

Wednesday
August 6, 1997

Federal Register

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Electronic Bulletin Board

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

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

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

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AA26

Rule Concerning Disclosures Regarding Energy Consumption and Water use of Certain Home Appliances and other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule"); Correction to Ranges of Comparability for Clothes Washers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by issuing corrections to the ranges of comparability used on required labels for clothes washers that were published on May 14, 1997, to become effective August 12, 1997 (62 FR 26383). The corrections affect only the ranges of comparability for compact, top loading clothes washers. Catalogs printed prior to the effective date of this notice on accordance with 16 CFR 305.14 need not be revised.

EFFECTIVE DATE: August 12, 1997.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: This notice publishes the corrected range figures, which, under Sections 305.10, 305.11 and 305.14 of the rule, must be used on labels on clothes washers manufactured on and after August 12, 1997, and in advertising of clothes washers in catalogs printed on and after August 12, 1997.

Estimated annual energy consumption figures for 1997 for clothes washers were submitted by manufacturers and analyzed by the Commission. New ranges of comparability based upon them were published in the **Federal**

Register on May 14, 1997. The Commission has learned since publication of the ranges that there was an inadvertent error in the ranges for compact, top loading clothes washers, and the new ranges published today reflect the correction. All models of clothes washers in this sub-category are manufactured by the same manufacturer. The manufacturer has assured the Commission that it will use the corrected range numbers on labels for those products beginning August 12, 1997, the effective date of both the revised ranges and today's corrections. For the sake of clarity, the Commission is republishing the complete set of ranges in their corrected form.

In consideration of the foregoing, the Commission amends Appendix F of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and advertising of clothes washers beginning August 12, 1997.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

"Compact" includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

"Standard" includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
COMPACT:		
Top Loading	607	628
Front Loading	(*)	(*)
STANDARD:		
Top Loading	312	1306

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Front Loading	241	278

(*) No data submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 97-20651 Filed 8-5-97; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 97-69]

RIN 1515-AB79

Use of Containers Designated as Instruments of International Traffic in Point-to-Point Local Traffic

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that certain containers that are designated as instruments of international traffic are deemed to remain in international traffic provided they exit the United States within 365 days of the date on which they are admitted to the U.S. For the importing community as well as Customs, this amendment greatly simplifies the treatment of containers for Customs purposes regardless of their use in domestic commerce.

DATES: Effective: December 4, 1997.

Compliance date: For containers subject to this rule that have already been admitted to the U.S. the 365-day period will begin on December 4, 1997, without regard to the time the containers were already in this country.

FOR FURTHER INFORMATION CONTACT:

Legal aspects: Glen E. Vereb, Entry and Carrier Rulings Branch, (202-482-6940).

Operational aspects: Eileen A. Kastava, Cargo Control, (202-927-0983).

SUPPLEMENTARY INFORMATION:

Background

Under 19 U.S.C. 1322, vehicles and other instruments of international traffic are excepted from the application of the Customs laws to such extent and subject to such terms and conditions as may be prescribed in regulations or instructions of the Secretary of the Treasury. The Customs Regulations issued under the authority of 19 U.S.C. 1322 are contained in § 10.41a.

Instruments of international traffic so designated pursuant to § 10.41a may, as provided therein, be released without a Customs entry which would otherwise be required. Such instruments are also stated to be duty-free in subheading 9803.00.50, Harmonized Tariff Schedule of the United States.

Section 10.41a(d) provides that if an instrument of foreign origin, or of U.S.-origin that has been increased in value or improved in condition by a process of manufacture or other means while abroad, is released under § 10.41a and is subsequently diverted to point-to-point local traffic within the United States, or is otherwise withdrawn from its use as an instrument of international traffic, it becomes subject to entry and the payment of any applicable duty.

However, § 10.41a(f) sets forth certain uses to which an instrument of international traffic may properly be put in the United States that would not constitute a diversion to unpermitted point-to-point local traffic within the U.S. or a withdrawal from its use in international traffic.

Specifically, § 10.41a(f) provides that, except for the application of the coastwise trade laws (see § 4.93, Customs Regulations (19 CFR 4.93)), no part of § 10.41a precludes (1) the use of an instrument in picking up and delivering loads at intervening points in the United States while en route between the port of arrival and the point of destination of its imported cargo, (2) the use of an instrument while en route from such point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, or (3) the use of a "container" as defined in the Customs Convention on Containers (together with its normal accessories and equipment if imported therewith), when such container arrives empty while en route between the port of arrival and a point where export cargo is to be loaded or from that point to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, provided that such

point-to-point traffic is incidental to the efficient and economical utilization of the instrument in the course of its use in international traffic.

By a document published in the **Federal Register** on October 4, 1996 (61 FR 51849), Customs proposed to amend § 10.41a(f) so as to apply only to instruments of international traffic other than containers as defined in Article 1 of the Customs Convention on Containers, and to add a new paragraph (g) to § 10.41a, that would provide that such containers would be deemed to remain in international traffic as long as they exited the U.S. within 365 days of the date of their admission to the U.S. This would be so regardless of the fact that the containers engaged in point-to-point local traffic while in the United States during this period.

This proposal was intended to simplify Customs treatment of containers for both the public as well as Customs itself in that the more difficult-to-apply requirements set forth in § 10.41a(f) would no longer apply to containers, these requirements constituting a restrictive and cumbersome impediment to the efficient and economical utilization of such containers while in the U.S.

Inasmuch as containers specially designed and equipped for carriage by one or more modes of transport were duty-free under subheading 8609.00.00, Harmonized Tariff Schedule of the United States, Customs expected little or no loss of revenue to the Government under the proposal.

Eight comments were submitted in response to the notice of proposed rulemaking, five of which fully supported the proposal. A discussion, together with Customs analysis, of the questions raised about the proposed rule appears below.

Discussion of Comments*Comment*

One commenter believed that the proposal would permit a more flexible use of railcars.

Customs Response

While § 10.41a(g) will facilitate intermodal transportation insofar as the domestic movement of the subject containers is concerned, it must be emphasized that foreign railcars, which may sometimes be used to transport such containers, are still governed by the provisions of § 123.12, Customs Regulations (19 CFR 123.12), as to the permissible domestic traffic in which they may engage. Pursuant to Article 1, section (b)(v), of the Customs Convention on Containers, the term

"container" expressly excludes vehicles. Thus, railcars are not containers within the scope of, and are not covered by, § 10.41a(g).

Comment

One commenter suggested that §§ 123.14 and 123.16, Customs Regulations (19 CFR 123.14, 123.16), be amended to permit Canadian tractors and trailers to engage in point-to-point local traffic within the United States, similar to that permitted for containers in proposed § 10.41a(g).

Customs Response

Customs has this suggestion under consideration. Such a proposal would be the subject of a separate publication in the **Federal Register**, should Customs decide to proceed therewith.

Comment

One commenter requested that certain wooden containers, which were capable of being enlarged by the use of removable sections, and were used to import bearings, be included in proposed § 10.41a(g).

Customs Response

Customs is satisfied that the wooden containers, which were described in literature furnished by the commenter, fall within the purview of § 10.41a(g).

Comment:

Two commenters, on behalf of various container lessors, owners and operators, raised a number of objections to proposed § 10.41a(g).

Specifically, these commenters stated that requiring entry for containers remaining in the U.S. in excess of the 365-day limit would impose an onerous financial and paperwork burden on the container owner, in terms of the administrative costs of tracking and monitoring the subject containers, and making arrangements, if necessary, for their entry.

Moreover, in the case of a leasing company, the 365-day limit would be very difficult, or impossible, to comply with, because if a container were on lease to a shipping line, the section leasing company would not know when it entered the United States; and should the container be returned to the leasing company by the shipping line, the lessor would not know how much of the 365-day period had expired.

In addition, entry would be required for containers left in the U.S. in excess of the 365-day period, even though they might have remained unused at a depot during this time and thus posed no competitive threat to any domestic or other transport.

To this latter end, it was declared that, from time to time, a container could remain in the U.S. in excess of the 365-day limit, for example, because of a reduced demand therefor, as in a recession, or because the container had been stored/stacked in a manner which precluded its ready accessibility (although one commenter remarked that the time a container remained unused in this manner averaged only a few days or weeks). In a recession, a leasing company's containers, rather than those owned by a shipping company, were asserted to be more likely to remain unused at a depot, since the shipper would rely on its own containers during an economic slowdown, returning any leased containers to the lessor.

Yet, notwithstanding these objections, the commenters stated that they would nevertheless support proposed § 10.41a(g) as long as they had the option of continuing to operate under existing § 10.41a(f).

Customs Response

Customs believes that § 10.41a(g) significantly alleviates the burden of tracking and monitoring containers otherwise imposed by § 10.41a(f), inasmuch as § 10.41a(g) focuses solely on the dates of a container's admission to, and subsequent exit from, the U.S. As such, § 10.41a(g) will simplify Customs administration of the applicable statutory and regulatory authority, and, moreover, it will better facilitate the domestic use of containers for the parties concerned, by basically permitting their unrestricted, and hence more efficient and economical, use within the U.S. In addition, the records necessary to track and monitor the movements of containers under § 10.41a(g) are those that are otherwise generated and retained in the ordinary course of business. A reference to this latter effect is included in § 10.41a(g)(2).

By contrast, as pointed out by the commenters who unreservedly supported the amendment, § 10.41a(f) has consumed unduly burdensome amounts of time and effort expended in container tracking and recordkeeping; has created much confusion and misunderstanding as to which domestic uses of containers are or are not permitted thereunder; and has caused an inefficient and uneconomical deployment of containers and related facilities, resulting in higher costs for carriers and shippers.

Consequently, Customs has concluded that containers as defined in Article 1 of the Customs Convention on Containers will, as initially proposed, be governed solely by § 10.41a(g), in place

of current § 10.41a(f) with its cumbersome restrictions in this regard.

Entry pursuant to § 10.41a(g) would be required only when the container remained in the U.S. in excess of the 365-day period, an occurrence that should be relatively rare especially in the case of a container remaining unused at a depot, given the fact that the time a container so remains in the U.S. ordinarily averages at most only a few weeks, as stated by one of the commenters. Thus, it fairly appears that the container industry is already generally operating well within the 365-day limit.

Nevertheless, in light of the concerns expressed by the commenters with respect to any possible revisions in their business practices that may be incurred as a result of the adoption of § 10.41a(g), Customs has determined that the effective date of the final rule should be delayed for 120 days from the date of publication of this document in the **Federal Register**, in order to mitigate any possible administrative impact resulting from its implementation. In this respect, Customs calculation of the 365-day period for subject containers already in the United States would begin as of the aforementioned date without regard to any prior time expended by the containers in this country.

Conclusion

In view of the foregoing, and following careful consideration of the comments received and further review of the matter, Customs has concluded that the proposed amendments should be adopted.

In addition, § 10.41a(f)(1) is changed by adding a phrase which makes clear that containers are no longer covered thereunder, and are governed instead by § 10.41a(g)(1)-(3); to this end, a cross reference to § 10.41a(g)(1)-(3) is also included in § 10.41a(f)(1).

Furthermore, the last sentence of § 10.41a(g)(3), as proposed, is changed, and an additional sentence is added thereafter, in order to clarify and confirm that if any container is removed from international traffic and thus becomes subject to entry under 19 U.S.C. 1484, the determination of the value of the container for entry purposes must be effected in the manner prescribed by the Customs valuation law (19 U.S.C. 1401a).

Regulatory Flexibility Act and Executive Order 12866

The amendments simplify the Customs treatment of containers for the importing public in that the more difficult-to-apply requirements set forth

in § 10.41a(f) will no longer apply to containers. As such, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, these amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 or 604, nor do they result in a "significant regulatory action" under E.O. 12866.

List of Subjects in 19 CFR Part 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

Amendments to the Regulations

Part 10, Customs Regulations (19 CFR part 10), is amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority for part 10 is revised, and the specific authority for § 10.41a continues, to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

* * * * *

Sections 10.41, 10.41a, 10.107 also issued under 19 U.S.C. 1322;

* * * * *

2. Section 10.41a is amended by revising paragraph (f) to read as follows; by redesignating paragraphs (g), (h) and (i), as (h), (i) and (j), respectively; and adding a new paragraph (g) to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

* * * * *

(f)(1) Except as provided in paragraph (j) of this section, 12 an instrument of international traffic (other than a container as defined in Article 1 of the Customs Convention on Containers that is governed by paragraphs (g)(1)-(3) of this section) may be used as follows in point-to-point traffic, provided such traffic is incidental to the efficient and economical utilization of the instrument in the course of its use in international traffic:

(i) Picking up and delivering loads at intervening points in the United States while en route between the port of arrival and the point of destination of its imported cargo; or

(ii) Picking up and delivering loads at intervening points in the United States

while en route from the point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure.

(2) Neither use as enumerated in paragraph (f)(1)(i) or (ii) of this section constitutes a diversion to unpermitted point-to-point local traffic within the United States or a withdrawal of an instrument in the United States from its use as an instrument of international traffic under this section.

(g)(1) Except as provided in paragraph (j) of this section, a container (as defined in Article 1 of the Customs Convention on Containers) that is designated as an instrument of international traffic is deemed to remain in international traffic provided that the container exits the U.S. within 365 days of the date on which was admitted under this section. An exit from the U.S. in this context means a movement across the border of the United States into a foreign country where either:

(i) All merchandise is unladen from the container; or

(ii) Merchandise is laden aboard the container (if the container is empty).

(2) The person who filed the application for release under paragraph (a)(1) of this section is responsible for keeping and maintaining such records, otherwise generated and retained in the ordinary course of business, as may be necessary to establish the international movements of the containers. Such records shall be made available for inspection by Customs officials upon reasonable notice.

(3) If the container does not exit the U.S. within 365 days of the date on which it is admitted under this section, such container shall be considered to have been removed from international traffic, and entry for consumption must be made within 10 business days after the end of the month in which the container is deemed removed from international traffic. When entry is required under this section, any containers considered removed from international traffic in the same month may be listed on one entry. Such entry may be made at any port of entry. Under 19 U.S.C. 1484(a)(1)(B), the importer of record is required, using reasonable care, to complete the entry by filing with Customs the declared value, classification and rate of duty applicable to the merchandise. The importer of record must use the value of the container as determined in accordance with section 402, Tariff Act of 1930 (19

U.S.C. 1401a), as amended by the Trade Agreements Act of 1979 (TAA).

* * * * *

George J. Weise,

Commissioner of Customs.

Approved: June 25, 1997.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 97-20648 Filed 8-5-97; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

31 CFR Part 27

Departmental Offices; Civil Penalty Assessment for Misuse of Department of the Treasury Names, Symbols, Etc.

AGENCY: Departmental Offices, Treasury.
ACTION: Interim rule.

SUMMARY: This interim rule sets forth the procedures by which civil penalties may be imposed for violations of the statutory prohibition against misuse of Department of the Treasury names, symbols, titles, abbreviations, initials, seals, or badges. Section 333(c) of title 31, United States Code, authorizes the Secretary of the Treasury to impose these civil penalties. These regulations are being promulgated to ensure that persons assessed a civil penalty under section 333(c) are accorded due process.

Published in the proposed rules section of this **Federal Register**, is a notice of proposed rulemaking inviting comments on the interim rule for a 60-day period following the publication date of this interim rule.

EFFECTIVE DATE: The interim regulations are effective August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Karen Wehner, Senior Advisor, Office of Enforcement, 202-622-0300 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Introduction

This document sets forth an interim rule implementing 31 U.S.C. 333(c), which authorizes the Secretary of the Treasury to impose a civil penalty on any person who violates 31 U.S.C. 333(a), which prohibits the misuse of Department of the Treasury names, symbols, etc. Section 333(c) was enacted by title III, section 312(l)(1) of the Social Security Independence and Program Improvements Act of 1994, Pub. L. 103-296 (August 15, 1994).

Background

Section 333(a) of title 31, United States Code, prohibits, in connection with any advertisement, solicitation,

business activity, or product, the unauthorized use (1) of the words, abbreviations, initials, symbols, or emblems of Treasury or any of its components; (2) the titles of any officer or employee of the Treasury or any of its components; or (3) the words "United States Savings Bond" or the name of any other obligation issued by the Treasury. This prohibition extends to colorable imitations of words, titles, abbreviations, initials, symbols, and emblems. Section 333(b) provides that the prohibition applies regardless of whether the violator has used a disclaimer of affiliation with the United States Government or any agency thereof.

Section 333(c) provides that Secretary of the Treasury may impose a civil penalty on any person who violates section 333(a), in an amount not to exceed \$5,000 for each use of material in violation of section 333(a), unless the use is in a broadcast or telecast, in which case the penalty shall not exceed \$25,000 for each use. Section 333(c) imposes a three-year statute of limitation within which the Secretary of the Treasury may assess civil penalties, beginning on the date of the violation of section 333(a). Section 333(c) also imposes a two-year statute of limitation within which the Secretary of the Treasury may commence a civil action to recover any civil penalty imposed under section 333(c), beginning on the date the civil penalty was assessed.

Section 333(d) sets forth criminal penalties for knowing violations of 333(a). However, section 333(d)(3) provides that no criminal proceeding may be commenced under its provisions if a civil penalty previously has been assessed for that violation under section 333(c). Similarly, section 333(c)(4) provides that no civil penalty may be assessed under its provisions for a violation if a criminal proceeding has been commenced for that violation under section 333(d).

These regulations implement the authority of the Secretary of the Treasury under section 333(c) to impose a civil penalty on any person who violates section 333(a). The regulations also ensure that any person assessed with a civil penalty pursuant to section 333(c) is accorded due process in the civil penalty proceeding. Specifically, the regulations provide that any person assessed with a civil penalty pursuant to section 333(c): (1) Shall receive a notice of assessment citing the statutory provisions which allegedly have been violated, the factual basis for the allegation, the amount of any proposed civil monetary penalty and/or any other proposed civil or equitable remedy; (2)

shall have the opportunity to provide a written response to the notice of assessment requesting that the civil monetary penalty not be imposed, why the penalty should be in a lesser amount than proposed and or why the terms of a proposed civil or equitable remedy should be modified; (3) if it is determined that a violation has occurred, shall receive a final notice citing the statutory provisions found to have been violated, the facts warranting this conclusion, an analysis of why the facts and violations justify imposing a civil monetary penalty, the amount of penalty being imposed and/or the terms of any civil or equitable remedy imposed; and (4) is advised of the right to judicial review pursuant to 5 U.S.C. 701 et seq. of any penalty or remedy imposed. The regulations detail the time frames for issuing a notice of assessment, filing a written response to the notice, issuing a final notice of assessment and commencing a civil action to recover or enforce any penalty or remedy imposed.

The regulations also cite a nonexclusive list of factors which may be considered in determining whether to assess or impose a civil penalty pursuant to section 333(c).

Administrative Procedure Act

The Treasury Department for good cause finds that notice of these regulations, and public procedure thereon, is contrary to the public interest and, therefore, is issuing these regulations as an interim rule, without notice and public procedure under 5 U.S.C. 553(b), and without being subject to the effective date limitation in § 553(d). See 5 U.S.C. § 553(b)(B). Providing notice of these regulations and an opportunity for public procedure thereon is contrary to the public interest because the purposes of section 333 and these regulations are to protect the public from commercial activities that convey the false impression that they are associated with or approved, endorsed, sponsored or authorized by the Department of the Treasury, and to ensure that persons alleged to have engaged in any such activity are accorded due process.

Executive Order 12866

It has been determined that this interim rule is not a significant regulatory action as defined in E.O. 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act do not apply because no notice of proposed rulemaking is

required by 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The principal author of this document is Abigail Roth, Attorney-Advisor, Office of the Assistant General Counsel (Enforcement). However, other personnel in the Departmental Offices contributed to this document both as to substance and style.

List of Subjects in 31 CFR Part 27

Administrative practice and procedure, Penalties.

For the reasons set out in the preamble, Title 31, Subtitle A, Part 27 of the Code of Federal Regulations is added to read as follows:

PART 27—CIVIL PENALTY ASSESSMENT FOR MISUSE OF DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.

Sec.

- 27.1 Purpose.
- 27.2 Definitions.
- 27.3 Assessment of civil penalties.
- 27.4 Factors to be considered.
- 27.5 Initial Notice of Assessment.
- 27.6 Written response.
- 27.7 Final Notice of Assessment.
- 27.8 Judicial review.

Authority: 31 U.S.C. 321, 333.

§ 27.1 Purpose.

(a) The regulations in this part implement the provisions of 31 U.S.C. 333(c), which authorizes the Secretary of the Treasury to assess a civil penalty against any person who has misused the words, titles, abbreviations, initials, symbols, emblems, seals, or badges of the Department of the Treasury or any subdivision thereof in violation of 31 U.S.C. 333(a), in accordance with that section and this part.

(b) The regulations in this part do not apply to the extent that the Secretary or his/her designee has specifically authorized the person to manufacture, produce, sell, possess, or use the words, titles, abbreviations, initials, symbols, emblems, seals, or badges by written contract, agreement, or letter.

§ 27.2 Definitions.

(a) The term "assessing official" means:

- (1) The head of a bureau or other subdivision of the Department of the Treasury who has been delegated the authority to assess civil penalties under 31 U.S.C. 333(c); or
- (2) An officer or employee of a bureau or subdivision at the grade of GS-15 or above to whom such authority has been redelegated by the head of such bureau or subdivision.

(b) The term "broadcast" or "telecast" mean widespread dissemination by electronic transmission or method, whether audio and/or visual.

(c) The term "civil penalty" means:

- (1) A civil monetary penalty; and
- (2) Any other civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from an activity found to have been in violation of 31 U.S.C. 333 or this part.

(d) The term "date of offense" means the later of—

- (1) The date that the misuse occurred;
- (2) The date that the misuse had the effect of conveying the false impression that the activity was associated with or approved, endorsed, sponsored or authorized by the Department or any of its subdivisions or officers or employees; or

(3) If the violation is a continuing one, the date on which the misuse of the words, titles, abbreviations, initials, symbols, emblems, seals, or badges protected by this part last occurred.

(e) The term "days" means calendar days, unless otherwise stated.

(f) The term "person" means an individual, partnership, association, corporation, company, business, firm, manufacturer, or any other organization or institution.

§ 27.3 Assessment of civil penalties.

(a) *General Rule.* An assessing official may impose a civil penalty on any person—

(1) Who uses in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems;

(i) The words "Department of the Treasury," "United States Secret Service," "United States Customs Service," "Internal Revenue Service," "Bureau of Alcohol, Tobacco and Firearms," "Bureau of the Public Debt," "Bureau of Engraving and Printing," "Comptroller of the Currency," "Federal Law Enforcement Training Center," "Financial Crimes Enforcement Network," "United States Mint," or the name of any service, bureau, office, or other subdivision of the Department of the Treasury;

(ii) The titles "Secretary of the Treasury," "Treasurer of the United States," "Director of the Secret Service," "Commissioner of Customs," "Commissioner of Internal Revenue," "Director, Bureau of Alcohol, Tobacco and Firearms," "Commissioner of the Public Debt," "Director of the Bureau of Engraving and Printing," "Comptroller of the Currency," "Director of the Federal Law Enforcement Training

Center," "Director of the Financial Crimes Enforcement Network," "Director of the United States Mint," or the title of any other officer or employee of the Department of the Treasury or subdivision thereof;

(iii) The abbreviations or initials of any entity or title referred to in paragraph (a)(1)(i) or (a)(1)(ii) of this section, including but not limited to "USSS," "USCS," "IRS," "ATF," or "BATF," "BPD," "FLETC," "FINCEN" or "FinCEN," and "SBMO";

(iv) The words "United States Savings Bond," including any variation thereof, or the name of any other security, obligation, or financial instrument issued by the Department of the Treasury or any subdivision thereof;

(v) Any symbol, emblem, seal, or badge of an entity referred to in paragraph (a)(1)(i) of this section (including the design of any envelope, stationery, or identification card used by such an entity); or

(vi) Any colorable imitation of any such words, titles, abbreviations, initials, symbol, emblem, seal, or badge; and

(2) Where such use is in a manner that could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with the Department of the Treasury or any entity referred to in paragraph (a)(1)(i) of this section, or any officer, or employee thereof.

(b) *Disclaimers.* Any determination of whether a person has violated the provisions of paragraph (a) of this section shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) *Civil Penalty.* An assessing official may impose a civil penalty on any person who violates the provisions of paragraph (a) of this section. The amount of a civil monetary penalty shall not exceed \$5,000 for each and every use of any material in violation of paragraph (a), except that such penalty shall not exceed \$25,000 for each and every use if such use is in a broadcast or telecast.

(d) *Time Limitations.* (1) Civil penalties imposed under this part must be assessed before the end of the three year period beginning on the date of offense charged.

(2) An assessing official may commence a civil action to recover or enforce any civil penalty imposed in a Final Notice of Assessment issued pursuant to § 27.7 at any time before the

end of the two year period beginning on the date of the Final Notice of Assessment. If judicial review of the Final Notice of Assessment is sought, the two year period begins to run from the date that a final and unappealable court order is issued.

(e) *Criminal Proceeding.* No civil penalty may be imposed under this part with respect to any violation of paragraph (a) of this section after a criminal proceeding on the same violation has been commenced by indictment or information under 31 U.S.C. 333(d).

§ 27.4 Factors to be considered.

The assessing official will consider relevant factors when determining whether to assess or impose a civil penalty under this part, and the amount of a civil monetary penalty. Those factors may include, but are not limited to, the following:

- (a) The scope of the misuse;
- (b) The purpose and/or nature of the misuse;
- (c) The extent of the harm caused by the misuse;
- (d) The circumstances of the misuse; and
- (e) The benefit intended to be derived from the misuse.

§ 27.5 Initial Notice of Assessment.

The assessing official shall serve an Initial Notice of Assessment by United States mail or other means upon any person believed to be in violation of § 27.3 and otherwise subject to a civil penalty. The notice shall provide the name and telephone number of an agency officer or employee who can provide information concerning the notice and the provisions of this part, and shall include the following:

- (a) A specific reference to the provisions of § 27.3 violated;
- (b) A concise statement of the facts that support the conclusion that such a violation occurred;
- (c) The amount of the penalty proposed, and/or any other proposed civil or equitable remedy;
- (d) A notice informing the person alleged to be in violation of § 27.3 that he/she:

(1) May, within 30 days of the date of the notice, pay the proposed civil monetary penalty and consent to each proposed civil or equitable remedy, thereby waiving the right to make a written response under § 27.6 and to seek judicial review under § 27.8:

- (i) By electronic funds transfer (EFT) in accordance with instructions provided in the notice, or
- (ii) By means other than EFT only with the written approval of the assessing official;

(2) May make a written response within 30 days of the date of the notice asserting, as appropriate:

- (i) Why a civil monetary penalty and/or other civil or equitable remedy should not be imposed;
- (ii) Why a civil monetary penalty should be in a lesser amount than proposed; and
- (iii) Why the terms of a proposed civil or equitable remedy should be modified;

(3) May be represented by an attorney or other representative, provided that a designation of representative signed by the person alleged to be in violation is received by the assessing official; and

(4) May request, within 20 days of the date of the notice, a copy of or opportunity to review any documents and/or other evidence compiled and relied on by the agency in determining to issue the notice (the assessing official reserves the right to assert privileges available under law and may decline to disclose certain documents and/or other evidence); and

(e) The Initial Notice of Assessment shall also inform the person that:

(1) If no written response is received within the time allowed in § 27.6(b), a Final Notice of Assessment may be issued without a presentation by the person;

(2) If a written response has been made and it is deemed necessary, the assessing official may request, orally or in writing, additional information from the respondent;

(3) A Final Notice of Assessment may be issued in accordance with § 27.7 requiring that the civil monetary penalty be paid and compliance with the terms of any other civil or equitable remedy;

(4) A Final Notice of Assessment is subject to judicial review in accordance with 5 U.S.C. 701 *et seq.*; and

(5) All submissions sent in response to the Initial

Notice of Assessment must be transmitted to the address specified in the notice and include the name, address, and telephone number of the respondent.

§ 27.6 Written response.

(a)(1) A person served with an Initial Notice of Assessment may make a written response explaining why the civil penalty should not be imposed, explaining why a civil monetary penalty should be in a lesser amount than proposed and/or explaining why the terms of a proposed civil or equitable remedy should be modified. The written response must provide:

- (i) A reference to and specifically identify the Initial Notice of Assessment involved;
- (ii) The full name of the person charged;

(iii) If not a natural person, the name and title of the head of the organization charged; and

(iv) If a representative of the person charged is filing the written response, a copy of the duly executed designation as representative.

(2) The written response must admit or deny each violation of § 27.3 charged in the Initial Notice of Assessment. Any charge not specifically denied will be presumed to be admitted. Where a charge is denied, the respondent shall specifically set forth the legal or factual basis upon which the charge is denied. If the basis of the written response is that the person charged is not the person responsible for the misuse(s) charged, the written response must set forth sufficient information to allow the agency to determine the truth of such an assertion. The written response should include any and all documents and/or other information that the respondent believes should be a part of the administrative record on the matter.

(b) *Time.* (1) Except as provided in paragraph (b)(2) of this section, any written response made under this paragraph must be received not later than 30 days after the date of the Initial Notice of Assessment.

(2) If a request for documents or other evidence is made pursuant to § 27.5(d)(4), the written response must be received not later than 20 days after the date of the Department's response to the request.

(3)(i) In computing the number of days allowed for filing a written response under this paragraph, the first day counted is the day after the date of the Initial Notice of Assessment. If the last date on which the response is required to be filed by this paragraph is a Saturday, Sunday or Federal holiday, the response will be due on the next weekday after that date.

(ii) If a response is transmitted by United States mail, it will be deemed timely filed if postmarked on or before the due date.

(4) The assessing official may extend the period for making a written response under paragraphs (b)(1) and (b)(2) for good cause shown. Generally, failure to obtain representation in a timely manner will not be considered good cause.

(c) *Filing.* A written response will be considered filed on the date received at the address specified in the Initial Notice of Assessment. The response may be sent by personal delivery, United States mail or commercial delivery. At the discretion of the assessing official, filing may be accomplished by facsimile or any other method deemed appropriate.

(d) The assessing official will fully consider the facts and arguments submitted by the respondent in the written response and any other documents filed pursuant to this paragraph in determining whether to issue a Final Notice of Assessment under § 27.7, the appropriate amount of the civil monetary penalty imposed and the terms of any other appropriate civil or equitable remedy.

§ 27.7 Final Notice of Assessment.

(a) In making a final determination whether to impose a penalty, the assessing official shall take into consideration all available information in the administrative record on the matter, including all information provided in or with a written response timely filed by the respondent and any additional information provided pursuant to § 27.5(e)(2). The assessing official will determine whether:

(1) The facts warrant a conclusion that no violation has occurred; or

(2) The facts warrant a conclusion that one or more violations have occurred; and

(3) The facts and violations found justify the conclusion that a civil penalty should be imposed.

(b) If the assessing official determines that no violation has occurred, the official shall promptly send a letter indicating that determination to the person served with an Initial Notice of Assessment and to any designated representative of such person.

(c)(1) If it has been determined that a violation has occurred, the assessing official shall issue a Final Notice of Assessment to the person served with an Initial Notice of Assessment and to any designated representative of such person.

(2) The assessing official may, in his/her discretion:

(i) Impose a civil monetary penalty and/or any civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from the violation(s);

(ii) Not impose a civil monetary penalty and/or civil or equitable remedy; or

(iii) Impose a civil monetary penalty and/or civil or equitable remedy and condition payment of the civil monetary penalty on the violator's future compliance with 31 U.S.C. 333, this part and any civil or equitable remedy contained in the Final Notice of Assessment. If a civil monetary penalty is imposed, the assessing official shall determine the appropriate amount of the penalty in accordance with 31 U.S.C. 333(c)(2).

(3) The Final Notice of Assessment shall:

(i) Include:

(A) A specific reference to the provisions of § 27.3 found to have been violated;

(B) A concise statement of the facts warranting a conclusion that a violation has occurred;

(C) An analysis of how the facts and violation(s) justify the conclusion that a civil monetary penalty and/or civil or equitable remedy should be imposed; and

(D) The amount of each civil monetary penalty imposed, a statement as to how the amount of each penalty was determined, and the terms of any civil or equitable remedy deemed necessary to rectify the potential for a continued misuse or harm from the violation(s); and

(ii) Inform the person that:

(A) Payment of a civil monetary penalty imposed by the Final Notice of Assessment must be made within 30 days of the date of the notice, and that any civil or equitable remedy imposed must be complied with as provided in the Final Notice of Assessment;

(B) Payment of a civil monetary penalty imposed by the Final Notice of Assessment shall be by EFT in accordance with instructions provided in the notice, unless the assessing official has given written approval to have payment made by other means;

(C) payment of a civil monetary penalty imposed by the Final Notice of Assessment constitutes consent by the person to comply with the terms of any civil or equitable remedy contained in the notice;

(D) If payment of a civil monetary penalty imposed by the Final Notice of Assessment has been waived on the condition that the person comply with the terms of any civil or equitable remedy contained in the notice or comply in the future with 31 U.S.C. 333 and this part, failure by the person to so comply will make the civil monetary penalty payable on demand;

(E) If a civil monetary penalty is not paid within 30 days of the date of the Final Notice of Assessment (or on demand under paragraph (C)(3)(ii)(D) of this section), or if a civil or equitable remedy is not complied with in accordance with the terms of the notice, a civil action to collect the penalty or enforce compliance may be commenced at any time within two years of the date of the Final Notice of Assessment; and

(F) Any civil monetary penalty and civil or equitable remedy imposed by the Final Notice of Assessment may be subject to judicial review in accordance with 5 U.S.C. 70 et seq.

§ 27.8 Judicial review.

A final Notice of Assessment issued under this party may be subject to judicial review pursuant to 5 U.S.C. 701 et seq.

Dated: July 18, 1997.

Raymond W. Kelly,

Under Secretary for Enforcement.

[FR Doc. 97-20646 Filed 8-5-97; 8:45 am]

BILLING CODE 4810-25-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA61-7136, WA64-7139a; FRL-5869-8]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110 (a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (WDOE) submitted two requests to EPA dated November 25, 1996 and April 7, 1997 to revise the SIP for certain regulations of a local air pollution control agency, the Puget Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on October 6, 1997 unless adverse or critical comments are received by September 5, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Ms. Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and WDOE, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Lisa Jacobsen, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-6917.

SUPPLEMENTARY INFORMATION:

I. Background

Two submittals from WDOE dated November 26, 1996 and April 7, 1997, were sent to EPA and consisted of minor amendments to PSAPCA Regulations I, II, and III.

The November 26, 1996 minor revisions were adopted by PSAPCA on September 12, 1997 after meeting public participation requirements on July 11, 1996 and October 10, 1996 and become state effective on October 31, 1997.

Regulation I, section 3.11, Civil Penalties, is amended in accordance with state law to adjust maximum penalty amounts for inflation and section 3.23, Alternate Means of Compliance, is amended to clarify alternate means of compliance. Sections 5.02, 5.03, 5.05, 5.07, 6.03, and 6.04 are amended to include updates reflecting state law regarding registration and to adjust the fees covering the program costs. A new § 7.09, General Reporting Standards, adds applicable reporting requirements to the operating permits section. Section 5.08, Shut Down Sources; and 5.11, Registration of Oxygenated Gasoline Blenders, were repealed because they are no longer needed. On October 11, 1996, EPA formally redesignated the Central Puget Sound CO nonattainment area to attainment, and approved a maintenance plan which will ensure that the Central Puget Sound area remains in attainment for CO. The maintenance plan removes the requirement for oxygenated fuel during the CO season but incorporates the requirement for the use of oxygenated fuel as a contingency measure in the event of a violation of the CO national ambient air quality standard.

Regulation II, section 2.09, the elimination of the oxygenated gasoline contingency measure and fee schedule, was approved by EPA in an earlier action (62 FR 23363-23365) on April 30, 1997.

Regulation III section 4.03 is amended to clarify existing language and to increase fees to cover the costs of administering the program.

The April 7, 1997 submittal was adopted by PSAPCA after meeting public participation requirements on December 12, 1996 and became state effective January 15, 1997.

Regulation I, section 5.03 was amended to clarify the registration requirements. Section 6.04 was amended for clarification of the Notice of Construction.

Regulation III, sections 1.11, 2.01, and 2.05 were amended for clarification of

requirements when dealing with Toxic Air Contaminants.

II. Summary of Action

EPA is, by today's action, approving the following revisions submitted by WDOE on November 26, 1996 and April 7, 1997 as amendments to the regulations of PSAPCA and for inclusion into the SIP:

Regulation I

- Section 3.11, Civil Penalties
- Section 3.23, Alternate Means of Compliance
- Section 5.02, Definitions and Components of Registration Program
- Section 5.03, Registration Required
- Section 5.05, General Requirements for Registration
- Section 5.07, Registration Fees
- Section 6.03, Notice of Construction
- Section 6.04, Notice of Construction Review Fees
- Section 7.09, General Reporting Requirements

Regulation III

- Section 1.11, Reporting Requirements
 - Section 2.01, Applicability
 - Section 2.05, Sources of Toxic Air Contaminants
- EPA approves the following deletions from the SIP:

Regulation I

- Section 5.08, Shut Down Sources
- Section 5.11, Registration of Oxygenated Gasoline Blenders

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 October 6, 1997 unless, by September 5, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on 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 October 6, 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.

III. Administrative Requirements

A. Executive Order 12866

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 CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA*, 427 U.S. 246, 256-66 (S.Ct. 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 the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for

informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action 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 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 action must be filed in the United States Court of Appeals for the appropriate circuit by October 6, 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 its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Fees, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: July 17, 1997.

Chuck Findley,
Acting Regional Administrator.

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.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(73) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(73) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—State-adopted 9/12/96. Regulation III, Section 4.03—State-adopted 9/12/96. Regulation I, Sections 5.03 and 6.04—State-adopted 12/12/96. Regulation III, Sections 1.11, 2.01, and 2.05—State-adopted 12/12/96.

[FR Doc. 97-20664 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket Nos. 94-1; FCC 96-488]

Price Cap Performance Review for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; Correction.

SUMMARY: This document contains corrections to the summary of the Commission's Report and Order reforming access charges published in the **Federal Register** of January 31, 1997 (62 FR 4657).

EFFECTIVE DATE: June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Richard Lerner, Attorney, Common Carrier Bureau, Competitive Pricing Division, (202) 418-1520, email: rlerner@fcc.gov.

SUPPLEMENTARY INFORMATION: The Commission published a summary of the Price Cap Performance Review for Local Exchange Carriers Third Report and Order (released December 24, 1996) in the **Federal Register** issue of January 31, 1997, in FR Doc. 97-2143 (62 FR 4657). The summary outlines an order that adopts rules that are intended to make it easier for local exchange carriers to introduce new services and to lower rates. This summary was published with

a clerical mistake, which this document corrects. The publication on January 31, 1997 of the Price Cap Performance Review for Local Exchange Carriers Third Report and Order summary (62 FR 4657), which was the subject of FR Doc. 97-2143, is corrected as follows:

1. On page 4659, in the third column, § 61.49, lines 3 and 4, replace "paragraphs (e) through (k) as paragraphs (d) through (j)" with "paragraphs (e) through (l) as paragraphs (d) through (k).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-20598 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-59; RM-8976]

Radio Broadcasting Services; Clayton and Jena, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Clayton FM Partnership, substitutes Channel 257A for Channel 300A at Clayton, Louisiana, and modifies Station KFGA-FM's construction permit accordingly; substitutes Channel 274A for Channel 257A at Jena, Louisiana, and modifies Station KJNA-FM's license to reflect the alternate Class A channel. See 62 FR 07983, February 21, 1997. The coordinates for Channel 257A at Clayton are 31-46-05 and 91-34-39. The coordinates for Channel 274A at Jena are 31-41-51 and 92-05-43. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-59, adopted July 23, 1997, and released August 1, 1997. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082;

47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 300A and adding Channel 257A at Clayton, by removing Channel 257A and adding 274A at Jena.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-20662 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-69; RM-9007]

Radio Broadcasting Services; Idalou, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Fred R. Morton, allots Channel 299A to Idalou, Texas, as the community's second local FM service. See 62 FR 09410, March 3, 1997. Channel 299A can be allotted to Idalou in compliance with the Commission's

minimum distance separation requirements with a site restriction of 1.5 kilometers (0.9 miles) north in order to avoid a short-spacing conflict with the licensed operation of Station KPOS-FM, Channel 297C2, Post, Texas. The coordinates for Channel 299A at Idalou are 33-40-34 NL and 101-41-01 WL. With this action, this proceeding is terminated.

DATES: Effective September 15, 1997.

The window period for filing applications will open on September 15, 1997, and close on October 16, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-69, adopted July 23, 1997, and released August 1, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082;

47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 299A at Idalou.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-20661 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 62, No. 151

Wednesday, August 6, 1997

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

RIN 3150-AF74

Medical Use of Byproduct Material: Issues and Request for Public Input

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public input on rule development.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has developed a program for revising the regulations governing the medical use of byproduct material. The decision to revise this regulation resulted from the NRC Strategic Assessment and Rebaselining Initiative (SA), a process involving identification of the direction-setting issues and associated options for the future of NRC activities. This notice describes the NRC's program for revising the medical use regulation; notifies the public of the availability of documents associated with this action on the NRC Technical Conference Forum and through the NRC Public Document Room; and solicits informal public input on development of proposed rule language and associated documents. The Commission plans to formally propose specific rulemaking text for public comment during the summer of 1998.

DATES: Public input is solicited during development of the proposed rule but, to be most helpful, should be received by March 1, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission only is able to ensure consideration of comments received on or before this date.

ADDRESSES: Send written input and suggestions to Secretary, Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff. Hand-deliver comments to 11555 Rockville Pike,

Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Public input may also be submitted electronically on the Internet via NRC's Technical Conference Forum (<http://techconf.llnl.gov/noframe.html>). This site provides the ability to post your input as a message. For information about the Technical Conference Forum contact Mary L. Thomas at (301) 415-6230; Email MLT1@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Catherine Haney, Diane Flack, or Susanne Woods; Telephone (301) 415-6825, (301) 415-5681, or (301) 415-7267; Email CXH@NRC.GOV, DSF1@NRC.GOV, or SRW@NRC.GOV; Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

Background

The NRC has examined the issues surrounding its medical use program in great detail during the last four years. This process started with NRC's 1993 internal senior management review report; continued with the 1996 independent external review report by the National Academy of Sciences, Institute of Medicine; and culminated in NRC's SA process. In particular, medical oversight was addressed in the SA Direction-Setting Issue Paper Number 7 (DSI 7) (released September 16, 1996).

In its "Staff Requirements Memorandum (SRM)—COMSECY-96-057, Materials/Medical Oversight (DSI 7)," dated March 20, 1997, the Commission directed the NRC staff to revise part 35, associated guidance documents, and, if necessary, the Commission's 1979 Medical Policy Statement. Further, the SRM stated:

With respect to the medical program, the Commission was not persuaded by the National Academy of Sciences, Institute of Medicine (IOM) report that recommends that NRC should not be the Federal agency involved in the regulation of ionizing radiation in medicine. The Commission continues to believe that the conclusions in the report were not substantiated and that the recommendations should not be pursued.

The Commission SRM specifically directed the restructuring of part 35 into a risk-informed, more performance-based regulation. Further, during development of the rule and associated

guidance, as well as during review of the Medical Policy Statement, the NRC staff was directed to consider the following issues:

1. Focusing part 35 on those procedures that pose the highest risk.
2. Regulatory oversight alternatives, for diagnostic procedures, that are consistent with the lower overall risk of these procedures.
3. The best way to capture not only relevant safety-significant events, but also precursor events.
4. The need to change from the term "misadministration" to "medical event" or other comparable terminology.
5. Redesigning part 35 so that regulatory requirements for new treatment modalities can be incorporated in a timely manner.
6. Revising the requirement for a quality management program (10 CFR 35.32) to focus on those requirements that are essential for patient safety.
7. The viability of using or referencing available industry guidance and standards, within part 35 and related guidance, to the extent that they meet NRC needs.

Program for Revision of Part 35

The June 30, 1997, SRM informed the NRC staff of the Commission's approval, with comments, of the NRC staff's proposed program in SECY-97-131, Supplemental Information on SECY-97-115, "Program for Revision of 10 CFR part 35, 'Medical Uses of Byproduct Material,' and Associated Federal Register Notice," dated June 20, 1997. With this approval, the NRC staff initiated development of draft language using an entirely modality-based approach. The modality approach places all requirements for a given type of treatment into a single section of the regulation, including: Who or what organization is licensed; what type of license is issued; the necessary technical requirements, such as surveys and calibration; the training and experience requirements; the event recording and reporting requirements; and the quality improvement and management objectives. The NRC staff anticipates that the following modalities would be addressed:

- (1) Low-dose unsealed materials (diagnostic nuclear medicine);
- (2) High-dose unsealed materials (nuclear medicine therapy);
- (3) Low-dose sealed source applications;

- (4) Teletherapy;
- (5) High-dose rate remote afterloaders;
- (6) Gamma stereotactic surgery; and
- (7) Emerging technologies.

This list is not viewed as all-inclusive. Additional categories may be developed, depending on the breadth of the areas to be covered, and the similarity of requirements in a given area.

Development of rule text alternatives, including draft guidance documents, would be done using a governmental working group (or groups) and steering group approach. State participants have been identified for both the working and steering groups and will enhance State participation in this process.

The NRC staff plans to solicit public input on the revision to part 35, associated guidance, and the 1979 Medical Policy Statement on an informal and formal basis during the rulemaking process. It is expected that the first version of the draft rule language will be available to the public on the NRC Technical Conference Forum and through the NRC Public Document Room, in August 1997. During the development process, the NRC staff will make drafts publicly available, but will need to cut off consideration of informal public input at a point approximately two to three months before providing the draft proposed rule language and associated draft documents to the Commission for approval. (Currently the draft proposed rule and associated draft documents are scheduled to be provided to the Commission in May 1998.) Public input received after that time would be considered as part of the ongoing interaction process, and as part of the comments received during the formal public comment period on the proposed rule after Commission approval. The NRC staff plans to interact with professional societies on an ongoing basis to solicit input. The NRC staff will conduct facilitated public meetings in the Fall of 1997. These meetings will be used to focus discussion on specific rule text proposals. Discussions would also be held in meetings with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) and the Organization of Agreement States in the Fall of 1997.

After Commission approval of the proposed rule language and associated documents, the proposed rule and associated draft documents will be published in the **Federal Register** for public comment for 75 days. The NRC staff will also make these documents available on the NRC rulemaking website. The NRC staff plans to hold two public meetings during the formal

comment period to facilitate comment submittal.

Development of the final rule, associated documents, and final guidance will be done using a governmental working group and steering group. The NRC staff will continue to make draft documents available on the NRC Technical Conference Forum, but will not be able to consider further public input on these documents, beginning approximately four months before the submission of the draft documents for Commission approval (currently scheduled for May 1999). The NRC staff plans to discuss the draft final documents with the ACMUI and the Agreement States before submitting them to the Commission.

Reference Information

1. Strategic Assessment Direction-Setting Issues Paper Number 7 is available by writing to the U.S. Nuclear Regulatory Commission, Attention: NRC Public Document Room, Washington, DC 20555-0001. (Telephone: (202) 634-3273; fax: (202) 634-3343.)

2. The memorandum "Management Review of Existing Medical Use Regulatory Program (COMIS-92-026)" (dated June 16, 1993) is available by writing to the U.S. Nuclear Regulatory Commission, Attention: NRC Public Document Room, Washington, DC 20555-0001. (Telephone: (202) 634-3273; fax: (202) 634-3343.)

3. "Radiation in Medicine: A Need for Regulatory Reform" (1996) is available from the National Academy Press at 2101 Constitution Avenue, NW, Box 285, Washington, DC 20055.

4. Summary minutes and transcripts of the ACMUI April 1997 meeting or transcripts of the May 8, 1997, Commission briefing are available by writing to the U.S. Nuclear Regulatory Commission, Attention: NRC Public Document Room, Washington, DC 20555-0001. (Telephone: (202) 634-3273; fax: (202) 634-3343.) Transcripts of the May 8, 1997, briefing are also available by Internet at <http://www.nrc.gov>.

5. The NRC Medical Policy Act Statement of 1979 was published in the **Federal Register**, Volume 44, page 8242, on February 9, 1979.

6. SECY-97-115, Program for Revision of 10 CFR part 35, "Medical Uses of Byproduct Material" and Associated **Federal Register** Notice; SECY-97-131, Supplemental Information on SECY-97-131, Supplemental Information on SECY-97-115, "Program for Revision of 10 CFR part 35, 'Medical Uses of Byproduct Material,' and Associated **Federal Register** Notice; and the associated SRM (dated June 30, 1997) are available by writing to the U.S. Nuclear Regulatory Commission, Attention: NRC Public Document Room, Washington, DC 20555-0001. (Telephone: (202) 634-3273; fax: (202) 634-3343.)

Copies are also available on the NRC Technical Conference Forum at <http://techconf.llnl.gov/noframe.html>.

Dated at Rockville, MD., this 31st day of July, 1997.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 97-20644 Filed 8-5-97; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF THE TREASURY

31 CFR Part 27

Departmental Offices; Civil Penalty Assessment for Misuse of Department of the Treasury Names, Symbols, Etc.

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to interim regulations.

SUMMARY: In the rules and regulations portion of this **Federal Register**, the Department of the Treasury is issuing interim regulations setting forth the procedures by which civil penalties will be imposed for violations of the statutory prohibition against misuse of Department of the Treasury names, symbols, titles, abbreviations, initials, seals, or badges. Section 333(c) of title 31, United States Code authorizes the Secretary of the Treasury to impose these civil penalties. The regulations are being promulgated to ensure that persons assessed with a civil penalty under 31 U.S.C. 333(c) are accorded due process. The interim regulations also serve as the text of this notice of proposed rulemaking for final regulations.

DATES: Written comments must be received on or before October 6, 1997.

ADDRESSES: Send written comments to: Karen Wehner, Senior Advisor, Office of Enforcement, Room 4414, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Karen Wehner, Senior Advisor, Office of Enforcement, 202-622-0300 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The interim regulations in this issue of the **Federal Register** establish 31 CFR part 27. For the text of the interim regulations, see Civil Penalty Assessment for Misuse of Department of the Treasury Names, Symbols, etc., Interim rule, published in the rules and regulations section of this issue of the **Federal Register**.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined in E.O. 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This regulation provides due process protections for persons assessed a civil penalty for misusing Department of the Treasury names, symbols, titles, abbreviations, initials, seals, or badges. Furthermore, the imposition of any civil penalty on small businesses flows directly from the underlying statute.

Public Participation

The Department of the Treasury requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

The Department of the Treasury will not recognize any material in comments as confidential. Comments will be available to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Drafting Information

The principal author of this document is Abigail Roth, Attorney-Advisor, Office of the Assistant General Counsel (Enforcement). However, other personnel in the Departmental Offices contributed to this document both as to substance and style.

Dated: July 18, 1997.

Raymond W. Kelly,

Under Secretary for Enforcement.

[FR Doc. 97-20647 Filed 8-5-97; 8:45 am]

BILLING CODE 4810-25-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[WA61-7136, WA64-7139b; FRL-5869-9]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several

minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110 (a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (WDOE) submitted two requests to EPA dated November 25, 1996 and April 7, 1997 to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA). In the final rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 the 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. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by September 5, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The State of Washington Department of Ecology, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Lisa Jacobsen, Office of Air Quality (OAQ-107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-6917.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the rules section of this **Federal Register**.

Dated: July 17, 1997.

Chuck Findley,

Acting Regional Administrator.

[FR Doc. 97-20665 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 141 and 142**

[FRL-5870-9]

RIN 2040 AA 94

Withdrawal of the Proposed National Primary Drinking Water Regulation for Radon-222

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: This document announces the Environmental Protection Agency's (EPA) withdrawal of drinking water regulations proposed for radon-222 (56 FR 33050, July 18, 1991). EPA is withdrawing the proposed Maximum Contaminant Level Goal (MCLG), Maximum Contaminant Level (MCL), monitoring, reporting, and public notification requirements for radon-222 as required by section 1412(b)(13)(A) of Safe Drinking Water Act (SDWA), as amended. No other provision of the July 18, 1991 proposal is affected by today's action.

FOR FURTHER INFORMATION CONTACT: Sylvia Malm, (202) 260-0417. For information on radon in drinking water and other EPA activities under the Safe Drinking Water Act, please contact the Safe Drinking Water Hotline at 1-800-426-4791. For information on radon in indoor air, please contact the National Safety Council's National Radon Hotline at 1-800-SOS-RADON.

SUPPLEMENTARY INFORMATION: On July 18, 1991 (56 FR 33050), EPA proposed a maximum contaminant level goal (MCLG), a maximum contaminant level (MCL), monitoring, reporting, and public notification requirements for radon and a number of other radionuclides in public water supplies (systems serving over 25 individuals or with greater than 15 connections). EPA proposed to regulate radon at 300 pCi/L.

On August 6, 1996, Congress passed amendments to the SDWA. Section 1412(b)(13)(A) of the SDWA, as amended, directs EPA to withdraw the proposed national primary drinking water regulation for radon. With this **Federal Register** document, EPA withdraws the proposed MCLG, MCL, monitoring, reporting, and public notification requirements for radon-222. No other provision of the July 18, 1991 proposal is affected by this action.

Congress has directed EPA to propose an MCLG and National Primary Drinking Water Regulation (NPDWR) for

radon-222 by August, 1999 and promulgate a final regulation by August, 2000 [section 1412 (b)(13)(D-E)]. EPA has committed to take final action on the other radionuclides included in the July 18, 1991 proposal by December, 2000. On a related matter, EPA published on March 5, 1997 (62 FR 10168) a final rule on the analytical methods for gross alpha, gross beta, tritium, uranium, radium-226, radium-228, gamma emitters, and radioactive cesium, iodine and strontium.

Dated: July 30, 1997.

Carol Browner,
Administrator.

[FR Doc. 97-20666 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL-5866-6]

Commonwealth of Puerto Rico; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination on application of the Commonwealth of Puerto Rico for final approval, public hearing and public comment period.

SUMMARY: The Commonwealth of Puerto Rico has applied for final approval of its Underground Storage Tank program for petroleum and hazardous substances under Subtitle I of the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act ("RCRA"). The United States Environmental Protection Agency has reviewed the Commonwealth of Puerto Rico's application and has made a tentative determination that the Commonwealth of Puerto Rico's Underground Storage Tank ("UST") program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for final approval. This Notice of tentative determination affords the public a thirty-day period after this Notice to comment on the Commonwealth of Puerto Rico's application and USEPA's tentative determination. The application is available for inspection by the public during the comment period. Two public hearings will be held to solicit comments on the application.

DATES: Written comments on the Commonwealth of Puerto Rico's

application for final approval must be received by USEPA, at the address noted below, by close of business on September 12, 1997. Two public hearings are scheduled for September 8 and September 9, 1997. USEPA and the Commonwealth of Puerto Rico will be present at the public hearings to provide information and answer questions. The hearings will begin at 9:00 A.M. and will continue until the end of the testimony or 4:00 P.M., whichever comes first. Evening sessions will be from 6:00 P.M. to 10:00 P.M. Requests to present oral testimony must be mailed to USEPA, at the address noted below, by the close of business on August 26, 1997, and should include the requester's name, address and telephone number. USEPA reserves the right to cancel the hearings should there be no significant public interest. Those informing EPA of their intention to testify will be notified of any cancellation.

