1996.

On February 5, 1996, the United States filed a complaint against Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh) alleging violations of the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.* (''Clean Water Act'' or ''CWA''), and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, as amended (''RCRA''), occurring at its facility in Follansbee, West Virginia (the ''Follansbee plant''). The complaint alleged that Wheeling-Pittsburgh violated the Clean Water Act by discharging oil and other pollutants in violation of the terms of its National Pollutant Discharge Elimination System (''NPDES'') permit. The complaint also alleged that Wheeling-Pittsburgh violated RCRA by storing hazardous wastes in excess of 90 days without the permit of interim status required for such storage. The proposed Consent Decree resolves Wheeling-Pittsburgh's liability for these violations. The Decree requires Wheeling-Pittsburgh to comply with the relevant requirements of the CWA and RCRA and to pay a civil penalty of $200,000 for the alleged violation.

The Department of Justice will accept written comments relating to these proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Wheeling-Pittsburgh Steel Corp.*, DOJ Nos. 90–5–1–4159/90–7–1–781.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of West Virginia, 1100 Main Street, Suite 200, Horne Building, Wheeling, West Virginia, 26003; Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202) 624–

0892). A copy of the proposed Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the proposed Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the ''Consent Decree Library'' in the amount of $4.50.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 96–29285 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–01–M

Federal Bureau of Investigation

RIN 1105–AA39

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: Notice of information collection under review; Telecommunications Carrier Reimbursement Cost Estimate and Telecommunications Carrier Reimbursement Request for Payment.

This notice is a correction to the notice published in the Federal Register on Friday, November 8, 1996. The following two items have been corrected below:

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published on May 10, 1996, in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 16, 1996. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, 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 methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Overview of this information collection:

(1) Type of Information Collection: New Collection. Quantitative and qualitative data necessary to evaluate cooperative agreement proposals and subsequent requests for reimbursement.

(2) The title of the information collection: Telecommunications Carrier Reimbursement Cost Estimate and Telecommunications Carrier Reimbursement Request for Payment.

(3) The agency form number, if any, and the applicable component of the Department of Justice sponsoring the collections: No form number; sponsored by the Federal Bureau of Investigation (FBI), United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract; Business or other for profit: Telecommunications carriers will respond. This data collection will be necessary to evaluate cooperative agreement proposals and subsequent requests for reimbursement under the Communications Assistance for Law Enforcement Act (CALEA). This information will be used to determine whether agreement prices are fair and reasonable and to make recommendations to Contracting Officers for approval or disapproval of the carrier's request.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The FBI estimates that approximately three thousand (3,000) telecommunications carriers, with approximately twenty-three thousand (23,000) unique switches, that, over a five (5) year period, may be affected by these rules. The time required to read and prepare information for one switch is estimated at four (4) hours per response.

Public comment on this proposed information collection is strongly encouraged. For further information contact Victoria Wassmer, (202) 395–5871.

Dated: November 8, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–29277 Filed 11–14–96; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

November 8, 1996.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202) 219–5096 x 166). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 9:00 a.m. and 12:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for Pension Welfare Benefits Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• 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.

Agency: Pension Welfare Benefits Administration.

Title: Regulation Relating to Definition of ''Plan Assets''—Participant Contributions.

OMB Number: 1210-0new.

Frequency: On Occasion.

Affected Public: Business or other for-profit; Farms.

Number of Respondents: Extension of Effective Date=166; Extension of Maximum Time=166.

Estimated Time Per Respondent: Extension of Effective Date=1.

Extension of Maximum Time=6 hours.

Total Burden Hours: 997.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $373,000.

Description: Plan sponsors and other parties in interest in the Employee Retirement Income Security Act of 1974 (ERISA) covered pension benefit plans have been provided with a rule governing when participant contributions to pension plans must be segregated from the employer's general assets to become plan assets. The Department has provided a postponement procedure and an extension procedure which may be followed to comply with the rule.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–29357 Filed 11–14–96; 8:45 am]

BILLING CODE 4510–29–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor has withdrawn, General Wage Determination Nos. LA960035, LA960036, LA960042, LA960045, LA960046, LA960047, LA960048 dated March 15, 1996.

Agencies with construction projects pending, to which these wage decisions would have been applicable, should utilize Wage Decisions LA960033, LA960037 and LA960039. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall not be effected unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decisions

The number of decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

Volume IV

Wisconsin
WI960069 (November 15, 1996)

Volume V

Louisiana
LA960060 (November 15, 1996)
LA960061 (November 15, 1996)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

New Jersey

NJ960002 (March 15, 1996)
NJ960003 (March 15, 1996)
NJ960004 (March 15, 1996)
NJ960007 (March 15, 1996)
NJ960015 (March 15, 1996)

Volume II

None

Volume III

Alabama
AL960008 (March 15, 1996)
Florida
FL960001 (March 15, 1996)
FL960009 (March 15, 1996)
FL960017 (March 15, 1996)
FL960066 (March 15, 1996)

Volume IV

Illinois
IL960001 (March 15, 1996)
IL960002 (March 15, 1996)
IL960005 (March 15, 1996)
IL960007 (March 15, 1996)
IL960008 (March 15, 1996)
IL960011 (March 15, 1996)
IL960012 (March 15, 1996)
IL960014 (March 15, 1996)
IL960015 (March 15, 1996)
IL960016 (March 15, 1996)
IL960017 (March 15, 1996)
IL960018 (March 15, 1996)
IL960049 (March 15, 1996)
Wisconsin
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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard Copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C., this 8th day of November 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–29168 Filed 11–14–96; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting To Be Held With Less Than Seven Days Advance Notice

TIME AND DATE: 1:00 p.m., Thursday, November 14, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTER TO BE CONSIDERED:

1. Interim Field of Membership Policy Consistent with the D.C. Court of Appeals' July Ruling.

The National Credit Union Administration Board voted unanimously that Agency business requires a meeting be held with less than the usual seven days advance notice.

The National Credit Union Administration notified interested parties of the time and place of the meeting as soon as possible after the members of the Board voted to hold the meeting.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–29472 Filed 11–13–96; 1:31 pm]

BILLING CODE 7535–01–M

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Wednesday, November 20, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. NCUA's Budget for 1997 and 1998.
3. Application for a Community Charter from the Proposed Neighborhood Trust Federal Credit Union, New York, NY.
4. Requests from Federal Credit Unions to Expand their Fields of Memberships.
5. Final Rule: Amendment to Section 745.200, NCUA's Rules and Regulations, Share Insurance.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Wednesday, November 20, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Action under Section 205 of the Federal Credit Union Act. Closed pursuant to exemption (8).
3. Administrative Action under Part 745, NCUA's Rules and Regulations. Closed pursuant to exemption (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–29473 Filed 11–13–96; 1:31 pm]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts, as part of its continuing effort

to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the National Endowment for the Arts is soliciting comments concerning the proposed information collection of: The 1997 Survey of Public Participation in the Arts. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before January 13, 1997. The National Endowment for the Arts is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Tom Bradshaw, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Room 617, Washington, DC 20506, telephone (202) 682–5432 (this is not a toll-free number), fax (202) 682–5677.

Murray Welsh,

Director, Administrative Services.

[FR Doc. 96–29294 Filed 11–14–96; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Astronomical Sciences (1186); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Astronomical Sciences.

Date and Time: December 2 and 3, 1996 8:00 a.m.–5:00 p.m.

Place: Room 380, National Science Foundation, 4201, Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Benjamin B. Snavely, Program Director, Division of Astronomical Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703/306–1820.

Purpose of Meeting: To provide advice and recommendations on proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate proposals for facilities instrumentation submitted to the Advanced Technologies and Instrumentation Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29217 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Astronomical Sciences (1186); Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the Special Emphasis Panel in Astronomical Sciences (1186) will be holding panel meetings for the purpose of reviewing proposals submitted to the Galactic Astronomy Program in the area of Astronomical Sciences. In order to review the large volume of proposals, panel meetings will be held on December 5–6 (3). All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, from 8:30 AM to 5:00 PM each day.

Contact Person: Dr. Vernon L. Pankonin, Program Director, Galactic Astronomy, Division of Astronomical Sciences, National Science Foundation, Room 1045, 4201 Wilson Boulevard., Arlington, VA 22230, (703) 306–1826.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29227 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Computer and Computation Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer and Computation Research (1192).

Date and Time: December 3 and 4, 1996, from 8:30 a.m. to 5:00 p.m.

Place: Dec. 3, 1996: Rooms 310, 340, and 365; Dec. 4, 1996: Rooms 630 and 1120 NSF, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Yechezkel Zalcstein, Program Director for Theory of Computing Program, CCR, Room 1145, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 306–1911.

Purpose of Meeting: To provide advice and recommendations concerning proposals, submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Theory of Computing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29221 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—(1194).

Date and Time: December 3–4, 1996, 8:30 a.m.–5:30 p.m.

Place: Rooms 320, 340, 360 and 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. George A. Hazelrigg, Program Director, Design and Integration Engineering Program, (703) 306–1330, Dr. Jay Lee, Program Director, Materials Processing and Manufacturing Program, (703) 306–1330, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Distributed Design and Fabrication (DDF) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29220 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Education and Human Resources; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Education and Human Resources; Committee of Visitors (#1119).

Date and Time: December 6, 1996 from 8:00 AM to 5:00 PM.

Place: Room 830, NSF, 4210 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Sonia Ortega, Division of Graduate Education, Rm. 907N, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1697.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the NSF–NATO Postdoctoral Fellowships Program.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29229 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences (1756).

Date and Time: Tuesday, December 3–Friday, December 6, 1996; 8:30 a.m.–5:00 p.m.

Place: Rooms 730, 770, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Michael R. Reeve, Section Head, Division of Ocean Sciences, Room 725, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1582.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate ''Joint NSF/NOAA Coastal Studies in the Great Lakes'' proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29224 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences (1756).

Date and Time: December 4, 1996; 9:00 A.M.

Place: Room 730, National Science Foundation, 4201 Wilson Blvd., Arlington, VA. 22230.

Type of Meeting: Closed.

Contact Person: Richard W. West, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1579.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Shipboard Scientific Support Equipment proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29225 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences (1756).

Date and Time: December 6, 1996; 8:00 A.M.–5:00 P.M.

Place: Room 730, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Michael A. Mayhew, Program Director, Education and Human Resources Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1557.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate REU-Sites proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29228 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: December 2–December 4, 8:00 a.m.–6:00 p.m.

Place: Room #1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Drs. Betty Ruth Jones & Alexandra King, Program Directors, HRD, Room 815, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1633.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Comprehensive Partnerships for Mathematics and Science Achievement (CPMSA) in Human Resources Development proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29219 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: December 2–3, 1996, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Conference Room 1120.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Deputy Division Director, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1929.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Robotics and Machine Intelligence proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29218 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: December 3, 4, 5, 1996, 8:30 a.m. to 5:00 p.m.

Place: St. James Hotel, 950 24th Street, N.W., Washington, D.C. 20037.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Deputy Division Director, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1929.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Database and Expert Systems Program Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29223 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (DMR)

Date and Time: December 6, 1996: 8:00 am–5:30 pm; December 7, 1996: 8:00 am–12:00 pm.

Place: Massachusetts Institute of Technology, Francis Bitter National Magnet Lab, 117 Albany Street, Room 301, Cambridge, MA 021390.

Type of Meetings: Closed.

Contact Person: Dr. Lorretta J. Inglehart, Program Director, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Blvd, Arlington, VA, 22230, Telephone (703) 306–1817.

Purpose of Meetings: To provide advice and recommendations concerning support for the Francis Bitter National Magnet Lab, MIT proposal.

Agenda: Evaluation of proposal.

Reason for Closing: The proposal being reviewed may include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29231 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Mathematics Sciences (1204).

Date and Time: December 5–6, 1996, 8:30–5:00; December 7, 1996, 8:30–12:00.

Place: Room 1020, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Lloyd Douglas, Infrastructure Program, Program Officer, Room 1025, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1874.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Research Experiences for Undergraduates Program (REU) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29226 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Microelectronic Information Processing Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Microelectronic Information Processing Systems.

Date and Time: December 3 and 4, 1996; 8:00 a.m. to 5:00 p.m.

Place: Room 375, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Joseph Cavallaro, Program Director, Microelectronic Information Processing Systems Division, National Science Foundation, Rm. 1155, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1936.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted in the area of distributed design and fabrication and rapid prototyping using agile networking.

Reason for Closing: The proposals being reviewed include information of a confidential nature including technical information; financial data such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29222 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Social, Behavioral, and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (1766).

Date and Time: December 6, 1996; 8:00 AM.

Place: Room 970, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Ms. Bonney Sheahan, Division of Social, Behavioral and Economic Research, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1733.

Purpose of Meeting: To provide service and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate REU Site proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29230 Filed 11–14–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–213, 50–245, 50–336, 50–423, 50–443]

Connecticut Yankee Atomic Power Company, Northeast Nuclear Energy Company, North Atlantic Energy Service Corporation, et al.; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Connecticut Yankee Atomic Power Company, Northeast Nuclear Energy Company, and North Atlantic Energy Service Corporation, et al. (the licensees) to withdraw its February 1, 1996, application, as supplemented August 2, 1996, for proposed amendments to Facility Operating License Nos. DPR–61, DPR–21, DPR–65, NPF–49, and NPF–86, for the Haddam Neck Plant, Millstone Nuclear Power Station, Units 1, 2, 3, and Seabrook Station, Unit No. 1, located in Middlesex County, Connecticut, New London County, Connecticut, and Rockingham County, New Hampshire, respectively.

The proposed amendments would have revised Section 6, ''Administrative Controls,'' for each of the plants' facility Technical Specifications to reflect several changes in organizational titles.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the Federal Register on April 24, 1996 (61 FR 18164). However, by letter dated October 3, 1996, the licensees withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated February 1, 1996, as supplemented August 2, 1996, and the licensees' letter dated October 3, 1996, which withdrew the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the Haddam Neck Plant, which is located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457; for Millstone Nuclear Power Station, Units 1, 2, and 3, which is located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360 and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut 06385; and for Seabrook Station, Unit No. 1, which is located at the Exeter Public Library, Founders Park, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 7th day of November 1996.

For the Nuclear Regulatory Commission.

Phillip F. McKee,

Deputy Director for Licensing, Special Projects Office, Office of Nuclear Reactor Regulation.

[FR Doc. 96–29304 Filed 11–14–96; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in November 1996. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in December 1996.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel,

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is a specified percentage (currently 80 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in November 1996 (*i.e.*, 80 percent of the yield figure for October 1996) is 5.45 percent. The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between December 1995 and November 1996.

For premium payment years beginning in	The required interest rate is
December 1995	5.01
January 1996	4.85
February 1996	4.84
March 1996	4.99
April 1996	5.28
May 1996	5.43
June 1996	5.54
July 1996	5.65
August 1996	5.62
September 1996	5.47
October 1996	5.62
November 1996	5.45

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in December 1996 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's Federal Register. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 12th day of November 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–29337 Filed 11–14–96; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection, Comment Request, Standard Form 87

AGENCY: Office of Personnel Management.

ACTION: Proposed collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and 5 CFR 1320.5(a)(i)(iv), this notice announces that OPM intends to submit to the Office of Management and Budget (OMB) a request for reclearance of information collection. The standard Form 87, Fingerprint Chart, is completed by applicants for Federal positions throughout the Government. OPM uses the information to conduct the checks of the Federal Bureau of Investigation (FBI) fingerprint files that are required by Executive Order 10450, Security Requirements for Government Employment issued April 27, 1953, or required or authorized under other authorities.

It is estimated that 24,800 individuals will respond annually for a total burden of 4,960 hours. To obtain copies of this proposal please contact James M. Farron at (202) 418–3208 or by email to jmfarron@opm.gov.

DATES: Comments on this proposal should be received on or before January 14, 1997. Submit comments on this proposal to Richard A. Ferris, Office of Personnel Management, Room 200, 600 E. Street NW., Washington, D.C. 20004.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–29308 Filed 11–14–96; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Gross Earnings Report
(2) *Form(s) submitted:* BA–11
(3) *OMB Number:* 3220–0132
(4) *Expiration date of current OMB clearance:* December 31, 1996
(5) *Type of request:* Extension of a currently approved collection
(6) *Respondents:* Business or other for-profit
(7) *Estimated annual number of respondents:* 531
(8) *Total annual responses:* 550
(9) *Total annual reporting hours:* 387
(10) *Collection description:* Section 7(c)(2) of the RR Act requires a financial interchange between the OASDHI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1% basis. The information is used in determining the amount which would place the OASDHI trust funds in the position they would have been if railroad service had been covered by the Social Security and FIC Acts.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96–29333 Filed 11–14–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (GAINSCO, INC., Common Stock, $0.10 Par Value) File No. 1–9828

November 8, 1996.

GAINSCO, INC. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d)

promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

The Company has determined that in view of the increase in the number of shares of Common Stock which the Company has outstanding, the increased trading volume in the Common Stock and the increase in the Company's market capitalization, as well as the increase in exposure to the financial community which would come from listing the Company's Common Stock on the New York Stock Exchange (''NYSE''), it would be in the best interest of the Company to list its Common Stock on the NYSE. The Company also has determined that it would be in its best interest to avoid the direct and indirect costs and the division of the market which would result from dual listing on the Amex as well as the NYSE and has therefore determined to delist its Common Stock from the Amex.

Any interested person may, on or before December 3, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–29256 Filed 11–14–96; 8:45 am]

BILLING CODE 8010–01–M

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of November 18, 1996.

A closed meeting will be held on Wednesday, November 20, 1996, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, November 20, 1996, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Formal order of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: November 13, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–29517 Filed 11–13–96; 4:15 pm]

BILLING CODE 8010–01–M

[Release No. 34–37931; File No. SR–DTC–96–15]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Procedures to Establish a Direct Registration System

November 7, 1996.

On September 17, 1996, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–96–15) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On October 11, 1996, DTC filed an amendment to the proposed rule change.[2] Notice of the proposal was published in the Federal Register on October 9, 1996.[3] Notice of the amendment to the proposed rule change was published in the Federal Register on October 18, 1996.[4] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

The proposed rule change will establish procedures for the Direct Registration System (''DRS''). DRS permits an investor to hold a security as the registered owner of the security in electronic form on the books of the issuer rather than (1) indirectly through a financial intermediary that holds the security in street name or in an account with a depository or (2) in the form of a certificate. An investor will have the right at any time to transfer its DRS position from the issuer to a financial intermediary through the facilities of DTC in order to sell or pledge the security. Alternatively, an investor will have the right at any time to request a certificate.[5]

In addition, the proposed rule change permits DTC to establish a new category of participant, a ''limited participant,'' which will be authorized to use only certain services of the depository related to DRS. In order to become a DRS limited participant, the party must be registered as a transfer agent with the Commission, must participate in DTC's FAST program, must provide Direct Mail Service on transfers, must communicate with DTC through a computer-to-computer interface using DTC's CCF platforms, and must execute a limited participant account agreement.

To qualify as an eligible security for DRS, a security must be eligible for DTC's FAST program. DRS issuers or their transfer agents must provide DTC notification of their intent to include an issue in DRS thirty to sixty days before inclusion.

Once the issue becomes DRS eligible, DTC will notify its participants and limited participants by important notices and will add a DRS indicator to its eligible corporate securities files.

A DRS limited participant will be charged the following fees: (1) A limited

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Larry Thompson, Senior Vice President and Deputy General Counsel, DTC, to Jerry Carpenter, Assistant Director, Division of Market Regulation, Commission (October 10, 1996).

[3] Securities Exchange Act Release No. 37778 (October 3, 1996), 61 FR 52985.

[4] Securities Exchange Act Release No. 37800 (October 9, 1996), 61 FR 54473.

[5] For a complete description of DRS, refer to Securities Exchange Act Release No. 35038 (December 1, 1994), 59 FR 63652 (concept release on a transfer agent operated book-entry registration system) and DTC Important Notice B# 1811–96 (October 7, 1996) and Important Notice B# 1841–96 (October 7, 1996), which are attached as Exhibits A and B to Securities Exchange Act Release No. 37800 (October 9, 1996), 61 FR 54473, *supra* note 4.

participant accountholder fee of $225 per month and (2) a delivery order transaction processing fee of $.45 per transaction. DTC participants also will charge $.45 per transaction. When a DTC participant instructs a transfer agent to establish a DRS account for a shareholder and the transfer agent subsequently mails a transaction advice to the shareholder confirming that such an account has been established at the transfer agent, the transfer agent's fee of $.55 for mailing and handling the DRS transaction advice will be charged to the DTC participant directly by DTC. DTC will collect the advice fees and will periodically remit such fees to the transfer agent.

II. Discussion

Section 17A(a)(1)(A)[6] of the Act sets forth Congress's findings that the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors. Section 17A(b)(3)(F) provides that the rules of a clearing agency must be designed to promote the prompt and accurate clearance and settlement of securities transactions.[7]

Currently, individual investors have the option of either holding a physical certificate or allowing broker-dealers to hold the securities for them in street name. Some investors do not want to hold through a broker-dealer because, among other reasons, of possible delays in receiving correspondences from issuers or because of fees that may be incurred by investors who do not make purchases and sales of securities on a regular basis. However, holding a physical certificate may slow or impede an investor's ability to deliver the security after the sale. By providing individual investors that do not want to have broker-dealers hold their securities for them in street name the option of holding in book-entry form on the books of the issuers and to subsequently have such positions transferred electronically to banks or broker-dealers in connection with the sales or other dispositions of the securities, the Commission believes that DTC's DRS should help promote efficiencies in the prompt and accurate clearance and settlement of securities transactions and is consistent with DTC's obligations under Section 17A.

DTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication because accelerated approval will allow DTC to implement its DRS pilot program on its scheduled date of November 11, 1996.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–96–15) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29349 Filed 11–14–96; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78q–1(a)(1)(A) (1988).

[7] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[8] 17 CFR 200.30–3(a)(12) (1996).

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 Request (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for reinstatement, review and comment. The ICR describes the nature of the information collection and their expected burden.

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:* Aircraft Certification Systems Evaluation Program (ACSEP) Evaluation Customer Feedback Report.

Type of Request: Existing collection in use without an OMB control number.

OMB Control Number: 2120-new.

Form Number: FAA Form 8100.7.

Affected Public: Aerospace Industries Association, General Aviation Manufactures Association and Maintenance & Repair Committees.

Abstract: The information collected will be used by the Aircraft Certification Service's Manufacturing Inspection Offices to improve the administration and conduct of the Aircraft Certification Systems Evaluation Program (ACSEP) at the local and national levels. The agency will use the information as a customer service standard to improve ACSEP.

Estimated Annual Burden: The estimated total annual burden is 225 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 8, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–29366 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Highway Administration

Supplemental Environmental Impact Statement: Lane County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent to supplement a final environmental impact statement.

SUMMARY: The FHWA is issuing this notice to advise all concerned that a supplement to the final environmental impact statement will be prepared for the West 11th Street-Garfield Street, Florence-Eugene Highway (known locally as the West Eugene Parkway) in Lane County, Oregon. This notice

supersedes a previous notice published in the May 10, 1996 Federal Register. The May 1996 notice announced the preparation of a Supplemental EIS for only the proposed changes on the west and east segments of the West Eugene Parkway. This revised notice is to announce that the Supplemental EIS will now be prepared for the entire project.

FOR FURTHER INFORMATION CONTACT: Elton Chang, Environmental Engineer, Federal Highway Administration, 530 Center Street N.E., Room 100, Salem, Oregon, 97301, Telephone: (503) 399–5749, Fax (503) 399–5838.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation and the City of Eugene Public Works Department will prepare a supplement to the final environmental impact statement (FEIS) on the proposal to construct an approximately 9.3 kilometers (5.8 miles) east-west thoroughfare as an extension of the 6th and 7th couplet on a new alignment in the City of Eugene. The previous Notice of Intent to supplement the Final Environmental Impact Statement was published in the Federal Register on May 10, 1996. At that time, the intent was to prepare a supplemental EIS to evaluate the impacts caused by changes on the western and eastern ends of the project. That notice was based on a Federal Highway Administration (FHWA) February 29, 1996 approval of an Environmental Re-evaluation submitted by the Oregon Department of Transportation describing activities and proposed actions that had occurred since the approval of the Final Environmental Impact Statement in October 1989. Since the FHWA February 1996 approval, a number of events have occurred which have resulted in the decision to now include the entire project in the Supplement EIS.

The original FEIS (FHWA–OR–EIS–85–05–F) for this roadway was approved on November 20, 1989 and the Record of Decision (ROD) signed on April 4, 1990. The final EIS followed a draft EIS dated October 3, 1985 and a supplemental draft EIS dated June 5, 1986. All three environmental documents were reviewed by the public and interested agencies.

The new proposed roadway would start in the east at Garfield Street and the 6th and 7th Streets couplet near Highway 99W and terminate in the west with a connection to Route 126 approximately 1.1 kilometers (0.7 miles) west of the Oak Hill railroad overpass in Lane County, Oregon. In general, the new roadway would have four 3.6-meter (12-foot) wide travel lanes and a parkway-type design that would include a 4.3-meter (14-foot) wide landscaped median with 1.2-meter (4-foot) inside shoulders for both roadways, and 2.4-meter (8-foot) wide shoulder/bike lanes on the outside of the travel lanes.