ADDRESSES: Comments and requests to testify should be mailed to Mr. John Kushwara, Chief, Ground Water Compliance Section (DECA-WCB), USEPA, Region II, 290 Broadway, 20th Floor, New York, NY 10007-1866 or Mr. Victor Trinidad, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce De Leon Avenue, Stop 22, Santurce, Puerto Rico 00907-4127.

Copies of the Commonwealth of Puerto Rico's application for program approval are available for review 9:00 A.M.—4:00 P.M., Monday through Friday, at the following locations: Commonwealth of Puerto Rico, Environmental Quality Board, 431 Ponce De Leon Avenue, Nacional Plaza, Lobby Area, Hato Rey, PR 00917, Phone: (787) 767-7712; Commonwealth of Puerto Rico, Environmental Quality Board, Mayaguez Regional Office, Road #2, Km 159, Mayaguez, PR 00680; Phone: (787) 833-1198 or (787) 833-1188; United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division, Centro Europa Building, 1492 Ponce De Leon Avenue, Suite 417, Santurce, PR 00907-4127, Phone: (787) 729-6951; United States Environmental Protection Agency, Region II Library, 290 Broadway, 16 Floor, New York, NY 10007-1866, Phone: (212) 637-3185. The public hearings will be held on September 8, 1997, in the Public Hearing Room of the Environmental Quality Board, 6th Floor, 431 Ponce De Leon Avenue, Nacional Plaza, Hato Rey, PR 00917 and on September 9, 1997 in the Public Hearing Room of the Environmental Quality Board,

Mayaguez Regional Office, Road #2, Km 159, Mayaguez, PR 00680. The hearings will begin at 9:00 A.M. and 6:00 P.M. and will continue until the end of testimony or 4:00 and 10:00 P.M., whichever comes first.

FOR FURTHER INFORMATION CONTACT: Madho Ramnarine Singh, Water Compliance Branch (DECA-WCB), USEPA, Region 2, 290 Broadway, New York, NY 10007-1866, Phone: (212) 637-4237 or Mr. Victor Trinidad, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce De Leon Avenue, Stop 22, Santurce, Puerto Rico 00907-4127, Phone: (787) 729-6951.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6991c, authorizes USEPA to approve State Underground Storage Tank programs to operate in lieu of the Federal Underground Storage Tank ("UST") program. Program approval may be granted by USEPA pursuant to RCRA Section 9004(b), if the Agency finds that the State program is "no less stringent" than the Federal program for the seven elements set forth at RCRA Section 9004(a)(1) through (7); includes the notification requirements of RCRA Section 9004(a)(8); and provides for adequate enforcement of compliance with UST standards of RCRA Section 9004(a).

B. Commonwealth of Puerto Rico

On November 7, 1990, the Environmental Quality Board of the Commonwealth of Puerto Rico issued Underground Storage Tank Control Regulations which became effective on December 14, 1990. In accordance with the requirements of 40 CFR Section 281.50(b), the Commonwealth of Puerto Rico had previously provided an opportunity for public comment on the aforesaid regulations on September 21, 1989. A public hearing was held on October 20, 1990. The Environmental Quality Board received comments concerning their annual notification requirements, and minor editorial and syntax changes. These changes were incorporated into the regulations which are currently in effect.

On January 17, 1996, USEPA received the Commonwealth of Puerto Rico's formal application for approval of its Underground Storage Tank program and in 1997 received supplemental information as part of the Commonwealth's application. USEPA has reviewed the Commonwealth of Puerto Rico's application and has

tentatively determined that the Commonwealth of Puerto Rico's Underground Storage Tank program for petroleum and hazardous substances meets all of the requirements necessary to qualify for final approval. Should the program approvability status of the Commonwealth of Puerto Rico's program change in the future for any reasons, including but not limited to changes in Commonwealth laws, regulations or procedures which limit the Commonwealth of Puerto Rico's enforcement authority or program administration and enforcement, USEPA will revisit this approval and exercise its authority as provided under 40 CFR § 281.52 and § 281.60 to afford the Commonwealth of Puerto Rico an opportunity to correct any program deficiencies and/or withdraw program approval.

Any actions by USEPA shall not in any event be deemed in any way as a waiver of any of its statutory and regulatory rights under RCRA, including but not limited to §§ 9003(h), 9005 and 9006. Furthermore, nothing herein shall be deemed as a waiver by USEPA of any of its statutory and regulatory rights under other federal statutes and regulations. Moreover, nothing herein shall be deemed as a waiver of any other applicable federal legal requirements.

The Commonwealth of Puerto Rico through the Environmental Quality Board, is charged with the responsibility to develop standards and criteria for the design, installation, operation, maintenance, and monitoring of Underground Storage Tanks to prevent UST related ground and surface water contamination, under the authority of Public Law No. 9, et seq., Commonwealth of Puerto Rico Underground Storage Tank Law, as amended. The statute includes provisions for the following:

(1) Authority to promulgate UST regulations for controlling underground storage facilities containing petroleum and related sludge, and chemical substances.

(2) Authority to impose administrative fines for violations of any provision of the statute.

(3) Authority to conduct compliance monitoring inspection and other enforcement activities.

(4) Notification requirements for owner of Underground Storage Tanks including heating oil tanks.

(5) Establishment of petroleum cleanup fund. This is financed through licensing fees and tank assessment fees, and helps pay for cleanup and restoration of contaminated soil and groundwater caused by petroleum

releases from USTs, and for third party damages.

The memorandum of agreement ("MOA"), which was submitted as part of the Commonwealth of Puerto Rico's application for final approval, was negotiated between USEPA and Puerto Rico's Environmental Quality Board and will be executed by USEPA only after it makes a final determination to approve the Commonwealth of Puerto Rico's Underground Storage Tank program. The Memorandum of Agreement (MOA) contains agreements designed to ensure that the UST program will be effectively implemented by Puerto Rico pursuant to its own statute and implementing regulations. Under the MOA, the Environmental Quality Board has agreed to maintain staff levels, including adequate technical and legal support capable of implementing an effective UST program, and to conduct program development activities designed to improve the Commonwealth's capability to effectively implement the UST program. The MOA also has provisions to help ensure an adequate compliance and enforcement program. The MOA also recognizes USEPA's continued ability to enforce UST program requirements in the Commonwealth of Puerto Rico.

In accordance with Section 9004(d) of RCRA, 42 U.S.C. 6991c(d) and 40 CFR 281.50(e), the Agency will hold public hearings on its tentative determination. The public hearings will be held on September 8, 1997 in the Public Hearing Room of the Environmental Quality Board, 6th Floor, 431 Ponce De Leon Avenue, Banco Nacional Plaza, Hato Rey, Puerto Rico and on September 9, 1997 in the Public Hearing Room of the Environmental Quality Board, Mayaguez Regional Office, Road #2, Km 159, Mayaguez, Puerto Rico from 9:00 a.m.-4:00 p.m. and 6:00 p.m.-10:00 p.m. All written comments on EPA's tentative determination must be submitted by September 12, 1997. Copies of the Commonwealth of Puerto Rico's application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

USEPA will consider all public comments on its tentative determination received during the public comment period and/or at the hearings. Issues raised by those comments may be the basis for a decision to deny or grant final approval to the Commonwealth of Puerto Rico. USEPA expects to make a final decision on whether or not to approve the Commonwealth of Puerto Rico's program within sixty (60) days after the date of the public hearing and will give notice of it in the **Federal**

Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

USEPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing Commonwealth law which are being authorized by USEPA. USEPA's authorization does not impose any additional burdens on these small entities. This is because USEPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, USEPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing Commonwealth law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under Sections 202 and 205 of the UMRA, USEPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The Sections 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does

not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Commonwealth of Puerto Rico's program are already imposed by the Commonwealth and subject to Commonwealth law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The Commonwealth of Puerto Rico's participation in an authorized UST program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to Commonwealth, local and/or tribal governments already exist under the Commonwealth of Puerto Rico program, and today's action does not impose any additional obligations on regulated entities. In fact, USEPA's approval of the Commonwealth program generally may reduce, not increase, compliance costs for the private sector.

The requirements of Section 203 of UMRA also do not apply to today's action. Before USEPA establishes any regulatory requirements that may significantly or uniquely affect small governments, Section 203 of the UMRA requires USEPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing Commonwealth law which are being authorized by USEPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous and Petroleum substances, State program approval, Underground Storage Tanks.

Authority: This notice is issued under the authority of Section 9004 of the Solid Waste Disposal Act, as amended by RCRA, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 24, 1997.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 97-20177 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CS Docket No. 97-98; DA 97-1583]

Pole Attachments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: The Cable Services Bureau, released an *Order* which granted the Motion for Extension of Time filed by Carolina Power & Light Company, Delmarva Power & Light Company, Atlantic City Electric Company, Entergy Services, Florida Power Corporation, Pacific Gas and Electric Power Company, Potomac Electric Power Company, Public Service Company of Colorado, Southern Company, Georgia Power, Alabama Power, Gulf Power, Mississippi Power, Savannah Electric, Tampa Electric Company and Virginia Power, including North Carolina Power (collectively, "Electric Utilities") in *Amendment of Rules and Policies Governing Pole Attachments (Notice of Proposed Rulemaking)*. The Bureau found that good cause existed to grant a two week extension of time up to and including August 11, 1997. This extension of time is granted in view of the complexity of the issues presented, and in order to facilitate the development of a complete record in this proceeding.

DATES: Reply comments are now due on or before August 11, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Margaret Egler, Cable Services Bureau, (202) 418-2319, TTY (202) 418-7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Cable Services Bureau's *Order*, CS Docket No. 97-98, DA 97-1583, adopted July 24, 1997 and released July 25, 1997, in the *Amendment of Rules and Policies Governing Pole Attachments*, 62 FR 18074 (April 14, 1997). The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW,

Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554. For copies in alternative formats, such as braille, audio cassette, or large print, please contact Sheila Ray at International Transcription Service.

Synopsis of the Order

1. On March 14, 1997, the Commission commenced a rulemaking proceeding to propose modifications to the Commission's rules relating to the maximum just and reasonable rates utilities may charge for attachments to a pole, duct, conduit or right-of-way. Comments were due June 27, 1997, and reply comments are due July 28, 1997.

2. On July 21, 1997, Carolina Power & Light Company, Delmarva Power & Light Company, Atlantic City Electric Company, Entergy Services, Florida Power Corporation, Pacific Gas and Electric Power Company, Potomac Electric Power Company, Public Service Company of Colorado, Southern Company, Georgia Power, Alabama Power, Gulf Power, Mississippi Power, Savannah Electric, Tampa Electric Company and Virginia Power, including North Carolina Power (collectively, "Electric Utilities") filed a Motion for Extension of Time ("Motion") to file reply comments. The Electric Utilities request that the Commission grant a two week extension of time to file reply comments, up to and including August 11, 1997. The Electric Utilities contend that an extension of time is needed in light of the decision of the U.S. Court of Appeals for the Eighth Circuit in *Iowa Utilities Board v. F.C.C.*, No. 96-3321, et al., where the Court ruled on interconnection service issues. They contend that issues raised in the instant proceeding parallel issues decided in *Iowa Utility Board* and they argue that an extension of time will be productive in assessing that decision's impact on the instant rulemaking.

3. It is the policy of the Commission that extensions of time are not routinely granted. In view of the complexity of the issues presented, and in order to facilitate the development of a complete record in this proceeding, we find that good cause exists to grant an extension of time. Thus, reply comments will now be due by August 11, 1997.

Ordering Clauses

4. Accordingly, *it is ordered*, pursuant to §§ 0.321 and 1.46 of the Commission's rules, 47 CFR 0.321 and 1.46, that the Motion for Extension of Time filed by Carolina Power & Light

Company, Delmarva Power & Light Company, Atlantic City Electric Company, Entergy Services, Florida Power Corporation, Pacific Gas and Electric Power Company, Potomac Electric Power Company, Public Service Company of Colorado, Southern Company, Georgia Power, Alabama Power, Gulf Power, Mississippi Power, Savannah Electric, Tampa Electric Company and Virginia Power, including North Carolina Power is *granted*.

5. *It is further ordered* that all interested parties may file reply comments on the matters discussed in the Commission's Notice of Proposed Rulemaking by August 11, 1997.

Federal Communications Commission.

John E. Logan,

Deputy Chief, Cable Services Bureau.

[FR Doc. 97-20689 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-168, RM-9103]

Radio Broadcasting Services; Arcadia, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Iron County Broadcasting Company, proposing the allotment of Channel 269A to Arcadia, Missouri, as that community's first local broadcast service. Channel 269A can be allotted to Arcadia provided there is a site restriction 9.7 kilometers (6.0 miles) southeast of the community at coordinates 37-31-13 and 90-33-35. Since both the community of Arcadia and the allotment site for Channel 269A are located in the Mark Twain National Forest and the Taum Sauk Mountain State Park, Iron County has been requested to provide information showing that an actual transmitter site is available that provides city grade coverage to Arcadia.

DATES: Comments must be filed on or before September 22, 1997, and reply comments on or before October 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis J. Kelly, Law Office of Dennis J. Kelly, Post Office Box 6648, Annapolis, Maryland 21401.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-168, adopted July 23, 1997, and released August 1, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-20659 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-169, RM-9121]

Radio Broadcasting Services; Coon Valley, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Sparta-Tomah Broadcasting Company, Inc., proposing the allotment of Channel 280A to Coon Valley, Wisconsin. The coordinates for Channel 280A at Coon Valley are 43-42-12 and 91-00-48.

DATES: Comments must be filed on or before September 22, 1997, and reply comments on or before October 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John S. Neely, Miller & Miller, P.C., P. O. Box 33003, Washington, D. C. 20033.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-169, adopted July 23, 1997, and released August 1, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-20657 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-170, RM-8980]

Television Broadcasting Services; San Bernardino and Long Beach, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of KSLs, Inc., licensee of Station KSCI(TV), Channel 18, San Bernardino, California, requesting the reallocation of Channel 18 from San Bernardino to Long Beach, California, as that community's first local television transmission service and modification of its authorization accordingly, pursuant to the provisions of § 1.420(i) of the Commission's Rules. Coordinates used for Channel 18 at Long Beach are 34-11-15 and 117-41-54. Although Long Beach is located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government to this proposal is not required based upon the proposed retention of the existing channel and transmitter site of Station KSCI(TV). Rather, if the reallocation proposal is granted, the Mexican government will be advised of the change to the TV Table of Allotments at the conclusion of the proceeding.

Although the Commission has imposed a freeze on the TV Table of Allotments in certain metropolitan areas, including Los Angeles, the freeze is not applicable to changes requested by existing stations. See *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, Order, 52 FR 28346, July 29, 1987. While this proposal does not impact on the present draft digital television ("DTV") allotment table, any resultant changes to the TV Table of Allotments presented by the petitioner's proposal may be conditioned on the outcome of the DTV rule making proceeding. See *Sixth Further Notice of Proposed Rule Making*, MM Docket No. 87-268, 11 FCC Rcd 10968 (1996), at paragraph 61; 61 FR 43209, August 21, 1996.

DATES: Comments must be filed on or before September 22, 1997, and reply comments on or before October 7, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Kenneth E. Satten and Christine V. Simpson, Esqs., Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-170, adopted July 23, 1997, and

released August 1, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-20660 Filed 8-5-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-01; Notice 6]

RIN 2127-AG81

Federal Motor Vehicle Safety Standards; School Bus Pedestrian Safety Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In response to a petition for rulemaking from Transpec Inc., this document proposes to amend Standard No. 131, *School Bus Pedestrian Safety Devices*, with respect to the conspicuity requirements for stop signal arms. Specifically, the agency would amend the standard to permit the use of additional light sources on the surface of retroreflective stop signal arms.

DATES: *Comments.* Comments must be received on or before October 6, 1997.

Effective Date: The amendments made by this rulemaking would be effective [Insert date of publication of the final rule in the **Federal Register**].

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Mr. Charles Hott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-0247.

For legal issues: Mr. Paul Atelsek, Office of Chief Counsel, NCC-20, telephone (202) 366-2992, FAX (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

On May 3, 1991, NHTSA published a final rule establishing Federal Motor Vehicle Safety Standard No. 131, *School bus pedestrian safety devices* (56 FR 20363). The standard requires each new school bus to be equipped with a stop signal arm. A stop signal arm is a device patterned after a conventional "STOP" sign and attached to the driver's side of a school bus. When the school bus's red signal lights are activated, the stop signal arm automatically extends outward from the bus. Its purpose is to alert motorists that a school bus is stopping or has stopped. The standard specifies requirements about the stop signal arm's appearance, size, conspicuity, operation and location.

To ensure the conspicuity of a stop signal arm, Standard No. 131 specifies that the device must either be reflectorized or be illuminated with flashing lamps. If reflectorization is used to comply with the standard, "the entire surface of both sides of the stop signal arm" must be reflectorized. (S5.3.1, emphasis added) If flashing lamps are used to comply with the standard, S5.3.2 requires the lamps to comply with the location and performance requirements set forth in S6.2 of the Standard.

In a November 21, 1995, letter from NHTSA's Chief Counsel to Specialty Manufacturing Company, a manufacturer of stop signal arms, NHTSA addressed the use of Light Emitting Diodes (LEDs) to outline the word "Stop" on the stop arm blade. In that letter, the agency stated that

because the LEDs would obscure a portion of the surface that is required to be reflectorized, LEDs would not be permitted under the reflectorization option (S5.3.1) but could be used in conjunction with flashing lamps under the flashing lamp option (S5.3.2).

II. Petition for Rulemaking

On April 24, 1997, the law firm of Winston and Strawn, on behalf of its client, Transpec, Inc. (Transpec), submitted a petition for rulemaking requesting that S5.3.1 of the standard be amended to allow the use of LEDs on stop signal arms.¹ The petition seeks to amend the section to permit red LEDs on the surface of the stop arm that are "contained within a light channel not greater than 10mm (.394 inch) wide centered within the stroke width of each letter." Under the requested amendment, the minimum stroke width of letters containing LEDs would be increased from 20 mm (0.79 inch) to 25 mm (0.8984 inch). The LEDs would be required to flash at the rate specified for stop arm lamps conforming to S5.3.2. The petitioner believes that such an amendment would increase the conspicuity and the readability of school bus stop arms.

The petition also seeks to permit a percentage of the surface area of the stop arm to be obscured by mounting brackets and other necessary components, with the aggregate area obscured by the LEDs and other components not to exceed 7.5 percent of the surface area of the stop arm.

In support of its petition, Transpec cited a study by the University of South Florida showing that a significant percentage of motorists are passing stopped school buses, despite the use of the stop arms currently required by Standard No. 131.² In Transpec's view, the amendments it proposed would reduce the incidence of illegal passing by motorists and increase safety for children exiting school buses. Transpec also stated that LEDs on the stop signal arm would not alter the fundamental appearance of the stop arm and would thus not confuse interstate motorists, who might not have encountered LED-equipped stop arms in their home states.

¹ Transpec also submitted a petition under 49 CFR part 555 for a temporary exemption from compliance with motor vehicle standards. Since part 555 applies only to manufacturers of motor vehicles, this procedure for a temporary exemption is not applicable to Transpec, a manufacturer of motor vehicle equipment.

² *Illegal Passing of Stopped School Buses in Florida*, University of South Florida College of Engineering at vii (February 1996).

III. Agency's Decision

NHTSA has decided to grant Transpec's petition and to propose amending Standard No. 131 to permit the use of additional light sources on retroreflective stop signal arms. The agency regards such an amendment to be consistent with the agency's intent that the reflectorization and lighting requirements assure the conspicuity of stop signal arms. The agency has granted similar petitions in the past. In response to a petition seeking to facilitate the use of strobe lamps on stop arms, NHTSA amended Standard No. 131 on March 24, 1994 (59 FR 26759), to remove design-restrictive language specifying a flash rate that effectively prohibited strobe lamps. The agency noted that its primary concern was to "assure the conspicuity of stop signal arms." The agency continues to believe that this is the most important consideration in regulating the conspicuity of stop signal arms.

In proposing to adopt the substance of the amendments sought by Transpec, NHTSA requests comments and test data about the effectiveness of LED-equipped stop signal arms as a means of enhancing stop-arm conspicuity. Because LED light sources are not the only means for achieving an illuminated legend, NHTSA also requests comment on the use of other light sources, such as miniature incandescent and neon light sources, and their effectiveness.

In the final rule establishing Standard No. 131, NHTSA emphasized that uniformity was necessary to ensure that school bus stopping and signaling procedures give passing motorists a consistent message throughout the country. By standardizing the color scheme, shape, and word STOP, the agency sought to ensure that a driver traveling in a different State would encounter the "same familiar stop sign design throughout the country." (56 FR 20363, 20366). While the agency tentatively agrees with Transpec's assessment that the LED-equipped stop arms would not create confusion, it requests comments on this issue relative to LEDs and other sources that could be used for legend illumination.

With respect to the details of Transpec's request, the agency is concerned that specifying red as the color for light sources may restrict the use of other colors. It may be that white light sources would provide equivalent conspicuity, since the lettering being enhanced is white. The agency requests comment on whether to allow use of either red or white LEDs or other light sources, or to allow only one color of emitted light. Rather than limit the

permitted light sources to LEDs, as proposed by Transpec, the agency is proposing to permit any type of light source in the legend lamps. In addition to LEDs, miniature halogen and non-halogen light sources, and neon long-arc discharge sources are becoming common in automotive signal lighting. In view of the availability of these other light sources, the agency is proposing to amend S6.2.2.1 to eliminate the word "filament" to remove this as a restriction against non-filament light sources that could be used in the legend lamps.

There is the potential for confusion in existing S6.2.2.2 with the term "gaseous discharge lamp" because it covers a broad range of light sources. It can apply not only to the intended xenon short-arc discharge lamps already permitted, but to long-arc neon and other gaseous discharge light sources. Yet these other sources are not necessarily handicapped by having the short "on" time performance as the xenon short-arc sources. Thus, most other discharge-arc sources can comply with the duty cycle requirements of S6.2.2.1 as stated above. To eliminate the potential for confusion, S6.2.2.2, which has been intended to address only xenon short-arc discharge sources, is proposed to be amended to state specifically that it applies only to such sources.

Given that NHTSA considers the conspicuity of the stop arm to be paramount, the agency seeks comment on what, if any, intensities and test procedures should be required for lamps used on stop arms. In addition, NHTSA notes that the Society of Automotive Engineers standards referenced in FMVSS 131 are not current. Would it be useful to update some or all of these to the latest versions? Would there be any burden associated with making such changes?

In proposing the option of additional light sources on the surface of retroreflective stop arms, NHTSA is proposing regulatory language to accommodate reasonably-foreseeable designs other than Transpec's. For example, Transpec's design has LEDs centered within each letter of the word STOP. However, another approach would be to outline each letter of the word STOP with light sources. In addition, Transpec proposed that the minimum stroke width of letters containing LEDs be increased from 20 mm to 25 mm, perhaps to partially compensate for the loss of retroreflective material in the area occupied by the 9.52 mm-wide LEDs within each letter. Instead, NHTSA is proposing that the "net stroke width" (the stroke width minus the lamps' width) of each letter

containing lamps be at least 15 mm. This approach would accommodate the Transpec design, while also accommodating other possible designs such as outlining the inside perimeter of each letter with white lamps. (A design that, for example, outlined the outside perimeter of each letter with red lamps would remain subject to the existing 20 mm minimum stroke width.)

In response to a separate request in the Transpec petition, NHTSA is also proposing to amend S5.3.1 to specify the maximum amount of the reflectorized surface that may be obscured by nonreflectorized attachment and electrical components. The agency is proposing that nonreflectorized materials, such as mounting brackets, bolts, and other necessary components, may not obscure more than 7.5 percent of the total surface area of either side of a stop signal arm. The agency requests comments about this proposed requirement and whether 7.5 percent, the percentage requested by Transpec, is an appropriate amount. NHTSA is proposing a similar amendment to S5.2.1 to provide that the portion of the white border that may be obscured by attachment hardware or other components shall not exceed 10 percent.

Since the proposed amendments would permit an optional method of compliance with S5.3.1, and would thus not impose a new requirement on any manufacturer, NHTSA considers that good cause exists for proposing an immediate effective date for the amendments. The agency requests comments on whether an immediate effective date would be appropriate.

Regulatory Analyses and Notices

A. Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

This notice was not reviewed under Executive Order 12866, the Office of Management and Budget having determined that it is not significant within the definitions of the Executive Order. NHTSA has analyzed this rulemaking and determined that it is not significant within the meaning of the Department of Transportation regulatory policies and procedures. The agency has determined that the economic effects of the amendment would be so minimal that a full regulatory evaluation is not required. Since the amendment would impose no new requirement but simply would allow for an alternative design, any cost impacts would be in the nature of slight, nonquantifiable cost savings.

B. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this rulemaking on small entities. Based on this evaluation, I hereby certify that the amendment would not have significant economic impact on a substantial number of small entities. Few of the school bus manufacturers qualify as small entities. In addition, manufacturers of motor vehicles, small businesses, small organizations, and small governmental units that purchase motor vehicles would not be significantly affected by the amendments. Accordingly, a regulatory flexibility analysis has not been performed.

C. Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that the rulemaking would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

D. Environmental Impacts

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of this rule. The agency has determined that this rule would not have a significant effect on the quality of the human environment.

F. Civil Justice Reform

This rule has no 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, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required 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. 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, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 is 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

§ 571.131 [Amended]

2. Section 571.131 would be amended by revising S5.2.1, S5.2.2, S5.3.1, S6.2.2.1 and S6.2.2.2, and by adding S5.3.1.1 through S5.3.1.3 to read as follows:

§ 571.131 Standard No. 131, School bus pedestrian safety devices.

* * * * *

S5.2.1 The stop signal arm shall have a white border at least 12 mm (0.47 inches) wide on both sides, except as provided in S5.2.3. Mounting brackets, clips, bolts, or other components necessary to the mechanical or electrical operation of the stop signal arm may not obscure more than 10 percent of the border.

S.5.2.2 The stop signal arm shall have the word "STOP" displayed in white upper-case letters on both sides, except as provided in S5.2.3. The letters shall be at least 150 mm (5.9 inches) in height. The letters shall have a stroke width of at least 20 mm (0.79 inches), except as provided in S.5.3.1.1.

* * * * *

S5.3.1 Except as provided in S5.3.1.1, S5.3.1.2, S5.3.1.3, or S5.3.1.4, the entire surface of both sides of each stop signal arm shall be reflectorized with Type III retroreflectorized material that meets the minimum specific

intensity requirements of S6.1 and Table I.

S.5.3.1.1 The legend of the retroreflective stop arm may be illuminated in a manner such that light is emitted from the surface of each letter or from the area immediately surrounding each letter. Only red or white lamps may be used, and all such lamps shall be of one color. They shall form the complete shape of each letter of the legend, and shall be affixed to all letters (or to the areas immediately surrounding all letters) in the legend. The width of each letter shall remain constant. The lamps shall either lie on the centerline of each letter of the legend or outline each letter of the legend. If the lamps are contained within each letter, the net stroke width (not including the width of the lamp(s)) of each letter of the legend specified in S5.2.2 shall not be less than 15 mm (0.59 inches). When the stop arm is extended, the lamps shall flash at the rate specified in S6.2.2, with a current "on" time that complies with S6.2.2.1.

S5.3.1.2 Nonreflectorized mounting brackets, bolts, or other components

necessary to the mechanical or electrical operation of the stop signal arm shall not obscure more than 7.5 percent of the total surface area of either side of the stop signal arm.

S5.3.1.3 When two stop signal arms are installed on a school bus, the forward side of the rearmost stop signal arm shall not be reflectorized.

* * * * *

S6.2.2.1 Lamps, except those subject to S6.2.2.2, shall have a current "on" time of 30 to 75 percent of the total flash cycle. The total current "on" time for the two terminals shall be between 90 and 110 percent of the total flash cycle.

S6.2.2.2 Xenon short-arc gaseous discharge lamps shall have an "off" time before each flash of at least 50 percent of the total flash cycle.

* * * * *

Issued on: July 31, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-20574 Filed 8-5-97; 8:45 am]

BILLING CODE 4910-59-P

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

Submission for OMB Review; Comment Request

August 1, 1997.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Department Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of this submission(s) may be obtained by calling (202) 720-6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

• Foreign Agricultural Service

Title: Foreign Donation of Agricultural Commodities.

OMB Control Number: 0551-0035.

Summary Of Collection: Information collected includes program agreements and plans of operation, logistic reports and audit submissions.

Need and Use Of The Information:

The information is used to develop effective agreements, determine whether the cooperating sponsor has complied with the agreement and to assess the value of the programs.

Description Of Respondents: Not-for-profit institutions.

Number Of Respondents: 33.

Frequency Of Responses: Reporting: Semi-annually.

Total Burden Hours: 21,417.

• Farm Service Agency

Title: Farm Reconstitutions (7 CFR part 718).

OMB Control Number: 0560-0025.

Summary Of Collection: Information is required when a producer wishes to increase acreage attributed to the farm from leases or purchases or change farm acreage records as a result of a sale of any part of a farm.

Need And Use Of The Information:

The information is used to determine whether a farm is being reconstituted primarily for the purpose of increased program benefits, avoiding liquidated damages, avoiding payment reductions or marketing penalties, or for establishing eligibility to transfer allotments or quotas subject to sale or lease.

Description Of Respondents: Farms.

Number Of Respondents: 359,921.

Frequency Of Responses: Reporting: On occasion.

Total Burden Hours: 89,980.

• Farm Service Agency

Title: 7 CFR Part 1924-B, Management Advice to Individual Borrowers and Applicants.

OMB Control Number: 0560-0154.

Summary Of Collection: Information is collected concerning the respondents current financial condition along with farm income and expense information.

Need And Use Of The Information: The information is used to protect the government's financial interests by ensuring that the farming operations of

direct loan applicants and borrowers are properly assessed for short and long-term financial feasibility.

Descriptoin Of Respondents: Farms; Business or other for-profit; Not-for-profit institutions.

Number Of Respondents: 77,210.

Frequency Of Responses: Reporting: On occasion.

Total Burden Hours: 180,441.

• Farm Service Agency

Title: 7 CFR 1951-S, Farmer Program Account Servicing Policies.

Omb Control Number: 0560-0161.

Summary Of Collection: Information collected includes requests for loan servicing, appraisal agreements, and responses to notices and acceptance of offers.

Need And Use Of The Information:

The information is used by agency officials to consider a financially distressed or delinquent borrower's request for loan servicing.

Description Of Respondents: Farms; Individuals or households; Business or other for-profit.

Number Of Respondents: 10,400.

Frequency Of Responses: Reporting: On occasion.

Total Burden Hours: 8,588.

Donald Hulcher,

Departmental Clearance Officer.

[FR Doc. 97-20655 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, White River National Forest, Colorado

AGENCY: Forest Service. USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement in conjunction with revision of the Land and Resource Management Plan for the White River National Forest located in Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt, and Summit counties, Colorado.

SUMMARY: The Forest Service will prepare an environmental impact statement in conjunction with the revision of its Lands and Resource Management Plan (hereafter referred to as Forest Plan or Plan) for the White River National Forest.

This notice describes the specific portions of the current Forest Plan to be revised, environmental issues considered in the revision, estimated dates for filing the environmental impact statement, information concerning public participation, and the names and addresses of the agency officials who can provide additional information.

DATES: Comments concerning the scope of the analysis should be received in writing by November 1, 1997. The agency expects to file a draft environmental impact statement with the Environmental Protection Agency (EPA) and make it available for public comment in the fall of 1998. The agency expects to file a final environmental impact statement in the fall of 1999.

ADDRESSES: Send written comments to: Jerry Hart, Team Leader, White River National Forest Planning Team, White River National Forest, Box 948, Glenwood Springs, CO 81602.

FOR FURTHER INFORMATION CONTACT: Jerry Hart, Planning Team Leader, (970) 945-2521.

Responsible Official: Elizabeth Estill, Rocky Mountain Regional Forester at P.O. Box 25127, Lakewood, CO 80225-0127.

SUPPLEMENTARY INFORMATION: Pursuant to part 36 Code of Federal Regulations (CFR) 219.10 (g), the Regional Forester for the Rocky Mountain Region gives notice of the agency's intent to prepare an environmental impact statement for the revision effort described above. According to 36 CFR 219.10 (g), land and resource management plans are ordinarily revised on a 10 to 15 year cycle. The existing Forest Plan was approved on September 20, 1984.

The Regional Forester gives notice that the Forest is beginning an environmental analysis and decision-making process for this proposed action so that interested or affected persons can participate in the analysis and contribute to the final decision.

The public will be provided many opportunities to discuss the Forest Plan revision. The public is invited to help identify issues and define the range of alternatives to be considered in the environmental impact statement. Forest Service officials will lead these discussions, helping to describe issues and the preliminary alternatives. These officials will also explain the environmental analysis process and the disclosures of that analysis, which will be available for public review. Written comments identifying issues for analysis and the range of alternatives will be encouraged.

Issue identification (scoping) meetings are scheduled for September and October 1997. Alternative development meetings will be held in early 1998.

Forest plans describe the intended management of National Forests. Agency decisions in these plans do the following:

- * Establish multiple-use goals and objectives (36 CFR 219.11);
- * Establish forestwide management requirements (standards and guidelines) to fulfill the requirements of 16 USC 1604 applying to future activities (resource integration requirements, 36 CFR 219.13 to 219.27);

- * Establish management areas and management area direction (management area prescriptions) for future activities in that management area (resource integration and minimum specific management requirements) 36 CFR 219.11 (c);

- * Establish monitoring and evaluation requirements (36 CFR 219.11 (d));

- * Determine suitability and potential capability of lands for resource production. This includes designation of suitable timber land and establishment of allowable timber sale quantity (36 CFR 219.14 through 219.26);

- * Where applicable, recommend designations of special areas such as Wilderness and Wild and Scenic Rivers to Congress.

The authorization of project level activities on the Forest occurs through project decision-making, the second stage of forest land management planning. Project level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

In addition to the programmatic decisions described above, the Forest is considering:

- * Making site specific decisions on travel management through identification of specific management for individual roads and trails,

- * Identifying and analyzing vacant range allotments for specific decision, and

- * More specific disclosure related to management of four season resorts.

Any site specific decisions made from the analysis in the Environmental Impact Statement will be in separate decision documents and the responsible official will be the Forest Supervisor.

Need for Changes in the Current Forest Plan

It had been almost thirteen years since the current Forest Plan was approved.

Experience and monitoring have shown the need for changes in management direction for some resources or programs. Several sources have highlighted needed changes in the current Forest Plan. These sources include:

- * Public involvement which has identified new information and public values;
- * Monitoring and scientific research which have identified new information and knowledge gained;
- * Forest plan implementation which has identified management concerns to find better ways for accomplishing desired conditions.

In addition to changing public views about how these lands should be managed, a significant change in information and the scientific understanding of these ecosystems has occurred. Some new information is a product of research, while other information is the result of changes in technology.

Major Revision Topics

Based on the information sources identified above, the combined effect of the needed changes demand attention through plan revision. The revision topics that have been identified so far are described below.

Biological Diversity

Planning Questions

- * How will the forest be managed to restore or maintain healthy ecosystems?

- * How will application of ecosystem management affect management of the Forest?

- * How does compliance with the Endangered Species Act and related Forest Service policy affect forest management?

Background

Biological diversity is the full variety of life in an area including the ecosystems, plants and animal communities, species and genes, and the processes through which organisms interact with one another and their environment. Humans and human activity are integral parts of ecosystems and will be considered in the analysis of this topic. On the White River National Forest, biological diversity has been reduced through human activity and fire suppression for the past 100 years.

The current Forest Plan only partially addresses the concept of biological diversity. In revision, biological diversity concepts will be used for developing integrated forest management strategies for the physical

and biological environment. Elements of the integrated analysis include: (1) Analysis of landscape pattern and ecological health; (2) Definition of a historic range of variability to establish an ecological baseline; and (3) Analysis of forested and non-forested vegetation, riparian areas, soils, geologic hazards, watershed risk, air quality, late successional stage forests (old growth), risk of insect and disease infestation, risk of noxious weed growth, wildlife habitat, needs for fire management, and occurrence of threatened, endangered and sensitive species. The Forest Service believes biological diversity will decrease under continued implementation of the existing Forest Plan. The revision will develop specific methods for management of biological diversity and provide for monitoring of management actions to measure progress.

Travel Management

Planning Question

* What travel and transportation opportunities should the Forest provide to meet current and expected demands?

Background

Travel management is movement of people, goods, and services to and through the Forest. An economically efficient transportation network is essential for forest management and the production of goods and services. Traditional forms of recreation such as driving for pleasure, hiking, horseback riding, and snowmobiling are showing steady increases. Mountain-biking, cross-country skiing, all-terrain vehicles, rafting and kayaking have grown dramatically in the past decade. Winter travel on and access to the Forest has increased substantially and conflicts have intensified in some areas. A separation of uses between motorized and non-motorized recreation activity is an issue. Motorized and non-motorized recreationists want to maintain or improve their opportunities to use the Forest. Consideration is being given to the analysis of site-specific travel management issues in the revision. If this occurs, a separate decision on these issues would be made by the Forest Supervisor.

Urbanization

Planning Questions

* How will forest management change in response to continuing urbanization?

* What role will National Forest System lands play in support of community infrastructure and development?

Background

The human environment includes the natural and physical environment and the interdependent relationship of people to that environment. Commodity and amenity benefits from public lands within the planning area are major contributors to the social systems and economic base of many neighboring communities. Fully forty-one percent of the one hundred thousand jobs in the planning area are related to tourism—a large portion of which occurs on the Forest.

Concerns related to this topic include: how to maintain public access to the Forest; how to restore fire to the ecosystem and engage in vegetation treatment in the urban—wildland interface; how to maintain domestic grazing so ranching can continue to be an element in local community character; how to maintain critical wildlife habitat on public lands; how to maintain water and air quality while continuing management and; how to support community development through land adjustments and special use permits.

Recreation

Planning Question

* What range, mix, and emphasis of recreation opportunities will best meet the demands of a wide variety of current and future users; while ensuring protection of scenic, biotic and physical resources.

Background

The White River National Forest is one of the top forests in the nation for recreation opportunities and use. Recreation on the Forest has a significant economic impact locally and in the state of Colorado. Concerns exist about the effect of recreation use on the physical and biological environment. As the four-season-resort concept evolves for ski resorts, a change in management direction is needed to address a variety of management issues including conflicts between users, changing user preferences and the multi-season use of the resorts. Rapidly increasing winter recreation outside ski resort boundaries is creating a need to address separation of users. There is a need to review existing direction to determine how the demand for a wider variety of summer uses can be met. People want more amenities at developed recreation sites. The need for capital investment at these sites must be addressed. Recreation capacities will be analyzed for the entire Forest and allocations will be made for commercial operators and individuals. A new scenery management system will

be used in the allocation of lands forest-wide.

Roadless Area Management

Planning Questions

* What are the roadless area on the Forest and which qualify for wilderness recommendation?

* How should roadless areas not recommended for wilderness be managed?

Background

During the revision process, the Forest Service is required (36 CFR 219.17) to evaluate all roadless areas for potential wilderness designation. This process will produce an inventory of roadless areas meeting minimum criteria for Wilderness according to the 1964 Wilderness Act. Wilderness designation is a Congressional responsibility; the Forest Service only makes recommendations.

The Forest has large amounts of land which could be considered roadless because they have minimal development and little evidence of human use. All of the Forest, except designated wilderness, will be inventoried for roadless potential. Recommendations for wilderness designation will be made for those inventoried areas which meet the suitability and need criteria.

Special Areas

Planning Questions

* How can Congressionally designated Wilderness be managed to accomplish the principles of the Wilderness Act as related to home use and natural processes?

* What are the significant cave resources and how will they be protected?

* What areas on the Forest qualify for Research Natural Area (RNA) establishment to meet regional and national objectives?

* How will the Forest address protection of heritage resources?

* What other areas qualify for special area designation?

* What rivers on the Forest are eligible for addition to the National Wild and Scenic River (WSR) System?

Background

The planning area includes many unique and outstanding combinations of physical and biological resources, and areas of social interest. These are collectively referred to as "special areas."

Special area designations may include Wilderness; Wild and Scenic Rivers; Research Natural Areas; and special

recreational areas with scenic, historical, geological, botanical, zoological, paleontological, archaeological, or other special characteristic. These special areas will influence land allocation and management in the revision.

The Forest manages all or part of eight Wilderness Areas totalling over 750,000 acres. Issues include the level of human use and the loss of biological diversity due to past fire suppression.

Seventy-four caves are known to occur within or near the Forest boundary. Caves will be protected to meet the intent of the National Cave Resources Protection Act.

The Forest Service has recognized a lack of ecosystems protected as Research Natural Areas. Twenty-six areas are being inventoried to determine their potential for establishment.

There are three scenic byways on the Forest and a number of natural trails. Proposals are under consideration for additional trails. Byways and trails will be designed in the revision and made part of the management of the Forest.

The Forest currently has four sites listed in the National Register of Historic Places. Heritage resources must be protected by law. The Forest is part of the traditional homeland of the Ute Nation and there is an increased awareness of sacred sites. Protection of these sites will be part of revision.

The purpose and authority for study of Wild and Scenic Rivers is in the Wild and Scenic Rivers Act of October 1, 1968, as amended. Rivers and streams determined eligible for potential inclusion in the Wild and Scenic River System will be examined. Currently, 77 river segments totaling over 700 miles have been identified for study to determine if they are eligible for addition to the system. The next step in the process, suitability analysis, will not be done as part of the revision process.

Timber Suitability and Management

Planning Questions

- * What areas of the Forest are suitable for timber harvest?
- * What volume of timber should the Forest provide?
- * What is the financial efficiency of the Forest's timber sales program?

Background

In the plan revision process, the Forest Service is required (36 CFR 219.14) to determine which lands are not suited for timber production. This allows an estimate to be made of the potential of the Forest to produce a continuous supply of timber. Preliminary analysis shows the

tentatively suited timber lands on the Forest are similar to those identified in the current plan. Alternative levels of commercial timber harvest will be identified in the revision.

Of significant concern to the Forest Service is the biological condition of forested vegetation. The Forest Service believes it will be necessary to use prescribed fire and timber harvest as tools in its effort to restore a healthy vegetative condition. Others believe the best way to restore this condition is to minimize human intervention and to allow natural processes to restore diversity.

What to do with this Information

This revision effort is being undertaken to develop management direction to:

- *Provide goods and services to people;
- *Sustain ecosystem functions.
- *Collaborative stewardship," which is defined as caring for the land and serving the people by listening to all constituents and living within the limits of the land, will be used in the revision effort.

Framework for Alternatives to be Considered

A range of alternatives will be considered when revising the Forest Plan. The alternatives will address different options to resolve concerns raised as revision topics listed above and to fulfill the purpose and need. A reasonable range of alternatives will be evaluated and reasons will be given for eliminating some alternatives from detailed study. A "no-action alternative" is required by law. The no-action alternative under this analysis will assume continuation of the existing Forest Plan without revision. Additional alternatives will provide a range of ways to address and respond to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined. Resource outputs will be estimated in the Forest Plan based upon achieving desired conditions. Preliminary information is available to develop alternatives; however, additional public involvement and collaboration will be done for alternative development.

Involving the Public

An atmosphere of openness is one of the objectives of the public involvement process, where all members of the public feel free to share information with the Forest Service on a regular

basis. All parts of this process will be structured to maintain the openness.

The Forest Service is seeking information, comments, and assistance from individuals, organizations and federal, state, and local agencies who may be interested in or affected by the proposed action (36 CFR 219.6). The Forest Service is also looking for collaborative approaches with members of the public who are interested in forest management. Federal and state agencies and some private organizations have been cooperating in the development of assessments of current biological, physical, and economic conditions. This information will be used to prepare the Draft Environmental Impact Statement (DEIS). The range of alternatives to be considered in the DEIS will be based on public issues, management concerns, resource management opportunities, and specific decisions to be made.

Public participation will be solicited by notifying in person and/or by mail known interested and affected publics. News releases will be used to give the public general notice, and public scoping opportunities will be offered in numerous locations. Public participation activities will include (but are not limited to) requests for written comments, open houses, focus groups, field trips, and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Scoping includes: (1) Identifying potential issues, (2) from these, identifying significant issues or those that have been covered by prior environmental review, (3) exploring alternatives in addition to No Action, and (4) identifying potential environmental effects of the proposed action and alternatives. Scoping meetings are currently scheduled from 4:30 pm to 7:30 pm in the following locations:

- September 18, 1997: Days Inn, 950 Cowen Drive, Carbondale, Co.
- September 23, 1997: First Choice Inn, 51359 US Highway 6 & 24 Glenwood Springs, Co.
- September 25, 1997: Kilowatt Korner, 233 6th Street, Meeker, Co.
- September 30, 1997: Rifle Fire Station, 1850 Railroad Ave., Rifle Co.
- October 2, 1997: Avon Library, 200 Benchmark Rd., Avon, Co.
- October 7, 1997: Eagle Library, 600 Broadway, Eagle, Co.
- October 9, 1997: Four Points Inn, 137 Union Blvd., Lakewood, Co.
- October 14, 1997: Hilton Inn, 743 Horizon Dr., Grand Junction, Co.

October 16, 1997: Summit Middle School, 0156 Summit County Road 1030, Frisco, Co.

October 21, 1997: Inn at Aspen, 38750 Highway 82, Aspen Co.

Release and Review of the EIS

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public comment in the fall of 1998. At that time, the EPA will publish a notice of availability for the DEIS in the **Federal Register**. The comment period of the DEIS will be 90 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; *Vermong Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (FEIS) may be waived or dismissed by the courts; *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc., v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the three-month comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed actions, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statements. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the DEIS, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The FEIS is scheduled to be

completed in the fall of 1999. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making decisions regarding these revisions. The responsible official will document the decisions and reasons for the decisions in a Record of Decision for the revised Plan. The decision will be subject to appeal in accordance with 36 CFR 217.

Dated: July 30, 1997.

Elizabeth Estill,

Regional Forester, Rocky Mountain Region.

[FR Doc. 97-20631 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Farm Service Agency's (FSA) intention to request an extension for an information collection currently approved for FSA's regulation governing the Emergency Loan program. The regulations concerning this activity are published under the authority of the Consolidated Farm and Rural Development Act, as amended.

DATES: Comments on this notice must be received on or before October 6, 1997 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Steven R. Bazzell, Senior Loan Officer, Farm Loan Programs, Loan Making Division, Farm Service Agency, STOP 0522, 1400 Independence Avenue, S.W., Washington, DC 20250-0522. Telephone (202) 720-3889; e-mail sbazzell@wdc.fsa.usda.gov; or facsimile (202) 690-1117.

SUPPLEMENTARY INFORMATION:

Title: Emergency Loan Policies, Procedures, and Authorizations.

Expiration Date of Approval: August 31, 1997.

OMB Number: 0560-0159.

Type of Request: Extension of a currently approved information collection.

Abstract: The information collected under Office of Management and Budget (OMB) Number 0560-0159, as indicated above, is needed to enable FSA to carry

out its mission of providing emergency assistance to family-size farmers, who have suffered physical and/or production losses in a Presidential, Secretarial, or Administratively declared natural disaster, and who are unable to secure commercial credit to recover from the losses. This regulation outlines the process for determining an applicant's eligibility based on the nature and extent of the physical or production losses suffered.

Estimate of Burden: Public reporting burden for this collection of information is estimated at 0.51 hours per response.

Respondents: Individuals or households and farms.

Estimated Number of Respondents: 3,100.

Estimated Number of Responses per Respondents: 4.10.

Estimated Total Annual Burden on Respondents: 12,710.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSA, including whether the information will have practical utility; (b) the accuracy of FSA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information. Comments may be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503, and to Steven R. Bazzell at the address listed above. All responses to this notice will be summarized and included in the request for OMB approval.

All comments will become a matter of public record.

Signed at Washington, D.C., on July 31, 1997.

Bruce R. Weber,

Acting Administrator, Farm Service Agency.

[FR Doc. 97-20692 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

U.S. Warehouse Act Fees; Correction

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; correction.

SUMMARY: The Farm Service Agency published a notice in the **Federal Register** on June 20, 1997 (62 FR 33582), which contained a schedule for increasing the fees to be charged under the United States Warehouse Act

regulations. As published, the Notice contains errors which may prove to be misleading and need to be clarified.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Steve Mikkelsen, Warehouse and Inventory Division, Farm Service Agency, United States Department of Agriculture, 1400 Independence Avenue, SW, STOP 0553, Washington, DC 20250-0553, telephone (202) 720-7433, FAX (202) 690-3123.

Correction of Publication

Accordingly, in the notice (FR Doc. 97-16248), published on June 20, 1997, page (62 FR 33583), in the second column, correct the following to read:

Tobacco and Wool

Annual fee: \$15 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case less than \$575.

Inspection fee: \$15 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case less than \$150 nor more than \$1,500.

Nuts

Annual fee: 13¢ for each 100 short tons of licensed capacity, or fraction thereof, but in no case less than \$575.

Inspection fee: \$7 for each 100 short tons of licensed capacity, or fraction thereof, of peanuts, and \$13 for each 1,000 hundredweight, or fraction thereof, of other nuts, but in no case less than \$150 nor more than \$1,500.

Syrup

Annual fee: \$5 for each 5,000 gallons of licensed capacity, or fraction thereof, but in no case less than \$575.

Inspection fee: \$5 for each 5,000 gallons, or fraction thereof, but in no case less than \$150 nor more than \$1,500.

Cottonseed

Annual fee: \$15 for each 1,000 short tons of licensed capacity, or fraction thereof, but in no case less than \$575.

Inspection fee: \$15 for each 1,000 short tons of licensed capacity, or fraction thereof, but in no case less than \$150 nor more than \$1,500.

Signed at Washington, D.C., on July 31, 1997.

Bruce R. Weber,

Acting Administrator, Farm Service Agency.
[FR Doc. 97-20691 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

National Commission on Small Farms; Meeting

AGENCY: Natural Resources Conservation Service

ACTION: Notice of public meeting. Request for comments and recommendations.

SUMMARY: The Secretary of Agriculture by Departmental Regulation No. 1043-43 dated July 9, 1997, established the National Commission on Small Farms (Commission) and further identified NRCS to provide support to the Commission. The purpose of the Commission is to gather and analyze information regarding small farms and ranches and recommend to the Secretary of Agriculture a national policy and strategy to ensure their continued viability. This notice seeks comments on issues that the Commission should address and recommendations that the Commission could consider as part of its report. The second public meeting of the Commission will be August 21-22, 1997.

DATES: Written comments and recommendations must be received on or before September 22, 1997. These comments will be summarized and presented to the Commission for their consideration.

PLACE, DATE AND TIME OF MEETING: The Commission's second meeting will be at the Best Western Ramkota Inn, 2400 North Louise, Sioux Falls, South Dakota. The Commission will meet from 7:00 p.m. to 10:00 p.m. on August 21 to conduct an organizational business meeting. This meeting is open to the public; however, the committee does not plan to hear public testimony at this session. The Commission will meet from 8:00 a.m. to 5:00 p.m. on August 22. From 8:00 a.m. to 10:00 a.m. the Commission will continue to conduct an organizational business meeting. Starting at 10:15 a.m., the Commission will hear public testimony. We are seeking testimony from various sources to arrive at conclusions and recommendations that will ensure the continued viability of small farms. The Commission requests that testimony include ideas and recommendations based on the following questions. Concerns or problems of individual farms that relate to specific USDA programs should be addressed only in the context of a recommendation for the Commission to consider.

The questions are:

1. How are current USDA programs helping or hurting the viability of small farms?

2. What are the needs of small farms in terms of financing, research, extension, marketing and risk management and other areas? What recommendations would you make about these needs that could be part of a long-range strategy to ensure the continued viability of small farms?

3. Are there innovative non-governmental or state efforts to assist beginning and smaller independent farms that might be replicated or supplemented at the Federal level?

4. What changes in USDA policy or practices are needed to make USDA programs in the areas of credit, research, extension, marketing, risk management and other areas more effective in enabling small farms to survive and thrive?

5. What new programs could provide effective and affordable support for small farmers as commodity programs are phased out?

6. What can be done to assist beginning farmers and farm workers to become farmer owners?

7. What role should the Federal government play to ensure a diversified, decentralized and competitive farm structure?

8. What do small farms contribute to your community and your state?

9. What other generic issues pertaining to small farms should the Commission consider?

Interested parties wishing to testify must contact the office of the National Commission on Small Farms by August 15, 1997 in order to be placed on a list of witnesses. Oral presentations will be limited to 5 minutes. Those wishing to testify, but unable to notify the Commission office by August 15, will be able to sign up as a presenter August 22. Sign up will begin at 12:30 p.m. and end at 2:00 p.m. These presenters will testify on a first come, first served basis and comments will be limited based on the time available and the number of presenters. Written statements will be accepted at the meeting or may be mailed or faxed to the Commission office by September 12, 1997.

ADDRESSES: Comments and statements should be sent to National Commission on Small Farms, U.S. Department of Agriculture, P.O. Box 2890, Room 5237, South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Jennifer Yezak Molen, Director, National Commission on Small Farms, at the address above or at (202) 690-0648 or

(202) 690-0673. The fax number is (202) 720-0596.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to gather and evaluate background information, studies, and data pertinent to small farms and ranches, including limited-resource farmers. On the basis of the review, the Commission shall analyze all relevant issues and make findings, develop strategies, and make recommendations for consideration by the Secretary of Agriculture toward a national strategy on small farms. The national strategy shall include, but not be limited to: changes in existing policies, programs, regulations, training, and program delivery and outreach systems; approaches that assist beginning farmers and involve the private sectors and government, including assurances that the needs of minorities, women, and persons with disabilities are addressed; areas where new partnerships and collaborations are needed; and other approaches that it would deem advisable or which the Secretary of Agriculture or the Chief of the Natural Resources Conservation Service may request the Commission to consider.

The Secretary of Agriculture has determined that the work of the Commission is in the public interest and within the duties and responsibilities of USDA. Establishment of the Commission also implements a recommendation of the USDA Civil Rights Action Report to appoint a diverse commission to develop a national policy on small farms.

Dated: August 1, 1997.

Pearlie S. Reed,

Acting Assistant Secretary for Administration.

[FR Doc. 97-20724 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF COMMERCE

International Trade Administration

Florida State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 97-038. *Applicant:* Florida State University, Tallahassee, FL 32310. *Instrument:* EPR W-Band System, Model ELEXSYS.

Manufacturer: Bruker Instruments, Germany. *Intended Use:* See notice at 62 FR 32296, June 13, 1997. *Reasons:* The foreign instrument provides operation at a frequency of 95 GHz for maximal sensitivity and precise control of temperature over the range of 4-300 degrees Kelvin. *Advice received from:* National Institutes of Health, June 26, 1997.

Docket Number: 97-041. *Applicant:* University of North Carolina at Chapel Hill, Chapel Hill, NC 27599-7310.

Instrument: Graphite Aerosol Generator, Model GFG-1000. *Manufacturer:* Palas GmbH, Germany. *Intended Use:* See notice at 62 FR 32766, June 17, 1997.

Reasons: The foreign instrument provides uniform particle agglomerates that are similar to natural soot particles with a size less than 0.1 μm . *Advice received from:* National Institutes of Health, June 26, 1997.

The National Institutes of Health advises in its memoranda that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97-20638 Filed 8-5-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Oklahoma, Notice of Decision on Applications for Duty-free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of

Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Decision: Denied. Applicant has failed to establish that domestic instruments of equivalent scientific value to the foreign instrument for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for the following docket.

Docket Number: 96-094. *Applicant:* University of Oklahoma, Purchasing Department, 660 Parrington Oval, Room 321, Norman, OK 73019. *Instrument:* Eye Movement Measuring Device. *Manufacturer:* Dr. Bouis, Germany. *Date of Denial without Prejudice to Resubmission:* April 14, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97-20637 Filed 8-5-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97-059. *Applicant:* University of Connecticut, School of Pharmacy, 372 Fairfield Road, Storrs, CT 06269-2092. *Instrument:* Interfacial Rheometer, Model CIR-100.

Manufacturer: Camtel Ltd., United Kingdom. *Intended Use:* The instrument will be used to investigate the interfacial rheology of proteins, surfactants and other surface active agents and determine their film strength. These investigations will be conducted in order (1) to obtain a clear understanding

of the role of interfacial rheology in emulsion and microcapsule stability and protein denaturation; (2) to determine conditions and identify substances that will result in the formation of more stable emulsions and microcapsules; and (3) to identify conditions that result in protein denaturation, molecular unfolding, competition between molecules for the interfacial space and conditions that protect against protein denaturation. *Application accepted by Commissioner of Customs: July 10, 1997.*

Docket Number: 97-061. Applicant: Woods Hole Oceanographic Institution, 360 Woods Hole Road, Woods Hole, MA 02543. Instrument: IR Mass Spectrometer, Model DELTA^{plus}. Manufacturer: Finnigan, Germany. Intended Use: The instrument will be used to study the production of organic material by marine algae, the consumption of that material within the oceanic water column and the fate of the residual organic matter arriving at the seafloor. Specifically, the instrument will be used to measure the abundances of the stable isotopes of carbon, nitrogen, oxygen and hydrogen. Application accepted by Commissioner of Customs: July 16, 1997.

Docket Number: 97-063. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 506 South Wright Street, 207 Henry Administration Building, Urbana, IL 61801. Instrument: (2) Gas Composition Analyzers, Model Epison III. Manufacturer: Thomas Swan & Co. Ltd., United Kingdom. Intended Use: The instrument will be used to study the electronic and optical properties of Indium-containing semiconductor compounds and their use in microelectronic and optoelectron devices. Application accepted by Commissioner of Customs: July 16, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 97-20639 Filed 8-5-97; 8:45 am]
BILLING CODE 3510-DS-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits and Charges for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Korea

July 31, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs Adjusting Limits and Charges.

EFFECTIVE DATE: August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Category 336 is being increased for swing, special swing, carryover and carryforward. The current limit for category 619/620 is being further reduced for carryforward used in 1996.

In accordance with the special swing provision contained in the exchange of notes dated April 2 and April 8, 1997 between the Governments of the United States and Korea, 162,553 square meters equivalent shall be charged to the current Group II limit.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 61 FR 59087, published on November 20, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the 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

July 31, 1997.

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 14, 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 Korea and exported during the period which began on January 1, 1997 and extends through December 31, 1997.

Effective on August 6, 1997, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
Level in Group I 619/620	92,151,598 square meters.
Level in Group II 336	66,621 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1996.

Effective on August 6, 1997, you are also directed to charge 162,553 square meters equivalent to the limit established for Group II for the period January 1 through December 31, 1997.

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. 97-20640 Filed 8-5-97; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Management Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 6, 1997.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196.

Individuals who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: July 30, 1997.

Gloria Parker,

Deputy, Office of the Chief Information Officer.

Office of Postsecondary Education

Title: Final Performance Report for the Business and International Education Program (BIE).

Frequency: At the Completion of the Project Period.

Affected Public: Not-for-profit institutions.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 30.

Burden Hours: 150.

Abstract: The data collected through the final performance report will enable ED officials to determine the impact of BIE federal funds on its recipients. US/ED will use the information collected to meet BPRA requirements and to provide budget justifications.

Office of Postsecondary Education

Title: Reporting and Recordkeeping Requirements for the William D. Ford Federal Direct Loan Program.

Frequency: Varies by section.

Affected Public: Individuals or households.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 4,402,728

Burden Hours: 1,789,269

Abstract: The proposed rules require the collection of additional information, in certain cases, in order to discharge a borrower's obligation to repay a Federal Direct Consolidation Loan due to a total and permanent disability.

[FR Doc. 97-20627 Filed 8-5-97; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Director, Information Resources Management Group, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 5, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may

call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: July 30, 1997.

Gloria Parker,

Deputy, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: U.S. Department of Education Reporting Form for Projects With Industry (PWI) Compliance Indicators and Annual Evaluation Plan.

Frequency: Annually.

Affected Public: Business or other for-profit; Non-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 105.

Burden Hours: 4,200.

Abstract: This form collects data to evaluate the performance of PWI grant recipients with respect to their compliance with evaluation standards mandated by Congress, to enable the Rehabilitation Services Administration (RSA) to meet annual statutory reporting requirements, and to enable RSA to

make determinations regarding continued eligibility.

[FR Doc. 97-20626 Filed 8-5-97; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

(DOE/SEIS/PEIR-0158S)

Public Hearings on Draft Supplemental Environmental Impact Statement/ Program Environmental Impact Report; Naval Petroleum Reserves

AGENCY: Department of Energy.

ACTION: Notice of Public Hearings on the Draft Supplemental Environmental Impact Statement/Program Environmental Impact Report (SEIS/PEIR).

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act of 1970 (CEQA), the Department of Energy (DOE) and Kern County, California, have prepared a draft SEIS/PEIR to assess the environmental effects of the sale of all rights, title, and interest of the Federal government in Naval Petroleum Reserve Numbered 1 (NPR-1) pursuant to the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104-106).

INVITATION TO COMMENT: To ensure that the full range of issues related to these actions is addressed, comments on the content of the draft SEIS/PEIR are invited from all interested parties. Agencies, organizations, and the general public are also invited to present comments at the public hearing as indicated below. Written comments will be addressed in the final SEIS/PEIR.

ADDRESSES: Written comments or questions concerning the aforementioned actions should be directed to: Mr. Anthony J. Como, NEPA Document Manager, U.S. Department of Energy, Fossil Energy, (FE-27), Room 3H-087, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-5935.

FOR FURTHER INFORMATION CONTACT: For general information on the EIS process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance, (EH-42) U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-4600 or 1-800-472-2756.

The scheduled public hearing is: August 26, 1997 at 2 p.m.-4 p.m. and 7 p.m.-9 p.m., Double Tree Inn, 3100 Camino del Rio Court, Bakersfield, CA 93308.

SUPPLEMENTARY INFORMATION: The DOE prepared an EIS in 1979 (DOE/EIS-0012) which analyzed operation of NPR-1, including construction, drilling, pumping and maintenance activities to achieve a maximum efficient rate of production. In 1993, DOE prepared a supplemental EIS (DOE/SEIS-0158) that updated the analysis of the impacts of oil and gas production at NPR-1 under continued Federal ownership and operation.

The DOE has determined that the sale of NPR-1, as required by P.L. 104-106, constitutes a major Federal action which may have a significant impact upon the environment within the meaning of NEPA. As a result of this determination, the DOE is preparing a second supplemental EIS in compliance with NEPA. Further, after consultation with Kern County, California, both agencies determined that the proposed action could have a significant effect on the environment within the meaning of CEQA. Significant impacts may occur because private-sector operation of NPR-1 could result in accelerated levels of development and different types of activities than under continued government ownership. The sale of NPR-1 was not analyzed until the 1993 SEIS. In addition, action to be undertaken by California state government and local agencies in conjunction with the proposed action fall under the requirements of CEQA. Kern County is serving as the lead agency for the CEQA process. For these reasons, and others spelled out in the document, DOE and Kern County are preparing this joint Supplement to the 1993 SEIS under NEPA and a PEIR under CEQA to cover foreseeable impacts from the proposed sale as well as reasonable alternatives.

Comments and Hearing

The purpose of the public hearing is to obtain information from interested parties for the final SEIS/PEIR. This meeting will be conducted informally; however, a transcript of the meeting will be prepared. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the hearing.

Speakers will be allotted approximately 20 minutes for their oral statement. Written comments will be incorporated into the final SEIS/PEIR. The meeting will commence at the time specified above and will continue until those present who wish to speak have had an opportunity to do so.

A transcript of the hearing will be retained by the DOE and, upon request, made available for inspection and copying at the Freedom of Information

Library, room 1E-090, Forrestal Bldg., 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday. A copy of the hearing transcript also will be retained by Kern County and, upon request, made available for inspection and copying at the office of the Special Projects Division Chief, County of Kern Planning Department, 2700 "M" Street, Suite 100, Bakersfield, CA 93301, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Draft SEIS/PEIR Availability

Those individuals who would like to receive a copy of the draft SEIS/PEIR should notify Mr. Anthony Como at the address given above.

Members of Congress, State and local officials, and interested and affected persons, organizations, and agencies have been sent copies of the draft SEIS/PEIR. Copies also have been placed in Kern County Public Libraries.

Issued in Washington, D.C., on July , 1997.

Anthony J. Como,

NEPA Document Manager.

[FR Doc. 97-20670 Filed 8-5-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Pre-Subscription, Post 2001 Contracts

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of the ROD for Pre-Subscription, Post 2001 Contracts. This ROD relies on BPA's Business Plan Environmental Impact Statement (DOE/EIS-0183, June 1995 and the Business Plan ROD (August 15, 1995).

BPA has decided to enter into a limited number of power sales contracts extending beyond 2001, in advance of the subscription process recommended by the Comprehensive Review of the Northwest Energy System. This decision is consistent with BPA's market-driven approach for participation in the increasingly competitive electric power market. BPA will be responsive to its customers' needs while ensuring the financial strength necessary to produce public benefits.

ADDRESSES: Copies of the Business Plan EIS, Business Plan ROD, and this ROD are available from BPA's Communications Office, P.O. Box

12999, Portland, Oregon 97212. Copies of these documents may also be obtained by calling BPA's toll-free document request line: 1-800-622-4520.

FOR FURTHER INFORMATION CONTACT:
Katherine S. Pierce, Environmental Specialist—EC-4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208-3621, phone number (503) 230-5166, fax number (503) 230-5699.

Issued in Portland, Oregon, on July 24, 1997.

Randall W. Hardy,

Administrator and Chief Executive Officer.
[FR Doc. 97-20671 Filed 8-5-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-2701-000]

Allegheny Power Service Corporation; Notice of Filing

July 31, 1997.

Take notice that on July 18, 1997, Allegheny Power Service Corporation tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 12, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20697 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF87-433-004]

Chambers Cogeneration L.P.; Notice of Application for Commission Recertification of Qualifying Status of a Small Power Producer

July 31, 1997.

On July 21, 1997, Chambers Cogeneration, L.P. of 7500 Old Georgetown Road, Bethesda, Maryland 20814-6161 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility, located in Salem County, New Jersey, was previously recertified as a qualifying cogeneration facility, Chambers Cogeneration Limited Partnership, 75 FERC ¶ 62,158 (1996). The instant request for recertification reflects a change in ownership interest.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions or protests should be filed on or before August 11, 1997 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20721 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-167-007]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff revised sheet proposed to be effective June 1, 1997:

Second Revised Sheet No. 614

On July 16, 1997, the Commission issued an Order regarding Columbia's compliance filing to implement the Gas Industry Standards Board's standards adopted by the Commission in Order No. 587. In the Order the Commission rejected the indemnification provision proposed in Columbia's Trading Partner Agreement, and directed Columbia to modify its tariff to reflect the same liability standards applicable to both EDM operations and Columbia's other equipment and operations.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20706 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-166-008]

Columbia Gulf Transmission Company; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gulf Tariff, Second Revised Volume No 1, the following

revised tariff sheets proposed to become effective June 1, 1997:

First Revised Sheet No. 155A
First Revised Sheet No. 414

On July 16, 1997, the Commission issued an Order regarding Columbia Gulf's compliance filing, filed on May 27, 1997, to implement the Gas Industry Standards Board's standards adopted by the Commission in Order No. 587. In the Order the Commission rejected the indemnification provision proposed in Columbia Gulf's Trading Partner Agreement, and directed Columbia Gulf to modify its tariff to reflect the same liability standards applicable to both EDM operations and Columbia Gulf other equipment and operations. The Commission also directed Columbia Gulf to incorporate verbatim Standard 1.3.2 to remove any potential ambiguity regarding when shippers are to receive the information required to be provided in accordance with Standard 1.3.2. This filing complies with those directives.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protests as parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20707 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-3041-000]

Dayton Power & Light Company; Notice of Filing

July 31, 1997.

Take notice that on June 19, 1997, Dayton Power & Light Company tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or

protests should be filed on or before August 11, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20695 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-3040-000]

DPL Energy; Notice of Filing

July 31, 1997.

Take notice that on June 27, 1997, DPL Energy tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 11, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20696 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-58-007]

East Tennessee Natural Gas Company; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, East Tennessee Natural Gas Company (East

Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with an effective date of June 1, 1997:

Substitute Original Sheet No. 294
Substitute Original Sheet No. 301
Substitute Original Sheet No. 302
Substitute Original Sheet No. 304

East Tennessee states that the revised tariff sheets set forth the revisions required by the Commission's July 18, 1997, Order on Compliance Filing in the above-referenced docket (July 18, Order). East Tennessee Natural Gas Company, 80 FERC ¶ 61,076 (1997). East Tennessee further states that the revisions effect changes to East Tennessee's pro forma Electronic Data Interchange Trading Partner Agreement. In accordance with the July 18 Order, East Tennessee requests that these tariff sheets be deemed effective June 1, 1997.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this filing are on file with the Commission and available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20722 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-153-004]

Granite State Gas Transmission, Inc.; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Granite Gas Transmission, Inc. (Granite State) filed the pro forma revised tariff sheets listed below in its FERC Gas Tariff, Third Revised Volume No. 1:

Second Substitute First Revised Sheet No. 202
Substitute First Revised Sheet No. 205
Substitute First Revised Sheet No. 210
Substitute First Revised Sheet No. 211
Substitute First Revised Sheet No. 273
Substitute First Revised Sheet No. 274

Substitute First Revised Sheet No. 305

According to Granite State, the purpose of its filing is to comply with the Commission's order issued June 26, 1997 in Docket No. RP97-153-002 which required Granite State to refile tariff sheets to comply with Order No. 587-C to reflect GISB Standards Version 1.1 which are to be implemented on November 1, 1997. Granite State asserts that the pro forma tariff sheets reflect GISB Standards Version 1.1 for standards 1.3.7, 1.3.14, 1.3.23, 2.3.9 and 5.3.22, as required by the June 26, 1997 order.

Granite States states that copies of its filing were served on its firm and interruptible customers, the regulatory agencies of the states of Maine, Massachusetts and New Hampshire, and the intervenors in Docket No. RP97-137-000.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20709 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF90-214-003]

Indiantown Cogeneration, L.P.; Notice of Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

July 31, 1997.

On July 21, 1997, Indiantown Cogeneration, L.P. (Applicant), of 7500 Old Georgetown Road, Bethesda, Maryland 20814-6161 submitted for filing an application for Commission recertification as a qualifying cogeneration facility (QF) pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the Applicant, the 360 MW coal-fired cogeneration facility is located in Indiantown, Florida. A notice of self-certification was filed in Docket No. QF90-214-000. The facility was certified as a QF in Docket No. QF90-214-001 (60 FERC ¶ 62,133 (1992)), and recertified in Docket QF90-214-002 (79 FERC ¶ 62,024 (1997)). The instant request for recertification is due to changes in the ownership of the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 28 CFR 385.214). A motion or protest must be filed on or before August 11, 1997, and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20723 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-373-002]

Koch Gateway Pipeline Company; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Koch Gateway Pipeline Company (Koch) tendered by filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective December 1, 1997:

Fifth Revised Volume No. 1
Sub Twentieth Revised Sheet No. 20
Sub Seventeenth Revised Sheet No. 21
Sub Eighteenth Revised Sheet No. 22
Sub Twentieth Revised Sheet No. 24
Substitute First Revised Sheet No. 719
Substitute First Revised Sheet No. 1500
Substitute Third Revised Sheet No. 1501

Koch states that this filing is in compliance with the Commission's June 26, 1997, Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions and Establishing Hearing Procedures, 79 FERC ¶ 61,388

(1997), issued in the above captioned docket.

Koch also states that it has served copies of this filing upon each person on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's rules and regulations. All such protests must be filed as provided by Section 154.210 of the Commission's rules and regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20705 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-665-000]

NorAm Gas Transmission Company; Notice of Request Under Blanket Authorization

July 31, 1997.

Take notice that on July 24, 1997, NorAm Gas Transmission Company (NorAm Gas), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP97-665-000 a request pursuant to Section 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a tap and metering facilities in Independence County, Arkansas, to provide increased service to ARKLA, a distribution division of NorAm Energy Corp. NorAm Gas makes such request under its blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, NorAm Gas seeks authority to install a new 2-inch delivery tap and metering facilities in Independence County, to provide increased service to enable ARKLA to comply with ARKLA's service demand on its rural distribution system. It is estimated that approximately 300,000

MMBtu annually and 956 MMBtu on a peak day will be delivered through this tap. NorAm Gas indicates that the delivery volumes are within ARKLA's certificated entitlements.

NorAm estimates a total construction cost of \$2,856, of which ARKLA will reimburse NorAm Gas \$2,050.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20702 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP93-5-028 and RP93-96-008]

Northwest Pipeline Corporation; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, a number of tariff sheets which apply to the period from April 1, 1993 through October 31, 1994 during which Northwest's rates as established in Docket No. RP93-5 are applicable. Northwest states that the specific tariff sheets are enumerated in Appendix A of the filing.

Northwest states that the purpose of this filing is to comply with the Commission's June 11, 1997, Opinion and Order on Initial Decision in Docket Nos. RP93-5-025 and RP93-96-005 issued as Opinion No. 396-B. Northwest states that its compliance filing is consistent with the Commission's orders and directives that have been issued with respect to the Docket No. RP93-5 proceeding.

Northwest further states that a copy of this filing has been served upon all

intervenor in Docket Nos. RP93-5 and RP93-96.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulation Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20710 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-661-000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

July 31, 1997.

Take notice that on July 24, 1997, Northwest Pipeline Corporation (Northwest), P.O. Box 58900, Salt Lake City, Utah 84158-0900, filed in Docket No. CP97-661-000 a request pursuant to Sections 157.205, 157.211, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.216) for authorization to construct and operate modified replacement facilities and abandon certain obsolete facilities located in Yakima County, Washington, under Northwest's certificate issued in Docket No. CP82-433-000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest proposes to modify the Yakima Firing Center Meter Station, located in Yakima County, Washington, by replacing the two existing 1-inch regulators with two new 1-inch regulators, the existing 4-inch positive displacement meter with a new 3-inch turbine meter, the existing 30,000 Btu per hour heater with a new 100,000 Dth per hour heater, and the existing 2x3 relief valve with a new 2x3 full bore relief valve and appurtenances.

Northwest declares as a result of the described modifications, the maximum

design capacity of the meter station will increase from approximately 483 Dth per day to approximately 1,222 Dth per day at 150 psig, as limited by the regulators. Northwest asserts the modifications will more efficiently accommodate existing firm maximum daily delivery obligations at this delivery point to Cascade Natural Gas Corporation.

Northwest states that the total cost of the proposed facility replacements at the Yakima Firing Center Meter Station is estimated to be \$101,375, comprised of \$98,375 for installation of new facilities and \$3,000 for removal of old facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20713 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-672-000]

Panhandle Eastern Pipe Line Company; Notice of Application

July 31, 1997.

Take notice that on July 29, 1997, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP97-672-000 an application pursuant to Section 7(b) of the National Gas Act for permission and approval to abandon by transfer to Panhandle Field Services Company (Field Services) certain certificated facilities located in Hansford County, Texas, all as more fully set forth in the application on file

with the Commission and open to public inspection.¹

Panhandle proposes to abandon by transfer to Field Services approximately 5.6 miles of 8-inch pipeline and related facilities. Panhandle states that upon approval of the requested abandonment, the facilities will be operated as part of Field Services' gathering system. Panhandle states that the facilities proposed to be abandoned are being transferred for \$227,035, which is the net book value.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20699 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

¹ Field Services has filed a related petition for declaratory order in Docket No. CP97-671-000.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-671-000]

Panhandle Field Services Company; Notice Of Petition For Declaratory Order

July 31, 1997.

Take notice that on July 29, 1997, Panhandle Field Services Company (Field Services),¹ 370 Seventeenth Street, Suite 900, Denver, Colorado 80202, filed in Docket No. CP97-671-000 a petition pursuant to Section 16 of the Natural Gas Act (NGA), and Rule 207(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)), for a declaratory order disclaiming Commission jurisdiction over certain facilities to be acquired from Panhandle Eastern Pipe Line Company (Panhandle),² an affiliate, and the services provided through them, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Field Services seeks a declaratory order from the Commission finding that:

(1) At the time of transfer, from Panhandle to Field Services, approximately 5.6 miles of 8-inch pipeline located between Field Services' Spooney Booster Station (Spooney Booster) and Panhandle's Hansford Compressor Station (Hansford Compressor) in Hansford County, Texas (Spooney 8-Inch Line) described in the petition would be facilities used for the gathering of natural gas exempt from Commission jurisdiction under Section 1(b) of the NGA.

(2) Field Services would not be a "natural-gas company" pursuant to Section 2(6) of the NGA by virtue of its proposed acquisition, ownership and operation of the facilities.

(3) The gathering services that Field Services seeks to perform as described in its petition would be exempt from the Commission's jurisdiction under Section 1(b) of the NGA; and

(4) Field Services' rates and charges for gathering services would not be subject to Sections 4 and 5 of the NGA.

Field Services proposes to operate the Spooney 8-Inch Line as a gas gatherer providing gathering and related services between the Hansford Compressor and the Spooney Booster. Currently the Spooney 8-Inch Line moves gas from the

¹ Field Services is a wholly-owned subsidiary of Panhandle Eastern Pipe Line Company, and owns gathering and processing assets in the states of Colorado, Kansas, Oklahoma and Texas.

² Panhandle has filed a related abandonment application in Docket No. CP97-672-000.

Spooney Booster to the Hansford Compressor and parallels a Panhandle 6-inch line. Upon acquisition of the Spooney 8-inch Line, Field Services states that it will physically disconnect the Spooney 8-Inch Line from the Hansford Compressor. Field Services states that it will use the line to gather gas from points to be constructed along its length and deliver the gathered gas through the Spooney Booster for delivery to Panhandle via the existing 6-inch line. Field Services states that it does not propose to engage in the sale or transportation of natural gas in any manner which would subject it to the Commission's jurisdiction under the NGA.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 21, 1997, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20700 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-664-000]

Texas Eastern Transmission Corporation; Notice of Request Under Blanket Authorization

July 31, 1997.

Take notice that on July 24, 1997, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310, filed a request with the Commission in Docket No. CP97-664-000, pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct a delivery point in Fulton County, Pennsylvania, so that Texas Eastern may provide natural gas deliveries to Penn Fuel Gas, Inc. (Penn

Fuel), a local distribution company and an existing Texas Eastern customer authorized in blanket certificate issued in Docket No. CP82-535-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Eastern proposes to construct and install a 4-inch tap valve and a 4-inch check valve on Texas Eastern's existing 36-inch Line No. 2 at approximate Mile Post 1263.41 in Fulton County, Pennsylvania (Tap). In addition Penn Fuel will install a dual 3-inch meter run (Meter Station), approximately 50 feet of 4-inch pipeline which would extend from the Meter Station to the Tap, and electronic gas measurement equipment. Texas Eastern states that Penn Ford would reimburse Texas Eastern for 100% of the costs and expenses that Texas Eastern would incur for installing the facilities. The costs and expenses are estimated to be approximately \$148,000 including an allowance for federal income taxes.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20703 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-395-001]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

July 31, 1997.

Take notice that on July 28, 1997, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing additional information requested by the Commission on Texas Eastern's June 12, 1997, filing in Docket No. RP97-395-000 to ultimately replace an exchange

service currently provided by Koch Gateway Pipeline Company with firm and interruptible transportation service by PanEnergy Louisiana Intrastate Company pursuant to Section 311 of the NGPA.

Texas Eastern asserts that the purpose of this filing is to comply with the Commission's letter order dated July 11, 1997, in Docket No. RP97-395-000 (July 11 Order). In the July 11 Order, the Commission accepted Texas Eastern's tariff filing subject to refund and subject to Texas Eastern's tariff filing subject to refund and subject to Texas Eastern providing further explanation of the proposed service.

Texas Eastern states that copies of the filing were served on all firm customers of Texas Eastern and interested state commissions. Texas Eastern also states that it served copies on all parties to the proceeding and that the July 11, Order provided that parties are permitted to file comments within 10 days of this compliance filing if they continue to have concerns with the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20704 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-3205-000]

Utilicorp United, Inc.; Notice of Filing

July 31, 1997.

Take notice that on July 23, 1997, Utilicorp United, Inc., tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 12, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20694 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-160-004]

Western Gas Interstate Company; Notice of Tariff Filing

July 31, 1997.

Take notice that on July 29, 1997, Western Gas Interstate Company (WGI) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets, to be effective June 20, 1997:

Second Revised Sheet No. 247

First Revised Sheet No. 248

WGI states that the filing reflects the removal of certain standards of the Gas Industry Standards Board (GISB) pertaining to electronic data interchange, electronic delivery mechanisms, and related capacity release standards adopted by the Commission in Order No. 587, et seq. WGI states that, by Notice issued June 20, 1997, it was granted an extension of time to and including June 1, 1998 to explore alternatives for practical implementation of these standards.

WGI states that copies of the filing were served upon its customers and upon the official service list compiled by the Secretary in this proceeding.

Any persons desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 97-20708 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94-1381-004]

Western Regional Transmission Association; Notice of Filing

July 31, 1997.

Take notice that on June 2, 1997, Western Regional Transmission Association tendered for filing its report on coordinated transmission planning in the Western Interconnection.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 11, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 97-20698 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97-668-000]

Williston Basin Interstate Pipeline Company; Notice of Request Under Blanket Authorization

July 31, 1997.

Take notice that on July 28, 1997, Williston Basin Interstate Pipeline Company (Williston), 200 North Third Street, Suite 300, Bismark, North Dakota 58501, filed in Docket No. CP97-668-000 a request pursuant to Sections

157.205, 157.211, and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.216) for approval to abandon certain facilities and to construct and operate new facilities, under Williston's blanket certificate issued in Docket No. CP82-487-000 *et al.*, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williston proposes to abandon by removal a two-inch rotary meter and associated piping and install and operate a three-inch meter and associated piping at Williston's Teddy Roosevelt station located in Billings County, North Dakota. Williston asserts that Bear Paw Energy, Inc. (Bear Paw), has requested such action to effectuate an increase in delivery capacity at this point from 748 Mcf per day to 1,872 Mcf per day. Williston states that the total cost of the upgrade proposed herein is approximately \$6,300, which is totally reimbursable by Bear Paw.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,
Secretary.

[FR Doc. 97-20701 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97-3643-000, et al.]

Consolidated Edison Company of New York, Inc., et al. Electric Rate and Corporate Regulation Filings

July 29, 1997.

Take notice that the following filings have been made with the Commission:

1. Consolidated Edison Company of New York, Inc.

[Docket No. ER97-3643-000]

Take notice that on July 8, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a Supplement to Con Edison Rate Schedule FERC No. 112 for transmission service for New York State Electric & Gas Corporation (NYSEG). Con Edison has requested a waiver so that the supplement can be effective as of April 1, 1997, consistent with the terms of Rate Schedule 112.

Con Edison states that a copy of this filing has been served by mail upon NYSEG.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Consolidated Edison Company of New York, Inc.

[Docket No. ER97-3644-000]

Take notice that on July 8, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Virginia Power—The Wholesale Power Group (Virginia).

Con Edison states that a copy of this filing has been served by mail upon Virginia.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER97-3645-000]

Take notice that on July 8, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to PanEnergy Trading & Market Services, L.L.C. (PanEnergy).

Con Edison states that a copy of this filing has been served by mail upon PanEnergy.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Company of New York, Inc.

[Docket No. ER97-3646-000]

Take notice that on July 8, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Engage Energy US, L.P. (Engage).

Con Edison states that a copy of this filing has been served by mail upon Engage.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Public Service Corporation

[Docket No. ER97-3648-000]

Take notice that on July 8, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and NP Energy Inc., provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Public Service Corporation

[Docket No. ER97-3649-000]

Take notice that on July 8, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and itself. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Sierra Pacific Power Company

[Docket No. ER97-3650-000]

Take notice that on July 8, 1997, Sierra Pacific Power Company (Sierra), tendered for filing pursuant to Section 205 of the Federal Power Act and 18 CFR Part 35, an energy rate adjustment (including displacement credit) pursuant to an Electric Service Agreement between Sierra and Truckee Donner Public Utility District. (District).

Sierra asserts that the filing has been served on the District and on the regulatory commissions of Nevada and California.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Sierra Pacific Power Company

[Docket No. ER97-3651-000]

Take notice that on July 8, 1997, Sierra Pacific Power Company (Sierra), tendered for filing pursuant to Section 205 of the Federal Power Act and 18 CFR Part 35, an energy rate adjustment pursuant to an Electric Service Agreement between Sierra and City of Fallon (Fallon).

Sierra asserts that the filing has been served on Fallon and on the regulatory commissions of Nevada and California.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER97-3652-000]

Take notice that on July 8, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Service with Public Service Electric and Gas Company and GPU Energy under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide firm point-to-point service to the Transmission Customers as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

10-11. Indianapolis Power & Light Company

[Docket No. ER97-3653-000]

Take notice that on July 8, 1997, Indianapolis Power & Light Company (IPL), tendered for filing a letter agreement extending by one year to August 31, 1998, the service IPL currently provides to PSI Energy, a public utility subsidiary of Cinergy, under an existing interconnection agreement.

Copies of this filing were sent to the Indiana Utility Regulatory Commission and Cinergy.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Indianapolis Power & Light Company

[Docket No. ER97-3654-000]

Take notice that on July 8, 1997, Indianapolis Power & Light Company (IPL), tendered for filing an amendment to an existing agreement between IPL and Wabash Valley Power Association, Inc. (Wabash Valley).

Copies of this filing were sent to the Indiana Utility Regulatory Commission and Wabash Valley.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Public Service Corporation

[Docket No. ER97-3655-000]

Take notice that on July 8, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and itself. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Wisconsin Public Service Corporation

[Docket No. ER97-3656-000]

Take notice that on July 8, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Upper Peninsula Power Co. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Wisconsin Public Service Corporation

[Docket No. ER97-3657-000]

Take notice that on July 8, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Wisconsin Power & Light Company. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Northeast Utilities Service Company

[Docket No. ER97-3658-000]

Take notice that on July 8, 1997, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with Green Mountain Power Corp. (GMP) under the NU System Companies' System Power Sales/Exchange Tariff No. 6. NUSCO requested deferral of Commission action on the filing until NUSCO made its filing for functional unbundling of services under the Tariff pursuant to the Commission's Order No. 888.

NUSCO states that a copy of this filing has been mailed to GMP.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Virginia Electric and Power Company

[Docket No. ER97-3659-000]

Take notice that on July 8, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing Service Agreements for Firm Point-to-Point Transmission Service with PECO Energy—Power Team and The Wholesale Power Group under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide firm point-to-point service to the Transmission Customers as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

NUSCO requests that the Service Agreement become effective July 1, 1997.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Virginia Electric and Power Company

[Docket No. ER97-3660-000]

Take notice that on July 8, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing executed Service Agreements between Virginia Electric and Power Company and Constellation Power Source, Inc., and NP Energy, Inc., under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994, as revised on December 31, 1996. Under the tendered Service Agreements Virginia Power agrees to provide services to Constellation Power Source, Inc., and NP Energy, Inc., under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Central Power and Light Company; Public Service Company of Oklahoma; Southwestern Electric Power Company; West Texas Utilities Company

[Docket No. ER97-3661-000]

Take notice that on July 8, 1997, Central Power and Light Company (CPL), Public Service Company of Oklahoma (PSO), Southwestern Electric Power Company (SWEPCO) and West

Texas Utilities Company (WTU) (collectively, the Companies) each tendered for filing Service Agreements establishing NP Energy Inc., and PacifiCorp Power Marketing, Inc., as customers under the terms of each Company's CSRT-1 Tariff.

The Companies request an effective date of June 8, 1997 for each of the service agreements and, accordingly, seek waiver of the Commission's notice requirements. Copies of this filing were served on the two customers, the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. San Diego Gas & Electric Company

[Docket No. ER97-3662-000]

Take notice that on July 8, 1997, San Diego Gas & Electric Company (SDG&E), tendered for filing and acceptance, pursuant to 18 CFR 35.13, a Service Agreement (Service Agreement) with San Diego Gas & Electric Co. (Energy Trading) for Point-To-Point Transmission Service under SDG&E's Open Access Transmission Tariff (Tariff) filed in compliance with FERC Order No. 888.

SDG&E filed the executed Service Agreement with the Commission in compliance with applicable Commission regulations. SDG&E also provided Sheet No. 114 (Attachment E) to the Tariff, which is a list of current subscribers. SDG&E requests waiver of the Commission's notice requirement to permit an effective date of July 1, 1997 for the Service Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Tucson Electric Power Company

[Docket No. ER97-3665-000]

Take notice that on July 9, 1997, Tucson Electric Power Company (TEP), tendered for filing two (2) service agreements for firm point-to-point transmission service and three (3) service agreements for non-firm point-to-point transmission service under Part II of its Open Access Transmission Tariff filed in Docket No. OA96-140-000. TEP requests waiver of notice to permit the service agreements to become effective as of June 15, 1997. The service agreements are as follows:

(1) Service Agreement for Non-Firm Point-to-Point Transmission Service with e prime, Inc., dated May 27, 1997.

(2) Service Agreement for Firm Point-to-Point Transmission Service with Enron Power Marketing, Inc., dated June 23, 1997.

(3) Service Agreement for Firm Point-to-Point Transmission Service with Enron Power Marketing, Inc., dated June 27, 1997.

(4) Service Agreement for Non-Firm Point-to-Point Transmission Service with El Paso Electric Co., Inc., dated July 3, 1997.

(5) Service Agreement for Non-Firm Point-to-Point Transmission Service with WESCO (Williams Energy Services Company) dated July 7, 1997.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Columbia Power Marketing Corporation

[Docket No. ER97-3667-000]

Take notice that on July 9, 1997, Columbia Power Marketing Corporation (CPM), tendered for filing with the Federal Energy Regulatory Commission, CPM's Rate Schedule No. 1, which permits CPM to make wholesale power sales at market-based rates.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Atlantic City Electric Company

[Docket No. ER97-3668-000]

Take notice that on July 9, 1997, Atlantic City Electric Company (Atlantic Electric), tendered for a filing service agreement under which Atlantic Electric will sell capacity and energy to EnerZ Corporation under Atlantic Electric's market-based rate sales tariff. Atlantic Electric requests the agreement be accepted to become effective on July 1, 1997.

Atlantic Electric states that a copy of the filing has been served on EnerZ Corporation.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Northeast Utilities Service Company

[Docket No. ER97-3669-000]

Take notice that on July 9, 1997, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light & Power Company (CL&P), tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to the Wallingford Electric Division (CL&P No. 514).

NUSCO states that a copy of this filing has been mailed to Wallingford.

NUSCO requests that the rate schedule become effective on August 1, 1997.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER97-3670-000]

Take notice that on July 9, 1997, Ohio Edison Company, tendered for filing on behalf of itself and Pennsylvania Power Company, a Service Agreement with GPU Energy under Ohio Edison's Power Sales Tariff. This filing is made pursuant to Section 205 of the Federal Power Act.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Ohio Edison Company; Pennsylvania Power Company

[Docket No. ER97-3671-000]

Take notice that on July 9, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, a Service Agreement for Non-Firm Point-to-Point Transmission Service with Rainbow Energy Marketing Corporation Inc., and Ohio Edison Company pursuant to Ohio Edison's Open Access Tariff. This Service Agreement will enable the parties to obtain Non-Firm Point-to-Point Transmission Service in accordance with the terms of the Tariff.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER97-3672-000]

Take notice that on July 9, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 21 to add NP Energy Inc., and Northeast Utilities Service Company to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96-18-000. The proposed effective date under the Service Agreements is July 8, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania

Public Utility Commission, the Maryland Public Service Commission.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. New York State Electric & Gas Corporation

[Docket No. ER97-3674-000]

Take notice that on July 9, 1997, New York State Electric & Gas Corporation (NYSEG) tendered for filing a Notice of Cancellation of NYSEG's Rate Schedule FERC No. 165 between NYSEG and Virginia Electric and Power Company (VEPCO).

NYSEG requests that this cancellation become effective on July 7, 1997.

Notice of the proposed cancellation has been served upon the New York State Public Service Commission and on the Customer.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Union Electric Company

[Docket No. ER97-3675-000]

Take notice that on July 9, 1997, Union Electric Company tendered for filing Sixth Amendment dated as of June 24, 1997, modifying the September 18, 1979, Interconnection Contract between City of Columbia, Missouri, and Union Electric Company.

Said Amendment primarily provides for an increased rate cap to the reservation charge for Short-Term Non-Firm Power.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Southwestern Public Service Company

[Docket No. ER97-3676-000]

Take notice that on July 10, 1997, Southwestern Public Service Company (Southwestern) submitted an executed service agreement under its open access transmission tariff with Tenaska Power Services Company. The service agreement is for umbrella non-firm point-to-point transmission service.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER97-3673-000]

Take notice that on July 9, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison

Company and West Penn Power Company (Allegheny Power) filed Supplement No. 27 to add two (2) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of July 8, 1997, to NP Energy Inc., and Northeast Utilities Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: August 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20663 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1930-014]

Southern California Edison Company; Notice of Availability of Draft Environmental Assessment

July 31, 1997.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No.

486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the existing Kern River No. 1 Project, and has prepared a Draft Environmental Assessment (DEA) for the project. The project is located near Bakersfield, in Kern County, California. The DEA contains the staff's analysis of the potential environmental impacts of the project and has concluded that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. For further information, contact David Turner, Environmental Coordinator, at (202) 219-2844.

Lois D. Cashell,
Secretary.

[FR Doc. 97-20712 Filed 8-5-97; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing With the Commission and Ready for Environmental Assessment

July 31, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Major License.
- b. *Project No.:* P-11301-001.
- c. *Dated Filed:* November 8, 1995.
- d. *Applicant:* Fall Line Hydro Company, Inc.
- e. *Name of Project:* Carters Reregulation Dam Project.
- f. *Location:* On the Coosawattee River, near the Town of Calhoun, Murray County, Georgia.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)-825(r).
- h. *Applicant Contact:* Mr. Robert A. Davis, P.O. Box 2143, Lawrenceville, GA 30246, (770) 995-0891.
- i. *FERC Contact:* J.T. Griffin (202) 219-2799.
- j. *Deadline Date:* September 26, 1997.
- k. *Status of Environmental Analysis:* This application is ready for

environmental analysis at this time—see attached paragraph D3.

1. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Carters Reregulation Dam and Reservoir, and would consist of:

(1) A new intake at the existing dam, consisting of a new 12-foot-square opening through the left bank of the non-overflow section of the existing dam, to convey water through the existing dam to a new powerhouse on the downstream side of the existing dam;

(2) A new powerhouse, to be constructed adjacent to the existing channel and immediately downstream of the existing dam, to house three generating units of 1,500 kilowatts (kW) each for a total installed capacity of 4,500-kW, and to discharge water from these units into the existing channel below the dam;

(3) A trashrack and fish screen at the entrance to the new intake;

(4) One-half mile of 12.48 kilovolt transmission line; and

(5) Appurtenant facilities.

The project is estimated to cost 2,500,000 dollars. Average annual power generation for the proposed project is estimated to be 18,672,000 kilowatthours.

m. *Purpose of Project:* Project power would be sold to a local utility company.

n. *This notice also consists of the following standard paragraphs: A2, A9, B1, and D3.*

o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files and Maintenance Branch, located at 888 First Street, N.E., Room 2A-1, Washington, D.C. 20426, or by calling (202) 208-2326. A copy is also available for inspection and reproduction at Fall Line Hydro Company, Inc., Lawrenceville, Georgia 30246, (770) 995-0891.

A2. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

B1. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

D3. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR

385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Lois D. Cashell,

Secretary.

[FR Doc. 97-20711 Filed 8-5-97; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5870-3]

National Drinking Water Advisory Council Operator Certification Working Group; Notice of Open Meeting

Under Section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Operator Certification Working Group of the National Drinking Water Advisory Council, established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on August 28 and 29, 1997, from 9:00 a.m. to 5:00 p.m., in the Quorum Room (lobby level), at the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC. The meeting is open to the public to observe, but due to past experience, seating will be limited.

The purpose of this meeting is to discuss the key standards for a State operator certification program. The working group members are meeting to discuss and comment on proposed position papers for deliberation by the advisory council. Statements from the public will be taken at the end of the meeting if time allows.

For more information, please contact Richard Naylor, Designated Federal

Officer, Operator Certification Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4606), 401 M Street SW, Washington, DC 20460. The telephone number is (202) 260-5135 and the e-mail address is naylor.richard@epamail.epa.gov.

Dated: July 30, 1997.

Charlene Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 97-20667 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5870-4]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; in Re: Cannons Engineering Corporation Bridgewater Superfund Site; Bridgewater, 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 Osterman Propane, Inc., Massachusetts Bay Transportation Authority, and certain successors-in-title who may become parties to this agreement, for injunctive relief and for costs incurred or to be incurred by EPA in conducting response actions at the Cannons Engineering Corporation Bridgewater Superfund Site in Bridgewater, Massachusetts.

DATES: Comments must be provided on or before September 5, 1997.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Mailcode RAA, Boston, Massachusetts 02203, and should refer to: In re: Osterman Propane Inc. and Massachusetts Bay Transportation Authority, U.S. EPA Docket No. CERCLA-I-97-1006.

FOR FURTHER INFORMATION CONTACT: Audrey Zucker, U.S. Environmental Protection Agency, J.F.K. Federal Building, Mailcode SES, Boston, Massachusetts 02203, (617) 565-3444.

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 Cannons Engineering Corporation Bridgewater Superfund Site in Bridgewater, Massachusetts. The settlement was approved by EPA Region I on January 9, 1997, subject to review by the public pursuant to this Notice. Osterman Propane, Inc. and the Massachusetts Bay Transportation Authority have executed signature pages committing them to participate in the settlement. Under the proposed settlement, the Settling Respondents are required to pay \$30,000 to the Hazardous Substances Superfund, to abide by institutional controls and to provide access to the property. In exchange, the Settling Respondents are granted a covenant not to sue under CERCLA and protection from contribution actions or claims under CERCLA with respect to the existing contamination at the site. EPA believes the settlement is fair and in the public interest.

The U.S. Department of Justice has approved this settlement in writing. The U.S. Department of the Interior and the U.S. National Oceanic and Atmospheric Administration have also approved in writing the granting of a covenant not to sue to the Settling Respondents for damages to natural resources. 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 Audrey Zucker, U.S. Environmental Protection Agency, JFK Federal Building, Mailcode SES, Boston, Massachusetts 02203, (617) 565-3444.

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 RAA, Boston, Massachusetts 02203 (U.S. EPA Docket No. CERCLA-I-97-1006).

Dated: July 20, 1997.

John P. DeVillars,

Regional Administrator.

[FR Doc. 97-20668 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5870-5]

Proposed CERCLA Prospective Purchaser Agreement for the Rock Island Plating Works Site**AGENCY:** U.S. Environmental Protection Agency ("USEPA").**ACTION:** Proposal of CERCLA Prospective Purchaser Agreement for the Rock Island Plating Works Site.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. 99-499, notice is hereby given that a proposed prospective purchaser agreement ("PPA") for the Rock Island Plating Works Site ("the Site") located in Rock Island, Illinois, has been executed by the City of Rock Island. The proposed PPA has been submitted to the Attorney General for approval. The proposed PPA would resolve certain potential claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against the City of Rock Island. The proposed PPA would require the City of Rock Island to pay the United States \$3,990 to be applied toward outstanding response costs incurred by the United States in conducting federally funded removal activities at the Site. The Site is not on the NPL. EPA will complete the removal action in August 1997. EPA does not anticipate taking further remedial action at the Site after the completion of the removal action.

DATES: Comments on the proposed PPA must be received by USEPA on or before September 5, 1997.

ADDRESSES: A copy of the proposed PPA is available for review at USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Constandina Kallos at (312) 353-1027, prior to visiting the Region 5 office.

Comments on the proposed PPA should be addressed to Constandina A. Kallos, Office of Regional Counsel, USEPA, Region 5, 77 West Jackson Boulevard (Mail Code C-29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Constandina A. Kallos at (312) 353-1027, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed

PPA. Comments should be sent to the addressee identified in this notice.

William E. Muno,

Director, Superfund Division, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 97-20669 Filed 8-5-97; 8:45 am]

BILLING CODE 6560-50-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. The application also will 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. 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 September 2, 1997.

A. Federal Reserve Bank of Cleveland (Jeffery Hirsch, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *F.N.B. Corporation*, Hermitage, Pennsylvania; to acquire 100 percent of the voting shares of Indian Rocks State Bank, Largo, Florida.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. *Midwest Community Bancshares, Inc.*, Marion, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Marion, Marion, Illinois.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Nichols Bancshares, Inc.*, Kenedy, Texas, and J.M. Nichols, Inc., Dover, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of First-Nichols National Bank of Kenedy, Kenedy, Texas.

D. Federal Reserve Bank of San Francisco (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *1867 Western Financial Corporation*, Stockton, California; to acquire at least 5 percent of the voting shares of Capital Corp of the West, Merced, California, and thereby indirectly acquire County Bank, Merced, California.

Board of Governors of the Federal Reserve System, August 1, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-20727 Filed 8-5-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM**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 § 225.28 of Regulation Y (12 CFR 225.28) 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. The notice also will 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.

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 August 21, 1997.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *Suez Lyonnaise des Eaux*, Paris, France; *Societe Generale de Belgique*, Brussels, Belgium; and *Generale de Banque*, Brussels, Belgium; to acquire 51 percent of a *de novo* subsidiary, Harbor Capital Management, Inc., Boston, Massachusetts, and thereby engage in investment advisory activities, pursuant to § 225.28(b)(6) of the Board's Regulation Y; investment transactions as principal, pursuant to § 225.28(b)(8) of the Board's Regulation Y; to serve as general partner of, and provide management and private placement services to unregistered investment funds, *See The Bressmer Group, Incorporated*, 82 Fed. Res. Bull. 569 (1991). The activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, August 1, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-20728 Filed 8-5-97; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, August 11, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 1, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-20753 Filed 8-1-97; 4:08 pm]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Commission on Consumer Protection and Quality in the Health Care Industry's Subcommittee on Consumer Rights, Protections and Responsibilities; Notice of Public Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of the meeting of the Advisory Commission on Consumer Protection and Quality in the Health Care Industry's Subcommittee on Consumer Rights, Protections and Responsibilities. This meeting will be open to the public, limited only by the space available.

Place of Meeting: Hubert H. Humphrey Building, Room 800; 200 Independence Avenue, SW., Washington, DC 20201.

Times and Dates: 8:45 a.m.-3:00 p.m., Wednesday, August 13, 1997.

Purpose/Agenda: To hear testimony and to continue formal proceedings of the Commission's Subcommittee on Consumer Rights, Protections, and Responsibilities. Agenda items are subject to change as priorities dictate.

Contact Person: For more information, including substantive program information and summaries of the meeting, please contact: Edward (Chip) Malin, Hubert H. Humphrey Building, Room 118F, 200 Independence Avenue, SW., Washington, DC 20201; [202/205-3333].

Dated: July 28, 1997.

Janet Corrigan,

Executive Director, Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

[FR Doc. 97-20685 Filed 8-5-97; 8:45 am]

BILLING CODE 4110-60-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO-97-17]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the

Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Questionnaire Design Research Laboratory (QDRL), 1998-2000 (0920-0222—Revision). The QDRL conducts pretesting activities related to the development of NCHS and other Federal survey questionnaires, such as the National Health Interview Survey (NHIS). These activities mainly involve use of the cognitive interview, in which volunteer respondents ("laboratory subjects") are administered draft survey questions, and are asked to react to those questions. The cognitive interviewer notes sources of error in these questions, based on problems that subjects have in comprehending the questions and in attempting to recall the information requested. After several cycles of testing of small numbers of respondents (generally 10-12), and development of the questions between testing "rounds," the questionnaires are improved to the point to which they are ready for field testing and household administration. QDRL staff are also engaged in the conduct of general questionnaire design research, in which survey questions are administered to laboratory subjects using different phrasings, or under different administration modes (e.g., face-to-face versus telephone), in order to determine the optimal means for presenting the questions. These investigative pretesting activities are now routinely used by NCHS and by other survey organizations for testing and development purposes, and result in high data quality at a

minimal cost, especially in terms of respondent burden.

The total cost to respondents of this information collection is \$22,500 over

the three years for which clearance is requested.

Respondents	Number of respondents	Number of Responses/respondent	Average hours per response	Total burden (hours)
1998 testing activities	500	1	1.0	500
1999 testing activities	500	1	1.0	500
2000 testing activities	500	1	1.0	500
Total				1500

Dated: July 30, 1997
Wilma G. Johnson,
Acting Associate Director for Policy Planning And Evaluation Centers for Disease Control and Prevention (CDC).
 [FR Doc. 97-20629 Filed 8-5-97; 8:45 am]
 BILLING CODE 4163-18-P

Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639-7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

on sun protection for children. Therefore, the Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Control, Division of Cancer Prevention and Control, intends to conduct a survey on sun protection for children to monitor sun protection behaviors, develop health messages, and target populations for health education as part of the National Skin Cancer Prevention Education Program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day-18-97]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and

Proposed Project

1. Sun Protection for Children—New—Skin cancer is of increasing public health concern because of its increasing incidence. Ultraviolet radiation is the primary risk factor for skin cancers, and the risk of skin cancer appears to be increased with early life exposures to ultraviolet radiation. However, little information is available

A representative sample of parents of children aged 6 months to 10 years, selected by random digit dialing, will be interviewed over the telephone. The information collected will include demographic information, parental knowledge and attitudes about skin cancer and sun protection, and sun protection for their children. The total annual burden hours are 2,594.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hours)
Screening Interview	25,500	1	0.0833
Main Survey	1,125	1	.4166

Dated: July 30, 1997.
Wilma G. Johnson,
Acting Associate Director for Policy Planning And Evaluation, Centers for Disease Control and Prevention (CDC).
 [FR Doc. 97-20630 Filed 8-5-97; 8:45 am]
 BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Developmental Disabilities Council Three Year State Plan.
OMB No.: 0980-0162.
Description: Part B, Sections 122 and 124 of the DD Act requires that each State must prepare and submit to the Secretary, DHHS, and have in effect, a State Plan providing information on

individuals with developmental disabilities within a particular State and a description of the service needs of individuals with developmental disabilities and their families. The plan sets forth the goals and specific objectives to be achieved by the State in meeting the service needs of this population. The Plan describes State priorities, strategies, and actions, and the allocation of funds to meet stated goals and objectives.

Respondents: Individuals and Households; Not-for-Profit Institutions; and State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Three Year State Plan	55	1	100	5,500
Estimated Total Annual Burden Hours:				5,500.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork

Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: July 29, 1997.
Robert Driscoll,
Reports, Clearance Officer.
 [FR Doc. 97-20677 Filed 8-5-97; 8:45 am]
BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Developmental Disabilities Annual Protection and Advocacy Program Performance Report.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
DD P&A PPR	55	1	40	2,200
Estimated Total Annual Burden Hours:				2,200

OMB No.: 0980-0160.

Description: Section 107(b) of the DD Act requires that by January 1st of each year each P&A system established in a State shall prepare and transmit to the Secretary a Report describing activities, accomplishments, and provide ADD with information needed to ascertain whether a State is fulfilling the requirements of Public Law 104-183. The Report will provide ADD an overview of program trends and achievements and will enable ADD to respond to administration and congressional requests.

Respondents: Individuals and Households; Not-for-Profit Institutions; and State, Local or Tribal Govt.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork

Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: July 29, 1997.
Robert Driscoll,
Reports Clearance Officer.
 [FR Doc. 97-20678 Filed 8-5-97; 8:45 am]
BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Protection and Advocacy System Annual Statement of Objectives and Priorities.

ANNUAL BURDEN ESTIMATES

OMB No.: New Request.

Description: Section 142(a)(2) of the DD Act requires the State Protection and Advocacy System (P&As) to develop, by January 1st of each year, a Statement of Objectives and Priorities (SOP) and provide an opportunity for the public to comment on it. The final statement must be submitted (along with the prior year's PPR) to the regional office of DHHS. The Statement will provide the public and the Department a better understanding of the operation of the advocacy services and provide more comprehensive reporting to Congress.

Respondents: State, Local or Tribal; Not-for-profit Institutions; and Individuals or Households.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
P&A SOP	55	1	40	2,200
Estimated Total Annual Burden Hours:				2,200

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of

Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W.,

Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the

collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: July 29, 1997.

Bob Driscoll,

Reports Clearance Officer.

[FR Doc. 97-20679 Filed 8-5-97; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Developmental Disabilities Council Annual Program Performance Report.

OMB No.: 0980-0172.

Description: Section 107 of the DD Act requires the State DD Councils of each State to prepare and transmit to the Secretary, DHHS, an annual Report for the preceding fiscal year. It is to describe the activities and resultant

accomplishments carried out with Part B funds received for the Federal fiscal year, and the general situation in the States for individuals with developmental disabilities. The information is necessary for annual technical assistance and monitoring, as well as, preparation of the Secretary's Annual Report to the President, the Congress, and the National Council on Disabilities.

Respondents: Individuals and Households; Not-for-Profit Institutions; and State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
DD Council PPR	55	1	44	2,240
Estimated total annual burden hours:	2,420

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Service, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: July 29, 1997.

Robert Driscoll,

Reports Clearance Officer.

[FR Doc. 97-20680 Filed 8-5-97; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95N-0309]

Agency Information Collection Activities: Proposed Collection; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection regarding the manufacture of infant formula, including infant formula labeling,

quality control procedures, notification requirements, and recordkeeping.

DATES: Submit written comments on the collection of information by October 6, 1997.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Margaret R. Wolff, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B-19, Rockville, MD 20857, 301-827-1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests

or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be

collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Infant Formula Requirements (21 CFR 106.100, 21 CFR 106.120(b), 21 CFR 107.10(a), 21 CFR 107.20, 21 CFR 107.50(e)(2), 21 CFR 107.50(b)(3), 21 CFR 107.50(b)(4), 21 CFR 107.50(c)(3))—(OMB Control Number 0910-0256)—Extension

Statutory requirements for infant formula under the Federal Food, Drug, and Cosmetic Act (the act) are strict to protect the health of infants and include a number of reporting and recordkeeping requirements. Among other things, section 412 of the act (21 U.S.C. 350a) requires manufacturers of infant formula to establish and adhere to quality control procedures, notify FDA when a batch of infant formula that has left the manufacturer's control may be adulterated or misbranded, and keep records of distribution. FDA has issued regulations to implement the act's

requirements for infant formula in 21 CFR parts 106 and 107.