The new proposed roadway would be an important linkage between I–105/I–5 in east Eugene and Highway 126 in the west. The need for an limited access east-west thoroughfare has been documented in land use and transportation plans since 1959 to serve the existing and projected traffic demand resulting from the growth projected in the industrial development of west Eugene. In addition, the parkway would serve the growth in residential development in the Bethel-Danebo Neighborhood to the north of the proposed roadway.

Since the approval of the final EIS and the selection of Alternative 1 (Modified) and the signing of the ROD in 1990, additional coordination and consultation have been done with environmental resource agencies to avoid and minimize project impacts to rare, threatened and endangered species and their habitats found in the project area. As a result of this consultation, a design modification has been proposed for the western 5.2 kilometers (3.25 miles) of the adopted project (slightly east of Terry Street to Highway 126). The FEIS approved design for the western segment of the West Eugene Parkway (WEP) had the alignment south of and parallel to the Southern Pacific railroad line. The western segment is now being proposed to be shifted north of and parallel to the railroad. Initial analysis (October 1994) of the northern design option has found that there would be less direct impacts on the Willamette Valley wet prairie wetlands, a rare habitat type, and the direct impacts to the Western pond turtles, a sensitive species, would be eliminated.

In addition, recent traffic analysis from the City of Eugene has shown that projected traffic for local streets and Highway 99W that the eastern portion of the WEP can best be served by a minor design modification at the intersection with Highway 99W and the approved project. The northbound 99W connection to the westbound new WEP is now proposed to be made by an elevated structure rather than at grade to maintain an acceptable level-of-service.

These two minor design modifications are being proposed to the approved project to further reduce the impacts disclosed in the final EIS. The impacts of the modifications will be examined in greater detail in the proposed supplemental EIS.

Newsletters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. Public meetings have been held in Eugene to identify issues that should be addressed and to report preliminary findings of the technical studies to the public. In addition, a public hearing will be held following the distribution of the draft supplemental EIS for public and agency review. Public notice will be given of the times and places of all meetings and hearings. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the supplemental EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program)

Issued on: November 1, 1996.

Elton Chang,

Environmental Engineer.

[FR Doc. 96–29319 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) § § 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Palm Leaf Corporation a request for a waiver of compliance with certain requirements of the Railroad Power Brakes and Drawbars regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Palm Leaf Corporation (FRA Waiver Petition Docket Number: PB–96–5)

The Palm Leaf Corporation requests a one year waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations (49 CFR Part 232). Palm Leaf Corporation is

requesting that it be permitted to extend the clean, oil, test and stencil (COT&S) period from 36 months to 48 months for its private railroad passenger car PPCX 800237, which is equipped with 26–C air brake.

Title 49 CFR 232.17 (b)(2)states: ''Brake equipment on passenger cars must be cleaned, repaired, lubricated and tested as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than as required in Standard S–045 in the Manual of Standards and Recommended Practices of the AAR.'' Standard S–045 specifies 36 months for the 26–C type air brake equipment.

The Palm Leaf Corporation requests approval under the same conditions as granted to the National Railroad Passenger Corporation (Amtrak) in FRA Docket No.: H–94–3.

1. That 26–C brake equipment on passenger cars must be cleaned, repaired, lubricated and tested (COT&S) as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than once each 48 months;

2. All passenger cars with 26–C brake equipment must be single car tested in accordance with the current AAR Standard S–044 each time it is on a shop or repair track but not less frequently than once each 12 months.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number: PB–96–5) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on November 7, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–29314 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–06–P

Maritime Administration

[Docket MSP–003]

OSG Car Carriers, Inc.; Notice of Application Pursuant to Section 656 of the Merchant Marine Act, 1936, as Amended

OSG Car Carriers, Inc. (OSG) by application received October 22, 1996, and supplemented by letter dated November 4, 1996 applied under Section 651, Subtitle B, of the Act for participation in the Maritime Security Program (MSP). In support of its application OSG submitted information pertaining to its level of noncontiguous domestic trade service. Pursuant to section 656 of the Act, the Maritime Administration must determine OSG's level of noncontiguous domestic trade service should it become party to a MSP operating agreement.

In support of its request OSG described its level of service provided in each noncontiguous domestic trade served as of August 9, 1995. The vessels listed below are contract (liquid bulk) carriers, rather than common carriers, and their itineraries are determined by their respective charters. These vessels operate from time to time in the noncontiguous domestic trades between the contiguous 48 States and Alaska, Hawaii, the U.S. Virgin Islands or Puerto Rico and between Alaska and the U.S. Virgin Islands. OSG's submittal of noncontiguous domestic trade service, as well as its affiliates, was provided as follows:

Applicant's Noncontiguous Trade

Name	*Dead-weight tonnage*
Overseas Boston	120,800
Overseas Juneau	120,500
Overseas Chicago	90,650
Overseas Ohio	90,550
Overseas Washington	90,500
Overseas New York	90,400
Overseas Arctic	62,000
Overseas Alaska	62,000
Overseas New Orleans	42,950
Overseas Philadelphia	42,600
Overseas Vivian	37,800
Overseas Alice	37,800
Overseas Valdez	37,800

OSG further clarified the level of service provided by its affiliates in the noncontiguous domestic trades in the year preceding August 9, 1995 as being 100% of the annual capacity of their entire fleet of U.S. flag tankers, i.e., 926,350 deadweight tons.

OSG states that the Maritime Security Act defines the term ''level of service'' provided by a contractor [operating non-container Vessels] in a trade as of a date * * *.'' to mean ''the total annual capacity provided by the contractor in that trade for the twelve calendar months preceding that date.'' [Section 4(h)(1)(A)]. OSG asserts that all of the U.S.-flag tankers operated by the Applicant's affiliates are liquid bulk carriers offered for charter; they are not common carriers that operate on predetermined schedules or itineraries. The movements of the vessels are entirely up to the charterer. The ''trade'' in which those tankers operate is therefore a worldwide trade, and by inclusion, the noncontiguous domestic trade.

OSG states that the use of 100% of the capacity of tankers utilized in the noncontiguous domestic trade is supported by the proviso of Section 4(h)(1)(A) by which Congress permitted the ''level of service'' for certain ''contract carrier tug and barge service'' to be calculated on the basis of 100% of vessel capacity. Where Congress addressed the issue of ''level of service'' provided by carriers that have no itineraries (which is OSG's case), Congress prescribed a reference to 100% of capacity. Congress states that it has recognized that a definition of ''trade'' by area, rather than specific ports, is required for bulk vessels. Before 1970, and before bulk carriers were made eligible for subsidy, Section 905(a) of the Merchant Marine Act, 1936, 46 U.S.C. 1244, defined ''foreign trade'' as ''trade between the United States * * * and a foreign country''. The Merchant Marine Act of 1970, P.L. 91–469, 91st Cong. 2d Sess., amended the definition in Section 905(a) to ''include, in the case of liquid and dry bulk carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such a manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary.'' As explained in the Senate Report on the Merchant Marine Act 1970, Congress was concerned that ''a narrow construction of the [earlier] definition [of foreign trade] might prove unduly restrictive as applied to bulk cargo

vessels which are not to be included in the program for the first time.'' Therefore, Congress ''amended this section to authorize the Secretary of Commerce to promulgate regulations to include sufficient flexibility to make the new bulk cargo vessels competitive.'' Senate Rept. 91–1080, 91st Cong. 2d Sess., reprinted in 1970 USCCAAN, p. 4194. Similar considerations require a nonspecific definition of the ''trade'' of liquid bulk vessels under the Maritime Security Act.

OSG asserts that the vessels ''provided'' in that ''trade'' are all the U.S.-flag tankers of OSG's affiliates. The service ''provided'' is construed to include periods of lay-up because the failure to operate was due to conditions beyond the control of OSG's affiliates. Compare Section 805 of the Merchant Marine Act, 1936. 46 U.S.C. 1223, which includes in grandfathered service ''interruptions of service over which the applicant or its predecessor in interest had no control.''

Any person, firm or corporation having any interest in the application for section 656 consent and desiring to submit comments concerning OSG's request must by 5:00 PM December 16, 1996 file comments in triplicate to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

By Order of the Maritime Administrator.

Dated: November 13, 1996.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 96–29458 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

Safety Performance Standards, Research and Safety Assurance Programs Meetings

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of NHTSA Industry Meetings.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory, safety assurance and other programs. In addition, NHTSA will hold a separate public meeting to describe and discuss specific research and development projects.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory, safety assurance and other programs will be held on December 12, 1996, beginning at 9:45 a.m. and ending at approximately 12:30 p.m. Questions relating to the above programs must be submitted in writing by December 3, 1996, to the address shown below. If sufficient time is available, questions received after December 3 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by December 3, 1996, and the issues to be discussed will be transmitted to interested persons by December 6, 1996, and will be available at the meeting. Also, the agency will hold a second public meeting on December 11, devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5:00 p.m. That meeting is described more fully in a separate announcement. The next NHTSA Industry Meeting will take place in March. More details on the date and its location will be announced at the December 12, Industry Meeting.

ADDRESSES: Questions for the December 12, NHTSA Technical Industry Meeting, relating to the agency's vehicle regulatory and safety assurance programs, should be submitted to Delia Gage, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329. The meeting will be held at the Royce Hotel, 315000 Wick Road, Romulus, Michigan.

FOR FURTHER INFORMATION CONTACT: Steven Kratzke, (202) 336–4931.

SUPPLEMENTARY INFORMATION: NHTSA will hold this regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory, safety assurance and other programs. Questions on aspects of the agency's research and development activities that relate to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m. We would appreciate the questions you send us to be organized by categories to help us to process the questions into agenda form more efficiently. Sample format as follows:

I. Rulemaking
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. Consumer Information
III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, Brailled materials, or large print materials and/or a magnifying device), Please contact Delia Gage on (202) 366–1810, by COB December 3, 1996.

Issued November 12, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–29363 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–116, Notice 1]

Capacity of Texas, Inc.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121

Collins Industries of Hutchinson, Kansas, on behalf of its subsidiary, Capacity of Texas, Inc., of Longview, Texas, has applied for a temporary exemption from paragraph S5.1.6 of Federal Motor Vehicle Safety Standard No. 121 *Air Brake Systems.* The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

This notice of receipt of the application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

Paragraph S5.1.6 (which includes S5.1.6.1–S5.1.6.3) of Standard No. 121 requires in pertinent part that each truck tractor manufactured on and after March 1, 1997, be equipped with an antilock brake system. Capacity of Texas (''Capacity'') has asked that one of its truck tractors be exempted for three months from the provisions of S5.1.6 that will apply to it effective March 1, 1997. Capacity manufactures the Trailer Jockey ''Model TJ–5000 (Off Highway)'' truck tractor. Terming it a ''yard

tractor'', Capacity states that ''this type of truck is designed to operate in a freight yard moving trailers from one terminal entrance to another * * * geared to limited speed [45 mph maximum] and to provide start-up torque for repeated stopping and starting.'' The tractors generally operate at 25 mph.

Because these terminal tractors do not appear manufactured primarily for use on the public roads, ordinarily NHTSA would not consider them to be ''motor vehicles'' to which Standard No. 121 applies. However, Capacity is currently working to fill its third contract with the U.S. Postal Service. Unlike the other two contracts, the present Postal Service contract specifies that the truck tractors be certified to comply with all Federal motor vehicle safety standards applicable to on-road truck tractors, even though Capacity estimates that the tractors will spend ''approximately 5% or less of their life in operation on the public highways.'' Capacity's contract is for 210 vehicles, to be produced between September 1996 and June 1997, and it estimates that the final 60 under the order will be completed by the end of May 1997. It thus seeks an exemption until June 1, 1997, from the antilock brake requirements for the 60 tractors.

One option that it has examined is acceleration of its production schedule so that manufacture of all vehicles could be completed by March 1, 1997. However, this would require an increase in production rates ''by at least 33% two months prior to the March 1, 1997 date.'' The work in part would have to be performed by newly hired and trained employes, increasing its overtime costs by 100%. It estimates that total costs would be greater by far than its net income for the fiscal year ending October 31, 1996. In addition, it would have to lessen its efforts to fill other orders, with a consequent loss of business. This means that, at the completion of the order as of March 1, 1997, it would have to lay off 50% of its work force until more orders were received and an orderly production schedule established. For these reasons, acceleration of the production schedule would cause it substantial economic hardship.

A further option is to delay production of the 60 vehicles until compliance with Standard No. 121 is achieved. Capacity states that ''it will be possible to delay delivery of other customer trucks until testing of ABS truck systems is complete.'' However, delay for conformance is not acceptable to the Postal Service because it would result in a fleet of dissimilar vehicles requiring different spare parts. As Capacity further argues, identical vehicles are desired by the Postal Service because ''all drivers in the fleet can be trained to the same operating procedures'' and ''Fleet maintenance people will be working on these trucks and will be able to maintain all 270 using the same procedures.'' Even if a delay were acceptable to the Postal Service, Capacity would have to absorb the increase in costs since ''the price is fixed by contract and no upward price relief is available.''