FDA also regulates the labeling of infant formula under the authority of section 403 (21 U.S.C. 343). Under the labeling regulations for infant formula in 21 CFR part 107, the label of an infant formula must include nutrient information and directions for use. The purpose of these labeling requirements is to ensure that consumers have the information they need to prepare and use infant formula appropriately.

In a notice published in the **Federal Register** of July 9, 1996 (61 FR 36154), FDA proposed changes in the infant formula regulations, including some of those listed below. The notice included revised burden estimates for the proposed changes and solicited public comment. In the interim, however, FDA is seeking an extension of OMB approval for the current regulations so that it can continue to collect information while the proposal is pending.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
106.120(b) 107.10(a) 107.20	4	7	28	10	280
107.50(b)(3),(b)(4) 107.50(e)(2) Total	3	4	12	5	60 340

There are no capital costs or operating and maintenance costs associated with this collection.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
106.100 107.50(c)(3)	4	10	40	7,980	31,920

There are no capital costs or operating and maintenance costs associated with this collection.

In compiling these estimates, FDA consulted its records of the number of infant formula submissions received in the past. The figures for hours per response are based on estimates from experienced persons in the agency and in industry. Because these infant formula regulations implement statutory information collection requirements, only the additional burden attributable to the regulations has been included in the estimates.

Dated: July 30, 1997.
William K. Hubbard,
Associate Commissioner for Policy Coordination.
[FR Doc. 97-20633 Filed 8-5-97; 8:45 am]
BILLING CODE 4160-01-Fst

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N-0320]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by September 5, 1997.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance:

Filing Objections and Requests for a Hearing on a Regulation or Order—21 CFR Part 12—(OMB Control Number 0910-0184—Extension)

Under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)(2)), within 30 days after publication of a regulation or order, any person adversely affected by such regulations or order may file objections and request a public hearing. The implementing regulations for these statutory requirements are found at 21 CFR 12.22, which sets forth the format and instructions for filing objections and requests for a hearing. Each objection for which a hearing has been

requested must be separately numbered and specify with particularity the provision of the regulation or the proposed order objected to. In addition, each objection must include a detailed description and analysis of the factual information to be presented in support of the objection as well as any report or other document relied on, with some exceptions. Failure to include this information constitutes a waiver of the right to a hearing on that objection. FDA uses the description and analysis only for the purpose of determining whether a hearing request is justified. The description and analysis do not limit the evidence that may be presented if a hearing is granted.

Respondents to this information collection are those parties that may be adversely affected by an order or regulation.

FDA estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
12.22	60	1	60	20	1,200

There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate for this collection of information is based on agency data received on this administrative procedure for the past 3 years. Agency personnel responsible for processing the filing of objections and requests for a public hearing on a specific regulation or order, estimate approximately 60 requests are received by the agency annually, with each requiring approximately 20 hours of preparation time.

Dated: July 30, 1997.

William K. Hubbard,
Associate Commissioner for Policy Coordination.

[FR Doc. 97-20600 Filed 8-5-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Public Workshop on FDA Regulatory Requirements for the Bioresearch Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

The Food and Drug Administration (FDA) (Office of Regulatory Affairs,

Florida District Office, and Center for Drug Evaluation and Research) is announcing the following meeting: A public workshop on FDA regulatory requirements for the bioresearch industry. The workshop is designed to assist the industry in complying with regulations for institutional review boards and clinical investigators. FDA's survey of the bioresearch industry shows that many firms are either unaware of applicable regulations and guidelines or not in compliance with applicable requirements.

Date and Time: The meeting will be held on Monday, September 15, 1997, 8:30 a.m. to 5 p.m.

Location: The meeting will be held at University of Florida Campus, Reitz Union—The Rion Ballroom, Museum Rd., Gainesville, FL 32611.

Contact: Julie D. Bringger, Jacksonville Resident Post, Food and Drug Administration, 400 West Bay St., Drawer #35069, Jacksonville, FL 32202, 904-232-3596, FAX 904-232-2880.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and facsimile number) to the contact person by September 1, 1997. There is no registration fee for this workshop. Space

is limited, therefore interested parties are encouraged to register early.

If you need special accommodations due to a disability, please contact Julie D. Bringger at least 7 days in advance.

Dated: July 30, 1997.

William K. Hubbard,
Associate Commissioner for Policy Coordination.

[FR Doc. 97-20599 Filed 8-5-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA-R-77]

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, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding the 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 Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Procedures for determining whether providers, practitioners, or other suppliers of services are liable for certain noncovered services; *Form No.:* HCFA-R-77; *Use:* BERC-273-F requires Peer Review Organizations (PROs) to provide written notification of noncovered services to beneficiaries and/or providers, practitioners and suppliers. The notification provides provider, practitioner or supplier with knowledge that Medicare will not pay for items or services mentioned in the notification. After this notification, any future claim for the same or similar services will not be paid. *Frequency:* Monthly; *Affected Public:* Business or other for-profit, Individuals or Households; *Number of Respondents:* 724,271; *Total Annual Responses:* 2,897,085; *Total Annual Hours:* 241,424.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Indirect Medical Education (IME) and Supporting Regulations 42 CFR 412.105; *Form No.:* HCFA-R-64; *Use:* The collection of information on Interns and Residents (IR) is needed to properly calculate Medicare program payments to hospitals that incur indirect costs for medical education. The reports provide contractors with information to ensure that hospitals are properly reimbursed for IME, and eliminate IME duplicate reporting. *Frequency:* Annually; *Affected Public:* Not-for profit institutions, Business or other for-profit; *Number of Respondents:* 1300; *Total Annual Responses:* 1300; *Total Annual Hours:* 3,250.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed

information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address:

HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: John Rudolph, Room C2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: July 29, 1997.

John P. Burke III,

HCFA Reports Clearance Officer, Division of HCFA Enterprise Standards, Health Care Financing Administration HCFA, Office of Financial and Human Resources.

[FR Doc. 97-20610 Filed 8-5-97; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Health Care Financing Administration
[HCFA-R-199]**

Agency Information Collection Activities: Submission for OMB Review; 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 proposal for the collection of information. Interested persons are invited to send comments regarding the 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:* Reinstatement, with change, of previously approved collection for which approval has expired; *Title of Information Collection:* Medicaid Report on Payables and Receivables; *Form No.:* HCFA-R-199; *Use:* The Chief Financial Officers Act of 1990 requires government agencies to produce financial statements. Form R-199 will collect accounting data from the States on Medicaid Payables and Receivables. The information collected on this form will be used in HCFA's financial statements and shared with

auditors who validate HCFA's financial position.; *Frequency:* Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 57; *Total Annual Responses:* 57; *Total Annual Hours:* 171.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: July 29, 1997.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 97-20608 Filed 8-5-97; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Substance Abuse and Mental Health Services Administration (SAMHSA)
Notice of Meeting**

Pursuant to Pub.L. 92-463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel II in August.

A summary of the meeting may be obtained from: Ms. Dee Herman, Committee Management Liaison, SAMHSA Office of Extramural Activities Review, 5600 Fishers Lane, Room 17-89, Rockville, Maryland 20857. Telephone: 301-443-7390.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meeting will include the review, discussion and evaluation of individual contract proposals. This discussion could reveal personal information concerning individuals associated with the proposals and confidential and financial information about an individual's proposal. This discussion may also reveal information about procurement activities exempt from disclosure by statute and trade secrets and commercial or financial information obtained from a person and privileged and confidential. Accordingly, the

meeting is concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (3), (4), and (6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel II.

Meeting Date: August 6, 1997.

Place: Holiday Inn, 5520 Wisconsin Avenue, The Chase Room, Bethesda, Maryland 20815.

Closed: August 6, 1997, 9:00 a.m.—12:00 Noon.

Contact: Joan Harrison, 17-89, Parklawn Building, Telephone: 301-594-2811 and FAX: 301-443-3437.

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.

Dated: July 31, 1997.

Jeri Lipov,

Committee Management Officer, SAMHSA.
[FR Doc. 97-20632 Filed 8-5-97; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4181-N-03]

Announcement of Funding Awards for Fiscal Year 1997 Public and Indian Housing Drug Elimination Program; Center for Community Change; Public Housing Graduates Program, and One Church-One Addict Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY 1997) to the Center for Community Change to administer the Public Housing Graduates Program at four select sites at the District of Columbia Housing Authority and the One Church-One Addict to administer the One Church-One Addict Program at select sites at four housing authorities: Chicago, Illinois, St. Louis, Missouri, Port Arthur, Texas, and Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Sonia Burgos, Director, Office of Crime Prevention and Security, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 708-0477. Hearing- or speech-impaired individuals may call HUD's TTY number (202)708-4594. (These telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION: The regulations governing the Public Housing Drug Elimination Program grants are authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et. seq.*), as amended by section 581 of the National Affordable Housing Act of 1990 (NAHA) approved November 28, 1990, Pub. L. 101-625, and section 161 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102-550, Approved October 28, 1992).

The Public Housing Graduates Program is designed to provide technical assistance and training to influence teenage students who reside in public housing to remain in school and out of trouble until they graduate, and then, register in college or a career-preparatory program.

The goal of the Public Housing Graduates Program is to fashion and implement a surrogating initiative that can provide a low-income dependency prone youth who does not have the essential support of an intact family the assistance needed to remain in school until he/she graduates and, then, with strategic assistance, enlist in college or a career-preparation program. As a consequence, this surrogating will produce the long-term poverty-cycle-breaking self-sufficiency benefits ordinarily experienced by teenagers who are fortunate to have been born into intact families. This surrogating will be provided primarily by volunteers and organizations whose memberships have begun searching for ways to appropriate personal resources to reduce the losses of minority teenagers.

The One Church-One Addict Program will provide technical assistance and training at four housing authority sites, utilizing faith communities as partners with housing authorities to provide a spiritually based aftercare program for recovering addicts in public housing. The program aims to mobilize and equip faith communities with skills to prevent recovering drug addicts from relapsing into substance abuse, and increase the levels of social, moral and practical support around elimination of the drug problem. It involves partnerships among housing authorities and the Addictions Studies Program in the College of Health Professions at Governors State University. Governors State University will partner with One Church-One Addict as the training contractor. Each participating housing authority will have a local partner (a drug and alcohol agency, a faith community, or other not-for-profit agency concerned in the issue of drug and alcohol abuse).

The goal of the One Church-One Addict Program is to provide training that will equip 300 faith communities with skills to become partners with public housing authorities in the battle to reduce substance abuse and relapse among public housing residents.

The Catalog of Federal Domestic Assistance number is 14.854.

A total of \$1,600,000 of budget authority for technical assistance and training was awarded to the Center for Community Change and \$500,000 to the One Church-One Addict in Fiscal Year 1997, in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545).

Dated: July 31, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 97-20674 Filed 8-5-97; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-054-1210-00]

Closure of Public Lands to Motorized Vehicles, Shoshone Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of public land to motorized vehicles.

SUMMARY: Notice is given that a way and surrounding adjacent public land in the Little City of Rocks Wilderness Study Area (WSA) (ID-54-5, Shoshone/Sun Valley Environmental Impact Statement, 1986), in Gooding County, Idaho is closed to motorized use year round. The closed area includes all public land in Township 3 South, Range 15 East, Section 33 except for a signed parking area south of the historic stone and earthen dam in the Little City of Rocks WSA. Motorized cross country travel has caused significant surface disturbance in the described area. The purpose of the closure is to prevent unacceptable impacts to soils and vegetation in compliance with the Interim Management Policy Guidance for WSAs.

All public land administered by the Bureau of Land Management within the above described area is closed to motorized vehicle use indefinitely from the date of this notice.

Exemptions from this closure may be approved by the Authorized Officer. Exemptions may be approved for

federal, state, and local government personnel on official duty, emergency service personnel including medical, search and rescue, and other licensed or permitted individuals.

The authority for this closure is 43 CFR 8363-1.

FOR FURTHER INFORMATION CONTACT:

Paula Perletti, Outdoor Recreation Planner, Shoshone Resource Area, P.O. Box 2-B, Shoshone, Idaho 83352, telephone (208) 886-2206.

Dated: July 25, 1997.

Bill A. Baker,

Area Manager.

[FR Doc. 97-20612 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-66-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-921-41-5700; WYW115659]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

July 28, 1997.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW115659 for lands in Uinta County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW115659 effective April 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 97-20719 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-921-41-5700; WYW141032]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

July 28, 1997.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW141032 for lands in Lincoln County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW141032 effective April 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 97-20720 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-957-1430-00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. July 28, 1997.

The plat representing the dependent resurvey of a portion of the south boundary and subdivisional lines, the subdivision of section 35, and the survey of lots 2 and 5 in section 35, T. 11 N., R. 18 E., Boise Meridian, Idaho, Group 934, was accepted July 28, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State

Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709-1657.

Dated: July 28, 1997.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 97-20604 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-66-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-957-1430-00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. July 28, 1997.

The plat representing the dependent resurvey of a portion of the north boundary and subdivisional lines, and the subdivision of section 2, T. 15 N., R. 20E, Boise Meridian, Idaho, Group 978, was accepted, July 28, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709-1657.

Dated: July 28, 1997.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 97-20605 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-GG-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Prince William Sound, AK, in the Control of the Chugach National Forest, United States Forest Service, Anchorage, AK

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains from Prince William Sound, AK, in the control of the Chugach National Forest, United States Forest

Service, Anchorage, AK.

A detailed assessment of the human remains was made by U.S. Forest Service and National Museum of Denmark professional staff in consultation with representatives of the Chugach Heritage Foundation.

In 1933, human remains representing 24 individuals were recovered from caves and village sites in the Chugach National Forest, Prince William Sound, AK, during legally authorized excavations by the University of Pennsylvania and the Danish National Museum, and sent back to the National Museum of Denmark the same year. No known individuals were identified. No associated funerary objects are present.

Historical documents, excavation records, and archeological evidence indicate these caves and village sites are precontact Chugach occupation and traditional burial areas based on the manner of internment and associated funerary objects. Oral traditions presented by representatives of the Chugach Heritage Foundation state that these areas are traditional burial grounds of the Chugach people since precontact times.

Based on the above mentioned information, officials of the United States Forest Service have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of 24 individuals of Native American ancestry. Officials of the United States Forest Service have also determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Chenega Bay I.R.A. Council, the Native Village of Eyak, and the Tatitlek I.R.A. Council.

This notice has been sent to officials of the Chugach Heritage Foundation, the Chenega Bay I.R.A. Council, the Native Village of Eyak, and the Tatitlek I.R.A. Council. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mr. Larry Hudson, Forest Supervisor, Chugach National Forest, U.S. Forest Service, Anchorage, AK; telephone: (907) 271-2500, before September 5, 1997. Control of the human remains will be transferred to the Chugach Heritage Foundation on behalf of the Chenega Bay I.R.A. Council, the Native Village of Eyak, and the Tatitlek I.R.A. Council after that date

if no additional claimants come forward.

Dated: August 1, 1997.

Veletta Canouts,

Acting, Departmental Consulting Archeologist Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 97-20634 Filed 8-5-97; 8:45 am]

BILLING CODE 4310-70-F

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation, IDCA.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received on or before October 6, 1997.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Lena Paulson, Manager, Information Center, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336-8565.

Summary Of Form Under Review:

Type of Request: Revised form.

Title: OPIC Expedited Screening Questionnaire—Downstream Investments.

Form Number: OPIC-168.

Frequency of Use: Once per project submission.

Type of Respondents: OPIC fund managers.

Standard of Industrial Classification Codes: All.

Description of Affected Public: OPIC fund managers.

Reporting Hours: 1 hour per form.

Number of Responses: 150 per year.

Federal Cost: \$918 per year.

Authority for Information Collection: Section 231 (a-l) of the Foreign Assistance Act of 1961, as amended.

Abstract (Need and Uses): This application will be sent to OPIC's fund managers. The fund managers will complete the information for companies in which the Fund proposes to invest. The information collected will be reviewed to determine the expected effects of the projects on the U.S. economy and employment, as well as on the environment, economic development, and worker rights abroad.

Dated: August 1, 1997.

James R. Offut,

Assistant General Counsel, Department of Legal Affairs.

[FR Doc. 97-20683 Filed 8-5-97; 8:45 am]

BILLING CODE 3210-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-372 and 731-TA-768 (Preliminary)]

Fresh Atlantic Salmon From Chile

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission determines,² pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. §§ 1671b(a) and 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Chile of fresh Atlantic salmon, provided for in subheadings 0302.12.00 and 0304.10.40 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of Chile and sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, as amended in 61 FR 37818 (July 22, 1996), the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal**

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Commissioner Newquist not participating.

Register as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On June 12, 1997, a petition was filed with the Commission and the Department of Commerce by the Coalition for Fair Atlantic Salmon Trade, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of fresh Atlantic salmon from Chile. Accordingly, effective June 12, 1997, the Commission instituted countervailing and antidumping duty investigations Nos. 701-TA-372 and 731-TA-768 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 20, 1997 (62 F.R. 33678). The conference was held in Washington, DC, on July 3, 1997, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 28, 1997. The views of the Commission are contained in USITC Publication 3052 (August 1997), entitled "Fresh Atlantic Salmon from Chile: Investigations Nos. 701-TA-372 and 731-TA-768 (Preliminary)."

Issued: July 31, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 97-20681 Filed 8-5-97; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-373 and Nos. 731-TA-769 through 775 (Preliminary)]

Stainless Steel Wire Rod From Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase countervailing duty investigation No. 701-TA-373 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Italy of stainless steel wire rod, provided for in subheading 7221.00.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of Italy.

The Commission also gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731-TA-769 through 775 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan of stainless steel wire rod, provided for in subheading 7221.00.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value.

Unless the Department of Commerce extends the time for initiation pursuant to section 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 19 U.S.C. 1673a(c)(1)(B)), the Commission

must reach preliminary determinations in these investigations in 45 days, or in this case by September 15, 1997. The Commission's views are due at the Department of Commerce within five business days thereafter, or by September 22, 1997.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207), as amended in 61 FR 37818 (July 22, 1996). **EFFECTIVE DATE:** July 30, 1997.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger (202-205-3183), Office of Investigations, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on July 30, 1997, by counsel on behalf of Al Tech Specialty Steel Corp., Dunkirk, NY; Carpenter Technology Corp., Reading, PA; Republic Engineered Steels, Massilon, OH; Talley Metals Technology, Inc., Hartsville, SC; and the United Steelworkers of America, AFL-CIO/CLC.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation

upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. § 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on August 21, 1997, at the U.S. International Trade Commission Building, 500 E Street S.W., Washington, DC. Parties wishing to participate in the conference should contact Jonathan Seiger (202-205-3183) not later than August 19, 1997, to arrange for their appearance. Parties in support of the imposition of antidumping or countervailing duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 26, 1997, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by

either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: July 31, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 97-20676 Filed 8-5-97; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-345]

Shifts in U.S. Merchandise Trade in 1997

AGENCY: United States International Trade Commission.

EFFECTIVE DATE: July 25, 1997.

ACTION: Opportunity to submit written statements in connection with the 1998 report.

SUMMARY: The Commission has prepared and published annual reports on U.S. trade shifts in selected industries/commodity areas under Investigation No. 332-345 since 1993. The Commission plans to publish the next report in July 1998, which will cover shifts in U.S. trade in 1997 compared with trade in 1996.

The report structure and content is anticipated to be similar to the report issued in July 1997. Comments and suggestions regarding this issue are welcome in written submissions as specified below. The latest version of the report covering 1996 data (USITC Publication 3051, July 1997) may be obtained from the ITC's Internet server (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>). A printed report may be requested by contacting the Office of the Secretary at 202-205-2000 or by fax at 202-205-2104.

FOR FURTHER INFORMATION CONTACT: Questions about the trade shifts report may be directed to the project leader, David Lundy, Office of Industries (202-205-3439) or the assistant project leader, Cheryl Badra Qassis, Office of Industries (202-205-3436). For information on the legal aspects, please contact Mr. William Gearhart, Office of General Counsel (202-205-3091). The media should contact Ms. Margaret O'Laughlin, Public Affairs Officer (202-205-1819). Hearing impaired

individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

Background

The initial notice of institution of this investigation was published in the **Federal Register** of September 8, 1993 (58 FR 47287). The Commission expanded the scope of this investigation to cover service trade in a separate report, which it announced in a notice published in the **Federal Register** of December 28, 1994 (59 FR 66974). The merchandise trade report has been published in the current series under investigation No. 332-345 annually since September 1993. The report, originally entitled "U.S. Trade Shifts in Selected Commodity Areas, 1992 Annual Report," has been changed to "Shifts in U.S. Merchandise Trade in 1997" to more concisely identify the contents of the report.

As in past years, each report will summarize and provide analyses of the major trade developments that occurred in the preceding year, and is expected to be published in July of each year. The reports will also provide summary trade information and basic statistical profiles of nearly 300 industry/commodity groups.

Written Submissions

No public hearing is planned. However, interested persons are invited to submit written comments concerning the July 1998 report. Commercial or financial information which a submitter desires the Commission to treat as confidential must be provided on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested persons. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on December 30, 1997. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW, Washington, DC 20436.

Issued: July 28, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 97-20675 Filed 8-5-97; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Applications Group, Inc. ("OAG")

Notice is hereby given that, on June 16, 1997, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), Open Applications Group, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objective of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to § 6(a) of the Act, the identities of the parties are: American Software, Atlanta, GA; CGI Systems Inc., Atlanta, GA; Coda, Harrogate, UK; Computer Associates, Lisle, IL; IBM Manufacturing Solutions Unit, Southbury, CT; Infinium Software, Hyannis, MA; J.D. Edwards & Company, Denver, Co; Marcam Corporation, Weston, MA; NEC C&C Systems Group, Newton, MA; Oracle Corporation, Redwood Shores, CA; PeopleSoft, Pleasanton, CA; QAD, Carpinteria, CA; Siemens Nixdorf Informationsysteme, Munich, Germany; TSW International, Inc., Atlanta, GA.

The OAG's area of planned activity is: (1) to promote connectivity and multiple source integration amongst enterprise software applications (as defined below) and (2) to encourage research and development of one or more standards to assist vendors in achieving connectivity in multiple-source integration of enterprise software applications. "Enterprise software applications" shall mean applications which automate the mission critical business processing within and across functional disciplines of an organization; the primary function of enterprise software applications is to support enterprise productivity rather than work group or personal productivity.

Membership in the Open Application Group, Inc. will remain open and

"OAG" will file additional written notifications disclosing all changes in membership.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97-20611 Filed 8-5-97; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request: Correction

AGENCY: Employment Standards Administration, DOL.

ACTION: Correction.

SUMMARY: In notice document 97-19647, in the second column on page 40117 in the issue of Friday, July 25, 1997, make the following correction, with respect to *OMB Number:* 1215-0028 (extension):

Title: "Optional Use Payroll Form Under the Davis Bacon Act" should be changed to "Economic Survey Schedule."

Dated: August 1, 1997.

John F. Saracco,

Acting Departmental Clearance Officer, Department of Labor.

[FR Doc. 97-20686 Filed 8-5-97; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training; Secretary of Labor's Advisory Committee for Veterans' Employment and Training; Notice of Open Meeting

The Secretary's Advisory Committee for Veterans' Employment and Training was established under section 4100 of title 38, United States Code, to bring to the attention of the Secretary, problems and issues relating to veterans' employment and training.

Notice is hereby given that the Secretary of Labor's Advisory Committee for Veterans' Employment and Training will meet on Thursday, September 11, 1997, in the Department of Labor Conference Room, N5437C-D, 200 Constitution Avenue, NW., Washington, DC from 9:00 a.m. to 4:30 p.m.

Written comments are welcome and may be submitted by addressing them to: Mr. Richard E. Larson, Director of Planning, Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-1313, Washington, DC 20210.

The primary items on the agenda are:

- Adoption of minutes of the previous meeting.
- Briefing on Fiscal Year 1998 agency's budget update.
- Licensing and Certification Report Discussion.
- VETS' Strategic Plan.
- USERRA Expert System.

The meetings will be open to the public.

Persons with disabilities, needing special accommodations, should contact Mr. Richard E. Larson at telephone number 202-219-9105 no later than Thursday, August 28, 1997.

Signed at Washington, DC this 25th day of July, 1997.

Espiridion A. Borrego,

Acting Assistant Secretary of Labor for Veterans Employment and Training.

[FR Doc. 97-20688 Filed 8-5-97; 8:45 am]

BILLING CODE 4510-79-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health: Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Request for nominations of members to serve on the Advisory Committee on Construction Safety and Health (ACCSH); withdrawal of June 25, 1997 request for nominations.

SUMMARY: This notice withdraws an earlier request for nominations of members published in the **Federal Register** of Wednesday, June 25, 1997 (62 FR 34313).

The Acting Assistant Secretary of Labor for Occupational Safety and Health invites and requests nominations of individuals for appointment to the Advisory Committee on Construction Safety and Health (ACCSH). The terms of present OSHA-appointed members have expired or will soon expire. OSHA will consider nominations received in response to this notice for appointment to ACCSH, in addition to nominations already received.

DATES: Please submit nominations on or before August 29, 1997. The terms of present OSHA-appointed ACCSH members have expired or will expire on September 15, 1998. Half of the new members will be appointed for one-year terms that expire on September 15, 1998, and the other half will be

appointed for two-year terms that expire on September 15, 1999.

ADDRESSES: Please submit nominations to Greg Watchman, Acting Assistant Secretary of OSHA, c/o Teresa M.B. Martínez, Office of the Assistant Secretary, OSHA, Department of Labor, Room S-2315, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, 202-219-8151.

SUPPLEMENTARY INFORMATION: The function of ACCSH is to advise the Assistant Secretary "with respect to the setting of construction standards and policy matters affecting federally-financed or assisted construction pursuant to the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and the setting of construction standards pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 656)."

ACCSH is expected to meet two to six times per year for one or two days per meeting. Pursuant to 29 CFR 1912.3 (b) and (c), ACCSH has 15 members categorized as follows:

- Five representatives of employee interests;
- Five representatives of employer interests;
- Two representatives of State safety and health agencies;
- Two representatives qualified by knowledge and experience related to construction safety and health; and
- One representative, designated by the U.S. Secretary of Health and Human Services (HHS), from the National Institute for Occupational Safety and Health (NIOSH), an agency within HHS.

Nominations of new members or renominations of former or current members will be accepted in all categories of membership, except for the representative from NIOSH. Nominees should have specified experience related to occupational safety or health in the construction industry. The category of membership for which the candidate is qualified should be specified in the nomination letter(s).

Nominations for a particular category of membership should come from organizations or individuals within that category. A summary of the candidate's qualifications should be included with the nomination. In addition, each nomination letter should state that the person consents to the nomination and acknowledges the responsibilities of serving on ACCSH. The Department of Labor is committed to equal opportunity in the workplace and seeks a broad-based and diverse ACCSH membership.

(**Authority:** 40 U.S.C. 333; 29 U.S.C. 656)

Signed at Washington, DC this 31st day of July, 1997.

Greg Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97-20687 Filed 8-5-97; 8:45 am]

BILLING CODE 4510-26-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, August 7, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission shall consider and act upon the following:

1. Secretary of Labor v. Fort Scott Fertilizer, Inc., Docket Nos. CENT 92-334-M, CENT 93-117-M (Issues include whether the judge correctly determined that two violations of 30 C.F.R. § 56.14101 were caused by employee misconduct and were not the result of the operator's unwarrantable failure to comply with the standard, that the operator was not negligent, and that the operator's agent was not liable under section 110(c) of the Mine Act for the violation, and whether the judge erred by failing to consider all of the civil penalty criteria set forth in section 110(i) of the Mine Act.

Any person attending the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 97-20776 Filed 8-1-97; 4:56 pm]

BILLING CODE 6735-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

In the Matter of Rochester Gas and Electric Corporation; R.E. Ginna Nuclear Power Plant; Exemption

I

On December 10, 1984, the Nuclear Regulatory Commission issued Facility Operating License No. DPR-18 to

Rochester Gas and Electric Corporation (RG&E or the Licensee) for the R.E. Ginna Nuclear Power Plant. The license stipulated, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II

In its letter dated June 12, 1997, the licensee requested an exemption from the Commission's regulations. Section 50.60 of Title 10 of the Code of Federal Regulations, "Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation," states that all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary as set forth in Appendices G and H to 10 CFR part 50. Appendix G to 10 CFR part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. It also states that the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) edition and addenda specified in 10 CFR 50.55a are applicable. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in Appendices G and H to 10 CFR Part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low-temperature overpressure transients that would produce pressure excursions exceeding the 10 CFR part 50, Appendix G, P/T limits while the reactor is operating at low temperatures, the licensee installed a low-temperature overpressure protection (LTOP) system. The system includes pressure-relieving devices called power-operated relief valves (PORVs). The PORVs are set at a pressure low enough so that if an LTOP transient occurred, the mitigation system would prevent the pressure in the reactor vessel from exceeding the 10 CFR part 50, Appendix G, P/T limits. To prevent the PORVs from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting, and shifting operating charging pumps) with the reactor coolant system in a solid water condition, the operating pressure must be maintained below the PORV setpoint. Applying the LTOP instrument uncertainties required by the staff's approved methodology results in an LTOP setpoint that establishes an operating window that is too narrow to

permit reasonable system makeup and pressure control.

To prevent these difficulties, the licensee has requested to use the ASME Code Case N-514, "Low Temperature Overpressure Protection," which designates the allowable pressure as 110 percent of that specified by 10 CFR part 50, Appendix G. This would provide an increased band to permit system makeup and pressure control. ASME Code Case N-514 is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. The content of this ASME Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI and has been incorporated into the latest draft of Regulatory Guide 1.147 (Draft Regulatory Guide DG-1050, Revision 12 of Regulatory Guide 1.147, Inservice Inspection Code Case Applicability ASME Section XI, dated May 1997). However, 10 CFR 50.55a, "Codes and Standards," only authorizes addenda through the 1988 Addenda.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in question is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of 10 CFR part 50, Appendix G, is to establish fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences, to which the pressure boundary may be subjected over its service lifetime. Section IV.A.2 of Appendix G requires that the reactor vessel be operated with P/T limits at least as conservative as those obtained by following the methods of analysis and the required

margins of safety of Appendix G of the ASME Code.

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) Using a safety factor of two on the principal membrane (pressure) stresses; (b) assuming a flaw at the surface with a depth of one-quarter (1/4) of the vessel wall thickness and a length of six (6) times its depth; and (c) using a conservative fracture toughness curve that is based on the lower bond of static, dynamic, and crack arrest fracture toughness tests on material similar to the Ginna reactor vessel material.

In determining the setpoint for LTOP events, the licensee proposed to use safety margins based on an alternate methodology consistent with the ASME Code Case N-514 guidelines. The ASME Code Case N-514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110 percent of the P/T limits of the existing ASME Code Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stress, the proposed criteria will provide adequate margins of safety on the reactor vessel during LTOP transients, and thus will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. Further, by relieving the operational restrictions, the potential for undesirable lifting of the PORV would be reduced, thereby improving plant safety.

IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), in that application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby grants an exemption from 10 CFR 50.60 such that in determining the setpoint for

LTOP events, the Appendix G curves for P/T limits are not exceeded by more than 10 percent. This exemption permits using the safety margins recommended in the ASME Code Case N-514, in lieu of the safety margins required by 10 CFR part 50, Appendix G. This exemption is applicable only to LTOP conditions during normal operation.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the exemption will have no significant impact on the quality of the human environment (62 FR 40554).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 28th day of July, 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-20643 Filed 8-5-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-223]

University of Massachusetts Lowell; (University of Massachusetts Lowell Research Reactor); Order Modifying Facility Operating License No. R-125

I

The University of Massachusetts Lowell (the licensee) is the holder of Facility Operating License No. R-125 (the license) issued on December 24, 1974, by the U.S. Atomic Energy Commission, and subsequently renewed on November 21, 1985, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the University of Massachusetts Lowell Research Reactor (the facility) at a power level up to 1 megawatt thermal (MW(t)). The facility is a research reactor located in the center of the North Campus of the University of Massachusetts Lowell, in the city of Lowell, Middlesex County, in northeastern Massachusetts, approximately 5 miles from the New Hampshire border. The mailing address is Radiation Laboratory, University of Massachusetts Lowell, One University Avenue, Lowell, Massachusetts 01854.

II

On February 25, 1986, the Commission promulgated a final rule in Section 50.64 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.64) limiting the use of high-enriched uranium (HEU) fuel in domestic

research and test reactors (non-power reactors) (see 51 FR 6514). The rule, which became effective on March 27, 1986, requires that if Federal Government funding for conversion-related costs is available, each licensee of a non-power reactor replace HEU fuel at its facility with low-enriched uranium (LEU) fuel acceptable to the Commission unless the Commission has determined that the reactor has a unique purpose. The Commission issued the rule to reduce the risk of theft and diversion of HEU fuel used in non-power reactors.

Paragraphs 50.64(b)(2)(i) and (ii) require that a licensee of a non-power reactor (1) not acquire more HEU fuel if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes to acquire HEU fuel and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Paragraph 50.64(c)(2)(i) requires, among other things, that each licensee of a non-power reactor authorized to possess and to use HEU fuel develop and submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal for meeting the requirements of the rule. The licensee shall include in its proposal a certification that Federal Government funding for conversion is available through the U.S. Department of Energy or other appropriate Federal agency and a schedule for conversion, based upon availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of arrangements for available financial support, and reactor usage.

Paragraph 50.64(c)(2)(ii) requires the licensee to include in the proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures. This paragraph also requires the licensee to submit supporting safety analyses in time to meet the conversion schedule.

Paragraph 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, to confirm the status of Federal Government funding, and to determine a final schedule, if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and to issue an appropriate enforcement order directing both the

conversion and, to the extent consistent with protection of public health and safety, any necessary changes to the license, the facility, and licensee procedures. In the **Federal Register** notice of the final rule (51 FR 6514), the Commission explained that in most, if not all, cases, the enforcement order would be an order to modify the license under 10 CFR 2.204.

Section 2.714 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

III

On May 21, 1993, as supplemented on March 17, 1994, May 16, 1997, and June 6, 1997, the NRC staff received the licensee's conversion proposal, including its proposed modifications and supporting safety analyses. HEU fuel elements are to be replaced with LEU fuel elements. The fuel elements contain fuel plates, typical of materials test reactors, with the fuel meat consisting of uranium silicide dispersed in an aluminum matrix. These plates contain the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64 and has determined that public health and safety and common defense and security require the licensee to convert the facility from the use of HEU to LEU fuel in accordance with the attachment to this Order and the schedule included herein. The attachment to this Order specifies the changes to the license conditions and discusses the changes to Technical Specifications that are needed to amend the facility license.

IV

Accordingly, pursuant to Sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.204 and 10 CFR 50.64, *it is hereby ordered that:*

Facility Operating License No. R-125 is modified by amending the license conditions and technical specifications as stated in the attachment to this Order on the later date of either (1) the day the licensee receives an adequate number and type of LEU fuel elements to operate the facility as specified in the licensee proposal or (2) 30 days after the date of publication of this Order in the **Federal Register**.

V

Pursuant to the Atomic Energy Act of 1954, as amended, the licensee or any other person adversely affected by this Order may request a hearing within 30

days of the date of this Order. Any request for a hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, with a copy to the Assistant General Counsel for Hearings and Enforcement at the same address. If a person other than the licensee requests a hearing, that person shall set forth with particularity in accordance with 10 CFR 2.714 the manner in which his or her interest is adversely affected by this Order.

If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission shall issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing is whether this Order should be sustained.

This Order shall become effective on the later date of either the day the licensee receives an adequate number and type of LEU fuel elements to operate the facility as specified in the licensee proposal or 30 days after the date of publication of this Order in the **Federal Register** or, if a hearing is requested, on the date specified in an order after further proceedings on this Order.

Dated at Rockville, Maryland, this 31st day of July 1997.

Attachment: As stated.

For the Nuclear Regulatory Commission.
Samuel J. Collins,
Director, Office of Nuclear Reactor Regulation.

Attachment to Order—Modifying Facility Operating License No. R-125

A. License Conditions Revised and Added by This Order.

2.B.(2) Pursuant to the Act and 10 CFR part 70, "Domestic Licensing of Special Nuclear Material," to receive, possess, and use at any one time up to 6.0 kilograms of contained uranium-235 at enrichments equal to or less than 20 percent in the form of material test reactor (MTR) type reactor fuel in connection with operation of the reactor and 5 Ci Am-Be and 10 Ci Sb-Be neutron sources for use in connection with operation of the reactor.

2.B.(4) Pursuant to the Act and 10 CFR part 70, "Domestic Licensing of Special Nuclear Material," to possess, but not use, up to 4.80 kilograms of contained uranium-235 at greater than 20 percent enrichment in the form of MTR-type reactor fuel until the existing inventory of this fuel is removed from the facility.

2.C.(2) *Technical Specifications* The technical specifications contained in Appendix A, as revised through Amendment No. 12, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the technical specifications.

2.C.(4) The licensee shall submit a startup report within six months of the initial criticality with low-enriched uranium reactor fuel in accordance with Amendment No. 12. This report shall be sent as specified in 10 CFR 50.4, "Written Communications."

B. The technical specifications will be revised by this Order in accordance with the "Enclosure to License Amendment No. 12, Facility Operating License No. R-125, Docket No. 50-223, Replacement Pages for Technical Specifications," and as discussed in the safety evaluation for this Order.

[FR Doc. 97-20642 Filed 8-5-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on August 27, 1997, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, August 27, 1997—10:30 a.m. until 12:15 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the qualifications of candidates for appointment to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: July 31, 1997.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 97-20652 Filed 8-5-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on August 27, 1997, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, August 27, 1997—1:00 p.m. until the conclusion of business

The Subcommittee will discuss technical and policy issues regarding the defense-in-depth approach to the regulation of nuclear power plants and its use in risk-informed regulation. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the

meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Dr. Medhat El-Zeftawy (telephone 301/415-6889) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: July 31, 1997.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 97-20653 Filed 8-5-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Joint Meeting of the ACRS Subcommittees on Probabilistic Risk Assessment, Plant Operations, and on Fire Protection; Notice of Meeting

The ACRS Subcommittees on Probabilistic Risk Assessment, Plant Operations, and on Fire Protection will hold a joint meeting on August 28 and 29, 1997, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, August 28, 1997—8:30 a.m. until the conclusion of business

Friday, August 29, 1997—8:30 a.m. until the conclusion of business

The Subcommittees will continue their review of matters included in the Staff Requirements Memorandum (SRM) dated May 27, 1997: (1) Acceptance criteria for plant-specific safety goals and deriving lower-tier acceptance criteria; and (2) the use of uncertainty versus point values in the PRA-related

decisionmaking process. The Subcommittees will review the proposed action plan to improve the Senior Management Meeting process and the voluntary approach proposed by the industry for reporting reliability and availability information for risk-significant systems and equipment. The Subcommittees will also review the NRC program for risk-based analysis of reactor operating experience, as well as the results of special studies performed by the staff (e.g., auxiliary feedwater, Westinghouse reactor protection systems, loss of offsite power, initiating events, reactor core isolation cooling, high pressure core injection, fire events, etc.). The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael T. Markley (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: July 31, 1997.
Sam Duraiswamy,
Chief, Nuclear Reactors Branch.
 [FR Doc. 97-20654 Filed 8-5-97; 8:45 am]
 BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of August 4, 11, 18 and 25, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of August 4

Monday, August 4

2:00 p.m. Affirmation Session (Public Meeting). A. Atlas Corporation; Docket No. 40-3453-MLA; LBP-97-9. Memorandum and Order (Denying Hearing Request).

2:05 p.m. Briefing by International Programs (Closed—Ex. 2).

3:00 p.m. Briefing on Investigative Matters (Closed—Ex. 5 and 7).

Wednesday, August 6

9:30 a.m. Meeting with Northeast Nuclear on Millstone (Public Meeting). Contact: Bill Travers, 301-415-1200.)

2:00 p.m. Briefing on Shutdown Risk Proposed Rule for Nuclear Power Plants (Public Meeting). (Contact: Tim Collins, 301-415-2897.)

3:30 p.m. Affirmation Session (Public Meeting). (If needed.)

Thursday, August 7

9:30 a.m. Meeting with NRC Executive Council (Public Meeting). (Contact: James L. Blaha, 301-415-1703.)

Week of August 11—Tentative

There are no meetings scheduled for the week of August 11.

Week of August 18—Tentative

Friday, August 22

11:30 a.m. Affirmation Session (Public Meeting). (If needed.)

Week of August 25—Tentative

There are no meetings scheduled for the week of August 25.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

Contact person for more information:
 Bill Hill (301) 415-1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301-415-1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: August 1, 1997.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 97-20760 Filed 8-1-97; 4:21 pm]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC97-5; Order No. 1188]

Notice and Order on Filing of Request for Establishment of a Provisional Classification and Fee Schedule for Packaging Service

Issued July 31, 1997.

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice Chairman; George W. Haley; W.H. "Trey" LeBlanc III

Notice is hereby given that on July 29, 1997, the United States Postal Service filed a request with the Postal Rate Commission pursuant to 3623 of the Postal Reorganization Act, 39 U.S.C. 101 *et seq.*, for a recommended decision on proposed additions to the Domestic Mail Classification Schedule (DMCS). The request also includes proposed new fees. The request includes attachments and is supported by the testimony of three witnesses and seven library references. It is on file in the Commission Docket Room and is available for inspection during the Commission's regular business hours.

Provisional Character of the Proposed Classifications and Fees

The Postal Service indicates that it is requesting new classifications and fees in order to introduce a packaging service on a provisional basis. The Service proposes that the packaging service be offered for a period not to exceed two years, unless it submits an

interim request for establishment as a permanent mail classification, in which case the provisional service could be offered for one additional year.

Description of Request

The Postal Service proposes creation of a separate special service for packaging service, which "would enable the Postal Service to offer customers the option of having items professionally packaged and staged for dispatch by the Postal Service." Request at 1. Packaging service would be available for "mailable articles deemed suitable by the Postal Service for packaging[.]"¹ and which are to be sent as Express Mail, Letters and Sealed Parcels, Priority Mail, or Parcel Post. While in effect, the provisional packaging service would be offered on a nationwide basis "at postal retail outlets where demand would be sufficient to justify investment in training and inventory." *Ibid.*

Fees for the packaging service would vary according to required carton size, the fragility of the item(s) to be packaged, and whether special packaging techniques are deemed necessary. The proposed fees range from \$ 8.50 for a small, nonbreakable item to \$ 22.50 for a large item requiring a special packaging technique.²

According to the Postal Service, provision of the proposed service would build upon its prior experience in testing Pack & Send service, which was the subject of Docket No. C96-1, a complaint proceeding.³ However, the Service states that the packaging service it proposes in this docket differs from its predecessor in several respects. First, the proposed service would be offered only in conjunction with existing mail services, not as a stand-alone service. Second, fees for the proposed service

and the special packaging techniques that may be required have been refined and simplified into three groupings based on the surface area of the required carton. Third, the service would be offered at selected postal retail outlets on a nationwide basis, rather than in a few markets. Finally, various components of the retail operation in which items are packaged for mailing would be automated.

Expedited Consideration of the Request

The Postal Service's request invokes the operation of subpart J of the Commission's rules of practice and procedure, 39 CFR 3001.171 through 3001.176, which provide for expedited consideration of requests for provisional service changes of limited duration. The purpose of these expedited procedures, as stated in 39 CFR 3001.174, "is to allow for consideration of proposed provisional services within 90 days, consistent with the procedural due process rights of interested persons."

According to the Service, the requested classification is suitable for consideration under the provisional service rules because it would create a separate special service, ancillary to the carriage of mail and available on a strictly optional basis, that would broaden the array of services available to mailers while recovering its costs and making a contribution to institutional costs. Thus, the Postal Service states, the proposed service would "supplement, but will not alter, existing classifications and rates[.]" as specified in 39 CFR 3001.171(a). The Postal Service also claims that adoption of packaging service on a provisional basis would be consistent with the Commission's policy of recommending "the introduction of provisional services that enhance the range of postal services available to the public, without producing a material adverse effect overall on postal revenues or costs, and without causing unnecessary or unreasonable harm to competitors of the Postal Service." *Ibid.*

In a separate notice dated July 29, 1997, a copy of which was filed with its Request, the Postal Service certifies that it has complied with the early notification requirement specified for provisional service requests in 39 CFR 3001.173(d).

Compliance With Certain Filing Requirements

The Postal Service's request was also accompanied by a Notice Concerning Compliance Statement, Or, In The Alternative, Motion Of The United States Postal Service For Waiver Of Certain Provisions Of Rule 64(h). In this

Notice, the Service observes that the circumstances of this docket, and compliance with the filing requirements specified in 39 CFR 3001.54 and 3001.64, are complicated by the pendency of the omnibus rate proceeding in Docket No. R97-1.⁴ The Service states that the information it presented in support of its Request in R97-1 is responsive to the requirements of 39 CFR 3001.54 and 3001.64 for both that proceeding and the instant docket, and that its compliance statement in this docket accordingly incorporates certain information provided in R97-1 by reference.

Nevertheless, the Service states that it has developed cost estimates for the proposed packaging service "using inputs from prior rate proceedings." Notice at 2. The Postal Service explains that this approach is intended to accommodate participants' and the Commission's needs to evaluate the cost information and theories it presents in R97-1 without tying the procedural schedule in this proceeding to the schedule in the ongoing omnibus rate case, and thus to allow consideration of its provisional service proposal within the 90-day schedule specified in § 3001.174.

However, should the Commission consider the current filing's reliance on documentation presented in the pending omnibus rate case to be an impediment to expedited consideration of its packaging proposal, the Postal Service moves in the alternative for waiver of certain requirements set out in § 3001.64(h). Specifically, the Service's alternative motion seeks a waiver of 39 CFR 3001.54(b)(3) in part, (d) in part, (f)(2) and (f)(3), (h), (j), and (l) in part. In general, the Service justifies waiver of these provisions in light of the limited nature and anticipated effects of the packaging proposal.

Further Procedures.

Section 173(b) provides that interested persons may intervene in a provisional service proceeding within 28 days after the filing of the Postal Service's Request. Accordingly, anyone wishing to be heard in this matter is directed to file a written notice of intervention with Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street, NW., Washington, DC 20268-0001, on or before August 26, 1997. Intended participants should indicate whether they request formal

¹ Proposed DMCS § 17.020, § 953.21. In Attachment A to its Request, the Postal Service includes two alternative sets of proposed DMCS provisions: one corresponding to the numbering convention currently in effect for the schedules of special services, and the other in accordance with a new numbering system it has proposed in the pending omnibus rate proceeding, Docket No. R97-1.

² Should the Commission decide to recommend the proposed provisional packaging service, it may recommend the fees proposed by the Postal Service or a different set of fees, depending upon its assessment of record evidence in light of the policies and factors prescribed by the Postal Reorganization Act.

³ In Docket No. C96-1, the Commission's inquiry focused exclusively on whether the subject Pack & Send service was "postal" or "non-postal" in character, in order to determine whether it was being offered in contravention of the procedural requirements of chapter 36 of title 39, United States Code. The Commission did not assess the merits of the Pack & Send service in light of substantive statutory policies and factors. See Order No. 1145, December 16, 1996; Order No. 1156, February 3, 1997.

⁴ The Postal Service filed a Request for a recommended decision on proposed changes in domestic postage rates and fees, and proposed changes in certain mail classifications, on July 10, 1997. See Order No. 1186, 62 FR 39660-39709 (July 23, 1997).

intervention or limited participator status. See 39 CFR 3001.20 and 3001.20a.

Section 173(e) of the rules of practice (39 CFR 3001.173(e)) states that the Commission will hold hearings on a Postal Service Request for a provisional service change "when it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve that issue." To assist that determination, the same provision directs parties who wish to dispute a genuine issue of material fact to file a request for a hearing, which:

shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position.

Ibid.

Any participant who wishes to dispute a genuine issue of material fact to be resolved in this proceeding shall file a request for a hearing as specified in § 173(e) by August 26, 1997. In order to assist the Commission's determination of whether a hearing is necessary, should any written discovery be directed to the Postal Service by a participant before August 26, 1997, the Postal Service shall respond within 10 days.

A prehearing conference will be held in this proceeding on Thursday, August 28, 1997, at 9:30 a.m. in the Commission's hearing room. Participants should be prepared to discuss what formal procedures, including hearings, may be necessary and appropriate in this docket. If the Commission determines that formal hearings to resolve genuine issues of material fact are required, hearings to evaluate the supporting evidence presented by the Postal Service may be scheduled to begin as soon as September 3, 1997. The presiding officer will establish subsequent procedural dates.

Representation of the General Public

In conformance with 39 U.S.C. 3624(a), the Commission designates W. Gail Willette, Director of the Commission's Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this

proceeding. The OCA shall be separately served with three copies of all filings, in addition to and contemporaneous with, service on the Commission of the 24 copies required by § 10(c) of the rules of practice (39 CFR 3001.10(c)).

It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed no later than August 26, 1997.

3. Participants who wish to request a hearing in this matter shall submit a request in conformance with 39 CFR § 3001.173(e) no later than August 26, 1997.

4. Answers to the Postal Service's Notice Concerning Compliance Statement, or, in the Alternative, Motion for waiver of Certain Provisions of Rule 64(h) are to be submitted no later than August 26, 1997.

5. The Postal Service shall provide responses to any written discovery requests submitted to it before August 26, 1997, within 10 days.

6. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the general public.

7. A prehearing conference in this docket shall be held on Thursday, August 28, 1997, at 9:30 a.m. in the Commission's hearing room.

8. The Secretary shall cause this notice and order to be published in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,
Secretary.

[FR Doc. 97-20628 Filed 8-5-97; 8:45 am]

BILLING CODE 7710-FW-P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection:

Lag Service Reports; OMB 3220-0005

Under Section 9 of the Railroad Act (RRA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA. To pay benefits due on a deceased employee's earnings records or determine entitlement to and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation information not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.4 and 209.5.

The RRB utilizes Form AA-12, *Notice of Death and Statement of Compensation, and Form G-88A, Employer's Supplemental Report of Service and Compensation* to obtain the required lag service and compensation and related information from railroad employers.

The RRB proposes minor editorial changes to Form AA-12 and G-88A to incorporate language required by the Paperwork Reduction Act of 1995. No other changes are proposed. The completion time for the AA-12 is estimated at 6 and 1/2 minutes per response. The completion time for form G-88A is estimated at 5 minutes per response. The RRB estimates that approximately 800 Form AA-12's and 400 G-88's are completed annually.

ADDITIONAL INFORMATION OR COMMENTS:

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (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. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 97-20607 Filed 8-5-97; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 17f-2(a), SEC File No. 270-34, OMB Control No. 3235-0034, Rule 17Ad-4(b) & (c), SEC File No. 270-264, OMB Control No. 3235-0341]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget request[s] for extension of the previously approved collection[s] of information discussed below.

Rule 17f-2(a) Fingerprinting Requirements for Securities Professionals, requires that securities professionals be fingerprinted. This requirements serves to identify security risk personnel, to allow an employer to make fully informed employment decisions, and to deter possible wrongdoers from seeking employment in the securities industry. Partners, directors, officers, and employees of exchanges, broker, dealers, transfer agents, and clearing agencies are included.

It is estimated that approximately 10,500 respondents will submit fingerprint cards. It is also estimated that each respondent will submit 50 fingerprint cards. The staff estimates that the average number of hours necessary to comply with the Rule 17f-2(a) is one-half hour. The total burden is 262,500 hours for respondents, based upon past submissions. The average cost per hour is approximately \$30. Therefore, the total cost of compliance for respondents is \$7,875,000.

Rule 17Ad-4(b) & (c), Notices Regarding Exempt Transfer Agent Status, is used to document when transfer agents are exempt, or no longer exempt, from the minimum performance standards and certain recordkeeping provisions of the Commission's transfer agent rules. Rule 17Ad-4(c) sets forth the conditions under which a registered transfer agent loses its exempt status. Once the conditions for exemption no longer exist, the transfer agent, to keep the appropriate regulatory authority ("ARA") apprised of its current status, must prepare, and file if the ARA for the transfer agent is the Board of Governors of the Federal Reserve System ("BGFRS") or the Federal Deposit

Insurance Corporation ("FDIC"), a notice of loss of exempt status under paragraph (c). The transfer agent then cannot claim exempt status under Rule 17Ad-4(b) again until it remains subject to the minimum performance standards for non-exempt transfer agents for six consecutive months. The ARAs use the information contained in the notice to determine whether a registered transfer agent qualifies for the exemptions, to determine when a registered transfer agent no longer qualifies for the exemption, and to determine the extent to which that transfer agent is subject to regulation.

The BGFRS receives approximately twelve notices of exempt status and six notices of loss of exempt status annually. The FDIC receives approximately eighteen notices of exempt status and three notices of loss of exempt status annually. The Commission and the Office of the Comptroller of the Currency ("OCC") do not require transfer agents to file notice of exempt status or loss of exempt status. Instead, transfer agents whose ARA is the Commission or OCC need only to prepare and maintain these notices. The Commission estimates that approximately sixteen notices of exempt status and loss of exempt status are prepared annually by transfer agents whose ARA is the Commission. Similarly, the OCC estimates that the transfer agents for which it is the ARA prepare and maintain approximately fifteen notices of exempt status and loss of exempt status annually. Thus, a total of approximately seventy notices of exempt status and loss of exempt status are prepared and maintained by transfer agents annually. Of these seventy notices, approximately forty are filed with an ARA. Any additional costs associated with filing such notices would be limited primarily to postage, which would be minimal. Since the Commission estimates that no more than one-half hour is required to prepare each notice, the total annual burden to transfer agents is approximately thirty-five hours. The average cost per hour is approximately \$30. Therefore, the total cost of compliance to the transfer agent community is \$1050.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information

Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: July 29, 1997.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 97-20616 Filed 8-5-97; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-22773; File No. 811-3815]

Manulife Series Fund, Inc.

July 30, 1997.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Manulife Series Fund, Inc.

RELEVANT 1940 ACT SECTION: Order requested under Section 8(f) of the 1940 Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company as defined by the 1940 Act.

FILING DATE: The application was filed on May 28, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicant with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 25, 1997, and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Applicant, Manulife Series Fund, Inc., 200 Bloor Street East, Toronto, Ontario, Canada M4W 1E5.

FOR FURTHER INFORMATION CONTACT: Megan Dunphy, Attorney, or Mark Amorosi, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application may be obtained for a fee from the Public Reference Branch of the SEC.

Applicant's Representations

1. Applicant is an open-end, diversified management investment company organized as a corporation under Maryland law. On July 27, 1983, Applicant filed a notification of registration as an investment company on Form N-8A and a registration statement on Form N-1 under the 1940 Act and the Securities Act of 1933. The registration statement became effective and the initial public offering of Applicant's shares commenced on June 26, 1984.

2. On September 27, 1996, Applicant's board of directors (the "Board") approved the following agreement and plan of reorganization: (i) The transfer of all assets and liabilities of each of the Applicant's portfolios to a corresponding portfolio of NASL Series Trust ("NASL"), a Massachusetts business trust, in exchange for shares of the corresponding NASL portfolio and the assumption by that NASL portfolio of the liabilities of Applicant's portfolio and (ii) the distribution of the shares received from each NASL portfolio to the shareholders of the corresponding portfolio of Applicant in liquidation of Applicant and each of its portfolios.

3. On or about November 15, 1996, proxy materials relating to the special meeting at which the agreement and plan of reorganization was considered were mailed to contract owners entitled to instruct as to the voting of Applicant's shares. At the special meeting held on December 20, 1996, the agreement and plan of reorganization was approved by the necessary vote of shareholders of each of Applicant's portfolios.

4. On December 19, 1996, Applicant, NASL and other related parties obtained an order pursuant to Section 17(b) of the Act and Rule 17d-1 thereunder to permit certain transactions contemplated by the reorganization.

5. On December 31, 1996, Applicant transferred assets and liabilities of each of its portfolios to a corresponding portfolio of NASL in exchange for shares of the corresponding NASL portfolio and distributed the NASL shares held by each portfolio pro rata to the shareholders of such portfolio in complete liquidation of the portfolio and of Applicant. The aggregate net asset value of the NASL shares received by each of Applicant's portfolios was equal to the aggregate net asset values of such portfolio.

6. The expenses of the reorganization, other than fees payable for the registration of shares of the NASL portfolios in connection with the reorganization, were borne by the Applicant's and NASL's affiliates, other than Applicant and NASL. No brokerage commissions were paid in connection with the reorganization.

7. Within the last 18 months, Applicant has not transferred any of its assets to a separate trust, the beneficiaries of which were or are security holders of Applicant.

8. At the time the application was filed, Applicant had no assets, no liabilities and no security holders. Applicant is not a party to any litigation or administrative proceeding, and is not now engaged, nor does it propose to engage, in any business activities other than those necessary for winding up its affairs.

9. On December 31, 1996, Applicant filed Articles of Transfer with Maryland's Department of Assessments and Taxation. Applicant intends to file Articles of Dissolution with that office upon receipt of the order requested in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-20614 Filed 8-5-97; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Discovery Zone, Inc., Order of Suspension of Trading

August 1, 1997.

It appears to the Securities and Exchange Commission that there is a lack of adequate information concerning the cancelled common stock of Discovery Zone, Inc. ("Discovery"), which emerged from Chapter 11 bankruptcy protection on July 29, 1997. On July 18, 1997, the Third Amended Joint Plan of Reorganization ("the Plan") was confirmed by the United States Bankruptcy Court for the District of Delaware. On July 29, 1997, the Plan became effective. Pursuant to the Plan, all of the common stock, common stock options and partnership interests existing as of the date of the bankruptcy petition, March 25, 1996, shall be cancelled, annulled and extinguished as of the effective date of the Plan, July 29, 1997. Accordingly, the common stock, common stock options and partnership

interests cancelled on July 29, 1997 no longer represent an economic or beneficial interest in Discovery.

Despite press releases and notification by the company that Discovery's common stock was cancelled and no longer represented any economic or beneficial value, the daily trading volume of Discovery's common stock was approximately six million shares and four million shares for July 30, 1997 and July 31, 1997, respectively, the two days following the cancellation of the common stock. Trading in Discovery's common stock was continuing today, August 1, 1997.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in Discovery's common stock, common stock options and partnership interests that were cancelled pursuant to the Plan. This order of suspension of trading does not affect any securities issued by Discovery pursuant to the Plan.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above company is suspended for the period from 3:30 p.m. (EDT), August 1, 1997, through 3:29 p.m. (EDT), on August 15, 1997.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 97-20831 Filed 8-4-97; 12:50 pm]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-38889; File No. SR-NSCC-96-21]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change to Establish the Annuities Processing Service

July 30, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on December 26, 1996, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") and on February 27, 1997, and May 12, 1997, amended the proposed rule change (File No. SR-NSCC-96-21) as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit

¹ 15 U.S.C. 78s(b)(1).

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend NSCC's rules to establish the Annuities Processing Service ("APS").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will amend NSCC's rules to establish APS. APS will be a centralized communication link that connects participating insurance carriers with broker-dealers, banks, and the broker-dealers' or banks' affiliated life insurance agencies where appropriate. NSCC believes that APS will reduce the time and costs associated with the processing of annuities by standardizing and automating the processing. Only those annuity plans that are purchased by individuals from insurance carriers through broker-dealers, banks, or their affiliated insurance agencies will be eligible for processing through APS. Initially, NSCC intended to only process variable rate annuity products through APS. As a result of requests by its participants, both variable rate and fixed rate annuity products will be processed through APS.³

NSCC proposes to implement APS in phases. Phase I will provide NSCC's participants with the ability to send and receive daily information regarding annuity contract positions, the value of a contract's underlying assets, and settlement of commission monies.⁴ This

information will be transmitted through the Phase I "position and valuation," and "commission and charge back" components.

The position and valuation component will permit insurance carriers to transmit information regarding the value of individual annuity contracts and the value of the assets underlying the contracts to broker-dealers and insurance agencies. Insurance carriers will submit position and valuation information to NSCC, which NSCC will forward to the party designated as recipient by the insurance carrier.

The commission and charge back component will permit insurance carriers and agencies to communicate concerning periodic trail or asset-based compensation and transaction-based commission payments, each paid by an insurance carrier to an agency, as well as charge backs paid by an agency to an insurance carrier. Insurance carriers and agencies will settle these payments through NSCC's money settlement system.

Insurance carriers will be able to initiate commission and charge back transactions by submitting instructions to NSCC. On any day prior to settlement, an agency or carrier member may submit a cancel instruction if the member does not recognize the transaction or an exit instruction if the member recognizes the transaction but wants that transaction to be processed outside of APS. A properly submitted exit or cancellation will cause the payment transaction to which it relates to be deleted from APS.

Unless NSCC receives a cancellation or exit instruction, the commission and charge back transaction will settle in the three-day settlement cycle following their completion unless the parties have agreed that the transaction will settle on an extended basis. However, no transaction will be allowed to settle more than five business days after the day on which the last instruction pertaining to the transaction was submitted to NSCC.

The proposed rule change provides that NSCC will not be responsible for the completeness or accuracy of any APS data or for any errors, omissions, or delays that may occur relating to the APS data. The proposed rule change also states that the processing of any transaction through APS will not relieve a party from its legal or regulatory rights or its obligations relating to a transaction.

beyond position and valuation information. NSCC will be required to make the appropriate rule filings with the Commission at such times as NSCC is ready to implement these additional components.

The proposed rule change will amend NSCC's Rule 2 to permit a corporation, partnership, or agency, including a registered broker-dealer, bank, or trust company, that is licensed to sell insurance products and is subject to supervision or regulation pursuant to the provisions of state insurance laws to become a member of the NSCC. If the entity agrees to limit their activities to APS services only, the entity would be classified as an "annuities agency member."

The proposed rule change would permit broker-dealers to join NSCC as agency members regardless of whether they conduct their insurance business in-house or through an affiliated or subsidiary insurance agency. The proposed rule change provides that NSCC may restrict the activities of the broker-dealers' insurance agency affiliates and subsidiaries who become agency members and require them to enter into agreements for operational support services with an entity that is acceptable to NSCC. The entity can be, but is not required to be, another agency member and cannot be replaced without the prior approval of NSCC. In addition, broker-dealers and banks who are not currently NSCC members that sell annuity products also will be permitted to join NSCC for the purpose of using APS.

The proposed rule change amends NSCC's rules to establish the "annuities carrier member" category. As proposed, NSCC Rule 2 will define carrier member as a company, partnership, limited liability corporation, or other organization or entity that is not a member of NSCC but is subject to the supervision or regulation pursuant to state insurance laws. Carrier members will not be required to make a deposit to the clearing fund.⁵

The proposed rule change also will create NSCC Rule 56 to establish the financial and operational standards for carrier members. Carrier members will be required to have an A.M. Best rating of "A-" if rated by (i) Standard & Poor's, the carrier member must have a claims paying ability rating of not less than "AAA;" (ii) Moody's, the carrier member must have a long-term debt rating of not less than "Aaa;" or (iii) Duff & Phelps, the carrier member must

⁵ Although no clearing fund deposit will be required from agency members and carrier members, NSCC has amended Rule 4 of its rules to state that an agency member or carrier member may be required to make a deposit in the clearing fund in the event that in the future NSCC determines that a clearing fund deposit should be required.

² The Commission has modified the text of the summaries prepared by NSCC.

³ Letter from Julie Beyers, Associate Counsel, NSCC (February 26, 1997).

⁴ NSCC intends to implement additional phases in the future to include the processing of annuity contract applications and the settlement of premium payments. In addition, the scope of information included in APS may be expanded

have a long-term debt rating of not less than "A-."⁶

Alternately, if the carrier member does not satisfy the above-mentioned criteria, Rule 56 will require that the carrier member have an A.M. Best rating of not less than "B+" and if rated by (i) Standard & Poor's, the carrier member must have a claims-paying ability rating of not less than "BBB;" (ii) Moody's, the carrier member must have a long-term debt rating of not less than "A;" or (iii) Duff & Phelps, the carrier member must have a long-term debt rating of not less than "BBB-." In this case, Rule 56 also will require that the carrier member demonstrate to NSCC's Board of Directors that its business and capabilities are such that it could reasonably expect material benefit from access to APS, and NSCC must determine that the financial condition of such carrier member does not pose an undue risk to NSCC or its members.

The proposed rule change will amend NSCC Rule 15 to require that all agency members and carrier members file certain financial information with NSCC. In addition to some of the financial information required of full NSCC members, Rule 15 as proposed will require agency member's and carrier member's to file with NSCC reports filed with relevant state insurance departments as may be determined by NSCC from time to time.

The proposed rule change amends Addendum B of NSCC's rules ("Standards of Financial Responsibility & Operational Capability") to include membership standards for applicants that will use only APS. The proposed rule change will require a broker-dealer whose membership is limited to the use of APS to have \$25,000 in excess net capital over the minimum net capital requirement imposed by the Commission or such higher minimum capital requirement imposed by the broker-dealer's designated examining authority. In addition, the broker-dealer must have a capital ratio or percentage that would not require it to be placed on immediate surveillance at NSCC and must not be on "closer-than-normal" surveillance by its designated examining authority. If the applicant is a bank or trust company, it must have \$100,000 minimum excess capital over the capital requirement imposed by its state or federal regulatory authority. A bank or trust company must not be operating at a loss at the time of its

application and not have operated at a loss in any of its previous three fiscal quarters. All others which apply for use of APS only must have the operational capability for membership or have an agreement concerning the provision of operational support services to such applicant with an entity acceptable to NSCC and which may not be replaced without prior approval by NSCC and must agree to restrict its business activities as NSCC may require.

Addendum B also will require that all agency members file certain prescribed information annually. Such information includes, among other things, general information concerning the member's corporate organizational structure and licensing, the nature of its business, bonding, pending investigations, and litigation.

The proposed rule change explicitly sets forth that, like NSCC's Mutual Fund Services and New York Window Service, APS will not be a guaranteed service. An additional paragraph has been added to Addendum K (Interpretation of the Board of Directors—Application of Clearing Fund) to make it clear that APS is a non-guaranteed service. Furthermore, NSCC states that it has not yet determined the fees for APS. NSCC will make the appropriate rule filing pursuant to Section 19(b)(3)(A) of the Act at such time as NSCC determines the fees to be charged for APS services.

The proposed rule change amends NSCC's Rule 3 (Lists to be Maintained) to indicate that NSCC will maintain a list of annuity plans that may be the subject of orders processed through APS. The proposed rule change amends NSCC's Rule 57 (Annuities Processing Service) to clarify what governs these Phase I aspects of APS.

The proposed rule change also makes technical amendments to the following NSCC rules to accommodate the APS service, agency members, and carrier members: Rule 1 (Definitions and Descriptions), Rule 5 (General Provisions), Rule 6 (Distribution Facilities), Rule 12 (Settlement), Rule 17 (Fine Payments), Rule 18 (Procedures For When the Corporation Declines or Ceases to Act), Rule 20 (Insolvency), Rule 22 (Suspension of Rules), Rule 24 (Charges for Services Rendered), Rule 26 (Bills Rendered), Rule 27 (Admission to Premises of the Corporation—Powers of Attorney, Etc.), Rule 29 (Qualified Securities Depositories), Rule 32 (Facsimile Signatures), Rule 33 (Procedures), Rule 34 (Insurance), Rule 35 (Financial Reports), Rule 36 (Rule Changes), Rule 37 (Hearing Procedures), Rule 39 (Special Representative/Index Receipt Agent), Rule 45 (Notices), Rule

46 (Restrictions on Access to Services), Rule 48 (Disciplinary Proceedings), Rule 55 (Settling Banks), Procedure VIII (Money Settlement Service), Procedure XV (Clearing Fund Formula and Other Matters), Addendum D (Statement of Policy—Envelope Settlement Service), and Addendum F (Statement of Policy—In Relation to Same Day Funds Settlement).⁷

NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act⁸ and the rules and regulations thereunder because it will facilitate the prompt and accurate clearance and settlement of securities transactions and, in general, protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NSCC consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W.,

⁷ The full text of each of these technical rule changes is set forth in Exhibit A of NSCC's filing and subsequent amendments thereto, each of which is available for inspection and copying at the Commission's Public Reference Room or through NSCC.

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁶ It should be noted that applicants will not be required to be rated by any rating agency other than A.M. Best in order to qualify as carrier members. The standards set forth for the other rating agencies apply only if a carrier member determines to utilize a rating agency in addition to A.M. Best.

Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All Submissions should refer to the file number SR-NSCC-96-21 and should be submitted by August 27, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-20615 Filed 8-5-97; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2970]

State of Idaho

As a result of the President's major disaster declaration on June 13, 1997 for Public Assistance only, and an amendment thereto on July 22 adding Individual Assistance, I find that Bingham and Jefferson Counties in the State of Idaho constitute a disaster area due to damages caused by severe storms, snowmelt, land and mud slides, and flooding which occurred March 14 through July 3, 1997. Applications for loans for physical damages may be filed until the close of business on September 22, 1997, and for loans for economic injury until the close of business on April 22, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous Idaho counties may be filed until the specified date at the above location: Bannock, Blaine, Bonneville, Butte, Caribou, Clark, Fremont, Madison, and Power.

⁹ 17 CFR 200.30-3(a)(12).

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.625
Homeowners without credit available elsewhere	3.875
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.250
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 297006 and for economic injury the number is 955700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 25, 1997.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 97-20624 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #2971]

State of Louisiana

Plaquemines and Jefferson Parishes and the contiguous Parishes of Lafourche, Orleans, St. Bernard, and St. Charles in the State of Louisiana constitute a disaster area as a result of damages caused by severe thunderstorms, rain, and tornadoes produced by Hurricane Danny on July 17 and 18, 1997. Applications for loans for physical damage may be filed until the close of business on September 25, 1997 and for economic injury until the close of business on April 27, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Business and non-profit organizations without credit available elsewhere	4,000

	Percent
Others (including non-profit organizations) with credit available elsewhere	7.250
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 297108 for economic injury the number is 956500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 25, 1997.

Aida Alvarez,

Administrator.

[FR Doc. 97-20618 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster # 2969]

State of Washington

As a result of the President's major disaster declaration on July 21, 1997, I find that Pend Oreille County in the State of Washington constitutes a disaster area due to damages caused by snowmelt and flooding which occurred April 10 through June 30, 1997. Applications for loans for physical damages may be filed until the close of business on September 19, 1997, and for loans for economic injury until the close of business on April 21, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P. O. Box 13795, Sacramento, CA 95853-4795.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Spokane and Stevens in Washington and Bonner and Boundary in Idaho may be filed until the specified date at the above location.

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.250

	Percent
For Economic Injury: Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 296906. For economic injury the numbers are 955500 for Washington and 955600 for Idaho.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 25, 1997.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 97-20623 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional "peg" rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 6 $\frac{7}{8}$ percent for the July-September quarter of FY 97.

Pursuant to 13 CFR 120.932, the maximum legal interest rate for a commercial loan which funds any portion of the cost of a project (see 13 CFR 120.801) shall be the greater of 6% over the New York prime rate of the limitation established by the constitution or laws of a given State. The initial rate for a fixed rate loan shall be the legal rate for the term of the loan.

Jane Palsgrove Butler,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 97-20622 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P-M

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Eastern District of Virginia, dated April 15, 1997, the United States Small Business Administration hereby revokes the license of Blue Ridge Capital, L.P., a Limited Partnership, to function as a small business investment company under the Small Business Investment

Company License No. 03/03-0175 issued to Blue Ridge Capital, L.P. on October 29, 1984 and said license is hereby declared null and void as of July 11, 1997.

Dated: July 11, 1997.

United States Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 97-20619 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Southern District of Texas, Houston Division, dated April 23, 1997, the United States Small Business Administration hereby revokes the license of Evergreen Capital Company, Inc., a Texas corporation, to function as a small business investment company under the Small Business Investment Company License No. 06/06-5264 issued to Evergreen Capital Company, Inc. on July 7, 1983 and said license is hereby declared null and void as of July 23, 1997.

Dated: July 24, 1997.

United States Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 97-20620 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration, the United States Small Business Administration hereby revokes the license of Sunwestern Capital Ltd., a Texas Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 06/06-0266 issued to Sunwestern Capital, Ltd. on March 7, 1983 and reissued March 23, 1990 and said license is hereby declared null and void as of July 24, 1997.

Dated: July 24, 1997.

United States Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 97-20621 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board; Public Meeting

The U.S. Small Business Administration National Small Business Development Center Advisory Board will hold a public meeting on Monday and Tuesday, August 11-12, 1997, from 8:15 AM to 4:15 PM, at the New York Small Business Development Center, State University of New York, Albany, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, please write or call Jorge F. Cardona, U.S. Small Business Administration, 409 Third Street SW, Fourth Floor, Washington, D.C. 20416, telephone (202) 205-7303.

Eugene Carlson,

Associate Administrator, Communications and Public Liaison.

[FR Doc. 97-20617 Filed 8-5-97; 8:45 am]

BILLING CODE 8025-01-M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities; Submissions for Office of Management and Budget (OMB) Review.

This notice lists information collection packages that have been sent to OMB for clearance, in compliance with Public Law 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

1. Employer Report of Special Wage Payments—0960-0565. The information collected on form SSA-131 will be used to verify wage information in order to prevent earnings-related overpayments or to avoid erroneous withholding of benefits. Only a small segment of employers, estimated at about 1,000, will need to complete the entire form. For these employers, the estimated average burden to complete a single form is 22 minutes. It will take an estimated average burden of 20 minutes to complete a single form for the majority of the employers. The respondents are employers who need to report an event which requires special wage payment verification.

Number of Respondents: 100,000.

Frequency of Response: 1.
Average Burden Per Response: 20–22 Minutes.

Estimated Annual Burden: 33,367.

2. Social Security Tax and Benefit Statement Survey—0960–NEW. Public Law 104–121 requires SSA to conduct and report to Congress on a pilot study of the efficacy of providing beneficiaries with information about their Social Security benefits, earnings and taxes paid on those earnings. SSA will conduct a one-time survey to solicit beneficiaries' reactions to such a statement and to determine whether the statement promotes better understanding of their contributions and benefits under the Social Security programs. The respondents are a sample of Social Security beneficiaries who are randomly selected and agree to participate in the survey.

Number of Respondents: 1,600.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 267 hours.

3. Work Activity Report—Employee—0960–0059. The form SSA–821–BK is used by the Social Security Administration to obtain information on work activity. The information is needed to determine if disabled individuals are performing substantial gainful activity and, if so, whether they continue to meet the disability criteria of the law. The respondents are Social Security and SSI disability applicants and recipients.

Number of Respondents: 300,000.

Frequency of Response: On occasion.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 225,000 hours.

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget,
OIRA, Attn: Laura Oliven, New
Executive Office Building, Room
10230, 725 17th St., NW, Washington,
D.C. 20503

(SSA)

Social Security Administration,
DCFAM, Attn: Nicholas E. Tagliareni,
1–A–21 Operations Bldg., 6401
Security Blvd., Baltimore, MD 21235

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: July 30, 1997.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 97–20602 Filed 8–5–97; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97–040]

Annual Certification of Cook Inlet Regional Citizens' Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: Under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, the Coast Guard may certify, on an annual basis, a voluntary advisory group instead of a Regional Citizens' Advisory Council for Cook Inlet, Alaska. This certification allows the advisory group to monitor the activities of terminal facilities and crude-oil tankers in Cook Inlet as established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Cook Inlet, Alaska.

EFFECTIVE DATE: July 1, 1997, through June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Meza, Project Manager, Port and Environmental Management Division (G–MOR–1), (202) 267–0421, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

SUPPLEMENTARY INFORMATION: Congress passed, as part of the Oil Pollution Act of 1990, the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster the long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of terminal facilities and crude-oil tankers.

Sub-section 2732(o) permits an alternative voluntary advisory group to represent the communities and interests in the vicinity of the terminal facilities in Cook Inlet, instead of a council of the type specified in sub-section 2732(d), if certain conditions are met. The Act requires that the group enter into a contract to ensure annual funding, and that it receive annual certification by the President to the effect that it fosters the general goals and purposes of the Act and is broadly representative of the community and interests in the vicinity

of the terminal facilities. Accordingly, in 1991, the President granted certification to the Cook Inlet Regional Citizens' Advisory Council (CIRCAC). He later delegated the authority to certify alternative advisory groups to the Commandant of the Coast Guard, who redelegate it to the Assistant Commandant for Marine Safety and Environmental Protection.

On May 22, 1997, in the **Federal Register**, the Coast Guard announced the availability of the application for recertification that it received from the CIRCAC and requested comments (61 FR 19110). It received none. Since it received no comments in opposition to the continued operation of the CIRCAC, the Coast Guard has determined that recertification of the CIRCAC in accordance with the Act is appropriate.

Recertification: By letter dated July 7, 1997, the Assistant Commandant for Marine Safety and Environmental Protection, certified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on May 31, 1998.

Dated: July 27, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–20636 Filed 8–5–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 96–041]

Annual Certification of Prince William Sound Regional Citizens' Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: Under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, the Coast Guard may certify, on an annual basis, a voluntary advisory group instead of a Regional Citizens' Advisory Council for Prince William Sound, Alaska. This certification allows the advisory group to monitor the activities of terminal facilities and crude-oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the advisory group for Prince William Sound, Alaska.

EFFECTIVE DATE: July 1, 1997 through June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Meza, Project Manager, Port and Environmental Management Division (G-MOR-1), (202) 267-0421, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

SUPPLEMENTARY INFORMATION: Congress passed, as part of the Oil Pollution Act of 1990, the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster the long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of terminal facilities and crude-oil tankers.

Sub-section 2732(o) permits an alternative voluntary advisory group to represent the communities and interests in the vicinity of the terminal facilities in Prince William Sound, instead of a council of the type specified in sub-section 2732(d), if certain conditions are met. The Act requires that the group enter into a contract to ensure annual funding, and that it receive annual certification by the President to the effect that it fosters the general goals and purposes of the Act and is broadly representative of the community and interests in the vicinity of the terminal facilities. Accordingly, in 1991, the President granted certification to the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC). He later delegated the authority to certify alternative advisory groups to the Commandant of the Coast Guard, who redelegated it to the Assistant Commandant for Marine Safety and Environmental Protection.

On May 22, 1997, in the **Federal Register**, the Coast Guard announced the availability of the application for recertification that it received from the PWSRCAC and requested comments (62 FR 28099). It received thirteen comments.

Discussion of Comments

All of the comments received by the Coast Guard supported recertification of the PWSRCAC. One of the comments recommended a change in PWSRCAC operations to ensure consistent presentation of PWSRCAC official positions. It is the Coast Guard's position that this comment as well as the other more general comments be forwarded to PWSRCAC for their review and appropriate action. Since none of the comments received opposed the recertification, the Coast Guard has determined that recertification of the PWSRCAC in accordance with the Act is appropriate.

Recertification: By letter dated July 8, 1997, the Assistant Commandant for Marine Safety and Environmental Protection certified that the RCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on June 30, 1998.

Dated: July 27, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97-20635 Filed 8-5-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33430]

CBEC Railway, Inc.—Trackage Rights Exemption—Great Western Railway Company of Iowa, L.L.C.

Great Western Railway Company of Iowa, L.L.C. (GWRI), has agreed to grant overhead trackage rights to CBEC Railway, Inc. (CBEC), over GWRI's trackage between milepost 1.72 and milepost 2.12, in the vicinity of Council Bluffs, IA.¹

The trackage rights agreement was expected to be executed on or about July 10, 1997,² but the transaction is not expected to be consummated until September 1997, when construction and rehabilitation of CBEC's line is completed and rail operations are commenced over CBEC's track. The purpose of the trackage rights is to improve operational efficiencies between CBEC and GWRI and to eliminate duplicative facilities by connecting two segments of CBEC track and right-of-way on either end of GWRI's Wabash Rail Yard.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction

¹ The track is adjacent to GWRI's Wabash Rail Yard and connects track owned by CBEC.

² Concurrent with the filing of the notice of exemption, CBEC filed a motion for protective order pursuant to 49 CFR 1104.14, with respect to the trackage rights agreement between CBEC and GWRI. CBEC submitted the trackage rights agreement under seal stating that it is a confidential agreement that prohibits any party from disclosing the material terms to the public without the prior written consent of the other party. By decision served July 28, 1997, CBEC's motion for protective order was granted.

involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33430, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, Donelan, Cleary, Wood & Maser, P.C., 1100 New York Avenue, N.W., Suite 750, Washington, DC 20005.

Decided: July 29, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-20715 Filed 8-5-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-383 (Sub-No. 3X)]

Wisconsin & Southern Railroad Co.—Discontinuance of Service

Exemption—in Milwaukee and Waukesha Counties, WI

The Wisconsin & Southern Railroad Co. (WSOR) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances* to discontinue service over a 3.0-mile line of railroad known as the Menomonee Falls Branch, owned by the State of Wisconsin Department of Transportation,¹ between milepost 101.1 in Granville and milepost 104.05 in Menomonee Falls, WI. The line traverses United States Postal Service Zip Codes 53224 and 53051.²

¹ The involved line segment is part of a group of former Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW) rail lines that were purchased by the State of Wisconsin under section 5(b)(2) of the Milwaukee Railroad Restructuring Act (MRR). See *State of Wisconsin—Acquisition of Certain Lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company*, Finance Docket No. 29237, (ICC served Feb. 1, 1980). WSOR was authorized to operate this branch line as well as other former MILW lines in *Wisconsin and Southern Railroad Co.—Lake, Columbia, Milwaukee, Washington, Waukesha, and Winnebago Counties, WI*, Finance Docket No. 29375 (ICC served Nov. 5, 1980).

² Under 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days

WSOR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 5, 1997,³ unless stayed pending reconsideration. Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ must be filed by August 18, 1997. Petitions to reopen must be filed by August 26, 1997, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Robert A. Wimbish, REA, CROSS, AUCHINCLOSS, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

before the abandonment or discontinuance is to be consummated. WSOR, in its verified notice tendered for filing on June 10, 1997, indicated a proposed consummation date of July 31, 1997. However, applicant failed to publish notice in the newspaper as required, and a new filing date of July 17, 1997, was entered when proof of publication was received. Because the verified notice was not complete until July 17, 1997, and hence was not deemed filed until then, the earliest possible consummation date is September 5, 1997. Applicant's representative has confirmed that the correct consummation date is on or after September 5, 1997.

³Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c)(6).

⁴Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

If the verified notice contains false or misleading information, the exemption is *void ab initio*.

Decided: July 30, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-20714 Filed 8-5-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 97-70]

Revocation of Customs Broker License

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Broker License Revocation.

AMENDED: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Sections 111.52 and 111.74 of the Customs Regulations, as amended (19 CFR 111.52 and 111.74), the following Customs broker license is canceled with prejudice.

Port	Individual	License No.
Houston	Sam Martinez ...	6282

Dated: August 1, 1997.

Philip Metzger,

Director, Trade Compliance.

[FR Doc. 97-20649 Filed 8-5-97; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds Termination of Authority

AGENCY: Fiscal Service, Department of the Treasury

ACTION: Surety Companies acceptable on federal bonds termination of authority: American Employers' Insurance

Company
CIGNA Insurance Company of Illinois
CIGNA Insurance Company of Texas
The Continental Insurance Company of

Puerto Rico
The Employers' Fire Insurance

Company
The Northern Assurance Company of America

SUMMARY: (Dept. Circ. 570, 1997—Rev., supp. No. 12).

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch (202) 874-6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificates of Authority issued by the Treasury to the above listed companies, under the United States Code, Title 31, Sections 9304-9308, to qualify as acceptable sureties on Federal bonds were terminated effective June 30, 1997.

The Companies were last listed as acceptable sureties on Federal bonds at 61 FR 34280, June 30, 1996.

With respect to any bonds currently in force with the above listed companies, bond-approving officers may let such bonds run to expiration and need not secure new bonds.

However, no new bonds should be accepted from these Companies. In addition, bonds that are continuous in nature should not be renewed.

The Circular may be viewed and downloaded through the Internet (<http://fms.treas.gov/c570.html>) or through our computerized public bulletin board system (FMS Inside Line) at (202) 874-6887. A hard copy may be purchased from the Government Printing Office (GPO), Washington, DC, telephone (202) 512-1800. When ordering the Circular from GPO, use the following stock number 048-000-00509-8.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A14, Hyattsville, MD 20872.

Dated: July 28, 1997.

Charles F. Schwan III,

Director, Funds Management Division,
Financial Management Service.

[FR Doc. 97-20609 Filed 5-5-97; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Tip Reporting Alternative Commitment (Food and Beverage Industry)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning a Tip Reporting Alternative Commitment (Food and Beverage Industry).

DATES: Written comments should be received on or before October 6, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Tip Reporting Alternative Commitment (Food and Beverage Industry).

OMB Number: 1545-1549.

Abstract: Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with Internal Revenue Code section 6053(a), which requires employees to report all their tips monthly to their employers.

Current Actions: There are no changes being made to the collection of information at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6,000.

Estimated Time Per Respondent: The estimated annual burden per respondent/recordkeeper varies from 12 hours to 51 hours, depending on

individual circumstances, with an estimated average of 40 hours.

Estimated Total Annual Burden Hours: 237,881.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 30, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97-20601 Filed 8-5-97; 8:45 am]

BILLING CODE 4830-01-P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Impressionist and Modern Masterpieces from the Collection of the Rudolf Staechelin Family Foundation of Basel, Switzerland" (See list ¹), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Kimbell Art Museum, Fort Worth, Texas, from approximately October 5, 1997 through October 5, 2000, is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register**.

Dated: July 31, 1997.

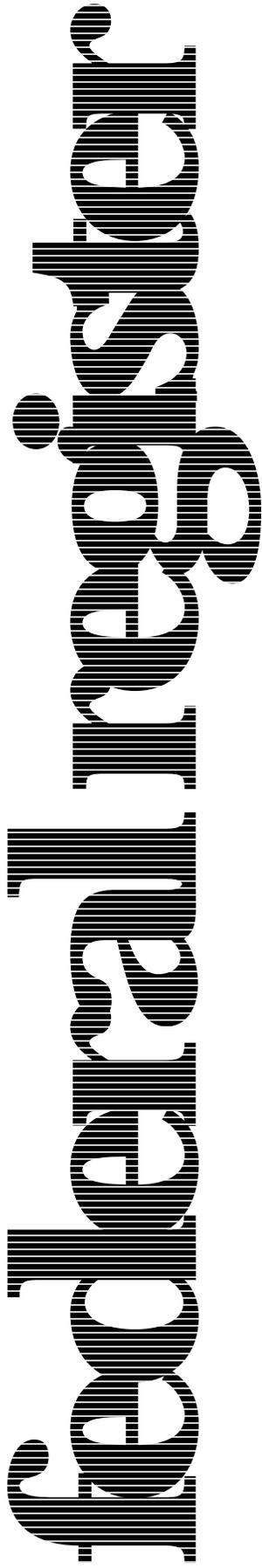
Les Jin,

General Counsel.

[FR Doc. 97-20693 Filed 8-5-97; 8:45 am]

BILLING CODE 8230-01-M

¹ A copy of this list may be obtained by contacting Ms. Neila Sheahan, Assistant General Counsel, at 202/619-5030, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, DC 20547-0001.



Wednesday
August 6, 1997

Part II

**Department of
Agriculture**

Rural Utilities Service

7 CFR Part 1767

Accounting Requirements for RUS
Electric Borrowers; Final Rule

DEPARTMENT OF AGRICULTURE**Rural Utilities Service****7 CFR Part 1767**

RIN 0572-AB36

Accounting Requirements for RUS Electric Borrowers

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Rural Utilities Service's regulations on accounting policies and procedures for RUS electric borrowers. This final rule amends the regulations pertaining to departures from the prescribed RUS Uniform System of Accounts (USoA), by allowing RUS borrowers to implement certain revenue and expense deferral plans without obtaining prior RUS approval. It also institutes activity-based costing (functional accounting) requirements for employee pensions and benefits, payroll taxes, and insurance and establishes a new accounting interpretation that addresses the accounting requirements set forth in Statement of Financial Accounting Standards No. 121, Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets to be Disposed of, within the framework of the RUS USoA. This final rule also establishes uniform accounting procedures for the National Rural Electric Cooperative Association's (NRECA) Split-Dollar life insurance program, the NRECA Special Early Retirement program, and the automatic meter reading system developed by Hunt Technologies, Inc., global positioning systems, and radio-based remote meter reading systems. This final rule also amends Accounting Interpretation No. 104 to record plant contributed by an RUS electric cooperative as an intangible asset.

EFFECTIVE DATE: September 5, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Roberta D. Purcell, Director, Program Accounting Services Division, Rural Utilities Service, Stop 1523, Room 2221, South Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-1523, telephone number (202) 720-9450.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

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

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that a rule relating to the RUS electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and, therefore, the Regulatory Flexibility Act does not apply to this final rule.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in this final rule were approved by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) under control number 0572-0002.

Send questions or comments regarding this burden or any aspect of this information collection, including suggestions for reducing the burden to F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., STOP 1522, Room 4034, Washington, DC 20250-1522.

National Environment Policy Act Certification

The Administrator, RUS, has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Program under number 10.850—Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402-9325.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A notice of final rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS electric loans and loan guarantees to governmental and nongovernmental entities from coverage under this order.

National Performance Review

This regulatory action is being taken as part of the National Performance Review program to eliminate

unnecessary regulations and improve those that remain in force.

Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this final rule meets the applicable standards provided in Sec. 3, of the Executive Order.

Background

In order to facilitate the effective and economical operation of a business enterprise, adequate and reliable financial records must be maintained. Accounting records must provide a clear, accurate picture of current economic conditions from which management can make informed decisions in charting the company's future. The rate-regulated environment in which an electric utility operates causes an even greater need for financial information that is accurate, complete, and comparable with that of other electric utilities.

RUS, as a Federal lender and mortgagee, and in furthering the objectives of the Rural Electrification Act (RE Act) (7 U.S.C. 901 *et seq.*) has a legitimate programmatic interest and a substantial financial interest in requiring adequate records to be maintained. In order to provide RUS with financial information that can be analyzed and compared with the operations of other borrowers in the RUS program, all RUS borrowers must maintain financial records that utilize uniform accounts and uniform accounting policies and procedures. The standard RUS security instrument, therefore, requires borrowers to maintain their books, records, and accounts in accordance with methods and principles of accounting prescribed by RUS in the RUS USoA for its electric borrowers.

To ensure that borrowers consistently account for their financial operations and keep pace with the ever-changing environment in which they operate, as well as apply the provisions of recent pronouncements of the Financial Accounting Standards Boards, the USoA must be revised and updated as changes in the industry and generally accepted accounting principles occur. RUS is, therefore, revising Section 1767.13, Departures from the Prescribed RUS Uniform System of Accounts, to identify certain revenue and expense deferral plans that may be implemented without the prior written approval of RUS. When RUS adopted the requirements set forth in Section 1767.13 in 1993, RUS borrowers were implementing a variety of revenue and expense deferral plans,

many without RUS knowledge or approval. Since the adoption of these requirements, RUS has been able to better determine the types of deferral plans being routinely adopted by its borrowers and the impact of these plans on loan security. History has shown that RUS has routinely approved the deferral of certain revenues and expenses and the accelerated amortization of previously deferred costs that have a minimal impact on loan security, provided that the information necessary for RUS to evaluate the action was submitted. In an effort to reduce paperwork requirements for both RUS and its borrowers, RUS is eliminating the requirement to obtain prior RUS approval to implement certain specific types of deferrals and accelerated amortizations of previously deferred expenses that have been routinely approved for all borrowers in the past.

With the issuance, by the Federal Energy Regulatory Commission (FERC), of Orders 888 and 889 on April 24, 1996 (61 FR 21540-21736; 21737-21854 (May 10, 1996) on open access, it is essential that rural electric cooperatives effectively and efficiently cost their products and services if they are to compete in an open market. Before products and services may be effectively priced in an open market, management must have reliable financial information concerning the actual cost of the products and services it provides. Costs, therefore, must be accumulated on a functional basis. Salaries, materials, and many other expenses incurred in utility operations are already accounted for on a functional basis. Employee pensions and benefits, payroll taxes, and insurance costs, however, are not, except to the extent that they are charged to construction and retirement activities. RUS is, therefore, revising its USoA to require borrowers to allocate employee pensions and benefits expense, as well as payroll taxes and insurance costs currently recorded in Accounts 408, Taxes Other than Income Taxes; 924, Property Insurance; 925, Injuries and Damages; and 926, Employee Pensions and Benefits; to the appropriate functional operations, maintenance, and administrative expense accounts. Additionally, RUS is amending the operations, maintenance, and administrative expense accounts to which labor charges are accrued to reflect this activity-based costing methodology. Accordingly, RUS is also amending the accounting interpretations that address insurance and pensions and benefits expense to reflect this cost allocation procedure.

This rule also revises Section 1767.41 by establishing a new accounting

interpretation that addresses the provisions of the recently issued pronouncement of the Financial Accounting Standards Board, Statement of Financial Accounting Standards No. 121, Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets to be Disposed of. RUS instructs its borrowers, with qualifying assets, as to the proper accounts to be used within the framework of the RUS USoA. Copies of Statements of Financial Accounting Standards may be obtained from the Order Department of the Financial Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk, Connecticut 06856-5116.

RUS is also adopting new accounting interpretations that establish the accounting policies and procedures for the NRECA Split-Dollar life insurance program and the NRECA Special Early Retirement (SERP) program. The Split-Dollar life insurance program and the Special Early Retirement program are benefits packages established by NRECA for borrowers to offer to their employees. The benefits provided under the Split-Dollar life insurance program consist of two components, the face value of the insurance policy which is payable to the employee's heirs and the accumulated cash surrender value. While the employee is the owner of the policy, the employee must sign a collateral assignment that gives the employer, the RUS borrower, an absolute right to the cash surrender value of the policy. Under the terms of this collateral assignment, the employee must reimburse the cooperative for the premiums paid upon the employee's termination of employment or attainment of the age of 62, if the employee wishes to maintain the insurance coverage. If death occurs prior to either of these events, the premiums paid to date by the borrower are deducted from the death benefits payable to the policy beneficiary. The accounting interpretation details the accounting journal entries necessary to record the cash surrender value of the policy and the expenses incurred by the borrower in providing the policy.

The SERP is a vehicle through which the cooperative may reduce the size of its workforce or replace more highly paid employees with lower paid entry-level employees. If an employee covered by an NRECA retirement plan chooses to retire before the employee's normal retirement date, that employee would receive an actuarially reduced benefit. However, when a cooperative elects to offer a SERP, no such reduction is required. The accounting interpretation details the accounting for the benefits package, itself, as well as the reduction

in postretirement benefit costs that may result from an employee accepting the SERP.

This rule also establishes an accounting interpretation for the automatic meter reading system developed by Hunt Technologies, Inc. The system transmits continuous information one way from the meter to a receiver located in the substation. The receiver constantly monitors each meter served by the substation. The data is then transmitted to the headquarters monitoring equipment via telephone line or an equivalent communication system. The accounting records the various components of the system in the primary plant accounts based upon their functions.

This rule establishes an accounting interpretation for Global Positioning Systems (GPS). The GPS is a worldwide radio-navigation system formed from a network of 24 satellites and their ground stations that utilities are using to update and modernize their system maps. GPS uses a system of satellites orbiting the earth to establish plant locations with pinpoint accuracy. By triangulating from three satellites and using radio signals to measure distances and locate items, system-wide maps can be created of the utility's service area. The accounting records the various components of the system in the primary plant accounts based upon their functions.

This rule also adopts an accounting interpretation for radio-based automatic meter reading systems. Radio-based automatic meter reading technology allows meters equipped with a low-power radio device called an ERT (Encoder, Receiver, Transmitter) to be read from a remote location. The ERT device "encodes" energy consumption and transmits this information to a radio transceiver equipped handheld computer. The data collected and stored in the handheld computer is then uploaded to a billing computer using specialized software for that purpose. The accounting records the various components of the system in the primary plant accounts based upon their functions.

This rule revises Interpretation No. 104, Terminal Facilities, to comply with guidance provided by FERC for public utilities on the accounting for plant contributed by one electric cooperative to another. Previously, contributed plant was recorded as a deferred charge in Account 186, Miscellaneous Deferred Debits. FERC issuances, however, direct public utilities to record contributed plant as an intangible asset in Account 303, Miscellaneous Intangible Plant. Upon review, RUS has determined that

the classification of contributed plant as an intangible asset is more appropriate and is, therefore, revising its accounting interpretations for RUS borrowers found in Interpretation No. 104.

Comments

A proposed rule entitled Accounting Requirements for RUS Electric Borrowers, published April 29, 1997, at 62 FR 23298, invited interested parties to submit comments on or before May 29, 1997. Twenty-seven comments were received which included submissions from NRECA, RUS electric borrowers, certified public accounting firms, and a statewide organization. The comments submitted by NRECA were based upon a joint review of the proposed rule by the Generation and Transmission Managers' Accounting and Depreciation Subcommittee and the Distribution Systems Accounting and Tax Committee. The following paragraphs address the various topics that were discussed by the commenters.

Implementation Date

Comment. The majority of commenters requested that RUS recognize that implementing the functional accounting requirements set forth in the proposed rule would require borrowers to make significant computer programming and accounting changes and, as a consequence, requested that implementation be delayed until no earlier than January 1, 1998. One borrower recommended a transition period of from 1 to 3 years for implementation, during which time either the current accounting methodologies or the functional approach could be utilized provided that adequate disclosure of the method utilized was made. One commenter recommended an implementation date of January 1, 1999, with earlier implementation encouraged and one commenter requested 3 years to allow borrowers to implement the required accounting systems without unduly interfering with their other required workloads. No commenters expressed a need to delay the other proposed revisions to the USoA.

Response. RUS is sympathetic to the commenters' concerns and believes, as do the majority of commenters, that a January 1, 1998, implementation date is appropriate and achievable. The vast majority of RUS borrowers' accounting systems are based upon computerized accounting models designed by a few data processing centers. Because of the importance, to their clients, of adopting a functional approach to accounting for expenses, these centers have already begun reformatting their accounting

systems and software. Several are previewing the new systems within the next 30 to 60 days.

It is also important to note that the managerial benefits to be derived from a functional accounting system should not be delayed. The sooner these systems are providing RUS borrowers' management with the cost data critical to operating in a deregulated industry, the greater benefits that are to be derived.

It is for these reasons that RUS will grant an automatic departure from the functional accounting requirements of this final rule for any borrower electing to delay implementation until January 1, 1998.

Comment. Many of the commenters requested relief from restating prior periods' financial statements in the RUS Form 7, Financial and Statistical Report; the RUS Form 12, Operating Report—Financial; and the audited financial statements prepared and submitted in accordance with 7 CFR part 1773, Policy on Audits of RUS Borrowers (part 1773).

Response. The security instruments utilized by RUS require borrowers to prepare and furnish to RUS, at least once during each 12-month period, a full and complete report of its financial condition, operations, and cash flows, in form and substance satisfactory to RUS, audited and certified by an independent CPA satisfactory to RUS, and accompanied by a report of such audit, in form and substance satisfactory to RUS. RUS has implemented these requirements through regulations published in part 1773. In Section 8 of part 1773, borrowers are required to prepare comparative financial statements for the 12-month period as of their audit date and for the immediately preceding 12-month period. It is this comparative financial information that permits RUS to analyze a borrower's financial progress and monitor any changes, either positive or negative, in operations from one year to the next. We believe the importance of this information to RUS in analyzing a borrower's continuing loan security status significantly outweighs the cost to the borrowers of providing this information.

After adoption of the functional accounting requirements, borrowers will be able to determine the percentage of general and administrative costs allocated to the various functional operations, maintenance, and administrative expense accounts. These same percentages could be applied to the prior year's financial statements to prepare comparative data. Since there is no net effect on a borrower's operating or net margins for the year, we believe

the impact will be immaterial to the financial statements taken as a whole, thereby allowing CPAs to provide the audit opinions necessary to allow borrowers to comply with the requirements set forth in part 1773 and, ultimately, their security instrument provisions. To alleviate any further reporting burden, however, RUS will not require restatement of prior years' financial statements in the RUS Forms 7 and 12.

Functional Accounting

Comment. A majority of the commenters disagreed with RUS' proposal to allocate labor related expenses such as employee pensions and benefits, payroll taxes, and employee insurance on the basis of direct labor hours. Rather, commenters recommended that those costs specifically identifiable with a particular employee be charged to the same accounts charged with that employee's labor and that those costs not specifically identifiable be allocated on the basis of direct labor dollars or hours, depending upon which allocation technique provides the most equitable distribution.

Response. RUS agrees with the recommendation and has revised the final rule accordingly.

Comment. Two commenters argued that property taxes and property insurance are more typically grouped with other types of fixed costs such as depreciation and interest and that either all of these "fixed costs" should be allocated or none.

Response. Property taxes and property insurance are costs that are readily identifiable with the various components of generation, transmission, and distribution plant thereby making their allocation a rational and elementary step toward a true functional accounting of costs. While we agree that depreciation expense should be readily identifiable with the various plant components, RUS has not required such specific identification in the past and to do so currently would dramatically change the depreciation accounting methodology for the majority of RUS borrowers. Depreciation expense is currently recorded by overall function; for example, steam production plant, nuclear production plant, hydraulic production plant, other production plant, transmission plant, distribution plant, and general plant and RUS has determined that the cost of requiring any further allocation by primary plant account would, for the majority of RUS borrowers, outweigh the benefits to be derived. For those borrowers that have this capability, however, RUS would, on

an individual borrower basis, consider requests for approval of a further allocation of depreciation expense.

With regard to interest expense, this allocation process would not only be cumbersome but would, more importantly, render invalid RUS' financial test requirements as set forth in its security instruments. For these reasons, RUS will not adopt an allocation procedure for depreciation or interest expense in this final rule.

Comment. One commenter recommended that property insurance premiums be charged directly to the operations expense accounts associated with insured substations and lines rather than to the miscellaneous transmission and distribution operations expense account. The commenter believes that this further allocation of these costs would be beneficial in establishing rates and in developing cost of service studies in the future.

Response. RUS agrees with this recommendation; however, believes that additional informational benefits could be derived by extending the allocation process beyond substations and lines. We have, therefore, revised the final rule to require the allocation of property insurance premiums and reserve accruals to the individual generation, transmission, and distribution operating expense accounts associated with the plant items insured. Property insurance premiums or reserve accruals associated with general plant items will continue to be charged to the miscellaneous administrative expense accounts as no further allocation is available under the current USoA.

Comment. Two commenters recommended that additional general and administrative costs be allocated to operations and maintenance activities; specifically, Accounts 920, Administrative and General Salaries; 921, Office Supplies and Expenses; 923, Outside Services Employed; 930, General Advertising Expense; 931, Rents; and 935, Maintenance of General Plant.

Response. The descriptions of the aforementioned accounts, as currently set forth in the USoA, allow general and administrative costs that are assignable to specific functions to be so charged. Only those costs attributable to the general administration of the borrowers' activities must remain unallocated in these accounts. While some may argue that all general and administrative costs could be allocated on an indirect basis to the specific functional accounts, the USoA is structured so as to maintain the integrity of the administrative and general costs incurred in the overall

operations of the cooperative. For these reasons, no revisions were made to the final rule.

Comment. One commenter recommended that the administrative and accounting fees related to 401(k) plans be allocated to the functional operations and maintenance accounts.

Response. As previously indicated, the current USoA allows for the assignment of general and administrative costs when a direct functional relationship exists. Therefore, if a borrower can specifically assign accounting and administrative fees associated with 401(k) plans to the applicable operations, maintenance, and administrative accounts, no further revision to the USoA is required. Costs that cannot be specifically assigned are more accurately reflected as costs applicable to the general administration of the borrowers' operations and should remain in the general and administrative account categories.

Comment. One commenter recommended that Account 405, Amortization of Other Electric Plant, be subaccounted similarly to Account 403, Depreciation Expense, to facilitate cost identification between the plant categories and facilities.

Response. While RUS encourages the use of subaccounts to provide borrower management with the level of detail necessary to make informed business decisions, we are reluctant to require specific subaccounts that may not be reflective of an individual borrower's intangible or other electric plant facilities. For this reason, no revision was made in the final rule.

Comment. Two commenters recommended the use of subaccounts to facilitate specific cost identification.

Response. While RUS encourages the use of subaccounts to provide borrower management with the level of detail needed to make informed business decisions, we are reluctant to require specific subaccounts that may not apply or be easily adaptable to an individual borrower's accounting system. For this reason, no revision was made in the final rule.

Comment. Two commenters noted that payments made under workmen's compensation laws were excluded from allocation to the maintenance accounts.

Response. RUS agrees with the recommendation and has revised the final rule to allocate all costs of injuries and damages to the various operations, maintenance, and administrative expense accounts.

Section 1767.13, Departures From the Prescribed RUS USoA

Comment. In its proposed rule, RUS advocated eliminating the requirement for RUS borrowers to obtain prior RUS approval to implement certain, specific types of deferrals. Included among the deferrals proposed to be exempted was the deferral of any current period expense provided that a borrower would have met its financial tests (Times Interest Earned Ratio (TIER) or Debt Service Charge (DSC) ratio) for the year had the deferral not been made. Two commenters pointed out that several generation and transmission borrowers have or are negotiating new indentures that invoke a Margins for Interest requirement rather than the standard TIER requirement. In addition, in the new form of mortgage and loan contract applicable to RUS distribution borrowers, borrowers not only have a TIER and DSC requirement but an Operating TIER and DSC requirement. The commenters recommended language that would focus on the financial covenants or financial tests applicable to each borrower during the year the deferral is made.

Response. RUS agrees with the recommendation and has revised the final rule accordingly.

To further clarify this exemption, it was RUS' intent to apply this provision to the cumulative total of all individual deferrals made pursuant to this exemption during the reporting year. That is, not only must each deferral made during the year meet this requirement but the cumulative total of all deferrals made pursuant to this exemption during the reporting year must meet this requirement.

Comment. Two commenters recommended that RUS exempt from its approval process, all revenue deferral plans provided that the borrower continued to meet RUS financial covenants after consideration of the revenue deferral. In addition, one of these commenters recommended exempting revenue deferrals that would be fully amortized within 12 months.

Response. RUS' purpose in exempting, from RUS approval requirements, certain, specific revenue and expense deferral plans was to minimize the paperwork requirements for both RUS and its borrowers. The deferral plans selected for exemption were ordinary in the course of business and provided little risk to RUS' loan security interests. Requests for approvals of revenue deferral plans other than those associated with the NRECA moratorium on pension plan payments are minimal. Due to the

infrequency of the requests and typically, the special nature of the requests, RUS has determined that all other revenue deferral plans should continue to be approved by RUS.

Comment. One commenter recommended a revision to the language exempting, from RUS approval requirements, revenue deferrals coincident with a moratorium imposed by NRECA on its Retirement and Security Program. The proposed language exempted the deferral of revenues coincident with a moratorium imposed by the NRECA on its Retirement and Security Program, provided, however, that the deferral is for the sole purpose of offsetting future pension cost increases. The commenter requested that "increases" be deleted from the provision.

Response. RUS has no objection to this recommendation and has revised the final rule accordingly.

Comment. Two commenters recommended that RUS clarify that those deferrals exempted from the RUS approval process must still comply with the provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation, and that the entities implementing such deferrals must continue to meet the requirements for doing so.

Response. RUS agrees with this recommendation and has revised the final rule accordingly.

Comment. One commenter recommended that the expense deferral plans exempted from RUS approval requirements be cross-referenced to the appropriate accounting interpretations.

Response. RUS agrees with the recommendation and has revised the final rule accordingly.

Section 1767.41, Accounting Methods and Procedures Required of All RUS Borrowers

Comment. One commenter expressed its concerns that RUS should not interpret generally accepted accounting principles (GAAP) through its accounting interpretations but should merely require its borrowers to follow GAAP. The commenter expressed concern that any interpretation that does not mirror a standard issued by the Financial Accounting Standards Board provides the opportunity for a conflict to exist.

Response. Each accounting interpretation addressing a FASB standard includes a synopsis of the requirements of the standard. While we understand the commenter's concern that this synopsis could alter the intent of the FASB standard, we expose, for

public comment, all interpretations to ensure that no apparent conflicts exist. The purpose of the interpretations is to alert borrowers to recent issuances that may impact upon their operations and to provide guidance on recording the applicable transactions within the framework of the USoA. Our purpose is not to alter the FASB standard unless it is necessary to do so to accommodate the cooperative organizational structure of our borrowers. To ensure that our intent was clear, we proposed introductory language to Section 1767.41 detailing our purpose and allowing borrowers to request a specific interpretation if they feel a conflict exists. For this reason, we have made no revision to the final rule.

Comment. One commenter recommended that the introductory language to Section 1767.41 be amended. The commenter focused on the language concerning requests for interpretations when a borrower feels that the accounting prescribed in the USoA conflicts with GAAP. The proposed language requires a borrower to request this interpretation in writing. The commenter is concerned that requiring only written requests may stifle questions posed to RUS and recommended language that focuses on resolution of issues.

Response. It is and has always been RUS' intention to encourage borrower questions, not to stifle them and we are receptive to any action that will enhance interaction between RUS and its borrowers. Therefore, we are revising the final rule to incorporate the commenter's recommended language. We would, however, caution borrowers that, due to the regulatory nature of the USoA, specific interpretations thereof or departures therefrom must be requested, in writing, in accordance with Sections 1767.13 and 1767.14. Written interpretations of this USoA ensure consistency in the application of accounting methodologies among RUS borrowers, thereby enhancing financial analysis and ultimately, loan security.

Interpretation No. 137, Impairment of Long-Lived Assets

Comment. While agreeing with our accounting interpretation, one commenter recommended that we expand our guidance to address the potential impairment of a distribution cooperative's investment in a generation and transmission (G&T) cooperative. The commenter expressed concern that with the changes occurring in the electric utility industry, additional guidance should be formulated to indicate what accounting should be

applied if an investment in a G&T becomes impaired.