In the year preceding the filing of its petition, Capacity produced and certified 47 vehicles for on-road use other than those produced under the postal contract. It also produced less than 500 off-road vehicles. In the same period, its parent corporation, Collins, Inc., manufactured less than 2,000 school buses and less than 2,000 ambulance conversions. Capacity's net income has declined over the past three fiscal years and, in its fiscal year ending October 31, 1996, is far less than $1,000,000.

Capacity argues that a temporary exemption would be in the public interest because the vehicles are produced for the U.S. Postal Service. It believes that an exemption is also consistent with motor vehicle safety because ''NHTSA is using a staggered effectivity date for addition of antilock brakes to tractors, trucks, and buses.'' It points out that ''[t]here will be many vehicles built during the 3 months of this petition that are built under the old standard * * *. The only reason tractors are involved is because they got the first effectivity date instead of buses.''

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and notice number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW, Washington, DC, 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the application will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: December 16, 1996.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50, 501.8)

Issued on November 8, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–29362 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–59–P

Research and Special Programs Administration (RSPA), DOT

[Docket No. PS–142; Notice 3]

Program Framework for Risk Management Demonstrations

AGENCY: Office of Pipeline Safety, DOT.

ACTION: Notice and announcement of public meeting.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) is considering a program framework for its Pipeline Risk Management Demonstration Program required by the Accountable Pipeline Safety and Partnership Act of 1996. The Demonstration Program will invite pipeline operators to propose risk management projects for one or more parts of their pipeline systems that, upon approval by OPS, will substitute for the existing Federal safety standards in providing the basis for Federal oversight of pipeline safety and environmental protection. This document describes the Demonstration Program, the activities already underway to prepare for it, and the next steps in the process; describes the objectives to be achieved by the demonstration projects; provides needed guidance for pipeline operators who may wish to participate; and invites public involvement in the process through various opportunities for public comment and public meetings. A separate document, the Interim Risk Management Program Standard, provides specific direction to interested operators on developing risk management programs, including the projects in this Demonstration Program.

DATES: *Meetings.* (1) January 28, 1997, from 8:00 a.m. to 5:00 p.m. in New Orleans, Louisiana—public meeting. For more information, contact Janice Morgan at (202) 366–2392.

(2) Through approximately March 31, 1997, at individual pipeline operators' sites—informational meetings with OPS. For more information, contact Bruce Hansen at (202) 366–8053.

Written comments. (3) Written comments on this notice should be submitted on or before (Insert 60 days from publication date).

(4) Written comments on the Interim Risk Management Program Standard

(available on the World Wide Web at http://ops.dot.gov, by contacting Doug Read at (202) 682–8588, or through the DOT docket associated with this notice) should be submitted to Mr. Read at the American Petroleum Institute (API) on or before (Insert 30 days from publication date). For more information, contact Mr. Read at (202) 682–8588.

ADDRESSES: *Meetings.* (1) The public meeting will be held at the New Orleans Hilton Riverside Hotel, Poydras at the Mississippi River, New Orleans, Louisiana, 70140.

(2) Informational meetings between OPS and operators are typically held at each company's office.

Written Comments. (3) Send comments on this notice in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001. Identify the docket and notice number stated in the heading of this notice. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. All comments and docketed material will be available for inspection and copying in room 8421 between 8:30 a.m. and 5 p.m. each business day. Contact the Dockets Unit, (202) 366–5046, for docket material.

(4) Send comments on the Interim Risk Management Program Standard to Doug Read, American Petroleum Institute, 1220 L Street, NW, Washington, DC, 20005. Comments sent to Mr. Read will be available for inspection and copying through the DOT docket associated with this notice.

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Callsen, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington D.C. 20590–0001, telephone 202–366–4572.

SUPPLEMENTARY INFORMATION:

I. Overview

Section 5 of the Accountable Pipeline Safety and Partnership Act of 1996 (Pub. L. 104–304, Oct. 12, 1996) requires OPS to establish the Pipeline Risk Management Demonstration Program and sets forth requirements for carrying out risk management projects. In a memorandum issued when the statute was enacted, the President directed the Secretary of Transportation to use his discretion to administer the Demonstration Program with certain safeguards in place. The safeguards identified in the President's memorandum to the Secretary include making provisions for:

- Accepting projects that can achieve superior public safety and environmental protection.
- Enabling full and meaningful participation by affected communities and constituencies in risk management project approval.
- Using orders ensuring that the requirements of risk management projects are subject to full enforcement authority.
- Limiting the number of demonstration projects to ten (10).
- Limiting participation to operators with clear and established records of compliance with respect to safety and environmental protection.

The statutory requirements, the President's memorandum to the Secretary, comments on previous framework concepts (published in 60 FR 49040, September 21, 1995, and 60 FR 65725, December 20, 1995), and other stakeholder input were used to develop the present framework, which provides guidance to operators who may decide to participate in the demonstration projects that are expected to begin in 1997.

Risk management can provide pipeline owners and operators greater flexibility in their choice of safety-related activities than is possible within OPS's present universally applicable regulatory program. Risk management enables a company to customize its safety program to address its pipeline's particular risks. Furthermore, risk management is a dynamic process, with built-in features for evaluating and improving safety activities as experience is gained.

The demonstration projects will test whether allowing operators the flexibility to allocate safety resources through risk management is an effective way to improve safety, environmental protection, and reliability. They will also provide data on how to administer risk management as a permanent feature of the Federal pipeline safety program, should risk management prove to be a viable regulatory alternative. The new standards, technologies, and communication processes developed by operators and OPS for the risk management demonstration projects will be adapted to support the range of risk-based regulatory, compliance, and research and development activities OPS presently has under development.

OPS expects that risk management methods and the formalized process of interactions and negotiation between regulators and company personnel will result in superior public safety and environmental protection than could otherwise be attained through existing regulatory requirements. Risk management is, by OPS definition, a more systematic and thorough assessment of risk and risk control options, with the intended result of superior decision making. As a result of improved assessment, OPS believes there is a potential to identify more risk than may have been found using existing practices.

OPS plans to select companies for demonstration projects with a demonstrated commitment (1) to work in partnership to evaluate merits of risk management processes and technologies and (2) to develop risk management as an integral part of company day-to-day business practices, at least related to the demonstration project. The selection criteria favors projects showing potential for more comprehensive risk management applications. All participants will be focused on improving safety and environmental results, prioritizing resources more effectively, and enhancing the ability of government and industry to effect positive outcomes. OPS will have clear profiles of its assessment of pipeline integrity before and after the demonstration program. At the program conclusion, OPS fully expects to have a better understanding of individual pipeline risks and to be in a better position to evaluate risk control options.

Finally, OPS expects risk management to be able to provide better accountability for safety and environmental protection, and a better basis to communicate with the public. To assure that safety and environmental protection improve, OPS will measure local, project-specific data such as current physical data, new test data, comparison with similar segments, outcomes from risk control actions, precursor or ''anticipative'' event measures, level of risk awareness, history of service interruptions and incident data. OPS also expects to measure improvements in communications, understanding, and resulting increased ability of government and industry to effect desired safety and environmental project outcomes. OPS and operators participating in the Demonstration Program will report to the public periodically during the four year period.

OPS will be accepting into the Demonstration Program those projects, as proposed or ultimately negotiated, that are expected to achieve superior public safety and environmental protection than is currently being achieved through regulatory compliance. Because of the nature of the risk management process, OPS believes

that operators choosing to participate will be able to propose projects demonstrating such protection.

Each demonstration project is expected to have a four-year duration. Participation in risk management demonstrations will be voluntary and subject to OPS approval based on criteria set forth later in this notice. Eligibility for the demonstration projects beginning in 1997 is limited to interstate natural gas transmission and hazardous liquid pipeline companies. RSPA may later broaden eligibility to include distribution and other intrastate operators.

II. Activities Presently Underway and Next Steps

The December 20, 1995, Federal Register notice gave the background for OPS's consideration of company-specific risk management projects as an alternative to the existing regulations. The notice described many of the safety, environmental, legislative, technical, public perception, and economic factors driving government, corporate, and public interest in risk management.

Since December 1995, OPS has been working with ''joint risk management quality teams'' (JRAQT) composed of representatives of state pipeline regulatory agencies, the oil and gas industries, and local public safety and environmental representatives to develop the five primary components of the Pipeline Risk Management Demonstration Program. These components include the Interim Risk Management Program Standard, the guidance for assessing risk management as a regulatory alternative using general industry data, the training protocols for instructing government and corporate participants about their new roles under risk management, a plan for productive communication between all participants and the public, and the regulatory framework presented in this notice. The standard and the regulatory framework are now ready for public comment. The guidance for assessing risk management as a regulatory alternative will be ready for public comment in November.

The Interim Risk Management Program Standard will serve as a common ground upon which the pipeline industry can develop and refine effective risk management demonstration projects that regulators can approve and monitor. It defines certain elements that all programs should contain, but allows flexibility to each company to customize its project to fit its particular needs and corporate practices, and allows projects to evolve as experience is gained. The standard will also provide companies guidance for selecting performance measures to ensure that safety and environmental protection are safeguarded in demonstration projects. Directions for obtaining and commenting on the standard are at the front of this notice.

The regulatory framework component presented in this notice guides pipeline companies in how they can gain OPS approval of their risk management projects and describes how OPS would monitor the plans. The framework presented here will guide the demonstration projects that begin in 1997. The experience gained from the demonstration projects will help OPS to later develop a permanent procedure for approving risk management projects, if risk management proves to be a viable regulatory alternative. Directions for public comment on the regulatory framework are also at the front of this notice.

To help ensure that the Demonstration Program components provide the flexibility to fairly and consistently evaluate and support actual risk management projects, OPS has been conducting a series of meetings with individual operators since August 1996. The topics of discussion include risk management projects the operator has in place or under consideration and criteria OPS might use to evaluate them. During the meetings, operators also learn about and comment on the Demonstration Program components under development. Companies interested in such a meeting should see the front of this notice for contact information.

OPS has held two public meetings on risk management demonstration projects and will hold a third on Tuesday, January 28, 1997, in New Orleans, Louisiana (see the front of this notice for scheduling and lodging information). At that meeting, OPS and the JRAQT will present the Interim Risk Management Program Standard that operators will use during the demonstration projects. OPS will also present prototype risk management projects to illustrate the documentation needed and the types of issues to be addressed during project review, approval and monitoring. After the meeting, OPS will publish a Federal Register notice to begin the project approval process described in Section IV of this notice. Between now and the January meeting, OPS will continue to refine the Demonstration Program components based on public comment on this notice, meetings with individual operators, national public, environmental and other interested organizations, and continued interaction with industry and the States through the JRAQT teams.

III. Risk Management Demonstration Project Objectives and Policies

The objectives of the Pipeline Risk Management Demonstration Program, which stem from the statutory requirements and the Presidential directive, are to accomplish the following:

- To show that more effective allocation of resources can result in improved safety and environmental protection over what is presently achieved through regulatory compliance.
- To address risks not addressed by regulations by capitalizing on features inherent to the risk management process, such as improved quality and integration of safety data and, as a result, more comprehensive assessment of threats.
- To systematically test risk management as a regulatory alternative through objective evaluation under a broad range of conditions.
- To establish a common framework for productive communication with public safety officials and the public, and for getting meaningful public input into the risk management process.
- To develop and apply new risk assessment models, processes and technologies.

OPS believes that the following elements need to be structured into the Demonstration Program:

(1) Operators participating in the Pipeline Risk Management Demonstration Program will need to provide sufficient data and background information to enable OPS to determine whether risk management is an effective regulatory alternative that provides superior safety and environmental protection.

Implicit in a company's participation in the Demonstration Program should be the commitment to work in partnership with OPS to determine whether and how risk management might become a permanent feature of the Federal pipeline safety program. OPS will ask for evidence that risk management, as it relates to the proposed demonstration project, is or will be developed and implemented as an integral part of the day-to-day business practices of the company. OPS will also periodically ask companies for suggested refinements to the primary program components.

In keeping with the Interim Risk Management Program Standard, the operator must identify project-specific performance measures that demonstrate the effectiveness of the risk-control decisions being made. During the project approval process, OPS will

determine whether these local project-specific performance measures appear appropriate and adequate. Throughout a demonstration project, the operator will evaluate local and broader program measures and ensure that the performance measures are appropriate and adequate. The operator would periodically report on these project-specific performance measurements to OPS.

OPS is developing guidance for additional more general measures operators would report during the four-year demonstration period to enable OPS to determine the effectiveness of risk management as a regulatory alternative. These measures will help OPS answer the following questions:

- Does risk management result in a greater safety, environmental protection, and service reliability than would otherwise be achieved through compliance with the safety regulations?
- Are resources being better prioritized and more effectively applied under risk management?
- Has agency and industry involvement in the discussion of risks and risk control options, and the agency and industry's ability to impact desired outcomes, increased under risk management?

(2) Operators will be allowed to reallocate resources geographically, as long as safety is adequately safeguarded at each location along a demonstration site.

OPS will allow operators the flexibility in a risk management demonstration project to reallocate safety resources across several pipeline segments. An operator may substitute one or more activities for others, or do away with redundant activities altogether, as long as the basic safety and environmental protection along the pipeline is safeguarded at each point. However, it is still expected that the overall demonstration project performance will result in superior safety and environmental protection.

(3) OPS will consider approving demonstration projects of various scopes and complexities.

The scope of a risk management demonstration project may be an entire pipeline system and all safety activities, or may be focused on parts of a system and specific activities.

Since operators have different levels of experience with, and confidence in, risk management, OPS expects some proposals to begin with approaches that are limited in scope. Therefore, an operator may propose a phased entry into a demonstration project, broadening the scope of the project as experience is gained. During the project approval process, OPS will favor projects showing a potential for expansion and more comprehensive application of risk management. OPS expects to work with companies to develop a profile which compares the demonstration site to the rest of the pipeline.

OPS recognizes that significant benefits can accrue from even the less sophisticated applications of risk management. Because no single risk management approach will be universally appropriate for every situation, OPS is looking for those that match the level of risk management with the complexity of the risks being managed. However, any operator who participates in the Demonstration Program must have in place the program elements defined in the Interim Risk Management Program Standard. The program elements provide the structure for the limited scope proposal.

When an operator proposes risk control alternatives to implement during a demonstration project, the operator should demonstrate a knowledge and understanding of the range of risks along the demonstration site and show that it has considered significant failure modes. An operator may draw on corporate experience, skills, and available documentation to support the proposed alternatives.

(4) OPS considers an operator's compliance with the provisions of an OPS-approved risk management project to be an equivalent and acceptable alternative to compliance with the regulations.

OPS considers the provisions of an approved risk management project to be a regulatory commitment. The terms and conditions of the project will be incorporated into an order that is subject to enforcement authority. By this order, an operator conducting risk management activities in an approved project will be exempt from regulations corresponding to the stated scope of the project, but will be required to comply with the provisions of the project. An operator not complying with the provisions of its OPS-approved project will be subject to the same civil penalties administered under existing regulations.

OPS has the authority to exempt, by order, an owner or operator participating in a risk management demonstration project from all or a portion of the regulatory requirements, and from any new regulations, applying to the covered pipeline facility. OPS could issue orders exempting participating operators from any but the reporting requirements in 49 CFR Parts 192 or 195, but expects that the projects approved in 1997 will require exemptions from only one or a portion of the regulations.

When the project concludes at the end of four years, or if it is terminated earlier, consideration will be given to installations or facility modifications made during the demonstration project that conflict with existing or future regulatory actions. Actions taken by the operator in good faith in an approved risk management project could be ''grandfathered'' and exempt from future regulatory compliance, provided safety and environmental protection are not compromised.

(5) The Operator Is Responsible for Active Communication With State and Local Officials Regarding Risk Management. OPS Will Ensure That Such Communication Is Part of the Operator's Demonstration Project Plan and That the Communication Is Carried Out.

OPS sees potential for risk management to provide better accountability to the public for safety and environmental programs. OPS is beginning to explore appropriate strategies for productive communication with public safety officials and the public, and for getting meaningful public input into the risk management process. Similarly, OPS realizes the importance of training and other information exchange in supporting the institutional change that would occur under risk management.

Companies must establish appropriate dialogue with state and local public safety and environment officials. At a minimum, these public officials should be aware that a risk management demonstration project is underway on the pipeline, that OPS is monitoring the project, and who functions as a point-of-contact. Such a dialogue would enable local officials to reassure the public that an appropriate regulatory presence is in place and how the overall safety and environmental protection are enhanced by risk management. OPS will discuss external communications with the operator during a consultation prior to formal application.

IV. Process for Selecting Projects

OPS is providing the following as guidance for operators to seek approval of their risk management demonstration projects. OPS plans to formally solicit operators to voluntarily participate in the risk management demonstration projects via a Federal Register Notice in first quarter 1997. That notice will give

target dates for the various steps described below.

(1) Letter of Intent

Operators would notify OPS of interest in participating in a demonstration project, and OPS would screen operators to ensure that only companies whose demonstration project concepts have a reasonable likelihood of being approved expend the resources to develop formal applications. OPS will screen Letters of Intent to identify no more than ten projects as candidates for selection in the Demonstration Program. Ten is the maximum number OPS can reasonably expect to evaluate and, if selected, to monitor. OPS would accept Letters of Intent during a 60-day window in early 1997. A Letter of Intent is an expression of a company's interest, but does not obligate a company to participate in a demonstration.

OPS would require that a demonstration project cover any part or all of a pipeline system that is covered by either 49 CFR Part 192 or 195, is under federal oversight or oversight by a participating interstate agent, and is currently in operation or under conversion to service. Operators should commit to a project duration of at least four years, and provide evidence that they will address all considerations raised in the Interim Risk Management Program Standard. This includes providing a description of the means by which the company would communicate with local officials regarding its demonstration project.

OPS would like to choose operators who provide evidence of consistent corporate commitment to risk management. This could be demonstrated by a corporate officer, who controls the resource allocation for the demonstration project and competing operations, signing the Letter of Intent.

The Letter of Intent would include a general discussion of risk management principles as part of a company's operating philosophy. To provide OPS adequate data to choose a diverse set of demonstration projects, the Letter would provide a brief system profile of the pipeline, including product(s) transported, pipeline age and operating history, types of population distributions and geographic conditions in proximity of the pipeline, and any other features the operator thinks are notable. The Letter would also describe the scope of the project as defined per the Interim Risk Management Program Standard and any new technologies and processes to be developed or deployed during the demonstration phase.

In making its choice, OPS would consider those operators who have clear records of safety and environmental compliance, based on OPS records and consultation with other interested agencies. OPS will also limit selection to projects which would achieve superior safety and environmental protection. Operators should have completed any OPS-initiated corrective actions.

OPS will publish for public comment a Federal Register notice describing proposals of selected companies and the demonstration sites under consideration. OPS will also follow through with national public, environmental and other interested organizations about the sites under consideration so that local officials can be notified and informed.

(2) Consultation

OPS would invite each operator submitting a promising Letter of Intent to a consultation within 60 days of receipt of the Letter of Intent. The purpose of the consultation would be to familiarize OPS and affected States with specific aspects of an operator's risk management project concept, to provide guidance to the operator on what refinements (if any) are needed for OPS to approve the concept as a demonstration project, to enable regulators to plan the expected level of monitoring based on the company's own audit process, and to enable regulators and the operator to agree on the roles and responsibilities of each throughout the project duration. OPS intends that the consultation begin a negotiation process that results in a demonstration project that OPS could approve.

OPS will provide notification that encourages local officials and the public with questions about demonstration projects to raise them with state pipeline safety officials who can raise them in the consultation process.

OPS would constitute a Project Review Team (PRT) to consult with the operator, keep abreast of any subsequent discussions, and provide technical input on whether a demonstration project could be approved. OPS would customize the make-up of each PRT to the company and project. The PRT members'' roles would be defined in OPS-developed protocols, designed to ensure rigorous yet fair and consistent treatment of all operators throughout plan negotiation, approval, and monitoring. The mix of states and OPS regional personnel on the PRTs, as well as any outside technical expertise consulted, would vary from project to project depending on the demonstration's technical focus and geographic location. Some of the same OPS headquarters staff would be on all PRTs to ensure consistent application of policy throughout the project and to follow all issues raised during the consultations to their resolution.

The consultation would focus on the design, operations, and maintenance practices that would replace practices required by 49 CFR Part 192 or 195, and that would achieve superior overall safety and environmental protection. The operator would provide the rationale for these risk control alternatives by generally describing the specific risk management models, processes, and sources of data supporting their selection.

Other consultation discussion topics would include the program goals, the project scope defined per the Interim Risk Management Program Standard, the project-specific performance measures, the operator's auditing plan, a plan for OPS audits, proprietary issues, provisions for public communication, and the outline for a work plan including benchmarks, risk assessment processes, new technologies applied, points-of-disclosure, and mechanisms for monitoring and refinement.

(3) Formal Application and Approval

An operator would submit an application formally indicating its intent to enter into a risk management demonstration project. Consistent with the program standard's intent for an efficient information flow among appropriate stakeholders, a summary of this formal application would be published in the Federal Register, and the application itself would be made available for review and comment in the docket. OPS will again communicate with national public, environmental and other interested organizations about the sites in which we intend to approve demonstration projects so that local officials can be notified and informed.

The formal application, including a detailed work plan, would document operator/PRT resolution of issues raised during the consultation and any subsequent discussions. It would also provide assurance of a corporate commitment to implement the project in accordance with the operator's risk management application. Other issues may be included at the operator's discretion, such as how to return to compliance with the regulations should a demonstration be terminated.

OPS would review the application and comments, and decide whether to approve the project. If OPS decides to approve the project, OPS would issue the operator a written order. The order,

in addition to exempting an operator from the applicability of specified pipeline safety regulatory requirements for the period of the demonstration, would set forth the terms and conditions for the operator's participation in the demonstration project. The order would be enforceable.

(4) Implementation

A risk management project would start as soon as OPS approves the formal application and work plan, issues the order, and notifies the public through the Federal Register that the order is in effect. Regulators and operators would monitor risk management demonstration projects for compliance with the order. OPS would provide each participating operator with a plan describing the regulators'' expected level of effort in monitoring the demonstration, including the type of audits, their frequency, the participants, the audit scope, and the operator's means of addressing those aspects of the demonstration site remaining in compliance with the regulations, but this plan would not limit OPS's statutory authority to inspect a pipeline facility during the period of the demonstration. Planned OPS audits would coincide with the operator's data taking at key decision points, such as when the operator evaluates the effectiveness of safety activities or considers modifying safety activities.

An operator would notify OPS of any intent to make substantive modifications to the risk management project once a demonstration is underway. The PRT may reconvene to renegotiate project approval or to resolve other significant issues. Provisions will be made for public review and comment on renegotiated projects.

OPS could, through appropriate administrative action, address any unsafe conditions that arise during the demonstration period to ensure that such conditions are quickly addressed. OPS would also administer civil penalties within the provisions of the existing regulations for operators not complying with the order.

(5) Termination

OPS intends that, where a risk management demonstration project is determined to have been successful, the operator could, in lieu of switching to compliance with the regulations, continue to exercise risk management on that part of the system that was covered by the demonstration. However, this determination could not be made until the end of the demonstration period. Upon conclusion of the project, or if it is terminated earlier, consideration would be given to installations or facility modifications made during the demonstration project that conflict with future regulatory actions.

OPS may consider terminating a demonstration project if:

(i) The operator requests termination due to changed circumstances;

(ii) The operator does not comply with the terms and conditions of the approved risk management project;

(iii) Safety has been compromised; or

(iv) OPS and the operator fail to agree on a substantive modification to a risk management project.

V. Summary of Means of Achieving Meaningful Public and Community Involvement

OPS is providing numerous opportunities for public participation in the design and implementation of the Pipeline Risk Management Demonstration Program. One of OPS's objectives for the demonstrations is to establish a common framework for productive communication with public safety officials and the public, and for getting meaningful public input into the risk management process. OPS believes meaningful public input is essential if the demonstrations are to be successful.

The public was invited to comment on early regulatory framework concepts via Federal Register notices published in 60 FR 49040, September 21, 1995, and 60 FR 65725, December 20, 1995. OPS is soliciting public comment on the latest framework concepts via this notice. In addition to the notices, OPS has held two public meetings in preparation for the demonstrations and has scheduled a third for January 28, 1997, in New Orleans, LA. The previous public meetings were held on November 7, 1995, in McLean, Virginia, and on April 14–15, 1996, in Houston, TX. At the third meeting, OPS plans to present the final framework and supporting documents, and to demonstrate the review and approval process using prototype risk management projects.

This notice directs interested members of the public to the docket, to the American Petroleum Institute (API), or to a website to obtain and comment on the latest draft of the Interim Risk Management Program Standard. The standard describes the elements that OPS, its state partners, and industry agree must be common to all demonstration projects. One requirement is an external communications element, in which regulator and other stakeholder interests and concerns are understood, and program goals and results are communicated to and discussed with the public, as well as Federal, state, and local regulators, and other stakeholders as appropriate. The docket associated with this notice will have available for review any comments received on the standard and on the regulatory framework.