Response. The interrelationship between a G&T and its distribution members is a complex one and encompasses many far-ranging issues in addition to the distribution cooperatives' investments in their G&Ts. While we share the commenter's concern, due to this complex interrelationship and the electric utility industry's constantly changing environment, we believe any guidance issued at this time may prove imprudent. It is our intention, therefore, to monitor the deregulation process closely, review all of the accounting consequences, and issue guidance in future rulemakings as more of the issues are resolved.

Interpretation No. 104, Terminal Facilities

Comment. One commenter stated that it is probable that power supply contracts resulting in the construction of terminal facilities will not be renewed. This commenter recommended that the amortization period be associated with contract life if it is shorter than the average service life of the plant constructed.

Response. RUS agrees with the recommendation and has revised the final rule accordingly.

Interpretations No. 138, Automatic Meter Reading Systems—Turtles, and 140, Radio-Based Automatic Meter Reading Systems

Comment. Several commenters requested reconsideration of Interpretations 138, Automatic Meter Reading Systems—Turtles, and 140, Radio-Based Automatic Meter Reading Systems. The commenters addressed a number of concerns including the functional classification of equipment, depreciation period of equipment, and the need for a generic interpretation to address all types of automatic meter reading devices. The commenters believe that the primary purpose of both the Turtle and Radio-Based Automatic Meter Reading Systems are to facilitate the meter reading function and should be recorded in Account 370, Meters. They expressed concern, however, that the depreciation rate applicable to metering equipment was not reflective of the average service lives of these devices and the associated computer software.

Response. RUS agrees with the commenters that the underlying function of these systems is meter reading and that these types of devices and the associated software have vastly different service lives than the other

equipment recorded in Account 370. RUS has, therefore, revised Interpretations 138 and 140 to require that all equipment be classified in a separate subaccount of Account 370, Meters. RUS has further revised its interpretation to require depreciation of the meter reading devices over the manufacturer's suggested service life and, in accordance with Interpretation No. 401, Computer Software Costs, depreciation of the associated software over its estimated useful service life not to exceed 5 years.

In response to the commenters' request that we provide a generic accounting interpretation to address all types of automatic meter reading devices, RUS is hesitant to provide generic interpretations that may be inappropriately applied to differing types of equipment. As technologies constantly improve, many of the systems and equipment that are in use in today's environment may be replaced by significantly different devices that provide a range of functions currently unanticipated by the industry. To avoid the application of accounting instructions to systems or devices to which they do not apply, RUS has decided to continue its practice of addressing specific, new technologies as they arise.

Interpretation No. 610, Financial Forecasts

Comment. One commenter expressed the view that labor and related expenses pertaining to the completion of a financial forecast should be capitalized.

Response. While comments on Interpretation No. 610 were outside the scope of this proposal, the preparation of financial forecasts are necessary in the normal and usual operations of any business enterprise and are considered common business practice. Financial forecasts are managerial tools used to direct the course of an enterprise and to evaluate its performance. Costs incurred in the normal course of business are expensed in the period in which they are incurred.

Interpretation No. 627, Postretirement Benefits

Comment. One commenter suggested that the accounting journal entries for the transition obligation associated with postretirement benefits be amended to require the various operations, maintenance, and administrative expense accounts to be charged rather than Account 926, Employee Pensions and Benefits.

Response. The adoption of Statement of Financial Accounting Standards No. 106, Employers' Accounting for

Postretirement Benefits Other Than Pension (Statement No. 106), was effective for most RUS borrowers beginning with fiscal years after December 15, 1994. The journal entry reference by the commenter addresses the current period expensing of the transition obligation, which, due to the passage of time, is no longer an appropriate option for borrowers. Borrowers that failed to adopt Statement No. 106 within the required timeframe have erred in the preparation of their financial statements and must account for such error as a prior period adjustment. For this reason, no revision was made to the final rule.

Interpretation No. 630, Split Dollar Life Insurance

Comment. Two commenters recommended that Interpretation No. 630, Split Dollar Life Insurance, be revised to apply to all split dollar life insurance programs, regardless of the service provider.

Response. While there are a number of split dollar life insurance programs available in the marketplace, the majority of RUS borrowers participate in the program offered by NRECA. The accounting guidance provided in Interpretation No. 630 is based upon information provided by NRECA on their program and is, therefore, specific to their plan. If, however, a borrower is currently participating in a program offered by another provider that parallels the NRECA program, the borrower should use the accounting provided in this interpretation. If the borrower's current program differs from that provided by NRECA, the borrower should request specific accounting guidance for that program. For this reason, no revision was made in the final rule.

Comment. One commenter recommended that Interpretation No. 630, Split Dollar Life Insurance, be expanded to provide a standard expense reference. This commenter recommended the use of Account 926, Employee Pensions and Benefits, or Account 165, Prepayments.

Response. RUS agrees that an expense account reference should be added to this interpretation. However, in keeping with the functional approach to accounting established in this rule, RUS will revise the final rule to require that various operations, maintenance, and administrative expense accounts be charged for the expenses associated with split dollar life insurance.

Interpretation No. 631, Special Early Retirement Plan

Comment. One commenter recommended that Interpretation No. 631, Special Early Retirement Plan (SERP), be revised to apply to all plans, regardless of the provider of the service.

Response. While there are a number of SERP programs available, the vast majority of RUS borrowers participate in the program offered by NRECA. The accounting guidance provided in Interpretation No. 631 is based upon information provided by NRECA on their program and is, therefore, specific to their plan. If, however, a borrower is currently participating in a program offered by another provider that mirrors the NRECA program, the borrower should use the accounting provided in this interpretation. If the borrower's current program differs from that provided by NRECA, the borrower should request specific accounting guidance for that program. For this reason, no revision was made in the final rule.

List of Subjects in 7 CFR Part 1767

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas, Uniform System of Accounts.

For the reasons set forth in the preamble, RUS hereby amends 7 CFR chapter XVII as follows:

PART 1767—ACCOUNTING REQUIREMENTS FOR RUS ELECTRIC BORROWERS

1. The authority citation for part 1767 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

2. Section 1767.13 is amended by revising paragraphs (a) and (d) to read as follows:

§ 1767.13 Departures from the prescribed RUS Uniform System of Accounts.

(a) No departures are to be made to the prescribed RUS USoA without the prior written approval of RUS. RUS grants a departure to any borrower electing to delay implementation of the functional (activity-based) accounting requirements of this part through December 31, 1997. Requests for departures from the RUS USoA shall be addressed, in writing, to the Director, Program Accounting Services Division (PASD).

* * * * *

(d) RUS borrowers will not implement the provisions of Statement of Financial Accounting Standards (SFAS) No. 71, Accounting for the Effects of Certain

Types of Regulation, SFAS No. 90, Regulated Enterprises—Accounting for Abandonments and Disallowances of Plant Costs, SFAS No. 92, Regulated Enterprises—Accounting for Phase-in Plans, without the prior written approval of RUS except as provided for in paragraphs (d)(1) through (d)(5) of this section. Requests for approval shall be addressed, in writing, to the Director, PASD. The specific deferrals set forth in paragraphs (d)(1) through (d)(5) of this section may be implemented without the prior written approval of RUS provided that the deferrals comply with Statement No. 71 and that the RUS borrowers implementing such deferrals continue to meet the requirements set forth in Statement No. 71 for doing so:

(1) The deferral and amortization of prior service pension costs (See § 1767.41, Interpretation No. 606, Pension Costs), remapping expenses (See § 1767.41, Interpretation No. 613, Mapping Costs), and preliminary survey and investigation charges (See § 1767.17, Interpretation No. 111, Engineering Contracts for System Planning);

(2) The deferral of any current period expense or expenses, on a cumulative basis for the fiscal year, only if a borrower would have met each of its financial tests or coverage ratios that it has covenanted with RUS to meet for that fiscal year, had the deferral not been made;

(3) The deferral of any cost that will be fully amortized within the next 12 succeeding months;

(4) The accelerated amortization of any previously deferred expense; and

(5) The deferral of revenues coincident with a moratorium imposed by the National Rural Electric Cooperative Association on its Retirement and Security Program, provided, however, that the deferral is for the sole purpose of offsetting future pension costs.

* * * * *

3. Section 1767.17 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1767.17 Operating expense instructions.

(a) *Supervision and engineering.* The supervision and engineering includible in the operating expense accounts shall consist of the salary, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and other expenses of superintendents, engineers, clerks, other employees, and consultants engaged in supervising and directing the operation and maintenance of each utility function. Whenever allocations are necessary in order to arrive at the amount to be included in

any account, the method and basis of allocation shall be reflected by underlying records.

- (1) Labor items:
 - (i) Special tests to determine efficiency of equipment operation;
 - (ii) Preparing or reviewing budgets, estimates, and drawings relating to operation or maintenance for departmental approval;
 - (iii) Preparing instructions for operations and maintenance activities;
 - (iv) Reviewing and analyzing operating results;
 - (v) Establishing organizational setup of departments and executing changes therein;
 - (vi) Formulating and reviewing routines of departments and executing changes therein;
 - (vii) General training and instruction of employees by supervisors whose pay is chargeable hereto. Specific instructions and training in a particular type of work is chargeable to the appropriate functional account (See paragraph (c) (19) of this section); and
 - (viii) Secretarial work for supervisory personnel, but not general clerical and stenographic work chargeable to other accounts.

- (2) Expense items:
 - (i) Employee pensions and benefits;
 - (ii) Social security and other payroll taxes;
 - (iii) Injuries and damages;
 - (iv) Consultants' fees and expenses; and
 - (v) Meals, traveling, and incidental expenses.

(b) *Maintenance.* (1) The cost of maintenance chargeable to the various operating expense and clearing accounts includes labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials, overheads, and other expenses incurred in maintenance work. A list of work operations applicable generally to utility plant is included in this paragraph (b). Other work operations applicable to specific classes of plant are listed in functional maintenance expense accounts.

(2) Materials recovered in connection with the maintenance of property shall be credited to the same account to which the maintenance cost was charged.

(3) If the book cost of any property is carried in Account 102, Electric Plant Purchased or Sold, the cost of maintaining such property shall be charged to the accounts for maintenance of property of the same class and use, the book cost of which is carried in other electric plant in service accounts. Maintenance of property leased from others shall be treated as provided in paragraph (c) of this section.

- (4) Items:
 - (i) Direct field supervision of maintenance;
 - (ii) Inspecting, testing, and reporting on condition of plant specifically to determine the need for repairs, replacements, rearrangements, and changes and inspecting and testing the adequacy of repairs which have been made;
 - (iii) Work performed specifically for the purpose of preventing failure, restoring serviceability or maintaining life of plant;
 - (iv) Rearranging and changing the location of plant not retired;
 - (v) Repairing for reuse materials recovered from plant;
 - (vi) Testing for, locating, and clearing trouble;
 - (vii) Net cost of installing, maintaining, and removing temporary facilities to prevent interruptions in service; and
 - (viii) Replacing or adding minor items of plant which do not constitute a retirement unit.

* * * * *

4. Section 1767.21 is amended by revising Account 408 to read as follows:

§ 1767.21 Operating income.

* * * * *

408 Taxes Other Than Income Taxes

A. This account shall include the amounts of ad valorem, gross revenue, or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, state, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to Account 236, Taxes Accrued, or Account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax, in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on

an equitable basis after appropriate study to determine such basis.

Note A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

Note B: Taxes specifically applicable to construction and retirement activities shall be included in the cost of construction or the retirement.

Note C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

Note D: Social security and other forms of payroll taxes shall be charged to nonutility operations, the specific functional operations, maintenance, and administrative expense accounts, and to construction and retirement activities on a basis related to payroll either directly or by transfers from this account.

Note E: Property taxes applicable to the various utility functions shall be charged to the specific functional operations and administrative expense accounts either directly or by transfers from this account.

Note F: Interest on tax refunds or deficiencies shall not be included in these accounts but in Account 419, Interest and Dividend Income, or Account 431, Other Interest Expense, as appropriate.

D. Account 408 shall be subaccounted as follows:

- 408.1 Taxes—Property
- 408.2 Taxes—U.S. Social Security—Unemployment
- 408.3 Taxes—U.S. Social Security—F.I.C.A.
- 408.4 Taxes—State Social Security—Unemployment
- 408.5 Taxes—State Sales—Consumers
- 408.6 Taxes—Gross Revenue or Gross Receipts Tax
- 408.7 Taxes—Other

* * * * *

5. Section 1767.27 is amended by revising Accounts 500, 501, 502, 505, 506, 510, 511, 512, 513, 514, 517, 519, 520, 523, 524, 528, 529, 530, 531, 532, 535, 537, 538, 539, 541, 542, 543, 544, 545, 546, 548, 549, 551, 552, 553, 554, 556, 560, 561, 562, 563, 564, 566, 568, 569, 570, 571, 572, 573, 580, 581, 582, 583, 584, 585, 586, 587, 588, 590, 591, 592, 593, 594, 595, 596, 597, and 598 to read as follows:

§ 1767.27 Operation and maintenance expense.

* * * * *

500 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of steam power generating stations. Direct supervision of specific activities, such as fuel handling, boiler-room

operations, and generator operations shall be charged to the appropriate account. (See § 1767.17(a).)

501 Fuel

A. This account shall include the cost of fuel used in the production of steam for the generation of electricity, including expenses in unloading fuel from the shipping media and handling thereof up to the point where the fuel enters the first boiler plant bunker, hopper, bucket, tank, or holder of the boiler-house structure. Records shall be maintained to show the quantity, B.t.u. content and cost of each type of fuel used.

B. The cost of fuel shall be charged initially to Account 151, Fuel Stock, and cleared to this account on the basis of the fuel used. Fuel handling expenses may be charged to this account as incurred or charged initially to Account 152, Fuel Stock Expenses Undistributed. In the latter event, they shall be cleared to this account on the basis of the fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

Items

Labor:

1. Supervising, purchasing, and handling of fuel.
2. All routine fuel analyses.
3. Unloading from shipping facility and placing in storage.
4. Moving of fuel in storage and transferring fuel from one station to another.
5. Handling from storage or shipping facility to first bunker, hopper, bucket, tank, or holder of boiler-house structure.
6. Operation of mechanical equipment, such as locomotives, trucks, cars, boats, barges, and cranes.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees

when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Operating, maintenance, and depreciation expenses and ad valorem taxes on utility-owned transportation equipment used to transport fuel from the point of acquisition to the unloading point.

2. Lease or rental costs of transportation equipment used to transport fuel from the point of acquisition to the unloading point.

3. Cost of fuel including freight, switching, demurrage, and other transportation charges.

4. Excise taxes, insurance, purchasing commissions, and similar items.

5. Stores expenses to extent applicable to fuel.

6. Transportation and other expenses in moving fuel in storage.

7. Tools, lubricants, and other supplies.

8. Operating supplies for mechanical equipment.

9. Residual disposal expenses less any proceeds from sale of residuals.

Note: Abnormal fuel handling expenses occasioned by emergency conditions shall be charged to expense as incurred.

502 Steam Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in production of steam for electric generation. This includes all expenses of handling and preparing fuel beginning at the point where the fuel enters the first boiler plant bunker, hopper, tank, or holder of the boiler-house structure.

Items

Labor:

1. Supervising steam production.
2. Operating fuel conveying, storage, weighing, and processing equipment within boiler plant.
3. Operating boiler and boiler auxiliary equipment.
4. Operating boiler feed water purification and treatment equipment.
5. Operating ash-collecting and disposal equipment located inside the plant.
6. Operating boiler plant electrical equipment.
7. Keeping boiler plant log and records and preparing reports on boiler plant operations.
8. Testing boiler water.
9. Testing, checking, and adjusting meters, gauges, and other instruments and equipment in boiler plant.
10. Cleaning boiler plant equipment when not incidental to maintenance work.
11. Repacking glands and replacing gauge glasses where the work involved is of a minor nature and is performed by regular operating crews. Where the work is of a major character, such as that performed on high-pressure boilers, the item should be considered as maintenance.

Taxes:

1. Federal and state unemployment.

2. F.I.C.A.

3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Chemicals and boiler inspection fees.
2. Lubricants.
3. Boiler feed water purchased and pumping supplies.

* * * * *

505 Electric Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, and materials used, and expenses incurred in operating prime movers, generators, and their auxiliary apparatus, switch gear, and other electric equipment to the points where electricity leaves for conversion for transmission or distribution.

Items

Labor:

1. Supervising electric production.
2. Operating turbines, engines, generators, and excitors.
3. Operating condensers, circulating water systems, and other auxiliary apparatus.
4. Operating generator cooling system.
5. Operating lubrication and oil control system, including oil purification.
6. Operating switchboards, switch gear and electric control, and protective equipment.
7. Keeping electric plant log and records and preparing reports on electric plant operations.
8. Testing, checking, and adjusting meters, gauges, and other instruments, relays, controls, and other equipment in the electric plant.
9. Cleaning electric plant equipment when not incidental to maintenance work.
10. Repacking glands and replacing gauge glasses.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Taxes.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee

pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
11. Compensation payments under workmen's compensation laws.
12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Lubricants and control system oils.
2. Generator cooling gases.
3. Circulating water purification supplies.
4. Cooling water purchased.
5. Motor and generator brushes.

506 Miscellaneous Steam Power Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and materials used and expenses incurred which are not specifically provided for or not readily assignable to other steam generation operation expense accounts.

Items

Labor:

1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds including snow removal, and grass cutting.
5. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms.
 2. First-aid supplies and safety equipment.
 3. Employees' service facilities expenses.
 4. Building service supplies.
 5. Communication service.
 6. Miscellaneous office supplies and expenses, printing, and stationery.
 7. Transportation expenses.
 8. Meals, traveling, and incidental expenses.
 9. Research, development, and demonstration expenses.
- * * * * *

510 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of maintenance of steam generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

511 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and materials used and expenses incurred in the

maintenance of steam structures, the book cost of which is includible in Account 311, Structures and Improvements. (See § 1767.17(b).)

512 Maintenance of Boiler Plant

A. This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and materials used and expenses incurred in the maintenance of steam plant, the book cost of which is includible in Account 312, Boiler Plant Equipment. (See § 1767.17(b).)

B. For the purpose of making charges hereto and to Account 513, Maintenance of Electric Plant, the point at which steam plant is distinguished from electric plant is defined as follows:

1. Inlet flange of throttle valve on prime mover.
2. Flange of all steam extraction lines on prime mover.
3. Hotwell pump outlet on condensate lines.
4. Inlet flange of all turbine-room auxiliaries.
5. Connection to line side of motor starter for all boiler-plant equipment.

513 Maintenance of Electric Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and materials used and expenses incurred in the maintenance of electric plant, the book cost of which is includible in Account 313, Engines and Engine-Driven Generators; Account 314, Turbogenerator Units; and Account 315, Accessory Electric Equipment. (See § 1767.17(b) and Paragraph B of Account 512.)

514 Maintenance of Miscellaneous Steam Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and materials used and expenses incurred in maintenance of miscellaneous steam generation plant, the book cost of which is includible in Account 316, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

* * * * *

517 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of nuclear power generating stations. Direct

supervision of specific activities, such as fuel handling, reactor operations, and generator operations shall be charged to the appropriate account. (See § 1767.17(a).)

* * * * *

519 Coolants and Water

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, and materials used and expenses incurred for heat transfer materials and water used for steam and cooling purposes.

Items

Labor:

1. Operation of water supply facilities.
2. Handling of coolants and heat transfer materials.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Taxes.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Chemicals.
2. Additions to or refining of fluids used in reactor systems.
3. Lubricants.
4. Pumping supplies and expenses.
5. Miscellaneous supplies and expenses.
6. Purchased water.

Note: Do not include in this account water for general station use or the initial charge for coolants, heat transfer, or moderator fluids, chemicals, or other supplies capitalized.

520 Steam Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, and materials used and expenses incurred in production of steam through nuclear processes, and similar expenses for operation of any auxiliary superheat facilities.

Items

Labor:

1. Supervising steam production.
2. Fuel handling including removal, insertion, disassembly, and preparation for cooling operations and shipment.
3. Testing instruments and gauges.
4. Health, safety, monitoring, and decontamination activities.

5. Waste disposal.
6. Operating steam boilers and auxiliary steam, superheat facilities.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.
12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Chemical supplies.
2. Charts and logs.
3. Health, safety, monitoring, and decontamination supplies.
4. Boiler inspection fees.
5. Lubricants.

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523 Electric Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in operating turbogenerators, steam turbines and their auxiliary apparatus, switch gear, and other electric equipment to the points where electricity leaves for conversion for transmission or distribution.

Items

Labor:

1. Supervising electric production.
2. Operating turbines, engines, generators, and exciters.
3. Operating condensers, circulating water systems, and other auxiliary apparatus.
4. Operating generator cooling system.
5. Operating lubrication and oil control system, including oil purification.
6. Operating switchboards, switch gear, and electric control and protective equipment.
7. Keeping plant log and records and preparing reports on electric plant operations.
8. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls, and other equipment in the electric plant.
9. Cleaning electric plant equipment when not incidental to maintenance.
10. Repacking glands and replacing gauge glasses.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Lubricants and control system oils.
2. Generator cooling gases.
3. Log sheets and charts.
4. Motor and generator brushes.

524 Miscellaneous Nuclear Power Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred which are not specifically provided for or are not readily assignable to other nuclear generation operation accounts.

Items

Labor:

1. General clerical and stenographic work.
2. Plant security.
3. Building service.
4. Care of grounds, including snow removal, and grass cutting
5. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. General operating supplies, such as tools, gaskets, hose, indicating lamps, records and reports forms.
2. First-aid supplies and safety equipment.
3. Employees' service facilities expenses.
4. Building service supplies.
5. Communication service.
6. Miscellaneous office supplies and expenses, printing and stationery.
7. Transportation expenses.
8. Meals, traveling, and incidental expenses.
9. Research, development, and demonstration expenses.

528 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of maintenance of nuclear generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

529 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the

maintenance of structures, the book cost of which is includible in Account 321, Structures and Improvements. (See § 1767.17(b).)

530 Maintenance of Reactor Plant Equipment

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of reactor plant, the book cost of which is includible in Account 322, Reactor Plant Equipment. (See § 1767.17(b).)

531 Maintenance of Electric Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of electric plant, the book cost of which is includible in Account 323, Turbogenerator Units, and Account 324, Accessory Electric Equipment. (See § 1767.17(b).)

532 Maintenance of Miscellaneous Nuclear Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of miscellaneous nuclear generating plant, the book cost of which is includible in Account 325, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

* * * * *

535 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of hydraulic power generating stations. Direct supervision of specific activities, such as hydraulic operation, and generator operation shall be charged to the appropriate account. (See § 1767.17(a).)

* * * * *

537 Hydraulic Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in operating hydraulic works including reservoirs, dams, and waterways, and in activities directly relating to the hydroelectric development outside the

generating station. It shall also include the cost of labor, materials used, and other expenses incurred in connection with the operation of (1) fish and wildlife, and (2) recreation facilities. Separate subaccounts shall be maintained for each of the above.

Items

Labor:

1. Supervising hydraulic operation.
2. Removing debris and ice from trash racks, reservoirs, and waterways.
3. Patrolling reservoirs and waterways.
4. Operating intakes, spillways, sluiceways, and outlet works.
5. Operating bubbler, heater, or other deicing systems.
6. Ice and log jam work.
7. Operating navigation facilities.
8. Operations relating to conservation of game, fish, and forests.
9. Insect control activities.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Insect control materials.
2. Lubricants, packing, and other supplies used in the operation of hydraulic equipment.
3. Transportation expense.

538 Electric Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in operating prime movers, generators, and their auxiliary apparatus, switchgear, and other electric equipment, to the point where electricity leaves for conversion for transmission or distribution.

Items

Labor:

1. Supervising electric production.
2. Operating prime movers, generators, and auxiliary equipment.
3. Operating generator cooling system.
4. Operating lubrication and oil control systems, including oil purification.
5. Operating switchboards, switchgear, and electric control and protection equipment.

6. Keeping plant log and records and preparing reports on plant operations.

7. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls, and other equipment in the plant.

8. Cleaning plant equipment when not incidental to maintenance work.

9. Repacking glands.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Lubricants and control system oils.
2. Motor and generator brushes.

539 Miscellaneous Hydraulic Power Generation Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred which are not specifically provided for or are not readily assignable to other hydraulic generation operation expense accounts.

Items

Labor:

1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds including snow removal, and grass cutting.
5. Snow removal from roads and bridges.
6. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees

when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. General operating supplies, such as tools, gaskets, packing, waste, hose, indicating lamps, record and report forms.

2. First-aid supplies and safety equipment.

3. Employees' service facilities expenses.

4. Building service supplies.

5. Communication service.

6. Office supplies, printing and stationery.

7. Transportation expenses.

8. Fuel.

9. Meals, traveling, and incidental expenses.

10. Research, development, and demonstration expenses.

* * * * *

541 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the maintenance of hydraulic power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

542 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of hydraulic structures, the book cost of which is includible in Account 331, Structures and Improvements. (See § 1767.17 (b).) However, the cost of labor, materials used, and expenses incurred in the maintenance of fish and wildlife and recreation facilities, the book cost of which is includible in Account 331, Structures and Improvements, shall be charged to Account 545, Maintenance of Miscellaneous Hydraulic Plant.

543 Maintenance of Reservoirs, Dams, and Waterways

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant includible in Account 332, Reservoirs, Dams, and Waterways. (See § 1767.17(b).) However, the cost of labor, materials used, and expenses incurred in the maintenance of fish and wildlife and recreation facilities, the book cost of which is includible in Account 332, Reservoirs, Dams, and Waterways, shall be charged to Account 545, Maintenance of Miscellaneous Hydraulic Plant.

544 Maintenance of Electric Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant includible in Account 333, Water Wheels, Turbines and Generators, and Account 334, Accessory Electric Equipment, (See § 1767.17(b).)

545 Maintenance of Miscellaneous Hydraulic Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 335, Miscellaneous Power Plant Equipment, and Account 336, Roads Railroads and

Bridges. (See § 1767.17(b).) It shall also include the cost of labor, materials used, and other expenses incurred in the maintenance of (1) fish and wildlife, and (2) recreation facilities. Separate subaccounts shall be maintained for each of the above.

* * * * *

546 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of other power generating stations. Direct supervision of specific activities, such as fuel handling and engine and generator operation shall be charged to the appropriate account. (See § 1767.17(a).)

* * * * *

548 Generation Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in operating prime movers, generators, and electric equipment in other power generating stations, to the point where electricity leaves for conversion for transmission or distribution.

Items

Labor:

1. Supervising other power generation operation.
2. Operating prime movers, generators, and auxiliary apparatus and switching and other electric equipment.
3. Keeping plant log and records and preparing reports on plant operations.
4. Testing, checking, cleaning, oiling, and adjusting equipment.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Dynamo, motor, and generator brushes.
2. Lubricants and control system oils.
3. Water for cooling engines and generators.

549 Miscellaneous Other Power Generation Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the operation of other power generating stations which are not specifically provided for or are not readily assignable to other generation expense accounts.

Items

Labor:

1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds, including snow removal, and grass cutting.
5. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Building service supplies.

2. First-aid supplies and safety equipment.

3. Communication service.

4. Employees' service facilities expenses.

5. Office supplies, printing and stationery.

6. Transportation expense.

7. Meals, traveling, and incidental expenses.

8. Fuel for heating.

9. Water for fire protection or general use.

10. Miscellaneous supplies, such as hand tools, drills, saw blades, and files.

11. Research, development, and demonstration expenses.

* * * * *

551 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the maintenance of other power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

552 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of facilities used and expenses incurred in maintenance of facilities used in other power generation, the book cost of which is includible in Account 341, Structures and Improvements, and Account 342, Fuel Holders, Producers and Accessories. (See § 1767.17(b).)

553 Maintenance of Generating and Electric Equipment

This account shall include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 343, Prime Movers; Account 344, Generators; and Account 345, Accessory Electric Equipment. (See § 1767.17(b).)

554 Maintenance of Miscellaneous Other Power Generation Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of other power generation plant, the book cost of which is includible in Account 346, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

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556 System Control and Load Dispatching

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, and expenses incurred in load dispatching activities for system control. Utilities having an interconnected electric system or operating under a central authority which controls the production and dispatching of electricity may apportion these costs to this account and Account 561, Load Dispatching, and Account 581, Load Dispatching.

Items

Labor:

1. Allocating loads to plants and interconnections with others.

2. Directing switching.

3. Arranging and controlling clearances for construction, maintenance, test, and emergency purposes.

4. Controlling system voltages.

5. Recording loadings, and water conditions.

6. Preparing operating reports and data for billing and budget purposes.

7. Obtaining reports on the weather and special events.

Taxes:

1. Federal and state unemployment.

2. F.I.C.A.

3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.

2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Expenses:

1. Communication service provided for system control purposes.
2. System record and report forms.
3. Meals, traveling, and incidental expenses.
4. Obtaining weather and special events reports.

* * * * *

560 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of the transmission system as a whole. Direct supervision of specific activities, such as station operation and line operation shall be charged to the appropriate account. (See § 1767.17(a).)

561 Load Dispatching

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in load dispatching operations pertaining to the transmission of electricity.

*Items**Labor:*

1. Direct switching.
2. Arranging and controlling clearances for construction, maintenance, test, and emergency purposes.
3. Controlling system voltages.
4. Obtaining reports on the weather and special events.
5. Preparing operating reports and data for billing and budget purposes.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees

when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Expenses:

1. Communication service provided for system control purposes.

2. System record and report forms.

3. Meals, traveling, and incidental expenses.

4. Obtaining weather and special events reports.

562 Station Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in operating transmission substations and switching stations. If transmission station equipment is located in or adjacent to a generating station, the expenses applicable to transmission station operations shall nevertheless be charged to this account.

*Items**Labor:*

1. Supervising station operation.
2. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine or changing voltage of regulators, changing station transformer taps.
3. Inspecting, testing, and calibrating station equipment for the purpose of checking its performance.
4. Keeping station log and records and preparing records on station operation.
5. Operating switching and other station equipment.
6. Standing watch, guarding, and patrolling station and station yard.
7. Sweeping, mopping, and tidying station.
8. Care of grounds, including snow removal, and grass cutting.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally

allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Building service expenses.

2. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.

3. Station meter and instrument supplies, such as ink and charts.

4. Station record and report forms.

5. Tool expense.

6. Transportation expenses.

7. Meals, traveling, and incidental expenses.

563 Overhead Line Expenses

564 Underground Line Expenses

A. These accounts shall include the cost of labor, employee pensions and benefits, social security and other

payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in the operation of transmission lines.

B. If the expenses are not substantial for both overhead and underground lines, these accounts may be combined.

Items

Labor:

1. Supervising line operation.

2. Inspecting and testing lightning arresters, circuit breakers, switches, and grounds.

3. Load tests of circuits.

4. Routine line patrolling.

5. Routine voltage surveys made to determine the condition or efficiency of transmission system.

6. Transferring loads, switching and reconnecting circuits and equipment for operating purposes. (Switching for construction or maintenance purposes is not includible in this account.)

7. Routine inspection and cleaning of manholes, conduit, network, and transformer vaults.

8. Electrolysis surveys.

9. Inspecting and adjusting line-testing equipment, such as voltmeters, ammeters, and wattmeters.

10. Regulation and addition of oil or gas in high-voltage cable systems.

Taxes:

1. Federal and state unemployment.

2. F.I.C.A.

3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.

2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim

investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Transportation expenses.

2. Meals, traveling, and incidental expenses.

3. Tool expenses.

4. Operating supplies, such as instrument charts, and rubber goods.

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566 Miscellaneous Transmission Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damage, materials used, and expenses incurred in transmission map and record work, transmission office expenses, and other transmission expenses not provided for elsewhere.

Items

Labor:

1. General records of physical characteristics of lines and stations, such as capacities.

- 2. Ground resistance records.
- 3. Janitor work at transmission office buildings, including care of grounds, snow removal, and grass cutting.
- 4. Joint pole maps and records.
- 5. Line load and voltage records.
- 6. Preparing maps and prints.
- 7. General clerical and stenographic work.
- 8. Miscellaneous labor.

Taxes:

- 1. Federal and state unemployment.
- 2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

- 1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
- 2. Group and life insurance premiums (credit dividends received).
- 3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
- 4. Payments for accident, sickness, hospital, and death benefits or insurance.
- 5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
- 6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

- 1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
- 2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
- 3. Fees and expenses of claim investigators.
- 4. Payment of awards to claimants for court costs and attorneys' services.
- 5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
- 6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

- 1. Communication service.
- 2. Building service supplies.
- 3. Map and record supplies.
- 4. Transmission office supplies and expenses, printing and stationery.
- 5. First-aid supplies.
- 6. Research, development, and demonstration expenses.

* * * * *

568 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of maintenance of the transmission system. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

569 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of structures, the book cost of which is includible in Account 352, Structures and Improvements. (See § 1767.17(b).)

570 Maintenance of Station Equipment

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of station equipment, the book cost of which is includible in Account 353, Station Equipment. (See § 1767.17(b).)

571 Maintenance of Overhead Lines

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of transmission plant, the book cost of which is includible in Accounts 354, Towers and Fixtures; 355, Poles and Fixtures; 356, Overhead Conductors and Devices; and 359, Roads and Trails. (See § 1767.17(b).)

Items

- 1. Work of the following character on poles, towers, and fixtures:

- a. Installing or removing additional clamps or strain insulators on guys in place.
- b. Moving line or guy pole in relocation of the same pole or section of line.
- c. Painting poles, towers, crossarms, or pole extensions.
- d. Readjusting and changing position of guys or braces.
- e. Realigning and straightening poles, crossarms braces, and other pole fixtures.
- f. Reconditioning reclaimed pole fixtures.
- g. Relocating crossarms, racks, brackets, and other fixtures on poles.
- h. Repairing or realigning pins, racks, or brackets.
- i. Repairing pole supported platform.
- j. Repairs by others to jointly owned poles.
- k. Shaving, cutting rot, or testing poles or crossarms in use or salvaged for reuse.
- l. Stubbing poles already in service.
- m. Supporting fixtures and conductors and transferring them to new poles during pole replacements.
- n. Maintenance of pole signs, stencils, and tags.
- 2. Work of the following character on overhead conductors and devices:
 - a. Overhauling and repairing line cutouts, line switches, and line breakers.
 - b. Cleaning insulators and bushings.
 - c. Refusing cutouts.
 - d. Repairing line oil circuit breakers and associated relays and control wiring.
 - e. Repairing grounds.
 - f. Resagging, retyping, or rearranging position or spacing of conductors.
 - g. Standing by phones, going to calls, cutting faulty lines clear, or similar activities at times of emergencies.
 - h. Sampling, testing, changing, purifying, and replenishing insulating oil.
 - i. Repairing line testing equipment.
 - j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
 - k. Trimming trees and clearing brush.
 - l. Chemical treatment of right of way areas when occurring subsequent to construction of line.
- 3. Work of the following character on roads and trails:
 - a. Repairing roadways and bridges.
 - b. Trimming trees and brush to maintain previous roadway clearance.
 - c. Snow removal from roads and trails.
 - d. Maintenance work on publicly owned roads and trails when done by utility at its expense.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital services and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

572 Maintenance of Underground Lines

This account shall include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of transmission plant, the book cost of which is includible in Accounts 357, Underground Conduit, and Account 358, Underground Conductors and Devices. (See § 1767.17(b).)

Items

1. Work of the following character on underground conduit:
 - a. Cleaning ducts, manholes, and sewer connections.
 - b. Minor alterations of handholes, manholes, or vaults.
 - c. Refastening, repairing, or moving racks, ladders, hangers in manholes, or vaults.
 - d. Plugging and shelving or replugging ducts.
 - e. Repairs to sewers and drains, walls and floors, rings and covers.
2. Work of the following character on underground conductors and devices:
 - a. Repairing oil circuit breakers, switches, cutouts, and control wiring.
 - b. Repairing grounds.
 - c. Retraining and reconnecting cables in manholes, including transfer of cables from one duct to another.
 - d. Repairing conductors and splices.
 - e. Repairing or moving junction boxes and potheads.
 - f. Refireproofing of cables and repairing supports.
 - g. Repairing electrolysis preventive devices for cables.
 - h. Repairing cable bonding systems.
 - i. Sampling, testing, changing, purifying, and replenishing insulating oil.
 - j. Transferring loads, switching and reconnecting circuits, and equipment for maintenance purposes.
 - k. Repairing line testing equipment.
 - l. Repairs to oil or gas equipment in high-voltage cable system and replacement of oil or gas.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

573 Maintenance of Miscellaneous Transmission Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of owned or leased plant which is assignable to transmission operations and is not provided for elsewhere. (See § 1767.17(b).)

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580 Operation Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of the operation of the

distribution system. Direct supervision of specific activities, such as station operation, line operation, and meter department operation shall be charged to the appropriate account. (See § 1767.17(a).)

581 Load Dispatching

This account (the keeping of which is optional with the utility) shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in load dispatching operations pertaining to the distribution of electricity.

Items

Labor:

1. Direct switching.
2. Arranging and controlling clearances for construction, maintenance, test, and emergency purposes.
3. Controlling system voltages.
4. Preparing operating reports.
5. Obtaining reports on the weather and special events.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary,

boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Expenses:

1. Communication service provided for system control purposes.
2. System record and report forms.
3. Meals, traveling, and incidental expenses.

582 Station Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in the operation of distribution substations.

Items

Labor:

1. Supervising station operation.
2. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine, changing voltage of regulators, or changing station transformer taps.
3. Keeping station log and records and preparing reports on station operation.

4. Inspecting, testing, and calibrating station equipment for the purpose of checking its performance.

5. Operating switching and other station equipment.

6. Standing watch, guarding, and patrolling station and station yard.

7. Sweeping, mopping, and tidying station.

8. Care of grounds, including snow removal, and grass cutting.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated

Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Building service expenses.
2. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.
3. Station meter and instrument supplies, such as ink and charts.
4. Station record and report forms.
5. Tool expense.
6. Transportation expense.
7. Meals, traveling, and incidental expenses.

Note: If the utility owns storage battery equipment used for supplying electricity to customers in periods of emergency, the cost of operating labor and of supplies, such as acid, gloves, hydrometers, thermometers, soda, automatic cell fillers, and acid proof shoes shall be included in this account. If significant in amount, a separate subdivision shall be maintained for such expenses.

583 Overhead Line Expenses

584 Underground Line Expenses

These accounts shall include, respectively, the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in the operation of overhead and underground distribution lines.

Items

Labor:

1. Supervising line operation.
2. Changing line transformer taps.
3. Inspecting and testing lightning arresters, line circuit breakers, switches, and grounds.
4. Inspecting and testing line transformers for the purpose of determining load, temperature, or operation performance.
5. Patrolling lines.

6. Load tests and voltage surveys of feeders, circuits, and line transformers.

7. Removing line transformers and voltage regulators with or without replacement.

8. Installing line transformers or voltage regulators with or without change in capacity provided that the cost of first installation of these items is included in Account 368, Line Transformers.

9. Voltage surveys, either routine or upon request of customers, including voltage tests at customer's main switch.

10. Transferring loads, switching and reconnecting circuits and equipment for operation purpose.

11. Electrolysis surveys.

12. Inspecting and adjusting line testing equipment.

Taxes:

1. Federal and State unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Tool expense.
2. Transportation expense.
3. Meals, traveling, and incidental expenses.
4. Operating supplies, such as instrument charts, and rubber goods.

585 Street Lighting and Signal System Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in: (1) The operation of street lighting and signal system plant which is owned or leased by the utility; and (2) the operation and maintenance of such plant owned by customers where such work is done regularly as a part of the street lighting and signal system service.

Items

Labor:

1. Supervising street lighting and signal systems operation.
2. Replacing lamps and incidental cleaning of glassware and fixtures in connection therewith.
3. Routine patrolling for lamp outages, extraneous nuisances, or encroachments.

4. Testing lines and equipment including voltage and current measurement.

5. Winding and inspection of time switch and other controls.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Street lamp renewals.
2. Transportation and tool expense.
3. Meals, traveling, and incidental expenses.

586 Meter Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in the operation of customer meters and associated equipment.

Items

Labor:

1. Supervising meter operation.
2. Clerical work on meter history and associated equipment record cards, test cards, and reports.
3. Disconnecting and reconnecting, removing and reinstalling, sealing and unsealing meters and other metering equipment in connection with initiating or terminating services including the cost of obtaining meter readings, if incidental to such operation.
4. Consolidating meter installations due to elimination of separate meters for different rates of service.
5. Changing or relocating meters, instrument transformers, time switches, and other metering equipment.
6. Resetting time controls, checking operation of demand meters and other metering equipment, when done as an independent operation.
7. Inspecting and adjusting meter testing equipment.
8. Inspecting and testing meters, instrument transformers, time switches, and other metering equipment on premises or in shops excluding inspecting and testing incidental to maintenance.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses

1. Meter seals and miscellaneous meter supplies.
2. Transportation expenses.
3. Meals, traveling, and incidental expenses.
4. Tool expenses.

Note: The cost of the first setting and testing of a meter is chargeable to utility plant, Account 370, Meters.

587 Customer Installations Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in work on customer installations in inspecting premises and in rendering services to customers of the nature of those indicated by the list of items hereunder.

Items

Labor

1. Supervising customer installations work.
2. Inspecting premises, including the check of wiring for code compliance.
3. Investigating, locating, and clearing grounds on customers' wiring.
4. Investigating service complaints, including load tests of motors and lighting and power circuits on customers' premises; field investigations of complaints on bills or of voltage.
5. Installing, removing, renewing, and changing lamps and fuses.
6. Radio, television, and similar interference work including erection of new aerials on customers' premises and patrolling of lines, testing of lightning arresters, inspection of pole hardware, and examination on or off premises of customers' appliances, wiring, or equipment to locate cause of interference.
7. Installing, connecting, reinstalling, or removing leased property on customers' premises.
8. Testing, adjusting, and repairing customers' fixtures and appliances in the shop or on premises.
9. Cost of changing customers' equipment due to changes in service characteristics.
10. Investigation of current diversion including setting and removal of check meters and securing special readings thereon; special calls by employees in connection with discovery and

settlement of current diversion; changes in customer wiring; and any other labor cost identifiable as caused by current diversion.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Lamp and fuse renewals.
2. Materials used in servicing customers' fixtures, appliances, and equipment.
3. Power, light, heat, telephone, and other expenses of the appliance repair department.
4. Tool expense.
5. Transportation expense, including pickup and delivery charges.
6. Meals, traveling, and incidental expenses.
7. Rewards paid for discovery of current diversion.

Note A: Amounts billed customers for any work, the cost of which is charged to this account, shall be credited to this account. Any excess over costs resulting therefrom, shall be transferred to Account 451, Miscellaneous Service Revenues.

Note B: Do not include in this account expenses incurred in connection with merchandising, jobbing, and contract work.

588 Miscellaneous Distribution Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in distribution system operation not provided for elsewhere.

Items

Labor:

1. General records of physical characteristics of lines and substations, such as capacities.
2. Ground resistance records.
3. Joint pole maps and records.
4. Distribution system voltage and load records.
5. Preparing maps and prints.
6. Service interruption and trouble records.
7. General clerical and stenographic work except that chargeable to Account 586, Meter Expenses.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

Expenses:

1. Operating records covering poles, transformers, manholes, cables, and other distribution facilities. Exclude meter records chargeable to Account 586, Meter Expenses, and station

records chargeable to Account 582, Station Expenses, and stores records chargeable to Account 163, Stores Expense Undistributed.

2. Janitor work at distribution office buildings including snow removal and grass cutting.
3. Communication service.
4. Building service expenses.
5. Miscellaneous office supplies and expenses, printing and stationery, maps and records, and first-aid supplies.
6. Research, development, and demonstration expenses.

* * * * *

590 Maintenance Supervision and Engineering

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general supervision and direction of maintenance of the distribution system. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

591 Maintenance of Structures

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of structures, the book cost of which is includible in Account 361, Structures and Improvements. (See § 1767.17(b).)

592 Maintenance of Station Equipment

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 362, Station Equipment, and Account 363, Storage Battery Equipment. (See § 1767.17(b).)

593 Maintenance of Overhead Lines

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of overhead distribution line facilities, the book cost of which is includible in Account 364, Poles, Towers and Fixtures; Account 365, Overhead Conductors and Devices; and Account 369, Services. (See § 1767.17(b).)

Items

1. Work of the following character on poles, towers, and fixtures:

- a. Installing additional clamps or removing clamps or strain insulators on guys in place.
 - b. Moving line or guy pole in relocation of pole or section of line.
 - c. Painting poles, towers, crossarms, or pole extensions.
 - d. Readjusting and changing position of guys or braces.
 - e. Realigning and straightening poles, crossarms, braces, pins, racks, brackets, and other pole fixtures.
 - f. Reconditioning reclaimed pole fixtures.
 - g. Relocating crossarms, racks, brackets, and other fixtures on poles.
 - h. Repairing pole supported platform.
 - i. Repairs by others to jointly owned poles.
 - j. Shaving, cutting rot, or treating poles or crossarms in use or salvaged for reuse.
 - k. Stubbing poles already in service.
 - l. Supporting conductors, transformers, and other fixtures and transferring them to new poles during pole replacements.
 - m. Maintaining pole signs, stencils, and tags.
 2. Work of the following character on overhead conductors and devices:
 - a. Overhauling and repairing line cutouts, line switches, line breakers, and capacitor installations.
 - b. Cleaning insulators and bushings.
 - c. Refusing line cutouts.
 - d. Repairing line oil circuit breakers and associated relays and control wiring.
 - e. Repairing grounds.
 - f. Resagging, retying, or rearranging position or spacing of conductors.
 - g. Standing by phones, going to calls, cutting faulty lines clear, or similar activities at times of emergency.
 - h. Sampling, testing, changing, purifying, and replenishing insulating oil.
 - i. Transferring loads, switching, and reconnecting circuits and equipment for maintenance purposes.
 - j. Repairing line testing equipment.
 - k. Trimming trees and clearing brush.
 - l. Chemical treatment of right-of-way area when occurring subsequent to construction of line.
 3. Work of the following character on overhead services:
 - a. Moving position of service either on pole or on customers' premises.
 - b. Pulling slack in service wire.
 - c. Retying service wire.
 - d. Refastening or tightening service bracket.
- Taxes:*
1. Federal and state unemployment.
 2. F.I.C.A.
- Employee Pensions and Benefits:* The portion of employee pensions and

benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

594 Maintenance of Underground Lines

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the

maintenance of underground distribution line facilities, the book cost of which is includible in Account 366, Underground Conduit; Account 367, Underground Conductors and Devices; and Account 369, Services. (See § 1767.17(b).)

Items

1. Work of the following character on underground conduit:
 - a. Cleaning ducts, manholes, and sewer connections.
 - b. Moving or changing position of conduit or pipe.
 - c. Minor alterations of handholes, manholes, or vaults.
 - d. Refastening, repairing, or moving racks, ladders, or hangers in manholes or vaults.
 - e. Plugging and shelving ducts.
 - f. Repairs to sewers, drains, walls, and floors, rings, and covers.
2. Work of the following character on underground conductors and devices:
 - a. Repairing circuit breakers, switches, cutouts, network protectors, and associated relays and control wiring.
 - b. Repairing grounds.
 - c. Retraining and reconnecting cables in manholes including transfer of cables from one duct to another.
 - d. Repairing conductors and splices.
 - e. Repairing or moving junction boxes and potheads.
 - f. Refireproofing cables and repairing supports.
 - g. Repairing electrolysis preventive devices for cables.
 - h. Repairing cable bonding systems.
 - i. Sampling, testing, changing, purifying, and replenishing insulating oil.
 - j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
 - k. Repairing line testing equipment.
 - l. Repairing oil or gas equipment in high voltage cable systems and replacement of oil or gas.

3. Work of the following character on underground services:
 - a. Cleaning ducts.
 - b. Repairing any underground service plant.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours,

applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

595 Maintenance of Line Transformers

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of distribution line transformers, the book cost of which is includible in Account 368, Line Transformers. (See § 1767.17(b).)

596 Maintenance of Street Lighting and Signal Systems

This account shall include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 373, Street Lighting and Signal Systems. (See § 1767.17(b).)

597 Maintenance of Meters

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of meters and meter testing equipment, the book cost of which is includible in Account 370, Meters, and Account 395, Laboratory Equipment, respectively. (See § 1767.17(b).)

598 Maintenance of Miscellaneous Distribution Plant

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Accounts 371, Installations on Customers' Premises, and Account 372, Leased Property on Customers' Premises, and any other plant the maintenance of which is assignable to the distribution function and is not provided for elsewhere. (See § 1767.17(b).)

Items

1. Work of similar nature to that listed in other distribution maintenance accounts.

2. Maintenance of office furniture and equipment used by distribution system department.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

6. Section 1767.28 is amended by revising Accounts 901, 902, 903, and 905 to read as follows:

2. Changing and collecting meter charts used for billing purposes.

3. Inspecting time clocks and checking seals when performed by meter readers and the work represents a minor activity incidental to regular meter reading routine.

4. Reading meters, including demand meters, and obtaining load information for billing purposes. Exclude and charge to Account 586, Meter Expenses, or to Account 903, Customer Records and Collection Expenses, as applicable, the cost of obtaining meter readings, first and final, if incidental to the operation of removing or resetting, sealing or locking, and disconnecting or reconnecting meters.

5. Computing consumption from meter reader's book or from reports by mail when done by employees engaged in reading meters.

6. Collecting from prepayment meters when incidental to meter reading.

7. Maintaining record of customers' keys.

8. Computing estimated or average consumption when performed by employees engaged in reading meters.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.

2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Badges, lamps, and uniforms.
2. Demand charts, meter books and binders and forms for recording readings, but not the cost of preparation.
3. Postage and supplies used in obtaining meter readings by mail.
4. Transportation, meals, and incidental expenses.

903 Customer Records and Collection Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in work on customer applications, contracts, orders, credit investigations, billing and accounting, collections and complaints.

Items

Labor:

1. Receiving, preparing, recording, and handling routine orders for service, disconnections, transfers or meter tests initiated by the customer, excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
2. Investigations of customers' credit and keeping of records pertaining thereto, including records of uncollectible accounts written off.
3. Receiving, refunding, or applying customer deposits and maintaining customer deposit, line extension, and other miscellaneous records.
4. Checking consumption shown by meter readers' reports where incidental to preparation of billing date.
5. Preparing address plates and addressing bills and delinquent notices.
6. Preparing billing data.
7. Operating billing and bookkeeping machines.
8. Verifying billing records with contracts or rate schedules.
9. Preparing bills for delivery and mailing or delivering bills.
10. Collecting revenues, including collection from prepayment meters, unless incidental to meter-reading operations.
11. Balancing collections, preparing collections for deposit, and preparing cash reports.
12. Posting collections and other credits or charges to customer accounts and extending unpaid balances.
13. Balancing customer accounts and controls.
14. Preparing, mailing, or delivering delinquent notices and preparing reports of delinquent accounts.
15. Final meter reading of delinquent accounts when done by collectors incidental to regular activities.

16. Disconnecting and reconnecting service because of nonpayment bills.

17. Receiving, recording, and handling of inquiries, complaints, and requests for investigations from customers, including preparation of necessary orders, but excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.

18. Statistical and tabulating work on customer accounts and revenues, but not including special analyses for sales department, rate department, or other general purposes, unless incidental to regular customer accounting routines.

19. Preparing and periodically rewriting meter reading sheets.

20. Determining consumption and computing estimated or average consumption when performed by employees other than those engaged in reading meters.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Address plates and supplies.
 2. Cash overages and shortages.
 3. Commissions or fees to others for collecting.
 4. Payments to credit organizations for investigations and reports.
 5. Postage.
 6. Transportation expenses, including transportation of customer bills and meter books under centralized billing procedures.
 7. Transportation, meals expenses, and incidental expenses.
 8. Bank charges, exchange, and other fees for cashing and depositing customers' checks.
 9. Forms for recording orders for services, or removals.
 10. Rent of mechanical equipment.
- Note.** The cost of work on meter history and meter location records in chargeable to Account 586, Meter Expenses.

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905 Miscellaneous Customer Accounts Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred not provided for in other accounts.

Items

Labor:

1. General clerical and stenographic work.
2. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein,

or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.
9. Payment of awards to claimants for court costs and attorneys' services.
10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
11. Compensation payments under workmen's compensation laws.
12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Communication service.
2. Miscellaneous office supplies and expenses and stationery and printing other than those specifically provided for in Account 902 and Account 903.
7. Section 1767.29 is amended by revising Accounts 907, 908, 909, and 910 to read as follows:

§ 1767.29 Customer service and informational expenses.

* * * * *

907 Supervision

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general direction and supervision of customer service activities, the object of which is to encourage safe, efficient, and economical use of the utility's service. Direct supervision of a specific activity within customer service and informational expense classification shall be charged to the account wherein the costs of such activity are included. (See § 1767.17(a).)

908 Customer Assistance Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in providing instructions or assistance to customers, the object of which is to encourage safe, efficient, and economical use of the utility's service.

Items

Labor:

1. Direct supervision of department.
2. Processing customer inquiries relating to the proper use of electric equipment, the replacement of such equipment, and information related to such equipment.
3. Advice directed to customers as to how they may achieve the most efficient and safest use of electric equipment.
4. Demonstrations, exhibits, lectures, and other programs designed to instruct customers in the safe, economical, or efficient use of electric service, and/or oriented toward conservation of energy.
5. Engineering and technical advice to customers, the object of which is to promote safe, efficient, and economical use of the utility's service.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Supplies and expenses pertaining to demonstrations, exhibits, lectures, and other programs.
2. Loss in value on equipment and appliances used for customer assistance programs.

3. Office supplies and expenses.
4. Transportation, meals, and incidental expenses.

Note: Do not include in this account expenses that are provided for elsewhere, such as Accounts 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work; 587, Customer Installations Expenses; and 912, Demonstrating and Selling Expenses.

909 Informational and Instructional Advertising Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in activities which primarily convey information as to what the utility urges or suggests customers should do in utilizing electric service to protect health and safety, to encourage environmental protection, to utilize their electric equipment safely and economically, or to conserve electric energy.

Items

Labor:

1. Direct supervision of information activities.
2. Preparing informational materials for newspapers, periodicals, and billboards and preparing and conducting informational motion pictures, radio and television programs.
3. Preparing informational booklets and bulletins used in direct mailings.
4. Preparing informational window and other displays.
5. Employing agencies, selecting media, and conducting negotiations in connection with the placement and subject matter of information programs.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Use of newspapers, periodicals, billboards, and radio for informational purposes.
2. Postage on direct mailings to customers exclusive of postage related to billings.
3. Printing of informational booklets, dodgers, and bulletins.
4. Supplies and expenses in preparing informational materials by the utility.
5. Office supplies and expenses.

Note A: Exclude from this account and charge to Account 930.2, Miscellaneous General Expenses, the cost of publication of stockholder reports, dividend notices, bond redemption notices, financial statements, and other notices of a general corporate character. Also exclude all expenses of a promotional, institutional, goodwill, or political nature, which are includible in such accounts as 913, Advertising Expenses; 930.1, General Advertising Expenses; and 426.4, Expenditures for Certain Civic, Political and Related Activities.

Note B: Entries relating to informational advertising included in this account shall contain or refer to supporting documents which identify the specific advertising message. If references are used, copies of the

advertising message shall be readily available.