This notice also describes the numerous opportunities OPS is offering the public for comment during the demonstration review and approval process. Before formal applications are due, OPS will publish for public comment a Federal Register notice describing the demonstration projects under consideration and each company's concept for communicating with local safety officials should OPS approve its demonstration project. The public will be noticed again once the formal application is received and approval is imminent. At this time, a summary of the formal application will be published in the Federal Register, and the application itself will be made available for review and comment through the docket. At each opportunity for notice in the Federal Register, OPS will communicate with national public, environmental and other interested organizations about the sites under consideration so that local officials can be notified and informed about planned program activities.

Affected states will be a part of the Project Review Team (PRT) recommending whether or not OPS should approve a demonstration project. OPS will provide notification that encourages local officials and the public with questions about demonstration projects to raise them with state pipeline safety officials who can raise them with the PRT.

OPS and industry's communications effort focusing on public and environmental officials and other interested organization representatives is intended to provide these officials with adequate information to reassure the public that an appropriate regulatory presence is in place during the demonstrations, and to describe how safety and environmental protection will be enhanced by risk management. OPS would appreciate comments on whether these mechanisms are adequate to ensure public and community involvement, and if not, what OPS and operators choosing to participate in the demonstration projects can do to achieve such involvement.

VI. Report to Congress

By March 31, 2000, OPS will submit a Report to Congress on the results of the demonstration projects, evaluating how effectively safety, environmental

protection, and reliability have been improved by participating operators, the feasibility of risk management in general, and recommending whether and in what form risk management should be incorporated into the Federal pipeline safety program on a permanent basis.

Issued in Washington, DC, on November 8, 1996.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 96–29367 Filed 11–14–96; 8:45 am]

BILLING CODE 4910–60–P

Surface Transportation Board

[STB Finance Docket No. 33220]

CSX Corporation and CSX Transportation, Inc.—Control and Merger—Conrail Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Decision No. 3; notice of proposed procedural schedule.

SUMMARY: The Board invites comments from interested persons on a proposed procedural schedule.

DATES: Written comments on the proposed schedule must be filed with the Board no later than December 6, 1996. Applicants' reply is due by December 16, 1996.

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33220 and must be sent to the Office of the Secretary, Case Control Branch, ATTN: STB Finance Docket No. 33220, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423.[1] In addition, one copy of all documents in this proceeding must be sent to each of the applicants' representatives: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, NW., Washington, DC 20004–1202; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, Suite 600, 1300 Nineteenth Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: In Decision No. 2, served and published in the Federal Register on November 15, 1996, the Board issued a notice to the public that, pursuant to 49 CFR 1180.4(b), CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), Conrail Inc. (CRI), and Consolidated Rail Corporation (CRC)[2] had filed on October 18, 1996, a notice of their intent to file an application seeking authority under 49 U.S.C. 11323–25 for: (1) the acquisition of control of CRI by Green Acquisition Corp. (Acquisition), a wholly owned subsidiary of CSXC; (2) the merger of CRI into Acquisition; and (3) the resulting common control of CSXT and CRI and CSXC. The Board found this to be a major transaction as defined in 49 CFR part 1180. Applicants intend to file their application on or before March 1, 1997.

Applicants also filed on October 18, 1996, a petition to establish a procedural schedule (CSX/CR–3). Applicants' proposed procedural schedule is as follows:

Applicants' Proposed Procedural Schedule

F Primary application and related applications filed.
F+30 Board notice of acceptance of primary application and related applications published in the Federal Register.
F+45 Notification of intent to participate in proceeding due.
F+60 Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due with respect to such applications.
F+120 Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. Comments by U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) due.
F+135 Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register.
F+150 Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition due. Rebuttal in support of primary application and related applications due.
F+165 Rebuttal in support of inconsistent and responsive applications due.
F+185 Briefs due, all parties (not to exceed 50 pages).
F+215 Oral argument (at Board's discretion).
F+217 Voting conference.
F+255 Date of service of final decision.

Under applicants' proposal, immediately upon each evidentiary filing, the filing party shall place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a depository open to all parties, and shall make its witnesses available for discovery depositions. Access to documents subject to the protective order shall be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Relevant excerpts of transcripts will be received in lieu of cross-examination, unless cross-examination is needed to resolve material issues of disputed fact. Discovery on responsive and inconsistent applications will begin immediately upon their filing. The Administrative Law Judge assigned to this proceeding will have the authority initially to resolve any discovery disputes.[3]

The proposed schedule is substantially similar to that adopted in *Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railway Company (UP/SP),* Finance Docket No. 32760 (see Decision No. 6, ICC served Oct. 19, 1995; and Decision No. 9, ICC served Dec. 27, 1995).

Applicants' proposal is the first major consolidation transaction presented to the Board under the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (ICCTA), enacted December 29, 1995, and effective January 1, 1996. The Board is seeking comments from the public on applicants' proposed procedural schedule, as modified by us below to adhere more closely to the provisions of ICCTA. In ICCTA,

[1] In addition to submitting an original and 25 copies of all documents filed with the Board, the parties are encouraged to submit all pleadings and attachments as computer data contained on a 3.5-inch floppy diskette which is formatted for WordPerfect 5.1 (or formatted so that it can be converted into WordPerfect 5.1) and is clearly labeled with the identification acronym and number of the pleading contained on the diskette [49 CFR 1180.4(2)]. The computer data contained on the computer diskettes submitted will be subject to the protective order entered in Decision No. 1, served on October 25, 1996, in this proceeding, and is for the exclusive use of Board employees reviewing substantive matters in this proceeding. The flexibility provided by such computer file data will facilitate expedited review by the Board and its staff.

[2] CSXC and CSXT are referred to collectively as CSX. CRI and CRC are referred to collectively as Conrail. CSX and Conrail are referred to collectively as ''applicants.''

[3] As we stated in Decision No. 2, the process of assigning an ALJ to this proceeding is underway, and we will leave all discovery matters, including the adoption of any guidelines governing discovery initially, to the discretion of the ALJ. A decision naming that judge will be issued as soon as possible.

Congress provided pursuant to 49 U.S.C. 11325(b) [emphasis added]:

(b) If the application involves the merger or control of two or more Class I railroads, as defined by the Board, the following conditions apply:

(1) Written comments about an application may be filed with the Board within 45 days after notice of the application is published F + 75 days under subsection (a)[4] of this section. Copies of such comments shall be served on the Attorney General and the Secretary of Transportation, who may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Board by the end of the 15th day after the date of receipt of the written comments F + 90 days.

(2) The Board shall require that applications inconsistent with an application, notice of which was published under subsection (a) of this section, and applications for inclusion in the transaction, be filed with it by the 90th day after publication of notice F + 120 days under that subsection.

(3) The Board must conclude evidentiary proceedings by the end of 1 year after the date of publication of notice under subsection (a) of this section. The Board must issue a final decision by the 90th day after the date on which it concludes the evidentiary proceedings.

Specifically, we propose to modify applicants' proposed schedule to require parties intending to file comments, protests, requests for conditions, and any other opposition evidence and argument to file their submissions 75 days from the date the application is filed [F + 75] as provided for under 49 U.S.C. 11325(b)(1), with comments from the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT) due 90 days from the date the application is filed [F + 90 days] as provided for under 49 U.S.C. 11325(b)(1). If these due dates were to be established for comments in this proceeding, responses to comments, protests, requested conditions, and other opposition, and also rebuttal in support of the primary application and related applications would be due 30 days after the due date (i.e., on F + 105 for responses to commenters and parties other than DOJ and DOT; and on day F + 120 for responses to DOJ and DOT). We propose to keep inconsistent and responsive applications due 120 days from the date the application is filed [F + 120 days] as provided for under 49 U.S.C. 11325(b)(2). Because there has not been a major merger in the East since the early 1980s, given our merger experience, we believe it would be prudent for us to factor in some additional time to accommodate possible unique issues that may arise. We propose extending applicants' proposed procedural schedule by 45 days allocated as follows: (1) Adding 5 days to applicants' proposed period of time for parties to prepare their briefs, so that briefs would be due on F + 190 days; (2) adding 15 days to applicants' proposed period of time for parties to prepare for oral argument, so that oral argument would occur on F + 235 days; (3) adding 3 days to applicants' proposed 2-day interval between the oral argument and the voting conference, so that a voting conference would occur on F + 240 days; and (4) adding 22 days to applicants' proposed period of time after the voting conference for the service of the Board's final decision on F + 300 days. In addition, we propose requiring applicants to file an environmental report, including all supporting documents, no later than 30 days prior to the filing of the primary application.[5]

Proposed Procedural Schedule as Modified by the Board

F − 30 Environmental report, including all supporting documents due.
F Primary application and related applications filed.
F+30 Board notice of acceptance of primary application and related applications published in the Federal Register.
F+45 Notification of intent to participate in proceeding due.
F+60 Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due with respect to such applications.
F+75 All comments, protests, requests for conditions, and any other opposition evidence and argument due.
F+90 Comments by U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) due.
F+105 Responses to comments, protests, requested conditions, and other opposition due. Rebuttal in support of primary application and related applications due in response to filings on day F+75.
F+120 Inconsistent and responsive applications due. Rebuttal in support of primary application and related applications due in response to filings of DOJ and DOT on day F+90.
F+135 Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register.
F+150 Response to inconsistent and responsive applications due.
F+165 Rebuttal in support of inconsistent and responsive applications due.
F+190 Briefs due, all parties (not to exceed 50 pages).
F+235 Oral argument (close of record).
F+240 Voting conference.
F+300 Date of service of final decision.

Applicants are proposing that any applications for authority for, or for exemption of, merger-related abandonments, and any supporting verified statements, be filed with the primary application, and be treated as related applications, with any opposition evidence, comments, rebuttal and briefing on those applications to be submitted in accordance with the same schedule as the primary application. We agree that we should process any merger-related abandonment applications in accordance with the overall merger procedural schedule, rather than applying the procedures found at 49 U.S.C. 10903, which is similar to the process we used in the *UP/SP* proceeding. See *UP/SP* (Decision No. 9) (ICC served Dec. 27, 1995), slip op. at 9–10. Therefore, we will grant applicants' request for waiver under 49 CFR 1152.24(e)(5) to permit modifications of the procedures and timetables prescribed in 49 CFR 1152.25(d) (6) and (7) to be consistent with the procedural schedule subsequently adopted in this proposed merger proceeding.[6]

We invite all interested persons to submit written comments on the procedural schedule we are proposing here. Comments must be filed by December 6, 1996. Applicants may reply by December 16, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 13, 1996.

[4] Under 49 U.S.C. 11325(a), ''[t]he Board shall publish notice of the application under section 11324 in the Federal Register by the 30th day after the application is filed with the Board * * *.''

[5] While applicants need not file their actual operating plan due at the time of the filing of their application, the supporting documents must be completely consistent with their operating plan and contain sufficient information to allow immediate initiation of the environmental review process.

[6] Applicants indicate that they intend to file shortly a petition for waiver or clarification of Railroad Consolidation Procedures, and related relief. As in *UP/SP*, applicants should also seek an exemption under 49 U.S.C. 10502 from any statutory procedural requirements at 49 U.S.C. 10903 necessary to allow the Board to process the merger-related abandonment applications under the procedural schedule ultimately adopted. See *UP/SP* (Decision No. 3) (ICC served Sept. 5, 1995), slip op at 7–10.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–29438 Filed 11–14–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33220]

CSX Corporation and CSX Transportation, Inc.; Control and Merger; Conrail Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Decision No. 2; Notice of prefiling notification.

SUMMARY: Pursuant to 49 CFR 1180.4(b), CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), Conrail Inc. (CRI), and Consolidated Rail Corporation (CRC) [1] have notified the Surface Transportation Board (Board) of their intent to file an application seeking authority under 49 U.S.C. 11323–25 for: (1) The acquisition of control of CRI by Green Acquisition Corp. (Acquisition), a wholly owned subsidiary of CSXC; (2) the merger of CRI into Acquisition; and (3) the resulting common control of CSXT and CRI by CSXC. The Board finds this to be a major transaction as defined in 49 CFR part 1180.

DATES: Applicants intend to file their application on or before March 1, 1997.

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33220 and must be sent to the Office of the Secretary, Case Control Branch, ATTN: STB Finance Docket No. 33220, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.[2] In addition, one copy of all documents in this proceeding must be sent to each of the applicants' representatives: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, N.W., Washington, DC 20004–1202; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, Suite 600, 1300 Nineteenth Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: In the notice of intent filed October 18, 1996, applicants state that under an Agreement and Plan of Merger dated October 14, 1996, CSXC, Acquisition, and CRI have agreed that Acquisition will acquire all of the common stock of CRI. Acquisition plans first to acquire, in one or more tender offers, up to 40% of the stock of CRI for cash and place that stock in a voting trust pending review of the merger by the Board.[3] Upon the satisfaction of certain conditions, including approval of the merger by the Board, CRI would be merged into Acquisition. The operations of the CSXT and CRC railroads would then be consolidated.

Applicants state that they will use the year 1995 for purposes of their impact analyses to be filed in the application, and that they anticipate filing their application on or before March 1, 1997.

The Board finds that this is a major transaction, as defined at 49 CFR 1180.2(a), as it is a control and merger transaction involving two or more Class I railroads. The application must conform to the regulations set forth at 49 CFR part 1180 and must contain all information required therein for major transactions, except as modified by any advance waiver.[4] The carriers are also required to submit maps with overlays that show the existing routes of both carriers and their competitors.

By petition also filed October 18, 1996 (CSX/CR–2), applicants requested a protective order to protect confidential, highly confidential, and proprietary information, including contract terms, shipper-specific traffic data, and other traffic data to be submitted in connection with the control application. By decision served October 25, 1996 (Decision No. 1), applicants' petition for a protective order was granted.

Also on October 18, 1996, applicants filed a petition to establish a procedural schedule (CSX/CR–3), and to request a waiver under 49 CFR 1152.24(e)(5) to permit modifications of the procedures and timetables prescribed in 49 CFR 1152.25(d) (6) and (7) so that the filing of any opposition evidence, comments, rebuttal and briefing in any merger-related abandonments filed with the primary application would be due in accordance with the procedural schedule subsequently adopted in this proposed merger proceeding.[5] We will address these matters in a separate decision.

Applicants also request that, in keeping with recent merger proceedings, the Board initially turn all discovery matters (excluding the procedural schedule) over to an Administrative Law Judge (ALJ) to be designated, and direct that parties wishing to engage in discovery consult with the ALJ. The process of assigning an ALJ to this proceeding is underway, and we will leave all discovery matters, including the adoption of any guidelines governing discovery initially, to the discretion of the ALJ. A decision naming the ALJ will be issued as soon as possible.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–29384 Filed 11–14–96; 8:45 am]

BILLING CODE 4915–00–P

[1] CSXC and CSXT are referred to collectively as CSX. CRI and CRC are referred to collectively as Conrail. CSX and Conrail are referred to collectively as Applicants.

[2] In addition to submitting an original and 25 copies of all documents filed with the Board, the parties are encouraged to submit all pleadings and attachments as computer data contained on a 3.5-inch floppy diskette which is formatted for WordPerfect 5.1 (or formatted so that it can be converted into WordPerfect 5.1) and is clearly labeled with the identification acronym and number of the pleading contained on the diskette [49 CFR 1180.4(2)]. The computer data contained on the computer diskettes submitted will be subject to the protective order entered in Decision No. 1, served on October 25, 1996, in this proceeding, and is for the exclusive use of Board employees reviewing substantive matters in this proceeding. The flexibility provided by such computer file data will facilitate expedited review by the Board and its staff.

[3] Applicants filed a copy of the proposed voting trust agreement on October 23, 1996, as amended on November 1, 1996, to be entered into by and between CSXC, Acquisition, and an institutional trustee. Applicants state that they believe that Acquisition's planned purchase of CRI's voting stock will not give CSXC and its affiliates the power to exercise control of CRI and its affiliates. Applicants, however, requested that Board staff issue an informal, non-binding opinion stating whether the voting trust agreement and the arrangements described therein would effectively insulate CSXC and its affiliates from any violation of Subtitle IV of Title 49 of the United States Code and Board policy against unauthorized acquisition of control of CRI's carrier subsidiaries. An informal opinion letter was issued on November 1, 1996.

[4] The ICC Termination Act of 1995, Pub.L. No. 104–88, 109 Stat. 803, requires that we consider the effect of the proposed transaction ''on competition among rail carriers in the affected region or in the national rail system.'' 49 U.S.C. 11324(b)(5). Applicants are reminded to include analysis on both of these criteria in their competitive analyses.

[5] Applicants indicate that they intend to file shortly a petition for waiver or clarification of Railroad Consolidation Procedures, and related relief.

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

November 4, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to

OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1487.
Regulation Project Number: Reg–209827–96 (formerly INTL–20–96 TEMP/NPRM amending INTL–704–87 Final).
Type of Review: Extension.
Title: Treatment of Section 355 Distributions by U.S. Corporations to Foreign Persons.
Description: The regulations require additional reporting of domestic corporate taxpayers to secure nonrecognition treatment under section 367(e)(1) on distributions of stock or securities under section 355 to foreign persons.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 462.
Estimated Burden Hours Per Respondent: 4 hours, 6 minutes.
Frequency of Response: Annually, Other.
Estimated Total Reporting Burden: 2,124 hours.
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 96–29324 Filed 11–4–96; 8:45 am]

BILLING CODE: 4830–01–P

Submission for OMB Review; Comment Request

November 5, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Financial Management Service (FMS)

OMB Number: 1510–0056.
Form Number: SF 3881.
Type of Review: Extension.
Title: ACH Vendor/Miscellaneous Payment Enrollment Form.
Description: Payment data will be collected from vendors doing business with the Federal government. Treasury/FMS will use the information to electronically transmit payments to vendors' financial institutions. The affected public includes (but is not limited to) businesses, State/Local governments, corporations, educational institutions and other organizations.
Respondents: Business or other for-profit, not-for-profit institutions, State, Local or Tribal Government.
Estimated Number of Respondents: 200,000.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 50,000 hours.
Clearance Officer: Jacqueline R. Perry (301) 344–8577, Financial Management Service, 3361–L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–29325 Filed 11–14–96; 8:45 am]

BILLING CODE: 4810–35–P

Submission for OMB Review; Comment Request

November 8, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0513.
Form Number: ATF REC 5100/2.
Type of Review: Extension.
Title: Grape Variety Names, Varietal (Grape-Type Labeling) and Approval of New Grape Variety Names.
Description: The type of grape wine may be described in labeling and advertising by using the variety name of the grape from which the wine is made. Grape variety names have been listed in regulations to assure accuracy. This collection provides ATF with information about new grape varieties in use.
Respondents: Business or other for-profit.
Estimated Number of Recordkeepers: 5.
Estimated Burden Hours Per Recordkeeper: 2 hours.
Frequency of Response: On occasion.
Estimated Total Recordkeeping Burden: 10 hours.
Clearance Officer: Robert N. Hogarth, (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.
OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 96–29326 Filed 11–14–96; 8:45 am]

BILLING CODE 4810–31–P

Submission to OMB for Review; Comment Request

November 8, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0941.
Form Number: IRS Form 8308.
Type of Review: Extension.
Title: Report of a Sale or Exchange of Certain Partnership Interests.
Description: Form 8308 is an information return that gives the IRS the names of the parties involved in a section 751(a) exchange of a partnership

interest. It is also used by the partnership as a statement to the transferor or transferee. It alerts the transferor that a portion of the gain on the sale of a partnership interest may be ordinary income.

Respondents: Business or other for-profit, individuals or households, farms.

Estimated Number of Respondents/ Recordkeepers: 200,000.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hr., 9 min.
Learning about the law or the form—2 hr., 47 min.
Preparing and sending the form to the IRS—2 hr., 56 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 1,576,000 hours.

OMB Number: 1545–1012.

Form Number: IRS Form 5305A–SEP.

Type of Review: Extension.

Title: Salary Reduction and Other Elective Simplified Employee Pension—Individual Retirement Accounts Contribution Agreement.

Description: This form is used by an employer to make an agreement to provide benefits to all employees under a salary reduction Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with IRS, but to be retained in the employer's records as proof of establishing such a plan, thereby justifying a deduction for contributions made to this SEP. The data is used to verify the deduction.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 100,000.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—3 hr., 52 min.
Learning about the law or the form—3 hr., 57 min.
Preparing the form—50 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 865,000 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–29327 Filed 11–14–96; 8:45 am]

BILLING CODE: 4830–01–P

Office of Foreign Assets Control

Information Collection; Comment Request

ACTION: Federal Register pre-clearance notice.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995, Public law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Treasury Department's Office of Foreign Assets Control is soliciting comments concerning the information collection provisions of the UNITA (Angola) Sanctions Regulations, 31 CFR §§ 590.601, 590.602, 590.703, and 590.801.

DATES: Written comments should be received on or before January 14, 1997, to be assured of consideration.

ADDRESSES: Direct all written comments to Dorene F. Erhard, Sr. Sanctions Advisor, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, (tel.: 202/622–2500). Internet Address: Dorene.Erhard@treas.spring.com.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief, Licensing Division (tel.: 202/622–2480); Dennis P. Wood, Chief, Compliance Programs Division (tel.: 202/622–2490); Mrs. B.S. Scott, Chief, Penalties Program (tel.: 202/622–6140); or William B. Hoffman, Chief Counsel (tel.: 202/622–2410); Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Title: UNITA (Angola) Sanctions Regulations.

OMB Number: 1505–0151.

Abstract: Sections 590.601, 590.602, 590.703, and 590.801 impose information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Section 590.601 requires persons engaging in transactions subject to the Regulations to retain full and accurate records of such transactions for five years. Section 590.602 requires persons engaging in transactions subject to the Regulations to furnish information relative to such transactions to the Office of Foreign Assets Control, U.S. Department of the Treasury. Section 590.703 provides that persons receiving prepenalty notices from the Director of the Office of Foreign Assets Control may respond in writing within 30 days. Section 590.801 provides applicants an opportunity to request specific authorization from the Office of Foreign Assets Control for particular transactions that would otherwise be prohibited by the Regulations.

Current Actions: Extension.

Type of Review: Extension.

Affected Public: Businesses and other for-profit institutions/banking institutions/individuals.

Estimated Number of Respondents: 5 respondents.

Estimated Time Per Respondent: 2 hours to process.

Estimated Annual Burden Hours: 10 hours.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: November 7, 1996.

William B. Hoffman,

Chief Counsel, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 96–29323 Filed 11–14–96; 8:45 am]

BILLING CODE 4810–25–M

Corrections

Federal Register
Vol. 61, No. 222
Friday, November 15, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Liscensing of Tank Weapon Technology

Correction

Notice document 96–28994 beginning on page 58281 in the issue of Wednesday, November 13, 1996 was inadvertently printed in the issue.

BILLING CODE 1505–01–D

Federal Register

Friday
November 15, 1996

Part II

Environmental Protection Agency

40 CFR Part 86

Extension of Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–5651–2]

Extension of Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 12, 1993, EPA published a final rule establishing interim durability procedures used for demonstrating compliance with light duty vehicle and light duty truck emission standards, applicable in model years 1994–1996 only. On July 18, 1994, EPA published a direct final rule extending the applicability of the original rule through model year 1998. Today's direct final rule extends the applicability of those durability procedures indefinitely. The Agency intends to conduct a separate rulemaking to implement a long-term durability program; however, such an action will be linked to others as part of a broad-based streamlining initiative for all vehicle emission compliance activities. It is difficult to predict with any precision when this subsequent action will occur. The Agency currently estimates that new compliance regulations will be promulgated such that they would become effective no earlier than the 2000 model year. Because the current durability regulations expire at the end of the 1998 model year, failure to adopt today's action would result in less effective and inefficient durability regulations beginning with the 1999 model year. The Agency believes that it is appropriate to extend indefinitely the existing interim procedures via a direct final rule because so doing addresses lead time concerns for model year 1999 and beyond, accounts for the uncertainty of the anticipated revised compliance regulations and adds no new requirements, but rather simply allows the continuation of the current program.

DATES: This action will be effective January 14, 1997 unless notice is received by December 16, 1996 that adverse or critical comments will be submitted, or that an opportunity to submit such comments at a public hearing is requested. If adverse comments are received, the Agency will publish a document in the Federal Register withdrawing the rule before the effective date.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) to Public Docket No. A–93–46 at: Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

Materials relevant to this final rule have been placed in Docket No. A–93–46. Additional documents of relevance may be found in Docket No. A–90–24. The docket is located at the above address in room M–1500, Waterside Mall, and may be inspected weekdays between 8:30 a.m. and noon, and between 1:30 p.m. and 3:30 p.m. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Linda Hormes, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4502.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The preamble, regulatory language, and regulatory support document are available electronically on the Technology Transfer Network (TTN), an electronic bulletin board system operated by EPA's Office of Air Quality, Planning and Standards. Users are able to access and download TTN files of their first call. After logging on to TTN, to navigate through the system for the files of interest, the user must enter the appropriate command at each of a series of menus. The steps required to access information on this rulemaking are listed below. The service is free of charge, except for the cost of the phone call.

TTN bulletin board system: (919) 541–5742 (1200–14400 pbs, no parity, 8 data bits, 1 stop bit)

Voice Helpline: (919) 541–5384

Internet access address: TELNET ttnbbs.rtpnc.epa.gov.

Off-line: Mondays from 8:00 AM to 12:00 Noon ET.

1. Technology Transfer Network Top Menu <T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards); Command: T.

2. TTN TECHNICAL INFORMATION AREAS: <M> OMS—Mobile Sources Information; Command: M.

3. OMS BBS === MAIN MENU: <K> Rulemaking & Reporting; Command: K.

4. [1] Light Duty; File Area 2 LD VEHICLE DURABILITY.