910 Miscellaneous Customer Service and Informational Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in connection with customer service and informational activities which are not includible in other customer information expense accounts.

Items

Labor:

1. General clerical and stenographic work not assigned to specific customer service and informational programs.
2. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
 2. Group and life insurance premiums (credit dividends received).
 3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
 4. Payments for accident, sickness, hospital, and death benefits or insurance.
 5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
 6. Expenses in connection with educational and recreational activities for the benefit of employees.
- ##### Insurance:
1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
 2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
 3. Special costs incurred in procuring insurance.

4. Insurance inspection service.
 5. Insurance counsel, brokerage fees, and expenses.
 6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

8. Fees and expenses of claim investigators.
 9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Communication service.
 2. Printing, postage, and office supplies expenses.

8. Section 1767.30 is amended by revising Accounts 911, 912, 913, and 916 to read as follows:

§ 1767.30 Sales expenses

* * * * *

911 Supervision

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and expenses incurred in the general direction and supervision of sales activities, except merchandising. Direct supervision of a specific activity, such as demonstrating, selling, or advertising shall be charged to the account wherein the costs of such activity are included. (See § 1767.17(a).)

912 Demonstrating and Selling Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in promotional, demonstrating, and selling activities, except by merchandising, the object of which is to promote or retain the use of utility services by present and prospective customers.

Items

Labor:

1. Demonstrating uses of utility services.

2. Conducting cooking schools, preparing recipes, and related home service activities.

3. Exhibitions, displays, lectures, and other programs designed to promote use of utility services.

4. Experimental and development work in connection with new and improved appliances and equipment, prior to general public acceptance.

5. Solicitation of new customers or of additional business from old customers, including commissions paid employees.

6. Engineering and technical advice to present or prospective customers in connection with promoting or retaining the use of utility services.

7. Special customer canvasses when their primary purpose is the retention of business or the promotion of new business.

Taxes:

1. Federal and state unemployment.

2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.

2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts

credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Supplies and expenses pertaining to demonstration, experimental, and development activities.

2. Booth and temporary space rental.

3. Loss in value on equipment and appliances used for demonstration purposes.

4. Transportation, meals, and incidental expenses.

913 Advertising Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in advertising designed to promote or retain the use of utility service, except advertising the sale of merchandise by the utility.

Items

Labor:

1. Direct supervision of department.

2. Preparing advertising material for newspapers, periodicals, and billboards, and preparing and conducting motion pictures, radio, and television programs.

3. Preparing booklets and bulletins used in direct mail advertising.

4. Preparing window and other displays.

5. Clerical and stenographic work.

6. Investigating advertising agencies and media and conducting negotiations in connection with the placement and subject matter of sales advertising.

Taxes:

1. Federal and state unemployment.

2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee

identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Advertising in newspapers, periodicals, billboards, and radio for sales promotion purposes, but not including institutional or goodwill advertising includible in Account 930.1, General Advertising Expenses.
2. Materials and services given as prizes or otherwise in connection with civic lighting contests, canning, or cooking contests, and bazaars in order to

publicize and promote the use of utility services.

3. Fees and expenses of advertising agencies and commercial artists.
4. Novelties for general distribution.
5. Postage on direct mail advertising.
6. Premiums distributed generally, such as recipe books when not offered as inducement to purchase appliances.
7. Printing booklets, dodgers, and bulletins.
8. Supplies and expenses in preparing advertising material.
9. Office supplies and expenses.

Note A: The cost of advertisements which set forth the value or advantages of utility service without reference to specific appliances, or, if reference is made to appliances, invites the reader to purchase appliances from his dealer or refer to appliances not carried for sale by the utility, shall be considered sales promotion advertising and charged to this account. However, advertisements which are limited to specific makes of appliances sold by the utility and price and terms, thereof, without referring to the value or advantages of utility service, shall be considered as merchandise advertising and the cost shall be charged to Costs and Expenses of Merchandising, Jobbing and Contract Work, Account 416.

Note B: Advertisements which substantially mention or refer to the value or advantages of utility service, together with specific reference to makes of appliance sold by the utility and the price, and terms, thereof, and designed for the joint purpose of increasing the use of utility service and the sales of appliances, shall be considered as a combination advertisement and the costs shall be distributed between this account and Account 416 on the basis of space, time, or other proportional factors.

Note C: Exclude from this account and charge to Account 930.2, Miscellaneous General Expenses, the cost of publication of stockholder reports, dividend notices, bond redemption notices, financial statements, and other notices of a general corporate character. Also exclude all institutional or goodwill advertising. (See Account 930.1, General Advertising Expenses.)

916 Miscellaneous Sales Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, materials used, and expenses incurred in connection with sales activities, except merchandising, which are not includible in other sales expense accounts.

Items

Labor:

1. General clerical and stenographic work not assigned to specific functions.
2. Special analysis of customer accounts and other statistical work for sales purposes not a part of the regular

customer accounting and billing routine.

3. Miscellaneous labor.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.
6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
8. Fees and expenses of claim investigators.

9. Payment of awards to claimants for court costs and attorneys' services.

10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

11. Compensation payments under workmen's compensation laws.

12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

13. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Communication service.

2. Printing, postage, office supplies, and expenses applicable to sales activities, except those chargeable to Account 913, Advertising Expenses.

9. Section 1767.31 is amended by revising Accounts 920, 924, 925, 926, 930.1, 930.2, and 935 to read as follows:

§ 1767.31 Administrative and general expenses.

* * * * *

920 Administrative and General Salaries

A. This account shall include the compensation (salaries, bonuses, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and other consideration for services, but not including directors' fees) of officers, executives, and other employees of the utility properly chargeable to utility operations and not chargeable directly to a particular operating function.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

* * * * *

924 Property Insurance

A. This account shall include the cost of insurance or reserve accruals to protect the utility against losses and damages to owned or leased property used in its utility operations. It shall also include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and the related supplies and expenses incurred in property insurance activities.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

Items

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.

3. Special costs incurred in procuring insurance.

4. Insurance inspection service.

5. Insurance counsel, brokerage fees, and expenses.

Note A: The cost of insurance or reserve accruals capitalized, shall be charged to construction and retirement either directly or by transfers to construction and retirement work orders from this account.

Note B: The cost of insurance or reserve accruals for the following classes of property shall be charged as indicated:

1. Materials, supplies, and stores equipment to Account 163, Stores Expense Undistributed, or appropriate materials account.

2. Transportation and other general equipment to appropriate clearing accounts that may be maintained.

3. Electric plant leased to others to Account 413, Expenses of Electric Plant Leased to Others.

4. Nonutility property to the appropriate nonutility income account.

5. Merchandise and jobbing property to Account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

Note C: The cost of labor, employee pensions and benefits, social security and other payroll taxes, and the related supplies and expenses of administrative and general employees who are only incidentally engaged in property insurance work may be included in Account 920 and Account 921, as appropriate.

Note D: The cost of insurance or reserve accruals applicable to the various utility functions shall be charged to the specific functional operations and the appropriate miscellaneous administrative expense accounts either directly or by transfers from this account.

925 Injuries and Damages

A. This account shall include the cost of insurance or reserve accruals to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims. It shall also include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, injuries and damages, related supplies, and expenses incurred in injuries and damages activities.

B. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries, damages, and insurance dividends or refunds shall be credited to this account.

Items

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Note A: Payments to or in behalf of employees for accident or death benefits, hospital expenses, medical expenses, or for salaries while incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, shall be charged to Account 926, Employee Pensions and Benefits. (See also Note B of Account 926.)

Note B: The cost of injuries and damages or reserve accruals capitalized shall be charged to construction and retirement activities either directly or by transfers from this account to the applicable construction and retirement work orders.

Note C: The cost of insurance or reserve accruals applicable to the various utility functions shall be charged to the specific functional operations and the appropriate miscellaneous administrative expense accounts either directly or by transfers from this account.

Note D: Exclude herefrom the time and expenses of employees (except those engaged in injuries and damages activities) spent in attendance at safety and accident prevention educational meetings, if occurring during the regular work period.

Note E: The cost of labor, employee pensions and benefits, social security and other payroll taxes, and the related supplies

and expenses of administrative and general employees who are only incidentally engaged in injuries and damages activities, may be included in Account 920 and Account 921, as appropriate.

926 Employee Pensions and Benefits

A. This account shall include pensions paid to or on behalf of retired employees or accruals to provide for pensions or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes and payments for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, educational, or recreational activities for the benefit of employees and administrative expenses in connection with employee pensions and benefits.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to RUS of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account, the portion of pensions and benefits expenses which is applicable to nonutility operations, the specific functional operations, maintenance, and administrative expense accounts, and to construction and retirement activities unless such amounts are distributed directly to the accounts involved and are not included herein in the first instance.

D. Records in support of this account shall be so kept that the total pensions expense, the total benefits expense, the administrative expenses included herein, and the amounts of pensions and benefits expenses transferred to the operations, maintenance, administrative, construction or retirement accounts will be readily available.

Items

1. Payment of pensions to retirees on a nonaccrual basis.
2. Accruals for or payments to pension funds or to insurance companies for pension purposes.
3. Group and life insurance premiums (credit dividends received).
4. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
5. Payments for accident, sickness, hospital, and death benefits or insurance.

6. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

7. Expenses in connection with educational and recreational activities for the benefit of employees.

Note A: The cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, and the related supplies and expenses of administrative and general employees who are only incidentally engaged in employee pension and benefit activities may be included in Account 920 and Account 921, as appropriate.

Note B: Salaries paid to employees during periods of nonoccupational sickness may be charged to the appropriate labor account rather than to employee benefits.

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930.1 General Advertising Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in advertising and related activities, the cost of which by their content and purpose are not provided for elsewhere.

Items

Labor:

1. Supervision.
2. Preparing advertising material for newspapers, periodicals, and billboards and preparing or conducting motion pictures, radio, and television programs.
3. Preparing booklets and bulletins used in direct mail advertising.
4. Preparing window and other displays.
5. Clerical and stenographic work.
6. Investigating and employing advertising agencies, selecting media, and conducting negotiations in connection with the placement and subject matter of advertising.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).

3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

4. Payments for accident, sickness, hospital, and death benefits or insurance.

5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.

6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.

2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.

3. Fees and expenses of claim investigators.

4. Payment of awards to claimants for court costs and attorneys' services.

5. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.

6. Compensation payments under workmen's compensation laws.

7. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)

8. Cost of safety, accident prevention, and similar educational activities.

Materials and Expenses:

1. Advertising in newspapers, periodicals, billboards, and radios.

2. Advertising matter such as posters, bulletins, booklets, and related items.

3. Fees and expenses of advertising agencies and commercial artists.

4. Postage and direct mail advertising.

5. Printing of booklets, dodgers, and bulletins.

6. Supplies and expenses in preparing advertising materials.

7. Office supplies and expenses.

Note A: Properly includible in this account is the cost of advertising activities on a local or national basis of a goodwill or institutional nature, which is primarily designed to improve the image of the utility or the industry, including advertisements which inform the public concerning matters affecting the company's operations, such as, the cost of providing service, the company's

efforts to improve the quality of service, and the company's efforts to improve and protect the environment. Entries relating to advertising included in this account shall contain or refer to supporting documents which identify the specific advertising message. If references are used, copies of the advertising message shall be readily available.

Note B: Exclude from this account and include in Account 426.4, Expenditures for Certain Civic, Political and Related Activities, expenses for advertising activities, which are designed to solicit public support or the support of public officials in matters of a political nature.

930.2 Miscellaneous General Expenses

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, property insurance, property taxes, and expenses incurred in connection with the general management of the utility not provided for elsewhere.

Items

Labor:

1. Miscellaneous labor not elsewhere provided for.

Taxes:

1. Federal and state unemployment.
2. F.I.C.A.
3. Property.

Employee Pensions and Benefits: The portion of employee pensions and benefits specifically identifiable with employees' labor costs charged herein or, in the absence of specific employee identification, the portion of employee pensions and benefits, allocated on the more equitable basis of either direct labor dollars or direct labor hours, applicable to the labor items detailed above, including:

1. Accruals for or payments to pension funds or to insurance companies for pension purposes.
2. Group and life insurance premiums (credit dividends received).
3. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
4. Payments for accident, sickness, hospital, and death benefits or insurance.
5. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed when not the result of occupational injuries or in excess of statutory awards.
6. Expenses in connection with educational and recreational activities for the benefit of employees.

Insurance:

1. Premiums payable to insurance companies for fire, storm, burglary,

boiler explosion, lightning, fidelity, riot, and similar insurance.

2. Amounts credited to Account 228.1, Accumulated Provision for Property Insurance, for similar protection.
 3. Special costs incurred in procuring insurance.
 4. Insurance inspection service.
 5. Insurance counsel, brokerage fees, and expenses.
 6. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to Account 228.2, Accumulated Provision for Injuries and Damage, for similar protection.
 7. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
 8. Fees and expenses of claim investigators.
 9. Payment of awards to claimants for court costs and attorneys' services.
 10. Medical and hospital service and expenses for employees as the result of occupational injuries or resulting from claims of others.
 11. Compensation payments under workmen's compensation laws.
 12. Compensation paid while incapacitated as the result of occupational injuries. (See Account 924, Note A.)
 13. Cost of safety, accident prevention, and similar educational activities.
- Expenses:**
1. Industry association dues for company memberships.
 2. Contributions for conventions and meetings of the industry.
 3. Research, development, and demonstration expenses not charged to other operation and maintenance expense accounts on a functional basis.
 4. Communication service not chargeable to other accounts.
 5. Trustee, registrar, and transfer agent fees and expenses.
 6. Stockholders meeting expenses.
 7. Dividend and other financial notices.
 8. Printing and mailing dividend checks.
 9. Directors' fees and expenses.
 10. Publishing and distributing annual reports to stockholders.
 11. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.

* * * * *

935 Maintenance of General Plant

A. This account shall include the cost assignable to customer accounts, sales, administrative, and general functions of labor, employee pensions and benefits, social security and other payroll taxes, injuries and damages, materials used, and expenses incurred in the maintenance of property, the book cost of which is includible in Account 390, Structures and Improvements; Account 391, Office Furniture and Equipment; Account 397, Communication Equipment; and Account 398, Miscellaneous Equipment. (See § 1767.17(b).)

B. Maintenance expenses on office furniture and equipment used elsewhere than in general, commercial, and sales offices shall be charged to the following accounts:

1. Steam Power Generation, Account 514.
2. Nuclear Power Generation, Account 532.
3. Hydraulic Power Generation, Account 545.
4. Other Power Generation, Account 554.
5. Transmission, Account 573.
6. Distribution, Account 598.
7. Merchandise and Jobbing, Account 416.
8. Garages, Shops, etc., Appropriate clearing account, if used.

Note: Maintenance of plant included in other general equipment accounts shall be included herein unless charged to clearing accounts or to the particular functional maintenance expense account indicated by the use of the equipment.

10. In § 1767.41, the introductory text preceding the Numerical Index is revised to read as follows:

§ 1767.41 Accounting methods and procedures required of all RUS borrowers.

All RUS borrowers shall maintain and keep their books of accounts and all other books and records which support the entries in such books of accounts in accordance with the accounting principles prescribed in this section. Interpretations Nos. 133, 134, 137, 403, 404, 602, 606, 618, 627, 628, and 629 adopt and implement the provisions of standards issued by the Financial Accounting Standards Board (FASB). Each interpretation includes a synopsis of the requirements of the standard as well as specific accounting requirements and interpretations required by RUS. The synopsis provides general information to assist borrowers in determining whether the standard applies to an individual cooperative's operations. The synopsis is not intended to change the requirements of the FASB

standards unless it is set forth in the section entitled RUS Accounting Requirements in each interpretation. If a particular borrower believes a conflict exists between the FASB standard and an RUS interpretation, the borrower shall contact the Director, PASD, to seek resolution of the issue.

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11.-20. In § 1767.41, make the following changes:

a. In the Numerical Index, the entries No. 137, No. 138, No. 139, No. 140, No. 630, and No. 631, are added in numerical order.

b. In the Subject Matter Index listing under "A", entries for "Automatic Meter Reading Systems—Radio-Based" and "Automatic Meter Reading Systems—Turtles" are added in alphabetical order.

c. In the Subject Matter Index listing under "E", an entry for "Early Retirement Plan" is added in alphabetical order.

d. In the Subject Matter Index listing under "G", an entry for "Global Positioning Systems" is added in alphabetical order.

e. In the Subject Matter Index listing under "I", entries for "Impairment of Long-Lived Assets" and "Insurance—Split Dollar" are added in alphabetical order.

f. In the Subject Matter Index listing under "L", entries for "Life Insurance—Split Dollar" and "Long-Lived Assets—Impairment" are added in alphabetical order.

g. In the Subject Matter Index listing under "M", entries for "Meter Reading Systems—Radio-Based" and "Meter Reading Systems—Turtles" are added in alphabetical order.

h. In the Subject Matter Index listing under "R", an entry for "Radio-Based Automatic Meter Reading Systems" is added in alphabetical order.

i. In the Subject Matter Index listing under "S", entries for "Special Early Retirement Plan" and "Split Dollar Life Insurance" are added in alphabetical order.

j. In the Subject Matter Index listing under "T", an entry for "Turtles—Automatic Meter Reading Systems" is added in alphabetical order.

The additions read as follows:

* * * * *

Numerical Index

Number	Title
137	Impairment of Long-Lived Assets.

Number	Title
138	Automatic Meter Reading Systems—Turtles.
139	Global Positioning Systems.
140	Radio-Based Automatic Meter Reading Systems.
630	Split Dollar Life Insurance.
631	Special Early Retirement Plan.

Subject Matter Index

	Number
A	
Automatic Meter Reading Systems—Radio-Based.	140.
Automatic Meter Reading Systems—Turtles.	138.
E	
Early Retirement Plan	631.
G	
Global Positioning Systems.	139.
I	
Impairment of Long-Lived Assets.	137.
Insurance—Split Dollar.	630.
L	
Life Insurance—Split Dollar.	630.
Long-Lived Assets—Impairment.	137.
M	
Meter Reading Systems—Radio-Based.	140.
Meter Reading Systems—Turtles.	138.
R	
Radio-Based Automatic Meter Reading Systems.	140.

	Number
S	
Special Early Retirement Plan.	631.
T	
Split Dollar Life Insurance.	630.
Turtles—Automatic Meter Reading Systems.	138.

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21. In § 1767.41, Interpretation No. 104 is revised to read as follows:

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104 Terminal Facilities

Borrowers are sometimes required to construct terminal facilities in the transmission line of another utility in order to receive power from their power supplier. The document executed between the borrower and the utility is normally referred to as a "License Agreement". The license agreement may stipulate that certain items of the terminal facilities are to be transferred to, and become the property of, the other utility upon completion of the construction. The accounting for this type of transaction shall be as follows:

1. All construction costs incurred shall be charged to a work order. Upon completion of the construction and accumulation of all costs, the cost of the facilities that become the property of another utility shall be transferred from construction work-in-progress to Account 303, Miscellaneous Intangible Plant. The cost of the plant for which the borrower retains title shall be charged to the appropriate plant accounts.

2. The cost of the facilities recorded in Account 303 shall be amortized to Account 405, Amortization of Other Electric Plant, over the contract term or the estimated useful service life of the plant, whichever is shorter. If the related contract or contracts for this power supply are terminated, the unamortized balance shall be expensed, in the current period, in Account 557.

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22. In § 1767.41, Interpretation Nos. 137, 138, 139 and 140 are added in numerical order to read as follows:

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137 Impairment of Long-Lived Assets

Statement of Financial Accounting Standards No. 121, Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets to be Disposed of (Statement No. 121), requires reporting entities to review all long-lived assets and certain identifiable intangibles that are to be held, used, or disposed of by that entity for impairment whenever events and changes in circumstances indicate that the carrying amount of the asset may not be recoverable. If the sum of the expected future cash flows (undiscounted and without interest charges) is less than the carrying value of the asset, the entity must recognize an impairment loss. The impairment loss is measured as the amount by which the carrying amount of the asset exceeds the fair value of the asset. The impairment loss is reported as a component of income from continuing operations before income taxes for entities presenting an income statement and in the statement of activities of not-for-profit organizations. Statement No. 121 does not apply to assets included in the scope of Statement of Financial Accounting Standards No. 90, Regulated Enterprises—Accounting for Abandonments and Disallowances of Plant Costs.

Assets To Be Held or Used

Entities are required to review long-lived assets and certain identifiable intangibles whenever events or changes in circumstances indicate that the carrying value of the asset may not be recoverable. For example:

1. A significant decrease in the market value of an asset;
2. A significant change in the extent or manner in which an asset is used;
3. A significant physical change in an asset;
4. A significant adverse change in legal factors or in the business climate that could affect the value of an asset;
5. An adverse action or assessment by a regulator;
6. An accumulation of costs significantly in excess of the amount originally expected to acquire or construct an asset; and
7. A current period operating or cash flow loss combined with a history of operating or cash flow losses or a projection or forecast that demonstrates continued losses associated with an asset used for the purpose of producing revenue.

The impairment of the asset is measured by estimating the future cash flows expected to result from the use of the asset and its disposition. Assets are grouped at the lowest level for which

there are identifiable cash flows that are largely independent of the cash flows of other groups of assets. Future cash flows are those cash inflows that are expected to be generated by the asset less the cash outflows expected to be necessary to maintain those inflows. If the future cash flows (undiscounted and without interest charges) are less than the carrying value of the asset, an impairment loss must be recognized. If the expected future cash flows are greater than the carrying value of the asset, no impairment loss exists.

The impairment loss is the amount by which the carrying amount (acquisition cost less accumulated depreciation) of the asset exceeds the fair value of the asset. The fair value of the asset is the amount for which the asset could be bought or sold in an arms-length transaction between willing parties. A quoted market price is the best evidence of fair value. If this information is not available, the fair value should be based upon the best information available. Consideration should be given to the price of similar assets and valuation techniques such as the present value of the expected future cash flows discounted at a rate representative of the risk involved, option-pricing models, matrix pricing, option-adjusted spread models, and fundamental analysis. All available information should be considered when using the above pricing techniques.

If an impairment is recognized, the carrying value of the asset is reduced to the lower of its fair value or its carrying value and, if depreciable, depreciated over the remaining useful life. Previously recognized impairment losses cannot be restored. If the asset was acquired in a business combination and there is goodwill resulting from the transaction, the goodwill is included in the asset grouping and reduced or eliminated before any adjustment is made to the carrying value of the asset.

The following financial statement disclosures are required in the period in which the impairment is recognized:

1. A description of the impaired assets and the facts and circumstances surrounding the impairment;
2. The amount of the impairment and how fair value was determined;
3. The caption in the income statement or the statement of activities in which the impairment loss is aggregated if that loss has not been presented as a separate caption or reported parenthetically on the face of the statement; and
4. If applicable, the business segment(s) affected.

Assets To Be Disposed

Statement No. 121 also applies to all long-lived assets and certain identifiable intangibles for which management, having the authority to approve the action, has committed to a plan of disposal except those assets covered by APB No. 30, Reporting the Results of Operations—Reporting the Effects of Disposal of a Segment of a Business, and Extraordinary, Unusual and Infrequently Occurring Events and Transactions. An asset to be disposed of is carried at the lower of its carrying amount (acquisition cost less accumulated depreciation) or its fair value less cost to sell.

The fair value of the asset to be disposed of is computed in the same manner as that for an asset to be held or used by the entity. Selling costs include the incremental direct cost to transact the sale—broker commissions, legal fees, title transfer, and other closing costs that must be incurred before legal title can be transferred. Costs such as insurance, security service, and utilities are generally excluded unless these costs are part of a contractual agreement that obligates the entity to incur such costs in the future. If the asset's fair value is based upon current market price or the current selling price for a similar asset, the fair value is considered a current amount and is not discounted. If, however, the fair value is based upon discounted expected future cash flows and if the sale is to occur beyond one year, the cost to sell must also be discounted. Assets covered by this statement are not depreciated (amortized) while being held for disposal.

Subsequent revisions in estimates of fair value less cost to sell are reported as adjustments to the carrying amount of the asset to be disposed of as long as the carrying amount of the asset does not exceed the original carrying amount.

The following financial statement disclosures are required in the period in which the impairment is recognized:

1. A description of the assets to be disposed of including the facts and circumstances leading to the expected disposal, the expected disposal date, and the carrying amount of those assets;
2. If applicable, the business segment(s) in which the assets to be disposed of are held;
3. The amount, if any, of the impairment loss resulting from the adoption of this statement;
4. The gain or loss, if any, resulting from subsequent revisions in the estimates of fair value less cost to sell;
5. The caption in the income statement or statement of activities in

which the gains or losses are aggregated if those gains or losses have not been presented as a separate caption or reported parenthetically on the face of the statement; and

6. The results of operations for assets to be disposed of to the extent that those results are included in the entity's results of operations for the period and can be identified.

Accounting Requirements

All borrowers must adopt the accounting prescribed by Statement No. 121.

Effective Date and Implementation

Statement No. 121 is effective for financial statements for fiscal years beginning after December 15, 1995. Impairment losses resulting from the application of this statement to assets that are held or used by the entity must be reported in the period in which the recognition criteria are first applied and met. Impairment losses attributable to assets to be disposed of must be reported as the cumulative effect of a change in accounting principle as prescribed in Accounting Principles Board Opinion No. 20, Accounting Changes.

Accounting Journal Entries— Implementation Date

If a borrower has impaired assets that are held or used at the implementation date, the following entry should be recorded:

Dr. 426.5, Other Deductions
Cr. 300 Series of Accounts, Plant Accounts
To record the adoption of Statement No. 121 for the impairment of assets that are held or used.

If a borrower has impaired assets to be disposed of at the implementation date, the following entry should be recorded:

Dr. 435.1, Cumulative Effect on Prior Years of a Change in Accounting Principle
Cr. 300 Series—Plant Accounts
To record the adoption of Statement No. 121 for assets that are to be disposed.

Accounting Journal Entries— Subsequent to Implementation Date

If an asset that is either held, used or to be disposed of becomes impaired, the following entry should be recorded:

Dr. 426.5, Other Deductions
Cr. 300 Series—Plant Accounts
To record the impairment of a plant asset.

If a borrower makes a subsequent revision in the estimate of the fair value less the cost to sell of an asset to be disposed of, the following entry should be recorded:

Dr. 300 Series—Plant Accounts
Cr. 421, Miscellaneous Nonoperating Income

To revise the fair value of an asset to be disposed.

138 Automatic Meter Reading Systems—Turtles

Automatic meter reading systems were developed from technology called power line carrier communication systems. One such system, developed by Hunt Technologies, Inc., is called by its brand name, the Turtle system. In addition to its function as an automated reading device, the Turtle can provide outage detection, power failure counts, and other potential applications. The current Turtle system does not have the capability for applications such as collection of load survey or interval data. A Turtle system consists of:

1. A meter reader mounted (retrofitted) inside the meter;
2. A receiver located in each substation; and
3. Monitoring and programming equipment (software and personal computer) usually located in the headquarters building.

The system transmits continuous information one way from the meter to a receiver located in the substation. The receiver constantly monitors every Turtle meter served by the substation. The substation receiver can be sized to monitor up to 3,000 Turtle meter readers at the same time. The data is then transmitted to the headquarters monitoring equipment via telephone line or an equivalent communication system.

The technical literature and other information provided by the manufacturer indicates that this system can only be used for remote meter reading, outage detection, power failure counts, and phase identification. At this time, there is no indication that the system supports other functions such as home security. Therefore, the accounting prescribed for the Turtle meter reading devices and support equipment relates only to electric utility operations.

Accounting Requirements

The function of the equipment is the primary factor in determining the account in which the equipment shall be recorded. The components of the Turtle automatic meter reading system shall be recorded in Account 370, Meters. The cost of the meter reader encoding device and retrofitting the meter with the meter reader unit shall be capitalized to the cost of the existing meter. Any associated operating expenses shall be charged to Account 586, Meter Expenses, with maintenance expenses charged to Account 597, Maintenance of Meters.

Separate continuing property records shall be established for the meters, either fitted or retrofitted with the device; the receiver; the personal computer; and the system software. The meters, receivers, and personal computer shall be depreciated over the manufacturer's estimated useful service life. The system software shall be depreciated over the estimated useful service life of the program not to exceed 5 years.

139 Global Positioning Systems

The Global Positioning System (GPS) is a worldwide radio-navigation system formed from a network of 24 satellites and their ground stations. Utilities are using this advanced technology geographic data collection system to update and modernize their system maps. GPS uses a system of satellites orbiting the earth to establish plant locations with pinpoint accuracy. By triangulating from three satellites and using radio signals to measure distances and locate items, system-wide maps can be created of the utility's service area. A field inventory is then taken of the utility's plant and plotted onto the map. The GPS consists of base station equipment, remote station equipment, the GPS program, and mapping conversion software.

All equipment associated with GPS is dedicated to the mapping effort. The base station is installed at a fixed location and ties satellite measurements into a solid local reference. The remote station is a portable receiver that is taken into the field to determine locations and is moved from site to site. The GPS program is the application software that operates the station equipment and is used by layout technicians to gather information of existing and new facilities in the field. The conversion software is used for converting the GPS and inventory information gathered in the field into a form usable by the mapping program.

Accounting Requirements

The function and location of the equipment are the primary factors in determining the account in which the equipment shall be recorded. The components of the GPS shall be accounted for as follows:

1. *Remote and Base Station Equipment.* The cost of the equipment, both remote and fixed, shall be capitalized in a subaccount of Account 391, Office Furniture and Equipment.

2. *GPS Program and Conversion Software for Mapping.* The cost of GPS program and conversion software shall be capitalized in a subaccount of

Account 391, Office Furniture and Equipment.

3. *GPS/GIS Field Inventory of System.* The cost of performing a GPS/GIS survey and field inventory of the existing system, by either a consultant or the utility's own forces, shall be charged to Account 588, Miscellaneous Distribution Expenses.

140 Radio-Based Automatic Meter Reading Systems

Radio-based automatic meter reading technology allows meters equipped with a low-power radio device called an ERT (Encoder, Receiver, Transmitter) to be read from a remote location. The ERT device can either be retrofitted to an existing meter or purchased installed in a new meter. The ERT device "encodes" energy consumption and transmits this information to a radio transceiver equipped handheld computer. The data collected and stored in the handheld computer is then uploaded to a billing computer using specialized software for that purpose.

Accounting Requirements

The function of the equipment is the primary factor in determining the account in which the equipment shall be recorded. The components of the radio-based automatic meter reading system shall be recorded in Account 370, Meters. The cost of the meter reader encoding device and retrofitting the meter with the meter reader unit shall be capitalized to the cost of the existing meter. Any associated operating expenses shall be charged to Account 586, Meter Expenses, with maintenance expenses charged to Account 597, Maintenance of Meters.

Separate continuing property records shall be established for the meters, either fitted or retrofitted with the device; the handheld computer; and the upload software. The meters and handheld computer shall be depreciated over the manufacturer's estimated useful service life. The upload software shall be depreciated over the estimated useful service life of the program not to exceed 5 years.

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23. In Section 1767.41, Interpretations Nos. 601, 602, 603, 604, 606, 608, 618, 627, and 628 are revised to read as follows:

* * * * *

601 Employee Benefits

The costs of employees' fringe benefits (hospitalization, retirement, holiday, sick and vacation pay, etc.) shall be accumulated in an appropriate clearing account and allocated monthly on the basis of payroll. Vacation costs

shall be accrued monthly by appropriate credits to an accrual account. These monthly accruals shall be allocated on the basis of direct payroll costs to construction, retirement, and the applicable operations, maintenance, and administrative expense accounts.

Sick leave costs are not normally accrued unless the employee is entitled to be paid for accumulated sick leave at the termination of employment. Salary payments and the associated employee pensions and benefits and social security and other payroll taxes for an employee who is actually sick shall be charged to the same account or accounts to which his or her salary is normally charged.

602 Compensated Absences

Statement of Financial Accounting Standards No. 43, Accounting for Compensated Absences (Statement No. 43), requires employers to accrue a liability as an employee earns the right to be paid for future absences. Four criteria were established for this accrual:

1. The employer's obligation for payment for future absences is attributable to employees' services already performed.
2. The obligation relates to employee rights which vest or accumulate. Vested rights are considered those for which the employer is obligated to make payment even if the employee terminates. Rights which accumulate are those earned but unused rights to compensated absences which may be carried forward to one or more periods, subsequent to the period in which they are earned.
3. Payment of the compensation is probable.
4. The amount can be reasonably estimated.

A company's liability shall be estimated based upon payments it expects to make as a result of employees' work already performed. If a reasonable estimate cannot be made, the company shall disclose that fact in the financial statements.

Statement No. 43 does not apply to severance or termination pay, postretirement benefits, deferred compensation, stock or stock options, group insurance, or other long-term fringe benefits.

The entries required to account for the accrual of compensated absences are as follows:

- Dr. 435.1, Cumulative Effect on Prior Years of a Change in Accounting Principle
 Cr. 242.3, Accrued Employees' Vacation and Holidays
 To record the liability for benefits earned in prior years.
 Dr. 107, Construction Work in Progress

Dr. 108.8, Retirement Work in Progress
 Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Cr. 242.3, Accrued Employees Vacation and Holidays
 To record the liability for benefits earned in the current period.

603 Employee Retirement and Group Insurance

Some borrowers have group insurance or retirement plans or both for their employees. As a general rule the cost of these programs is borne partially by the cooperative and partially by its employees. The cooperative may pay the full cost in advance and recover the employee's share through payroll deductions. The accounting for these transactions is as follows:

1. The cooperative's advanced payment of premiums on insurance and retirement agreements shall be charged to Account 165, Prepayments, for the employers portion, and Account 143, Other Accounts Receivable, for the employee's portion.
2. The cost of the employer's portion of a retirement and group insurance program shall be charged to construction and retirement activities and the applicable operations, maintenance, and administrative expense accounts based upon a specific identification with employees' labor costs charged therein or, in the absence of specific employee identification, based upon direct labor dollars or direct labor hours depending upon which allocation technique provides the most equitable distribution of costs.

604 Deferred Compensation

Many utilities participate in the NRECA Deferred Compensation Program. Based upon the provisions of the program, the following accounting entries shall be made:

- Dr. 186.XX, Miscellaneous Deferred Debits—Deferred Compensation
 Cr. 228.3, Accumulated Provision for Pensions and Benefits
 To increase the deferred compensation provision by the amount of the annual deposit to NRECA's Deferred Compensation Fund.
 Dr. 128, Other Special Funds—Deferred Compensation
 Cr. 131.1, Cash—General
 To record the annual deposit to NRECA's Deferred Compensation Fund.
 Dr. Construction Work in Progress, Retirement Work in Progress, or the Various Operations, Maintenance, and Administrative Expense Accounts, as appropriate.
 Cr. 186.XX, Miscellaneous Deferred Debits—Deferred Compensation
 To record monthly accrual of deferred compensation.

Note: If an employee joins the deferred compensation program during the year, use entry #1 to record the additional deposit to the NRECA Deferred Compensation Fund and increase the monthly accrual in entry #2 to reflect this deposit.

NRECA provides borrowers that participate in the deferred compensation program with an annual account statement disclosing the activity for each Homestead Fund investment including the number of shares owned, interest income, dividend income, capital gains/losses, and the value of the shares owned at statement date. Funds may be invested in the Short-term Bond Fund, the Value Fund, the Short-term Government Securities Fund, and the Daily Income Fund. Depending upon the Homestead Fund selected, invested funds may earn interest and dividend income and may experience unrealized holding gains or losses. Based upon the information provided on the annual statement, the following journal entries shall be recorded to recognize the increase or decrease in the fund assets:

Dr. 128, Other Special Funds—Deferred Compensation
Cr. 419, Interest and Dividend Income
Cr. 421, Miscellaneous Nonoperating Income
To record an increase in the fund value as of December 31, 19xx, resulting from interest and dividend income and from unrecognized holding gains on trading securities.

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
Cr. 228.3, Accumulated Provision for Pensions and Benefits
To record an increase in the liability to the employee resulting from an increase in the investment account.

Dr. 426.5, Other Deductions
Cr. 128, Other Special Funds—Deferred Compensation
To record a decrease in fund value as of December 31, 19xx, resulting from unrecognized holding losses on trading securities.

Dr. 228.3, Accumulated Provision for Pensions and Benefits
Cr. Various Operations, Maintenance, and Administrative Expense Accounts
To record a decrease in the liability to the employee resulting from a decrease in the investment account.

Payments made to participating employees because of retirement or separation for other reasons shall be recorded using the following entries:

Dr. 131.1, Cash—General
Cr. 128, Other Special Funds—Deferred Compensation
To record the receipt of funds from NRECA.
and
Dr. 228.3, Accumulated Provision for Pensions and Benefits
Cr. 131.1, Cash—General

To record payment to employee for deferred compensation.

If the borrower has elected to bear the market risk of the funds which guarantee that the amount of money an employee receives will not be less than the amount of salary deferred, the following entry shall be recorded if total payment(s) from NRECA are less than the amount of salary deferred:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
Cr. 131.1, Cash—General
To record payment to employee for deferred compensation. Payment was made because amount returned did not equal salary deferred.

Appropriate disclosure of the terms of the program shall be made in the notes to the financial statements.

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606 Pension Costs

With the issuance of Statement of Financial Accounting Standards No. 87, Employers' Accounting for Pensions (Statement No. 87), there have been significant changes in the accounting and reporting requirements relating to pension costs. This section will highlight the accounting and reporting requirements for the major types of pension plans. It should be noted, however, that the definitions and accounting procedures outlined in this section relate to financial accounting and they may differ from those used for tax accounting.

Defined Benefit Pension Plans

A defined benefit pension plan is a plan that defines an amount of pension benefit to be provided, usually as a function of one or more factors such as age, years of service, or compensation. In a defined benefit plan, the employer promises to provide, in addition to current wages, retirement income payments in future years after the employee retires or terminates service. Generally, the amount of benefit to be paid depends upon a number of future events that are incorporated into the plan's benefit formula, after including how long the employee and any survivors live, how many years of service the employee renders, and the employee's compensation in the years immediately before retirement or termination.

Under a defined benefit plan, the determination of pension costs, assets, liabilities, and the disclosures in the financial statements require many calculations and assumptions to be made. This section provides a general overview of the accounting and reporting requirements associated with

a defined benefit pension plan. Consult Statement No. 87 for guidance in making the necessary calculations and assumption.

The accounting and reporting requirements related to a defined benefit pension plan are as follows:

1. The following components shall be included in the periodic recognition of net pension cost by an employer sponsoring a defined benefit pension plan:

a. The service cost component recognized in a period shall be determined as the actuarial present value of benefits attributed by the pension plan formula to employee service during that period. The measurement of the service cost component requires use of an attribution method and assumptions.

b. The interest cost component recognized in a period shall be determined as the increase in the projected benefit obligation due to the passage of time. Measuring the projected benefit obligation as a present value requires accrual of an interest cost at rates equal to the assumed discount rates.

c. For a funded plan, the actual return on plan assets, if any, shall be determined based upon the fair value of plan assets at the beginning and the end of the period, adjusted for contributions and benefit payments.

d. Plan amendments (including initiation of a plan) often include provisions that grant increased benefits based upon services rendered in prior period. Because plan amendments are granted with the expectation that the employer will realize economic benefits in future period, Statement No. 87 does not require the cost of providing such retroactive benefits (prior service cost) to be included in net periodic pension cost entirely in the year of the amendment but provides for recognition during the future service periods of those employees active at the date of the amendment who are expected to receive benefits under the plan.

The cost of retroactive benefits (including benefits that are granted to retirees) is the increase in the projected benefit obligation at the date of the amendment. Except as noted below, prior service cost shall be amortized by assigning an equal amount to each future period of service of each employee active at the date of the amendments who is expected to receive benefits under the plan. If all or almost all of the plan's participants are inactive, the cost of retroactive plan amendments affecting benefits of inactive participants shall be amortized based upon the remaining life

expectancy of those participants rather than the remaining service period.

To reduce the complexity and detail of the computations required, consistent use of an alternative amortization approach that more rapidly reduces the unrecognized cost of retroactive amendments is acceptable. For example, a straight-line amortization of the cost over the average remaining service period of employees expected to receive benefits under the plan is acceptable. The alternative method used shall be disclosed.

In some situations, a history of regular plan amendments and other evidence may indicate that the period during which the employee expects to realize economic benefits from an amendment granting retroactive benefits is shorter than the entire remaining service period of the active employees. Identification of such situations requires an assessment of the individual circumstances and the substance of the particular plan situation. In those circumstances, the amortization of prior service cost shall be accelerated to reflect the more rapid expiration of the employer's economic benefits and to recognize the cost in the periods benefited.

A plan amendment can reduce rather than increase the projected benefit obligation. Such a reduction shall be used to reduce an existing unrecognized prior service cost, and the excess, if any, shall be amortized on the same basis as the cost of benefit increases.

e. Gains and losses are changes in the amount of either the projected benefit obligation or plan assets resulting from experience different from that assumed and changes in assumptions. Gains and losses include amounts that have been realized. Because gains and losses may reflect refinements in estimates as well as real changes in economic values, and because some gains in one period may be offset by losses in another or vice versa, the recognition of gains and losses as components of net pension cost of the period in which they arise is not required.

The expected return on plan assets shall be determined based upon the expected long-term rate of return on plan assets and the market-related value of plan assets. The market-related value of plan assets shall be either fair value or a calculated value that recognizes changes in fair value in a systematic and rational manner over not more than 5 years. Different ways of calculating market-related value may be used for different classes of assets but the manner of determining market-related value shall be applied consistently from year to year for each asset class.

Asset gains and losses are the differences between the actual return on assets during a period and the expected return on assets for that period. Assets gains and losses include both changes reflected in the market-related value of assets and changes not yet reflected in the market-related value (that is, the difference between the fair value of assets and the market-related value). Asset gains and losses not yet reflected in market-related values are not required to be amortized.

As a minimum, amortization of an unrecognized gain or loss (excluding asset gains and losses not yet reflected in market-related value) shall be included as a component of net pension cost for a year if, as of the beginning of the year, that unrecognized net gain or loss exceeds 10 percent of the greater of the projected benefit obligation or the market-related value of plan assets. If amortization is required, the minimum amortization shall be that excess divided by the average remaining service period of active employees expected to receive benefits under the plan. If all or almost all of a plan's participants are inactive, the average remaining life expectancy of the inactive participants shall be used instead of average remaining service life.

Any systematic method of amortization of gains and losses may be used in lieu of the minimum specified in the previous paragraph provided that the minimum is used in any period in which the minimum is greater (i.e., reduces the net balance by more), the method is applied consistently, the method is applied similarly to both gains and losses, and the method is disclosed.

The gain or loss component of net periodic pension cost shall consist of the difference between the actual return on plan assets and the expected return on plan assets and amortization of the unrecognized net gain or loss from previous periods.

2. A liability (unfunded accrued pension cost) shall be recognized if the net periodic pension cost recognized pursuant to Statement No. 87 exceeds amounts the employer has contributed to the plan. An asset (prepaid pension cost) shall be recognized if the net periodic pension cost is less than the amounts the employer has contributed to the plan.

If the accumulated benefit obligation exceeds the fair value of plan assets, the employer shall recognize a liability (including unfunded accrued pension cost) that is at least equal to the unfunded accumulated benefit obligation. Recognition of an additional

minimum liability is required if an unfunded accumulated benefit obligation exists and an asset has been recognized as a prepaid pension cost, the liability already recognized as unfunded accrued pension cost is less than the unfunded accumulated benefit obligation, or no accrued or prepaid pension cost has been recognized.

If an additional minimum liability is recognized, an equal amount shall be recognized as an intangible asset, provided that the asset does not exceed the amount of unrecognized prior service cost. If an additional liability required to be recognized exceeds unrecognized prior service cost, the excess (which represents a net loss not yet recognized as a net periodic pension cost) shall be reported as a separate component (reduction) of equity.

When a new determination of the amount of additional liability is made to prepare a balance sheet, the related intangible asset and separate component of equity shall be eliminated or adjusted, as necessary.

3. An employer sponsoring a defined benefit pension plan shall disclose the following information:

a. A description of the plan including employee groups covered, type of benefit formula, funding policy, types of assets held and significant nonbenefit liabilities, if any, and the nature and effect of significant matters affecting comparability of information for all period presented.

b. The amount of net periodic pension cost for the period showing separately the service cost component, the interest cost component, the actual return on assets for the period, and the net total of other components.

c. A schedule reconciling the funded status of the plan with amounts reported in the employer's balance sheet, showing separately, the fair value of plan assets, the projected benefit obligation identifying the accumulated benefit obligation and the vested benefit obligation, the amount of unrecognized prior service cost, the amount of unrecognized net gain or loss including asset gains and losses not yet reflected in market-related value), the amount of any remaining unrecognized net obligation or net asset existing at the date of initial application of Statement No. 87, the amount of any additional liability recognized, and the amount of net pension asset or liability recognized in the balance sheet (which is the net result of combining the previous six items).

d. The weighted-average assumed discount rate and rate of compensation increase (if applicable) used to measure the projected benefit obligation and the

weighted-average expected long-term rate of return on plan assets.

e. If applicable, the amount and type of securities of the employer and related parties included in plan assets, and the approximate amount of annual benefits of employees and retirees covered by annuity contracts issued by the employer and related parties. Also, if applicable, the alternative amortization periods used.

f. An employer that sponsors two or more separate defined benefit pension plans shall determine net periodic pension cost, liabilities, and assets by separately applying the provisions of Statement No. 87 to each plan. In particular, unless an employer clearly has a right to use the assets of one plan to pay benefits of another, a liability required to be recognized for one plan shall not be reduced or eliminated because another plan has assets in excess of its accumulated benefit obligation or because the employer has prepaid pension cost related to another plan.

The required disclosures may be aggregated for all of an employer's single-employer defined benefit plans, or plans may be disaggregated into groups so as to provide the most useful information. Plans with assets in excess of the accumulated benefit obligation, however, shall not be aggregated with plans that have accumulated benefit obligations that exceed plan assets.

Annuity Contracts

An annuity contract is a contract in which an insurance company unconditionally undertakes a legal obligation to provide specified benefits to specific individuals in return for a fixed consideration or premium. An annuity contract is irrevocable and involves the transfer of significant risk from the employer to the insurance company. Some annuity contracts (participating annuity contracts) provide that the purchaser (either the plan or the employer) may participate in the experience of the insurance company. Under these contracts, the insurance company ordinarily pays dividends to the purchaser. If the substance of a participating contract is such that the employer remains subject to all or most of the risks and rewards associated with the benefit obligation covered and the assets transferred to the insurance company, that contract is not an annuity contract for purposes of Statement No. 87.

To the extent that benefits currently earned are covered by annuity contracts, the cost of these benefits shall be the cost of purchasing the contracts, except as noted below. That is, if all benefits

attributed by the plan's benefits formula to service in the current period are covered by nonparticipating annuity contracts, the cost of the contracts determines the service cost component of net pension cost for that period.

Benefits provided by the pension benefit formula beyond benefits provided by annuity contracts (for example, benefits related to future compensation levels) shall be accounted for according to the provisions applicable to plans not involving insurance contracts.

Benefits covered by annuity contracts shall be excluded from the projected benefit obligation and the accumulated benefit obligation. Except as noted below, annuity contracts shall be excluded from plan assets.

Some annuity contracts provide that the purchaser (either the plan or the employer) may participate in the experience of the insurance company. Under these contracts, the insurance company ordinarily pays dividends to the purchaser, the effect of which is to reduce the cost of the plan. The purchase price of a participating annuity contract ordinarily is higher than the price of an equivalent contract without participation rights. The cost of the participation right shall be recognized, at the date of purchase, as an asset. In subsequent periods, the participation right shall be measured at its fair value if the contract is such that the fair value is reasonably estimable. Otherwise, the participation right shall be measured at its amortized cost (not in excess of its net realizable value), and the cost shall be amortized systematically over the expected dividend period under the contract.

Other Contracts with Insurance Companies

Insurance contracts that are, in substance, equivalent to the purchase of annuities shall be accounted for as such. Other contracts with insurance companies shall be accounted for as investments and measured at fair value. For some contracts, the best available evidence of fair value may be contract value. If a contract has a determinable cash surrender value or conversion value, that is presumed to be its fair value.

Defined Contribution Plans

A defined contribution pension plan is a plan that provides pension benefits in return for services rendered, provides an individual account for each participant, and has terms that specify how contributions to the individual's accounts are to be determined rather than the amount of pension benefits the

individual is to receive. Under a defined contribution plan, the pension benefits a participant will receive depend only upon the amount contributed to the participant's account, the returns earned on investments of those contributions, and forfeitures of other participants' benefits that may be allocated to the participant's account.

To the extent that a plan's defined contributions to an individual's account are to be made for periods in which that individual renders services, the net pension cost for a period shall be the contribution called for in that period. If a plan calls for contributions for periods after an individual retires or terminates, the estimated cost shall be accrued during the employee's service period.

An employer that sponsors one or more defined contribution plans shall disclose the following separately from its defined benefit plan disclosures:

1. A description of the plan(s) including employee groups covered, the basis for determining contributions, and the nature and effect of significant matters affecting comparability of information for all periods presented.
2. The amount of cost recognized during the period.

A pension plan having characteristics of both a defined benefit plan and a defined contribution plan requires careful analysis. If the substance of the plan is to provide a defined benefit, as may be the case with some "target benefit" plans, the accounting and disclosure requirements shall be determined in accordance with the provisions applicable to a defined benefit plan.

Multiemployer Plans

A multiemployer plan is a pension plan to which two or more unrelated employers contribute, usually pursuant to one or more collective-bargaining agreements. A characteristic of multiemployer plans is that assets contributed by one participating employer may be used to provide benefits to employees of other participating employers since assets contributed by an employer are not segregated in a separate account or restricted to provide benefits only to employees of that employer.

An employer participating in a multiemployer plan shall recognize as net pension cost, the required contribution for the period and shall recognize as a liability, any contributions due and unpaid. The required contribution includes both current costs and prior service costs. If an employer elects to fund prior service cost in full at the inception of the plan, the total payment becomes the

employer's required contribution, and accordingly, its pension cost for the period.

The following provisions are applicable to RUS borrowers participating in a multiemployer pension plan:

1. An electric utility participating in a multiemployer plan may defer current period pension expenses if the provisions of Statement of Financial Accounting Standards No. 71 (Statement No. 71), Accounting for the Effects of Certain Types of Regulation, are applied.

Under the provisions of Statement No. 71, pension costs may be deferred provided such costs are recovered through future rates.

2. An electric utility instituting an amendment to the NRECA Retirement and Security plan enters into a contractual agreement to pay the costs incurred (prior service pension costs) for the amendment. In such cases, the agreement is noncancelable and payable regardless of continued participation in the plan.

Since the utility is unconditionally committed to making these payments and such payments are not contingent upon the utility's continued participation in the plan, the recognition of that liability is appropriate. The costs associated with this liability shall be expensed, in their entirety, when the liability is recognized.

The accounting journal entries required to record the transactions associated with a multiemployer pension plan are as follows:

Sample 1—Current Pension Expense

The journal entry required to record the normal costs associated with the NRECA Retirement and Security Program is as follows:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Dr. 107, Construction Work-in-Progress
 Dr. 108.8, Retirement Work-in-Progress
 Cr. 131.1, Cash—General
 To record the payment of pension costs to NRECA.

Note: This entry shall not be recorded during the moratorium.

Sample 2—Prior Service Pension Expense

The journal entries required to record the prior service costs associated with the NRECA Retirement and Security Program are as follows:

1. If the RUS borrower elects to pay the prior service pension costs in full, and there is no deferral of costs under the provision of Statement No. 71, the following entry shall be recorded:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Dr. 107, Construction Work-in-Progress

Dr. 108.8, Retirement Work-in-Progress
 Cr. 131.1, Cash—General
 To record the payment of prior service pension costs to NRECA.

2. If the RUS borrower elects to finance prior service pension costs over a period of years and there is no deferral of costs under the provisions of Statement No. 71, the following entries shall be recorded:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Dr. 107, Construction Work-in-Progress
 Dr. 108.8, Retirement Work-in-Progress
 Cr. 224, Other Long-Term Debt
 To record the liability to NRECA for prior service pension costs.

Dr. 224, Other Long-Term Debt
 Dr. 427, Interest on Long-Term Debt
 Cr. 131.1, Cash—General
 To record the annual payment to NRECA for prior service pension costs.

3. If the RUS borrower elects to finance prior service pension costs over a period of years and such costs are being deferred and amortized in accordance with the provisions of Statement No. 71, the following entries shall be recorded:

Dr. 182.3, Other Regulatory Assets
 Cr. 224, Other Long-Term Debt
 To record the liability to NRECA for prior service pension costs.

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Dr. 107, Construction Work-in-Progress
 Dr. 108.8, Retirement Work-in-Progress
 Cr. 182.3, Other Regulatory Assets
 To record the amortization of deferred prior service pension costs.

Dr. 224, Other Long-Term Debt
 Dr. 427, Interest on Long-Term Debt
 Cr. 131.1, Cash—General
 To record the annual payment to NRECA for prior service pension costs.

4. If the RUS borrower elects to pay the prior service pension costs in full and such costs are being deferred and amortized in accordance with the provisions of Statement No. 71, the following entries shall be recorded:

Dr. 182.3, Other Regulatory Assets
 Cr. 131.1, Cash—General
 To record the payment to NRECA for prior service pension costs.

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 Dr. 107, Construction Work-in-Progress
 Dr. 108.8, Retirement Work-in-Progress
 Cr. 182.3, Other Regulatory Assets
 To record the amortization of deferred prior service pension costs.

It should be noted that although the above entries relate specifically to the NRECA Retirement and Security Program, they are applicable to all multiemployer pension plans.

An employer that participates in one or more multiemployer plans shall disclose the following separately from disclosures for a single-employer plan:

1. A description of the multiemployer plan(s) including the employee groups covered, the type of benefits provided

(defined benefit or defined contribution), and the nature and effect of significant matters affecting comparability of information for all periods presented.

2. The amount of cost recognized during the period.

Multiple-Employer Plans

A multiple-employer plan is, in substance, aggregations of single-employer plans combined to pool their assets for investment purposes to reduce the cost of plan administration. Under a multiple-employer plan, assets are segregated and specifically identified to an employer. In addition, such plans may have features that allow participating employers to have different benefit formulas. Such plans shall be considered single-employer plans for financial accounting purposes and each employer's accounting shall be based upon its respective interest in the plan.

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608 Training Costs, Attendance at Meetings, Etc.

Utilities engage in many types of training programs. Seminars are conducted for directors, managers, office managers, attorneys, engineers, and others. Bookkeepers and office managers attend accountants' meetings. Safety engineers attend safety schools and subsequently conduct regular safety meetings at the cooperative. Costs incurred for the various types of training activities shall be accounted for as follows:

1. Managers' and directors' expenses to attend the NRECA national and state conventions shall be charged to Account 930.2, Miscellaneous General Expenses.

2. Management or engineering seminar fees, salary time attending such seminars including the associated pensions and benefits expense and payroll taxes, and the related per diem and expenses shall be charged to the functional expense accounts. Salaries paid to employees shall also be charged to the appropriate functional expense account. Fees and expenses for directors' attendance shall be charged to Account 930.2, Miscellaneous General Expenses.