At this stage, the system will list all available files. To download a file, select a transfer protocol which will match the terminal software on your own computer, then set your own software to receive the file using that same protocol.

If unfamiliar with handling compressed (i.e. ZIP'ed) files, go to the TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command.

Internet Access: The preamble, regulatory language and regulatory support document are also available electronically from the following EPA internet sites:

World Wide Web:
http://www.epa.gov/OMSWWW/
Gopher:
gopher://gopher.epa.gov/
Follow menus for: Offices/Air/OMS
FTP:
ftp://ftp.epa.gov/
Change Directory to pub/gopher/OMS

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

I. Background

On January 12, 1993, the Agency published interim procedures for motor vehicle manufacturers to use in demonstrating compliance with emission standards for light-duty vehicles and light-duty trucks (58 FR 3994). That rule, referred to hereafter as the ''RDP–I'' rule, made the interim procedures applicable to model years 1994 through 1996, but not thereafter. The Agency now plans to revise the RDP–I interim procedures through rulemaking in conjunction with other activities associated with a compliance revision initiative currently being undertaken by the Agency.

The Agency initially planned to promulgate a separate durability regulation, hereafter referred to as ''RDP II'' which was to become effective beginning with the 1997 model year. However, that became impractical due to lead time constraints for manufacturers wishing to certify vehicles in that model year and the uncertainty that sufficient lead time existed for implementation in the 1998 model year as well. Consequently, the Agency promulgated a direct final rule which extended the applicability of the RDP-I interim rulemaking through model year 1998 (59 FR 36368). This was intended to provide manufacturers with timely notice of the regulations

applicable for certifying vehicles through model year 1998 while EPA continued work on preparing and finalizing further technical and procedural improvements to the RDP II program. While work on the RDP-II rule proceeded, various new events and actions precluded the timely completion of this project. In particular, in 1995 the Agency undertook an initiative to revise the current vehicle compliance program, including the durability protocols. The Agency is currently considering promulgating regulations which would become effective with the 2000 model year. Because these regulations are still under the initial planning stage, it is not possible to provide manufacturers with a firm effective date. Therefore, the Agency believes today's action of indefinitely extending the existing RDP-I regulations will satisfy the industry's need to plan its durability programs and will retain the current durability options which can be improved upon in future actions.

II. Environmental Effects and Economic Impacts

A. Economic Impacts

This action extends an existing program without modification, and as such, the Agency does not expect any new economic impacts over and above those described in the interim rulemaking. In general, the RDP-I interim rulemaking projected annual cost savings with respect to the previously existing program of approximately $8.6 million, and although this number is highly dependent upon the interaction of several variables, all modeled scenarios resulted in some level of savings. A complete description of those impacts is contained in 58 FR 3994 (January 12, 1993).

B. Environmental and Cost-Benefit Impacts

The RDP I rulemaking revised testing and administrative procedures necessary to determine the compliance of light-duty vehicles and light-duty trucks with the Tier 1 emission standards promulgated in June 1991, and no environmental benefit was claimed over and above that already accounted for in the Tier 1 rule. Today's action will similarly claim no environmental benefit. A detailed discussion of the Tier 1 environmental impacts can be found in 56 FR 25734 (June 5, 1991).

III. Public Participation and Effective Date

The Agency is publishing this action as a direct final rule because it views it as non-controversial and anticipates no adverse comments. This action will be effective January 14, 1997 unless the Agency receives notice by December 16, 1996 that adverse or critical comments will be submitted, or that a party requests the opportunity to submit such oral comments pursuant to section 307(d)(5) of the Clean Air Act, as amended.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent documents. One document will withdraw this final rule and another will begin a new rulemaking by announcing a proposal of the rule and establishing a comment period.

IV. Statutory Authority

Authority for the actions promulgated in this final rule is granted to EPA by sections 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a), and 5 U.S.C. 553(b)).

V. Administrative Designation

Under Executive Order 12866, the Agency must determine whether the regulatory action is ''significant'' and, therefore, subject to OMB review and the requirements of the Executive Order. The order defines a ''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, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

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

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

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act of 19980 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. The Small Business Regulatory Enforcement Fairness Act of 1996 amended these requirements. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis.

The Agency has determined that this action will not have an adverse impact on small entities. Moreover, this regulation does not create any new regulatory requirements.

Therefore, under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this regulation does not have a significant impact on a substantial number of small entities. ′

VII. Reporting and Recordkeeping Requirements

Under the Paperwork Reduction Act of 1990, 44 U.S.C. 3501 *et seq.*, EPA must obtain Office of Management and Budget clearance for any activity that will involve collecting substantially the same information from ten or more non-Federal respondents. On December 1, 1992, OMB approved collection of information required in 40 CFR 86.094–26 under ICR control number 2060–0104. This regulation does not impose any new information collection requirements and will result in no change in the reporting burden.

VIII. Submission to Congress and the General Accounting Office

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

IX. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (signed) into law on March 22, 1995) requires that EPA prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 of the Unfunded Mandates Reform Act requires EPA to establish a plan for obtaining input from and informing, educating and advising any

small governments that may be significantly or uniquely affected by the rule.

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

Because this direct final rule is expected to result in the expenditure by state, local and tribal governments or the private sector of less than $100 million in any one year, EPA has not prepared a budgetary impact statement or spectifically address selection of the least costly, most cost-effective or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, EPA is not required to develop a plan with regard to small governments.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: November 7, 1996.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 86 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

§ 86.094–13 [Amended]

2. in § 86.094–13, paragraphs (a)(1), (c)(1), (d)(1), (e)(1), and (f)(1) are amended by revising the words ''1994 through 1998'' to read ''1994 and beyond''.

§ 86.094–26 [Amended]

3. In § 86.094–26, paragraphs (a)(2), (b)(2)(i), and (b)(2)(ii) are amended by revising the words ''1994 through 1998'' to read ''1994 and beyond''.

[FR Doc. 96–29179 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Friday
November 15, 1996

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 6, 15, and 52
Federal Acquisition Regulation; Competitive Range Determinations; Proposed Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 6, 15, and 52

[FAR Case 96–303]

Federal Acquisition Regulation; Competitive Range Determinations

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule, extension of comment period.

SUMMARY: The public comment period for the proposed rule, Competitive Range Determinations (96–303), which was published in the Federal Register on July 31, 1996 (61 FR 40116), is extended through November 26, 1996.

DATES: Comments on the proposed rule should be submitted by November 26, 1996.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR case 96–303.

SUPPLEMENTARY INFORMATION: The public comment period on the proposed rule is extended to conform with the public comment period on the proposed rule for the FAR Part 15 Rewrite—Phase I, FAR Case 95–029, which was published in the Federal Register on September 12, 1996 (61 FR 48380). It is important to consider the proposed rule for FAR Case 96–303, Competitive Range Determinations, in the broader context of FAR Part 15 as a whole. There are differences between the Competitive Range case and the FAR Part 15 Rewrite—Phase I case that are due primarily to the different baselines used. The Competitive Range case uses the baseline of the current FAR Parts 15 and 52, while the FAR Part 15 Rewrite—Phase I case uses a baseline of reorganized and revised Parts 15 and 52. Notwithstanding the minor differences between the cases, we encourage interested parties to express their positions on this rule as part of a second public meeting on the FAR Part 15 Rewrite—Phase I, which is being held in Kansas City, MO to allow small businesses in the Midwest an opportunity to participate more fully in the rulemaking process. That meeting is scheduled for November 18, 1996, from 9 a.m. to 12 p.m., local time at the Ramada Inn Benjamin Ranch, 6101 East 87th Street (I–435 and 87th Street Exit), Kansas City, MO, Sierra Rooms I, II, and III, telephone (816) 765–4331.

If you wish to attend the meeting, or to make presentations on competitive range determinations, please contact the FAR Part 15 Rewrite Committee Chair, Ms. Melissa Rider, DAR Council, Attn: IMD 3D139, PDUSD(A&T)DP/DAR, 3062 Defense Pentagon, Washington, DC 20301–3062; telephone (703) 602–0131, facsimile (703) 602–0350 by November 15, if possible. Please cite FAR Case 96–303. For logistics information regarding the public meeting contact Jill Dickey, telephone (816) 926–7203, facsimile (816) 823–1167.

Dated: November 12, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 96–29400 Filed 11–14–96; 8:45 am]

BILLING CODE 6820–JC–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

DEFENSE DEPARTMENT

Acquisition regulations:
- Ball and roller bearings; published 11-15-96
- Foreign machine tools and forward and non-forward valves; published 11-15-96
- Restructuring costs/bonuses; published 11-15-96

ENVIRONMENTAL PROTECTION AGENCY

Air programs:
- Stratospheric ozone protection--
  - Ozone-depleting substances; substitutes list; published 10-16-96

Air quality implementation plans; approval and promulgation; various States:
- Virginia; published 9-16-96

Reporting and recordkeeping requirements; published 10-16-96

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Act of 1996; implementation:
- Common carrier services--
  - Local competition provisions; published 9-6-96

INTERIOR DEPARTMENT

Land Management Bureau

Federal timber contract payment modification; CFR part removed; published 10-16-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Grapes and plums, exported; comments due by 11-18-96; published 10-17-96

Oranges and grapefruit grown in Texas; comments due by 11-18-96; published 9-18-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Inspection and certification of animal byproducts:
- Inedible animal byproducts references replaced by animal products references; comments due by 11-18-96; published 9-19-96

Plant-related quarantine, domestic:
- Interstate movement of imported plants and plant parts; comments due by 11-18-96; published 10-2-96

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
- Group risk plan of insurance; comments due by 11-22-96; published 10-8-96

COMMERCE DEPARTMENT

Economic Analysis Bureau

International services surveys:
- Foreign direct investments in U.S.--
  - BE-20; selected services transactions with unaffiliated foreign persons; comments due by 11-18-96; published 10-17-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone--
  - Alaska scallop; comments due by 11-18-96; published 11-6-96
  - Tanner crab; comments due by 11-19-96; published 11-8-96
- Northeast multispecies, Atlantic sea scallop, and American lobster; comments due by 11-18-96; published 10-9-96
- West Coast States and Western Pacific fisheries--
  - Pacific Coast groundfish; comments due by 11-20-96; published 11-5-96

COMMERCE DEPARTMENT

Patent and Trademark Office

Patent cases:
- Practice and procedure; Federal regulatory review; comments due by 11-22-96; published 9-23-96

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):
- Competitive range determinations; comments due by 11-19-96; published 10-9-96
- Contracting by negotiation; Phase I rewrite; comments due by 11-19-96; published 10-9-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- California; comments due by 11-22-96; published 10-23-96
- Colorado; comments due by 11-22-96; published 9-23-96
- Louisiana; comments due by 11-21-96; published 10-22-96
- Montana; comments due by 11-22-96; published 10-23-96
- New Jersey et al.; comments due by 11-22-96; published 10-23-96
- West Virginia; comments due by 11-21-96; published 10-22-96

Hazardous waste program authorizations:
- Ohio; comments due by 11-22-96; published 10-23-96

Water pollution control:
- Great Lakes System; water quality guidance; polychlorinated biphenyl criteria for human health and wildlife; comments due by 11-21-96; published 10-22-96

Water Pollution Control:
- Ocean dumping; site designations--
  - San Francisco, CA; comments due by 11-18-96; published 10-17-96

FEDERAL COMMUNICATIONS COMMISSION

Radio services, special:
- Private land mobile services--
  - 200-222 MHz band; finder's preference program; comments due by 11-18-96; published 10-4-96

Television broadcasting:
- Advanced television (ATV) systems; digital television service; comments due by 11-22-96; published 8-21-96

FEDERAL DEPOSIT INSURANCE CORPORATION

Fair housing:
- Equal Housing Lender and Opportunity posters; placement and display; comments due by 11-19-96; published 9-20-96

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
- Competitive range determinations; comments due by 11-19-96; published 10-9-96
- Contracting by negotiation; Phase I rewrite; comments due by 11-19-96; published 10-9-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

National Environmental Policy Act; implementation; Federal regulatory review; comments due by 11-21-96; published 10-22-96

INDIAN ARTS AND CRAFTS BOARD

Indian art and craftsmanship; product protection; comments due by 11-20-96; published 10-21-96

INTERIOR DEPARTMENT

Land Management Bureau

Appeal and hearing procedures; revisions; comments due by 11-18-96; published 10-17-96

Land resource management:
- Withdrawals--
  - Alaska; National Petroleum Reserve; comments due by 11-22-96; published 10-23-96

INTERIOR DEPARTMENT

Transportation and utility systems in and across, and access into, conservation system units in Alaska:
- Economically feasible and prudent alternative route; definition; comments due by 11-18-96; published 9-17-96

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:
- Natural gas from Indian leases; valuation; comments due by 11-22-96; published 9-23-96

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
- Ohio; comments due by 11-18-96; published 10-18-96