3. When the office manager, bookkeeper, or work order clerk attends a state or regional accounting meeting, their salary time and the associated employee pensions and benefits and social security and other payroll taxes shall be charged to the account to which the employees' time is ordinarily charged.

4. Employees' salary time employee and the associated pensions and

benefits and social security and other payroll taxes spent attending regular safety meetings conducted by the cooperative shall be charged to the account to which the employees' time is ordinarily charged.

5. A safety engineer's salary time and the associated employee pensions and benefits and social security and other payroll taxes spent attending a statewide safety school shall be charged to Account 925, Injuries and Damages.

6. The salary time and the associated employee pensions and benefits and social security and other payroll taxes spent by a manager or line foreman conducting weekly safety meetings shall be charged to the appropriate functional expense accounts including Account 590, Maintenance, Supervision and Engineering, and Account 920, Administrative and General Services.

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618 Theft Losses not Covered by Insurance

Utilities may suffer losses as a result of thefts of cash, materials and supplies, equipment, or electric plant-in-service that is not covered by insurance. The charges for nominal uninsured losses shall be recorded in the following accounts:

1. Cash—Account 924, Property Insurance, shall be charged.

2. Plant materials and operating supplies—Account 163, Stores Expense Undistributed, shall be charged.

3. Equipment—Account 163, Stores Expense Undistributed, shall be charged for stores equipment; and Account 184, Transportation Expense—Clearing, for transportation and garage equipment. The appropriate miscellaneous operations or administrative expense account (Account 506, 524, 539, 549, 566, 588, 905, 910, 916, or 930.2, as appropriate) shall be charged for all other equipment.

4. Electric Plant-in-Service—A retirement work order shall be prepared for electric plant constituting a unit of property. The loss due to retirement shall be charged to Account 108.6, Accumulated Provision for Depreciation of Distribution Plant. If the plant does not constitute a retirement unit, the loss shall be charged to the appropriate maintenance expense account.

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627 Postretirement Benefits

Statement of Financial Accounting Standards No. 106, Employers' Accounting for Postretirement Benefits Other than Pensions (Statement No. 106), requires reporting entities to accrue the expected cost of

postretirement benefits during the years the employee provides service to the entity. For purposes of applying the provisions of Statement No. 106, members of the board of directors are considered to be employees of the cooperative. Prior to the issuance of Statement No. 106, most reporting entities accounted for postretirement benefit costs on a "pay-as-you-go" basis; that is, costs were recognized when paid, not when the employee provided service to the entity in exchange for the benefits.

As defined in Statement No. 106, a postretirement benefit plan is a deferred compensation arrangement in which an employer promises to exchange future benefits for an employee's current services. Postretirement benefit plans may be funded or unfunded. Postretirement benefits include, but are not limited to, health care, life insurance, tuition assistance, day care, legal services, and housing subsidies provided outside of a pension plan.

This statement applies to both written plans and to plans whose existence is implied from a practice of paying postretirement benefits. An employer's practice of providing postretirement benefits to selected employees under individual contracts with specified terms determined on an employee-by-employee basis does not, however, constitute a postretirement benefit plan under the provisions of this statement.

Postretirement benefit plans generally fall into three categories: single-employer defined benefit plans, multi-employer plans, and multiple-employer plans.

The accounting requirements set forth in this interpretation focus on single- and multiple-employer plans. The accounting requirements set forth in Statement No. 106 for multiemployer plans or defined contribution plans shall be adopted for borrowers electing those types of plans.

Under the provisions of Statement No. 106, there are two components of the postretirement benefit cost: the current period cost and the transition obligation. The transition obligation is a one-time accrual of the costs resulting from services already provided. Statement No. 106 allows the transition obligation to be deferred and amortized on a straight-line basis over the average remaining service period of the active employees. If the average remaining service life of the employees is less than 20 years, a 20-year amortization period may be used.

Accounting Requirements

All RUS borrowers must adopt the accrual accounting provisions and

reporting requirements set forth in Statement No. 106. The transition obligation and accrual of the current period cost must be based upon an actuarial study. This study must be updated to allow the borrower to comply with the measurement date requirements of Statement No. 106; however, the study must, at a minimum, be updated every five years. RUS will not allow electric borrowers to account for postretirement benefits on a "pay-as-you-go" basis.

The deferral and amortization of the transition obligation does not require RUS approval provided that it complies with the provisions of Statement No. 106. If, however, a borrower elects to expense the transition obligation in the current period and subsequently defer this expense in accordance with Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation, the deferral must be approved by RUS. In those states in which the commission will not allow the recovery of the transition obligation through future rates, the transition obligation must be expensed, in its entirety, in the year in which Statement No. 106 is adopted. A portion of the transition obligation may be charged to construction and retirement activities provided such charges are properly supported.

Effective Date and Implementation

For plans outside the United States and for defined benefit plans of employers that (a) are nonpublic enterprises and (b) sponsor defined benefit postretirement plans with no more than 500 plan participants in the aggregate, Statement No. 106 is effective for fiscal years beginning after December 15, 1994. For all other plans, Statement No. 106 is effective for fiscal years beginning after December 15, 1992.

RUS borrowers must comply with the implementation dates set forth in Statement No. 106. At the time of the adoption of Statement No. 106, rates must be in place sufficient to recover the current period expense and any amortization of the transition obligation. A copy of a board resolution or commission order, as appropriate, indicating that the transition obligation and current period expense have been included in the borrower's rates must be submitted to RUS.

Accounting Journal Entries—Transition Obligation

The journal entries required to record the transition obligation are as follows:

1. If the borrower elects to expense the transition obligation in the current

period and there is no deferral of costs, the following entry shall be recorded:

Dr. 435.1, Cumulative Effect on Prior Years of a Change in Accounting Principle
or

Dr. 926, Employee Pensions and Benefits
Dr. 107, Construction Work-in-Progress
Dr. 108.8, Retirement Work-in-Progress
Cr. 228.3, Accumulated Provision for Pensions and Benefits

To record the current period recognition of the transition obligation for postretirement benefits. Note: A portion of the transition obligation may be charged to construction and retirement activities provided such charges are properly supported.

2. If the borrower elects to defer and amortize the transition obligation in accordance with the provisions of Statement No. 71, the following entry shall be recorded:

Dr. 182.3, Other Regulatory Assets
Cr. 228.3, Accumulated Provision for Pensions and Benefits

To record the deferral of the transition obligation under the provisions of Statement No. 71.

Dr. Various Operations, Maintenance, and Administrative Expense Accounts

Dr. 107, Construction Work-in-Progress
Dr. 108.8, Retirement Work-in-Progress
Cr. 182.3, Other Regulatory Assets

To record the amortization of postretirement benefits expenses as they are recovered through rates in accordance with Statement No. 71.

3. The deferral and amortization of the transition obligation under the provisions of Statement No. 106 is considered to be an off balance sheet item. If, therefore, the borrower elects to defer and amortize the transition obligation on a straight-line basis over the average remaining service period of the active employees or 20 years in accordance with Statement No. 106, no entry is required. Instead, the transition obligation is recognized as a component of postretirement benefit cost as it is amortized. It should be noted, however, that the amount of the unamortized transition obligation must be disclosed in the notes to the financial statements.

Accounting Journal Entries—Current Period Expense

The current period postretirement expense should be recorded by the following entry:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
Dr. 107, Construction Work-in-Progress
Dr. 108.8, Retirement Work-in-Progress
Cr. 228.3, Accumulated Provision for Pensions and Benefits

To record current period postretirement benefit expense.

Dr. 228.3X, Accumulated Provision for Pensions and Benefits—Funded
Cr. 131.1, Cash—General

To record cash payments on a "pay-as-you-go" basis for postretirement benefits.

Accounting Journal Entry—Funding

If a borrower elects to voluntarily fund its postretirement benefits obligation in an external, irrevocable trust, the following entry shall be recorded:

Dr. 228.3X, Accumulated Provision for Pensions and Benefits—Funded
Cr. 131.1, Cash—General

To record the funding of postretirement benefits expense into an external, irrevocable trust.

If a borrower elects to voluntarily fund its postretirement benefits obligation in an investment vehicle other than an external, irrevocable trust, the following entry shall be recorded:

Dr. 128, Other Special Funds
Cr. 131.1, Cash—General

To record the funding of postretirement benefits expense into an investment vehicle other than an external, irrevocable trust.

628 Postemployment Benefits

Statement of Financial Accounting Standards No. 112, Employers' Accounting for Postemployment Benefits (Statement No. 112) establishes the standards of financial accounting and reporting for employers who provide benefits to former or inactive employees after employment but before retirement. Inactive employees are those who are not currently rendering service to the employer but who have not been terminated, including employees who are on disability leave, regardless of whether they are expected to return to active service. For purposes of applying the provisions of Statement No. 112, former members of the board of directors are considered to be employees of the cooperative.

Postemployment benefits include benefits provided to former or inactive employees, their beneficiaries, and covered dependents. They include, but are not limited to, salary continuation, supplemental benefits (including workmen's compensation), health care, job training and counseling, and life insurance coverage. Benefits may be provided in cash or in kind and may be paid upon cessation of active employment or over a specified period of time.

The cost of providing postemployment benefits is considered to be a part of the compensation provided to an employee in exchange for current service and should, therefore, be accrued as the employee earns the right to be paid for future postemployment benefits. Applying the criteria set forth in Statement of

Financial Accounting Standards No. 43, Accounting for Compensated Absences, a postemployment benefit obligation is accrued when all of the following conditions are met:

1. The employer's obligation for payment for future absences is attributable to employees' services already performed;

2. The obligation relates to employee rights that vest or accumulate. Vested rights are considered those rights for which the employer is obligated to make payment even if the employee terminates. Rights that accumulate are those earned, but unused rights to compensated absences that may be carried forward to one or more periods subsequent to the period in which they are earned;

3. Payment of the compensation is probable; and

4. The amount can be reasonably estimated.

If all of these conditions are not met, the employer must account for its postemployment benefit obligation in accordance with Statement of Financial Accounting Standards No. 5, Accounting for Contingencies (Statement No. 5) when it becomes probable that a liability has been incurred and the amount of that liability can be reasonably estimated.

If an obligation for postemployment benefits is not accrued in accordance with the provisions of Statement No. 5 or Statement No. 43 only because the amount cannot be reasonably estimated, the financial statements should disclose that fact.

Accounting Requirements

All RUS borrowers must adopt the accrual accounting provisions and reporting requirements set forth in Statement No. 112 as of the statement's implementation date. A portion of the cumulative effect may be charged to construction and retirement activities provided such charges are properly supported. If a borrower elects to defer the cumulative effect of implementing Statement No. 112 in accordance with the provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation, the deferral must be approved by RUS.

Effective Date and Implementation

Statement No. 112 is effective for fiscal years beginning after December 15, 1993. Previously issued financial statements should not be restated.

RUS borrowers must comply with the implementation date set forth in Statement No. 112. At the time of the adoption of Statement No. 112, rates

must be in place sufficient to recover the current period expense.

Accounting Journal Entries

The journal entries required to account for postemployment benefits are as follows:

- Dr. 435.1, Cumulative Effect on Prior Years of a Change in Accounting Principle
 - Dr. 107, Construction Work in Progress
 - Dr. 108.8, Retirement Work in Progress
 - Cr. 228.3, Accumulated Provision for Pensions and Benefits
- To record the cumulative effect of implementing Statement No. 112.

Note: A portion of the cumulative effect may be charged to construction and retirement activities provided such charges are properly supported. Account 435.1 is closed to Account 219.2, Nonoperating Margins.

If the borrower elects to defer and amortize the cumulative effect in accordance with the provisions of Statement No. 71, the following entry shall be recorded:

- Dr. 182.3, Other Regulatory Assets
 - Cr. 228.3, Accumulated Provision for Pensions and Benefits
- To record the deferral of the cumulative effect of implementing Statement No. 112 in accordance with the provisions of Statement No. 71.

- Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 - Dr. 107, Construction Work in Progress
 - Dr. 108.8, Retirement Work in Progress
 - Cr. 182.3, Other Regulatory Assets
- To record the amortization of the cumulative effect of implementing Statement No. 112 as it is recovered through rates in accordance with Statement No. 71.

- Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 - Dr. 107, Construction Work in Progress
 - Dr. 108.8, Retirement Work in Progress
 - Cr. 228.3, Accumulated Provision for Pensions and Benefits
- To record current period postemployment benefit expense.

Note: If postemployment benefits are accrued under the criteria set forth in Statement No. 43, this journal entry is made on a monthly basis. If, however, the accrual is based upon the provisions of Statement No. 5, this is a one-time entry unless the liability is reevaluated and subsequently adjusted.

* * * * *

23. In § 1767.41, Interpretation Nos. 630 and 631 are added in numerical order to read as follows:

* * * * *

630 Split Dollar Life Insurance

The National Rural Electric Cooperative Association Split Dollar Life Insurance provides life insurance benefits to cooperative employees. The benefits provided under this policy consist of two components, the face

value of the insurance policy and the accumulated cash surrender value. While the employee is the owner of the policy, the employee must sign a collateral assignment giving the cooperative absolute right to the cash surrender value of the policy. Under the terms of this collateral assignment, the employee must reimburse the cooperative for the premiums paid upon the employee's termination of employment or attainment of the age of 62 if the employee wishes to maintain the insurance coverage. If death occurs prior to either of these events, the premiums paid to date by the cooperative are deducted from the death benefits payable to the policy beneficiary.

Accounting Requirements

Financial Accounting Standards Board Technical Bulletin 85-4, Accounting for Purchase of Life Insurance (Bulletin 85-4), states that the amount that could be realized under an insurance contract as of the date of the financial statements should be reported as an asset. The change in the cash surrender or contract value of that asset during the period should be reported as an adjustment to the premiums paid in determining the expense or income to be recognized for the period. The cooperative shall, therefore, record the cash surrender value of the policy as an asset because of its absolute right to receive that value based upon the employee's collateral assignment. Any receivable that may occur as a result of the employee reimbursement for the premiums paid is contingent upon the employee electing to maintain the insurance coverage after termination of employment or reaching the age of 62 and is not recorded as an asset on the cooperative's records.

Accounting Journal Entries

The journal entries required to account for the NRECA Split Dollar Life Insurance Program are as follows:

- Dr. 124, Other Investments
 - Cr. Various Operations, Maintenance, and Administrative Expense Accounts
- To record an increase in the cash surrender value of the insurance contract.

or

- Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 - Cr. 124, Other Investments
- To record a decrease in the cash surrender value of the insurance contract.

- Dr. Various Operations, Maintenance, and Administrative Expense Accounts
 - Dr. 107, Construction Work-in-Progress
 - Dr. 108.8, Retirement Work-in-Progress
 - Cr. 131.1, Cash—General
- To record the premium cost of the insurance contract.

631 Special Early Retirement Plan

The Special Early Retirement Plan (SERP) being offered through the National Rural Electric Cooperative Association (NRECA) constitutes an amendment to its Retirement and Security (R&S) program. The SERP is often chosen as a vehicle through which the cooperative may reduce the size of its workforce or replace more highly paid employees with lower paid entry level employees. If an employee covered by an NRECA retirement plan chose to retire before his/her normal retirement date, that employee would receive an actuarially reduced benefit. However, when a cooperative elects to offer a SERP, no such reduction is required. The cooperative selects the criteria under which an employee will be eligible to participate such as age, years of service, or a combination of age and benefit service requirements. As with other amendments to the R&S program, NRECA calculates the cost of the plan based upon the criteria selected by the cooperative and allows the cooperative to pay the cost immediately or on an installment basis.

Under this plan, the employee receives full retirement benefits in the form of either an immediate lump-sum settlement or annuity payments. It is not unusual for the cooperative to add an incentive to encourage participation such as medical or life insurance, either in whole or in part, until age 65. The actuarial analysis provided by NRECA includes the cost of the SERP and the estimated reduction and/or increase in costs associated with Statement of Financial Accounting Standards No. 106, Employer's Accounting for Postretirement Benefits Other Than Pensions (Statement No. 106).

Statement of Financial Accounting Standards No. 87, Employer's Accounting for Pensions (Statement No. 87)

In accordance with the provisions of Statement No. 87, the costs associated with an amendment to a multiemployer plan are recognized when they become due and payable. Since NRECA calculates the amount due and payable at the time of the amendment, the entire amount due, whether paid immediately or financed through NRECA or any other institution, must be recognized as an expense at that time. This cost may, however, be deferred in accordance with the provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation (Statement No. 71).

Accounting Journal Entries

The journal entry required to record the additional pension costs associated with the SERP is as follows:

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
Dr. 107, Construction Work-in-Progress
Dr. 108.8, Retirement Work-in-Progress
Cr. 131.1, Cash—General

or

Cr. 224, Other Long-Term Debt
To record the prior service pension costs incurred as a result of adopting the SERP.

If the borrower elects to defer and amortize the cost in accordance with Statement No. 71, the following entries shall be recorded:

Dr. 182.3, Other Regulatory Assets
Cr. 131.1, Cash—General

or

Cr. 224, Other Long-Term Debt
To record, under the provisions of Statement No. 71, the deferral of the prior service pension costs incurred as a result of adopting the SERP.

Dr. Various Operations, Maintenance, and Administrative Expense Accounts
Dr. 107, Construction Work-in-Progress
Dr. 108.8, Retirement Work-in-Progress
Cr. 182.3, Other Regulatory Assets

To record the amortization of deferred prior service pension costs as they are recovered through rates in accordance with Statement No. 71.

Statement No. 106

In the event that net reductions in postretirement benefits result from this

plan amendment, the reductions are recognized as follows:

1. The amount of the reduction shall first reduce any existing unrecognized prior service cost;

2. Any remaining reductions shall next reduce any unrecognized transition obligation; and

3. Any remaining reduction shall be recognized in a manner consistent with the accounting for prior service postretirement benefit costs.

In accordance with Statement No. 106, prior service postretirement benefit costs are recognized in equal amounts in each remaining year of service for active plan participants. Because it is an off-balance sheet item, only a memorandum entry is required to reduce the amount of unrecognized prior service cost.

At adoption, Statement No. 106 permitted the recognition of the transition obligation in one of two ways. The transition obligation was recognized over the longer of the average remaining service period of current plan participants or 20 years, or it may have been recognized immediately. If the delayed recognition option was chosen under Statement No. 106, this, too, was an off-balance sheet item that requires only a memorandum entry to reduce the amount of unrecognized transition obligation. However, if the immediate recognition option was chosen, the cooperative either recorded the expense in that year or, with RUS approval, deferred the

expense under the provisions of Statement No. 71. If the expense were recorded, in total, in the year of adoption, no unrecognized transition obligation remains to reduce. If, however, the transition obligation was deferred in accordance with Statement No. 71, the journal entry required to effect the reduction in Statement No. 106 expense is as follows:

Dr. 228.3, Accumulated Provision for Pensions and Benefits

Cr. 182.3, Other Regulatory Assets

To record a reduction in the deferred Statement No. 106 transition obligation resulting from the adoption of the SERP.

Note: The dollar value of this entry must not exceed the deferral shown on the balance sheet.

If, after the two previous reductions have been made, any net credit remains, it shall be recognized in a manner consistent with prior service costs; that is, as an off balance sheet item that is amortized over the remaining service lives (to full eligibility) of the active plan participants. The annual amortization reduces amounts normally charged to the various operations, maintenance, and administrative expense accounts and Account 228.3 as postretirement benefit expenses.

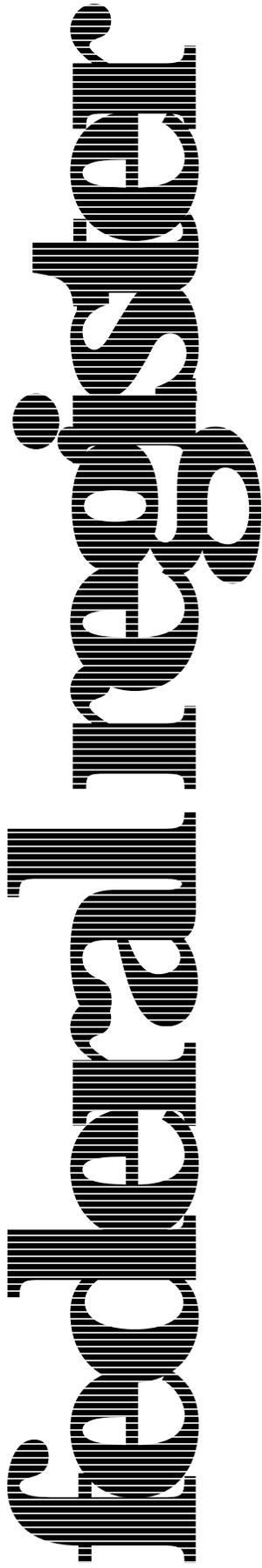
Dated: July 28, 1997.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 97-20240 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-15-P



Wednesday
August 6, 1997

Part III

**Department of
Health and Human
Services**

Administration for Children and Families

**Development Disabilities: Availability of
Financial Assistance for Projects of
National Significance for Fiscal Year
1997; Notice**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631-97-02]

Developmental Disabilities: Availability of Financial Assistance for Projects of National Significance for Fiscal Year 1997

AGENCY: Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF).

ACTION: Announcement of availability of financial assistance for Projects of National Significance for fiscal year 1997.

SUMMARY: The Administration on Developmental Disabilities, Administration for Children and Families, announces that applications are being accepted for funding of Fiscal Year 1997 Projects of National Significance.

This program announcement consists of five parts. Part I, the Introduction, discusses the goals and objectives of ACF and ADD. Part II provides the necessary background information on ADD for applicants. Part III describes the review process. Part IV describes the priority under which ADD requests applications for Fiscal Year 1997 funding of projects. Part V describes in detail how to prepare and submit an application. All of the forms and instructions necessary to submit an application are published as part of this announcement following Part V.

No separate application kit is either necessary or available for submitting Project of National Significance grant application. If you have a copy of this announcement, you have all the information and forms required to submit an application.

Grants will be awarded under this program announcement subject to the availability of funds for support of these activities.

DATES: The closing date for submittal of applications under this announcement is September 5, 1997. Mailed or handcarried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, ACF/Administration on Developmental Disabilities, Third Floor, 200 Independence Avenue SW,

Washington, DC 20201, Attention: Joan Rucker.

Applications handcarried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, ACF/Administration on Developmental Disabilities, Mailroom, Rm. G644, 330 Independence Avenue SW, Washington, DC 20201, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note "Attention: Joan Rucker". Applicants using express/overnight services should allow two working days prior to the deadline date for receipt of applications. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.) Any applications received after 4:30 p.m. on the deadline date will not be considered for competition.

ADD cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ADD electronically will not be accepted regardless of date or time of submission and time of receipt.

Late Applications: Applications which do not meet the criteria above are considered late applications. ADD shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ADD may extend the deadline for all applicants because of acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. However, if ADD does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

FOR FURTHER INFORMATION CONTACT: Adele Gorelick (202-690-5982) or Pat Laird (202-690-7447), Program Development Division, Administration on Developmental Disabilities.

Notice of Intent to Submit Application: If you intend to submit an application, please send a post card with the number and title of this announcement, your organization's name and address, and your contact person's name, phone and fax numbers, and e-mail address to: Administration on Developmental Disabilities, 200 Independence Avenue, Rm. 329D, Washington, DC, 20201, Attn: Projects of National Significance.

This information will be used to determine the number of expert reviewers needed and to update the mailing list to whom program announcements are sent.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). Although different from the other ACF program administrations in the specific populations it serves, ADD shares a common set of goals that promote the economic and social well-being of families, children, individuals and communities. Through national leadership, ACF and ADD envision:

- Families and individuals empowered to increase their own economic independence and productivity;
- Strong, healthy, supportive communities having a positive impact on the quality of life and the development of children;
- Partnerships with individuals, front-line service providers, communities, States and Congress that enable solutions which transcend traditional agency boundaries;
- Services planned and integrated to improve client access;
- A strong commitment to working with Native Americans, persons with developmental disabilities, refugees and migrants to address their needs, strengths and abilities; and
- A community-based approach that recognizes and expands on the resources and benefits of diversity.

Emphasis on these goals and progress toward them will help more individuals, including people with developmental disabilities, to live productive and independent lives integrated into their communities. The Projects of National Significance Program is one means through which ADD promotes the achievement of these goals.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs which promote the self-sufficiency and protect the rights of persons with developmental disabilities.

The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000, *et seq.*) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, integration and inclusion into the community.

In the Act, Congress expressly found that:

- Disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity for independence, productivity, integration and inclusion into the community;
- Individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;
- Individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

The Act further established as the policy of the United States:

- Individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, integration and inclusion into the community, and often require the provision of services, supports and other assistance to achieve such;
- Individuals with developmental disabilities have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;
- Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports such individuals and their families receive; and play decision making roles in policies and programs that affect the lives of such individuals and their families; and
- It is in the nation's interest for people with developmental disabilities to be employed, and to live

conventional and independent lives as a part of families and communities.

Toward these ends, ADD seeks to enhance the capabilities of families in assisting people with developmental disabilities to achieve their maximum potential to support the increasing ability of people with developmental disabilities to exercise greater choice and self-determination; to engage in leadership activities in their communities; as well as to ensure the protection of their legal and human rights.

The four programs funded under the Act are:

- Federal assistance to State developmental disabilities councils;
- State system for the protection and advocacy of individuals rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and
- Grants for Projects of National Significance.

C. Statutory Authorities Covered Under This Announcement

The Developmental Disabilities Assistance and Bill of Rights Act of 1996, 42 U.S.C. 6000, *et seq.* The Projects of National Significance is Part E of the Developmental Disabilities Assistance and Bill of Rights Act of 1996, 42 U.S.C. 6081, *et seq.*

Part II. Background Information For Applicants

A. Description of Projects of National Significance

Under Part E of the Act, grants and contracts are awarded for projects of national significance that support the development of national and State policy to enhance the independence, productivity, and integration and inclusion of individuals with developmental disabilities through:

- Data collection and analysis;
- Technical assistance to enhance the quality of State developmental disabilities councils, protection and advocacy systems, and university affiliated programs; and
- Other projects of sufficient size and scope that hold promise to expand or improve opportunities for people with developmental disabilities, including:
 - Technical assistance for the development of information and referral systems;
 - Educating policy makers;
 - Federal interagency initiatives;
 - The enhancement of participation of minority and ethnic groups in public and private sector initiatives in developmental disabilities;

- Transition of youth with developmental disabilities from school to adult life; and
- Special pilots and evaluation studies to explore the expansion of programs under part B (State developmental disabilities councils) to individuals with severe disabilities other than developmental disabilities.

B. Comments on FY 1997 Proposed Priority Areas

The notice requesting comments on the FY 1997 proposed priority areas was published in the **Federal Register** on April 16, 1997 (62 FR 18633). A 60-day period was required to allow the public to comment on the proposed areas. After review and analysis of these comments, ADD is publishing its final priority in this announcement.

The public comment notice requested specific comments and suggestions on the proposed funding priorities and recommendations for additional priority areas to help bring about the increased independence, productivity, and integration into the community of people with developmental disabilities.

ADD received 34 letters by the closing date in response to the public comment notice. Commentary was from the following sources:

- Advocacy agencies, including national organizations and associations, national advocacy groups and State/local advocacy groups;
- Service organizations, including agencies that provide services for individuals with developmental disabilities as well as providing advocacy services on behalf of a particular disability, including developmental disabilities councils;
 - Educational systems, including schools, colleges, and universities, programs located within a university setting and University Affiliated Programs;
 - Private agencies, including national, State, and local nonprofit organizations;
 - Government agencies, including Federal, State, county, and local government agencies; and
 - Private individuals.

Comments ranged from requests for copies of the final application solicitation, to general support, to informative, clarifying responses for this year's proposed funding priorities and recommendations for other priority areas. The vast majority supported and expanded upon what we proposed in the announcement, in addition to relating specifically to the program goals and priorities of the particular agencies submitting the comments.

The comments helped highlight the concerns of the developmental disabilities field and have been used in refining the final priority areas.

After careful review of comments on "Priority Area 1: Managed Care and Disability", ADD has decided to defer funding a project in this area. ADD received little specific guidance on what should be the critical activities conducted in this area. This may be due to the fact that this is still an unknown area where much activity is taking place but no results or best practices have been identified as yet as it relates to people with developmental disabilities and families of children with developmental disabilities. Many of the activities taking place are projects supported by federal agencies such as the Office of Planning and Evaluation and the Health Care Financing Administration/ Department of Health and Human Services, and the National Institute on Disability and Rehabilitation Research/Department of Education. ADD has also supported various activities in managed care through funding of a national clearinghouse on managed care and long-term support and services for adults with developmental disabilities and their families; a joint task force of the American Association of University Affiliated Programs and the Center for the Health Professions (Univ. of California/ San Francisco) which is studying the implications of managed care on professional education, service delivery, and research issues; and video and training materials for individuals with developmental disabilities and families. ADD realizes this is a critical area for the constituency it represents and will re-examine this topic again when it is developing its priorities for next fiscal year.

In some of the proposed priority areas ADD used the phrase "people with developmental disabilities and families of children with developmental disabilities"; it became apparent that a point of clarification is needed regarding the latter part of the phrase as it relates to the role of families of adults with developmental disabilities. ADD believes that the individual with a developmental disability should be afforded both the opportunity and necessary assistance to express and make decisions over their own lives but understands that under certain circumstances it may be appropriate and necessary for parents or guardians of such individuals to be consulted as primary decision-makers. However, even when some form of surrogate decision making is deemed necessary, adults with developmental disabilities

should be provided the opportunities and supports to express personal preferences and choices affecting their own lives and futures to the maximum extent feasible. Applicants are encouraged to give this due consideration in their proposals.

ADD further recognizes issues around surrogate decision making and decision making supports for people with developmental disabilities to be critical and timely ones and will also re-examine these topics again when it is developing its priorities for the next fiscal year.

Part III. The Review Process

A. Eligible Applicants

Before applications under this Announcement are reviewed, each will be screened to determine that the applicant is eligible for funding as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition, and the applicant will be so informed.

Only public or non-profit private entities, not individuals, are eligible to apply under any of the priority areas. All applications developed jointly by more than one agency or organization must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

Nonprofit organizations must submit proof of nonprofit status in their applications at the time of submission. One means of accomplishing this is by providing a copy of the applicant's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in section 501 (c) (3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

ADD cannot fund a nonprofit applicant without acceptable proof of its nonprofit status.

B. Review Process and Funding Decisions

Timely applications under this Announcement from eligible applicants received by the deadline date will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal Government, will use the appropriate evaluation

criteria listed later in this Part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ADD reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal Government or the applicant. It may also solicit comments from ADD Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by ADD in making funding decisions.

In making decisions on awards, ADD will consider whether applications focus on or feature: services to culturally diverse or ethnic populations among others; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations administering or delivering of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ADD may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Criteria

Using the evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal Government) will review the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each application in terms of the evaluation criteria, provide comments, and assign numerical scores. The point value following each criterion heading

indicates the maximum numerical weight that each section may be given in the review process.

All applications will be evaluated against the following criteria:

1. Objectives and Need for Assistance (20 points)

The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional or other problems requiring a solution; demonstrates the need for the assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. The application must identify the precise location of the project and area to be served by the proposed project. Maps and other graphic aids should be attached.

2. Results or Benefits Expected (20 points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, and the extent to which the application indicates the anticipated contributions to policy, practice, theory and/or research. The extent to which the proposed project costs are reasonable in view of the expected results.

3. Approach (35 points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. Activities to be carried out should be listed in chronological order, showing a reasonable schedule of accomplishments and target dates.

The extent to which, when applicable, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. The extent to which the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the

results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

4. Staff Background and Organization's Experience (25 points)

The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or under way by the applicant which is being supported by Federal assistance.

D. Structure of Priority Area Descriptions

The priority area description is composed of the following sections:

- *Eligible Applicants:* This section specifies the type of organization which is eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.

- *Purpose:* This section presents the basic focus and/or broad goal(s) of the priority area.

- *Background Information:* This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACF and/or other State models are noted, where applicable.

- *Minimum Requirements for Project Design:* This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers to evaluate the applications against the evaluation criteria. Project products, continuation of the project after Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.

- *Project Duration:* This section specifies the maximum allowable length of the project period; it refers to the amount of time for which Federal funding is available.

- *Federal Share of Project Costs:* This section specifies the maximum amount of Federal support for the project.

- *Matching Requirement:* This section specifies the minimum non-Federal contribution, either cash or in-kind match, required.

- *Anticipated Number of Projects To Be Funded:* This section specifies the number of projects ADD anticipates funding under the priority area.

- *CFDA:* This section identifies the Catalog of Federal Domestic Assistance (CFDA) number and title of the program under which applications in this priority area will be funded. This information is needed to complete item 10 on the SF 424.

Please note that applications under this Announcement that do not comply with the specific priority area requirements in the section on "*Eligible Applicants*" will not be reviewed.

Applicants under this Announcement must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as an application more clearly focused on, and directly responsive to, the concerns of that specific priority area.

E. Available Funds

ADD intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 1997, subject to the availability of funding. The size of the awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term "budget period" refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term "project period" refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose shorter project periods than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas.

For multi-year projects, continued Federal funding beyond the first budget period, but within the approved project period, is subject to the availability of funds, satisfactory progress of the grantee and a determination that

continued funding would be in the best interest of the Government.

F. Grantee Share of Project Costs

Grantees must provide at least 25% percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$100,000 in Federal funds (based on an award of \$100,000 per budget period) must include a match of at least \$33,333 (25% total project cost).

An exception to the grantee cost-sharing requirement relates to applications originating from American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Applications from these areas are covered under Section 501(d) of Pub. L. 95-134, which requires that the Department waive "any requirement for local matching funds for grants under \$200,000."

The applicant contribution must generally be secured from non-Federal sources. Except as provided by Federal statute, a cost-sharing or matching requirement may not be met by costs borne by another Federal grant. However, funds from some Federal programs benefitting Tribes and Native American organizations have been used to provide valid sources of matching funds. If this is the case for a Tribe or Native American organization submitting an application to ADD, that organization should identify the programs which will be providing the funds for the match in its application. If the application successfully competes for PNS grant funds, ADD will determine whether there is statutory authority for this use of the funds. The Administration for Native Americans and the DHHS Office of General Counsel will assist ADD in making this determination.

G. Cooperation in Evaluation Efforts

Grantees funded by ADD may be requested to cooperate in evaluation efforts funded by ADD. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular priority area.

H. Closed Captioning for Audiovisual Efforts

Applicants are encouraged to include "closed captioning" in the development of any audiovisual products.

Part IV. Fiscal Year 1997 Priority Areas for Projects of National Significance—Description and Requirements

The following section presents the final priority areas for Fiscal Year 1997 Projects of National Significance (PNS) and solicits the appropriate applications.

Fiscal Year 1997 Priority Area 1: Technical Assistance and Knowledge Transfer on Welfare Reform and Individuals with Developmental Disabilities and their Families

- **Eligible Applicants:** State agencies, public or private nonprofit organizations, institutions or agencies, including a consortia of some or all of the above

- **Purpose:** Under this priority area, ADD will issue a Financial Assistance Award through the instrument of a cooperative agreement that will outline the terms of ADD's involvement as well as the responsibilities of the recipient organization or agency in the development of a national technical assistance and knowledge transfer center on effective Welfare Reform for people with developmental disabilities and their families.

- **Background Information:** ADD finds its mission of promoting the independence, productivity, inclusion, and integration of individuals with developmental disabilities into their communities to be strikingly similar in many ways to the goals of welfare reform.

When we view welfare reform as an effort not only to assist people to leave welfare rolls and poverty, the empowerment of individuals and families is very much like the outcomes ADD hopes to see from its efforts at partnerships to achieve community-based and consumer-driven programs and services.

Over a million children and adults with disabilities and their families will be directly affected by the implementation of all aspects of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Such individuals and families should have an equal opportunity to realize the full promise of Welfare Reform, including the chance to work their way out of poverty, while keeping their families healthy, safe and intact.

- **Minimum Requirements for Project Design:** Significant research, best practices and lessons learned exist in regard to assisting children and adults with the full range of developmental disabilities to live, work and become contributing members of their families, communities and nation. States,

communities, businesses, disability constituencies and others can benefit from technical assistance aimed at assisting them to transfer, adapt and apply such knowledge and practice to Welfare Reform activities.

Such technical assistance should seek to better equip these major stakeholders with the skills, knowledge and expertise necessary to apply what is already known to work for persons with developmental disabilities and their families to the Welfare Reform context with respect to:

- (1) Assuring the basic civil rights of, and equal opportunity for, individuals with developmental disabilities and their families on the Temporary Assistance for Needy Families (TANF) Program;

- (2) Making work pay for low-income parents with disabilities and parents of children with developmental disabilities on TANF;

- (3) Encouraging job/business creation by and for low-income families and individuals with developmental disabilities;

- (4) Increasing the access and responsiveness of Head Start and Child Care Programs to families of children with developmental disabilities and parents with disabilities;

- (5) Supporting and strengthening poor families experiencing issues surrounding the challenges of living with developmental disabilities;

- (6) Promoting the safety, healthy development, permanency and well-being of children with developmental disabilities and their families;

- (7) Making welfare reform work for teen parents and other at-risk young people with developmental disabilities;

- (8) Making tribal welfare reform work for Native Americans with developmental disabilities and their families;

- (9) Making welfare reform work for "Qualified Aliens" (as defined in 8 U.S.C. § 1612) with developmental disabilities and their families; and

- (10) Enhancing child support enforcement.

The mission of a national technical assistance and knowledge transfer center on effective Welfare Reform for people with developmental disabilities and their families would be to work with States, the disability community, businesses and others to enhance the likelihood that adults and children with developmental disabilities as well as their families on TANF would have an opportunity to benefit from all aspects of Welfare Reform.

Specifically, the center would establish partnerships with a number of states each year to develop plans for

targeted knowledge transfer strategies and work with all relevant stakeholders to:

- Track and report on trends and practices in welfare reform affecting children and adults with developmental disabilities and their families;
- Convene working conferences to develop and share strategies for responding to opportunities and risks in Welfare Reform for such individuals and families;
- Disseminate relevant research findings pertaining to: (i) the effects of Welfare Reform on persons with developmental disabilities and their families; and, (ii) relationships between disability, poverty, gender, ethnicity and dependency on Aid For Dependent Children (AFDC) and Temporary Aid to Needy Families (TANF);
- Function as a clearinghouse on all relevant information, emerging knowledge, policy, best practices and research;
- Broker technical assistance, especially peer-to-peer consultations, designed to assist such stakeholders to work together to apply to Welfare Reform research and best practices regarding what works for persons with developmental disabilities and their families;
- Assist researchers conducting evaluations of Welfare Reform to assure that such studies are designed and carried out with sensitivity to a wide range of disability policy concerns;
- Track, synthesize, disseminate, facilitate the adaptation and/or replication of best or promising approaches, as well as lessons learned, especially those supported by investments of ADD in DD Councils, Protection and Advocacy Systems, University Affiliated Programs, Projects of National Significance and other Federal or State agencies or foundations;
- Expand leadership development opportunities among individuals and families experiencing developmental disabilities in economically disadvantaged communities; and,
- Sponsor forums, on-line conferences and other ongoing exchanges to facilitate a greater understanding of the impacts of Welfare Reform on individuals with developmental disabilities and their families on the part of States, the disability community, foundations, researchers and others.

There are a number of agencies engaged in projects or the design of projects involving research into welfare reform. ADD award recipients will be expected to track these electronically and consolidate information on findings and contact persons. In particular,

awardees will coordinate with two projects of the Administration for Children and Families: Welfare Reform Studies and Analyses, funded by the Office of Planning, Research, and Evaluation; and the Child Care Inclusion Technical Assistance Project for Children with Disabilities, funded by the Child Care Bureau.

In addition, ADD will be funding two other national center priorities in the areas of self-determination and responsible leadership by and for individuals with developmental disabilities and families of children with developmental disabilities and analysis of major trends and outcomes data regarding individuals with developmental disabilities and their families. To avoid redundancy in inevitable areas of overlap as we focus on capacity building and to facilitate consistency, it is expected that all awardees will meet with ADD to share their approaches and methodology. ADD will be actively involved in the design of the project, with details of the relationship with the awardee and any subcontractors to be set forth in the cooperative agreement. Proposals should include provisions for travel by key personnel for this purpose.

As a general guide, ADD will expect to fund only those applications for projects that incorporate the following elements:

- Consumer/self-advocate orientation and participation;
- Key project personnel with direct life, parental, or familial experience with living with a disability;
- Strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the project;
- Research reflecting the principles of participatory action;
- Cultural competency;
- A description of how individuals with disabilities and their families will be involved in all aspects of the design, implementation, and evaluation of the project;
- Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from diverse backgrounds, rural and inner-city areas, and migrant, homeless, and legal immigrant and refugee families;
- Attention to individuals with learning disabilities, which in many instances may meet the definition of developmental disabilities;
- Attention to issues of mental health, which may require work flexibility;

- Compliance with the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794);

- Collaboration through partnerships and coalitions;
- Development of the capacity to communicate and disseminate information through electronic and other effective, affordable, and accessible formats;
- A community-based approach;
- Identification of barriers and strategies for overcoming barriers;
- An outcome orientation;
- Measurement and ongoing evaluation, including the participation of individuals with disabilities in formulation and implementation;
- Development and establishment of practices and programs beyond the project period.

Applications should also include provisions for the travel of two key personnel during the first and last year of the project to Washington, DC for a one day meeting with ADD staff.

As noted earlier, the award will be made as a cooperative agreement. While an organization receiving an award will not be conducting its project on behalf of ADD, ADD and the awardee will work cooperatively in the development and implementation of the project's agenda as described below.

Under the cooperative agreement mechanism, ADD and the awardee will share the responsibility for planning the objectives of the project. The awardee will have the primary responsibility for developing and implementing the activities of the project. ADD will jointly participate with the awardee in such activities as clarifying the specific issue areas to be addressed through periodic briefings and ongoing consultation, sharing with awardee its knowledge of the issues being addressed by past and current projects, and providing feedback to awardee about the usefulness to the field of written products and information sharing activities. The details of the relationship between ADD and awardee will be set forth in the cooperative agreement to be developed and signed prior to issuance of the award.

- *Project Duration:* This announcement is requesting applications for project periods up to three years under this priority area. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under this priority area beyond the one-year budget period, but within the three-year project period, will be entertained in subsequent years on a

non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and determination that continued funding would be in the best interest of the Government.

- *Federal Share of Project Costs:* The Federal share is a range of \$300,000–\$400,000 for the first 12-month budget period or a minimum of \$900,000 for a three-year project period. There is a possibility of increased funding in year two and three contingent on additional funds.

- *Matching Requirement:* Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$300,000 in Federal funds (based on an award of \$300,000 per budget period) must include a match of at least \$100,000 (25% total project cost).

- *Anticipated Number of Projects to be Funded:* It is anticipated that one (1) project will be funded. Subject to availability of additional resources in FY 1998 and the number of acceptable applications received as a result of this program announcement, the ADD Commissioner may elect to select recipients for the FY 1998 cohort of programs out of the pool of applications submitted for FY 1997 funds.

- *CFDA:* ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Fiscal Year 1997 Priority Area 2: Technical Assistance and Knowledge Transfer on Self-Determination and Responsible Leadership by and for Individuals with Developmental Disabilities and Families of Children with Developmental Disabilities

- *Eligible Applicants:* State agencies, public or private nonprofit organizations, institutions or agencies, including a consortia of some or all of the above.

- *Purpose:* Under this priority area, ADD will award a grant through a cooperative agreement to establish a national technical assistance and knowledge transfer center on self-determination and 21st Century leadership development. The mission of such a center would be to work with all relevant stakeholders to expand and

sustain responsible leadership by and for people with developmental disabilities and families of children with developmental disabilities in shaping and guiding the implementation of policies, practices and approaches which enhance their own self-determination and self-efficacy.

- *Background Information:* All Americans, including people with developmental and other disabilities, should experience opportunities and a sense of community and responsibility in their lives. One of the central tasks facing us is to devise ways we as individuals, families, communities and a nation can actively promote the responsibility people with disabilities have for their own and our collective lives and futures. Federal legislation such as the Developmental Disabilities Act, the Individuals with Disabilities Education Act and the Americans with Disabilities Act are all grounded in the fundamental principle that persons with disabilities and their families have a critical need to be, and as a matter of right ought to be, primary decision-makers in decisions affecting their lives and futures.

The majority of the progress we have made as a society in this regard in the past quarter century has shown us that responsible leadership for and by people with developmental and other disabilities and their families is a prerequisite to increasing independence, productivity, integration and inclusion of such individuals and their families. ADD and individual DD Councils, Protection and Advocacy Systems and University Affiliated Programs have found that developing, nurturing and sustaining strategic, creative and responsible leadership on the part of individuals with developmental and other disabilities and their families have been among the most high-yielding long-term investments made.

Through Projects of National Significance, ADD has assisted its grantees to develop and replicate a variety of innovative, successful approaches to develop leadership and self-determination among people with developmental disabilities and their families. Most notably, this has taken the form of early and formative support of such endeavors as Partners in Policy, the active participation of families of children with developmental disabilities in designing and implementing of State family support policies and programs, the Home of Your Own initiative, personal assistance system change projects, and targeted

leadership efforts among people of color with developmental disabilities.

Now more than ever, the States, the disability community and others require support and assistance in strategically working through the cumulative effects of such issues as Welfare Reform, SSI changes, managed care and Medicaid restructuring might have on adults and children with developmental disabilities as well as their families. Responsible leadership by people with developmental and other disabilities and their families, is value driven and recognizes the new and emerging realities facing State and local governments today. Such leadership is critical to finding responsible and cost effective ways to strengthen the abilities and opportunities of individuals with developmental disabilities and families of children with developmental disabilities to exercise choice and self-determination throughout their daily lives. This is true in respect to most people with developmental disabilities and families of children with developmental disabilities, but is particularly the case in regard to those living in poverty.

ADD is particularly interested in applications from organizations or coalitions that have a strong self-advocacy/consumer base. Such applicants should demonstrate significant involvement by people with developmental disabilities in the governance, management, and operation of the center; that is, not just as advisors but in management and other key staff positions as well as any subgrantees that may have a critical role in the project.

- *Minimum Requirements for Project Design:* ADD will support a project that seeks to strengthen and expand leadership for the 21st Century by and for people with developmental disabilities and families of children with developmental disabilities through:

- Building, expanding and strengthening what works in this regard.

- Brokering technical assistance, especially peer-to-peer consultations, designed to assist such stakeholders to work together to apply research and best practices to enhance the self-determination and self-efficacy of persons with developmental disabilities and families of children with developmental disabilities (especially in States and communities and tribal governments that have not taken part in similar initiatives relating to Partners in Policy, family support, home ownership, personal assistance, self-determination, etc.)

- Expanding self-determination opportunities and roles for young

people with and without developmental disabilities (ages 12–25) as well as individuals with significant developmental disabilities and families of children with developmental disabilities from economically disadvantaged communities.

- Convening working conferences to develop and share strategies for enhancing self-determination in the context of the changing roles of the State and Federal Governments, governmental reinvention activities, a heightened focus on achieving results and cost effectiveness in such areas as welfare reform, changes in SSI, managed care and proposals for Medicaid restructuring.

- Assisting in and disseminating relevant research findings pertaining to the prospects for enhancing self-determination and supporting the development of national and State policy in the changing Federal and State context described above.

- Functioning as a clearinghouse on all relevant information, emerging knowledge, policy, best practices and research.

- Tracking, synthesizing, disseminating, facilitating the adaptation and/or replication of best or promising approaches, and lessons learned, especially those supported by investments of ADD in DD Councils, Protection and Advocacy Systems, University Affiliated Programs, Projects of National Significance and other Federal or State agencies or foundations.

- Sponsoring forums, on-line conferences and other ongoing exchanges to facilitate a greater understanding of the impacts of welfare reform, managed care, and other critical issues on individuals with developmental disabilities and their families on the part of States, tribal governments, the disability community, foundations, researchers and others.

As a general guide, ADD will expect to fund only those applications for projects that incorporate the following elements:

- Consumer/self-advocate orientation and participation.

- Key project personnel with direct life, parental, or familial experience with living with a disability.

- Strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the grant.

- Research reflecting the principles of participatory action.

- Cultural competency.

- A description of how individuals with disabilities and their families will

be involved in all aspects of the design, implementation, and evaluation of the project.

- Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from diverse backgrounds, rural and inner-city areas, migrant, homeless, and refugee families, with severe disabilities.

- Compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794);

- Collaboration through partnerships and coalitions.

- Development of the capacity to communicate and disseminate information and technical assistance through e-mail and other effective, affordable, and accessible forms of electronic communication.

- A community-based approach.
- Responsiveness through systems change.

- Identification of barriers and strategies for overcoming barriers.

- Outcome orientation.

- Measurement and ongoing evaluation, including the participation of individuals with disabilities in formulation and implementation.

- Development and establishment of practices and programs beyond project period.

- Dissemination of models, products, best practices, and strategies for distribution between the networks and beyond. A plan describing initial activities is needed between funded projects as well as at the end of the project period. These activities should maintain and share ongoing information, existing resources of consultants/experts, and curriculum/materials with funded projects and within the network.

Applications should also include provisions for the travel of two key personnel during the first and last year of the project to Washington, DC for a one day meeting with ADD staff.

As noted earlier, the award will be made as a cooperative agreement. While an organization receiving an award will not be conducting its project on behalf of ADD, ADD and the awardee will work cooperatively in the development and implementation of the project's agenda as described below.

Under the cooperative agreement mechanism, ADD and the awardee will share the responsibility for planning the objectives of the project. The awardee will have the primary responsibility for developing and implementing the activities of the project. ADD will jointly participate with the awardee in such activities as clarifying the specific issue

areas to be addressed through periodic briefings and ongoing consultation, sharing with awardee its knowledge of the issues being addressed by past and current projects, and providing feedback to awardee about the usefulness to the field of written products and information sharing activities. The details of the relationship between ADD and awardee will be set forth in the cooperative agreement to be developed and signed prior to issuance of the award.

- *Project Duration:* This announcement is requesting applications for project periods up to three years under this priority area. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under this priority area beyond the one-year budget period, but within the three-year project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and determination that continued funding would be in the best interest of the Government.

- *Federal Share of Project Costs:* The Federal share is a range of \$300,000–\$400,000 for the first 12-month budget period or a minimum of \$900,000 for a three-year project period. There is a possibility of increased funding in year two and three contingent on additional funds.

- *Matching Requirement:* Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$300,000 in Federal funds (based on an award of \$300,000 per budget period) must include a match of at least \$100,000 (25% total project cost).

- *Anticipated Number of Projects to be Funded:* It is anticipated that one (1) project will be funded. Subject to availability of additional resources in FY 1998 and the number of acceptable applications received as a result of this program announcement, the ADD Commissioner may elect to select recipients for the FY 1998 cohort of programs out of the pool of applications submitted for FY 1997 funds.

- *CFDA:* ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—

Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Fiscal Year 1997 Priority Area 3: The National Center for the Analysis of Major Trends and Outcomes Data Regarding Individuals with Developmental Disabilities and Their Families

- *Eligible Applicants:* State agencies, public or private nonprofit organizations, institutions or agencies, including a consortia of some or all of the above.

- *Purpose:* ADD is interested in awarding a grant through a cooperative agreement that would accurately measure, track and report on the extent to which our society is progressing toward the goals of strengthening the capabilities and expanding the opportunities of individuals with developmental disabilities and families of children with developmental disabilities to exercise choice and self-determination throughout their daily lives. This is crucial to assessing both the overall effectiveness of the ADD programs and that of the Nation as a whole in carrying on this endeavor.

- *Background Information:* ADD has supported a number of initiatives particularly through PNS, and ongoing projects designed to strengthen, expand and sustain our collective understanding of the changing status of Americans with developmental disabilities. Most notably was the state consumer surveys conducted in preparation for the 1990 Report. This support has also taken the form of both the formative and ongoing support for such endeavors as:

- ADD's three national data collection and dissemination projects;
- The development of the ADD Management Information System;
- The Data Trends Conference cosponsored with the National Institute on Disability and Rehabilitation Research;
- The AAUAP data collection project; and
- The disability supplement to the National Health Interview Survey.

- *Minimum Requirements for Project Design:* To build on these and other efforts and to further foster the pursuit of excellence through its leadership and that of its programs, ADD proposes to fund a National Center for the Analysis of Major Trends and Outcomes Data Regarding Individuals with Developmental Disabilities and Their Families. The mission of such a center would be to work with all relevant stakeholders around a number of tasks that could include the following:

(1) Build and expand upon current and past efforts undertaken by ADD and others in this area;

(2) Identify, synthesize, and report on major data sources on major trends affecting the lives, well being and futures of all Americans, including those with developmental and other disabilities as well as their families;

(3) Identify, synthesize, and report on major data sources on major trends specific to the lives, well being and futures of individuals with developmental disabilities and their prospects for their increased independence, productivity, integration and inclusion as well as greater choice and self determination throughout their everyday lives;

(4) Develop, continually improve, and work with ADD, its programs and all other relevant Federal, State and private entities to infuse outcome measures and other indicators which accurately reflect the status of persons with developmental disabilities and the families of children with developmental disabilities into major surveys and studies;

(5) Develop in close consultation and collaboration with individuals with developmental disabilities and families of children with developmental disabilities a prototypical survey instrument to assess the extent to which such individuals and families believe they have opportunities to exercise meaningful choice and self determination as well as to carry out personal responsibilities in life, and which: (a) Is compatible with the state consumer survey used in preparation for the 1990 Report, (b) can be reliably and cost effectively administered to a representative national sample, (c) can be easily adapted and used for a variety of related purposes, and (d) accurately assesses the status of individuals with developmental disabilities and families of children with developmental disabilities who are members of racial, cultural or ethnic minority groups;

(6) Develop a prototypical public opinion survey instrument which can be reliably and cost effectively administered to a representative national sample of the general public at least once every five years to assess the extent to which the public (a) perceives individuals with developmental disabilities and families with children with developmental disabilities as having opportunities to exercise choice and self determination as well as to carry out personal responsibilities; and (b) values the exercise of self determination and personal responsibilities both in their own lives and in the lives of persons with

developmental disabilities and their families;

(7) Develop, in close consultation and collaboration with ADD, its programs and all other relevant Federal, State and private entities, cost effective and readily implementable strategies for, and providing technical assistance in, carrying out activities related to the survey instruments described above;

(8) Produce, in close consultation and collaboration with ADD, its programs and all other relevant Federal, State and private entities, a State of Americans with developmental disabilities and their families report which then could be replicated at least once every five years;

(9) Function as a clearinghouse on all relevant information, emerging knowledge, and research concerning the status of individuals with developmental disabilities and the families of children with developmental disabilities in American society; and,

(10) Sponsor forums, on line conferences and other on-going exchanges relative to activities or strategies for continually improving efforts to accurately measure, track and report on the extent to which our society is making progress toward achieving its goals of increasing the self determination, personal responsibility, independence, productivity, integration and inclusion of Americans with developmental disabilities in everyday life.

As a general guide, ADD will expect to fund only those applications for projects that incorporate the following elements:

- Consumer/self-advocate orientation and participation.
- Key project personnel with direct life, parental, or familial experience with living with a disability.
- Strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the grant.
 - Research reflecting the principles of participatory action.
 - Cultural competency.
 - A description of how individuals with disabilities and their families will be involved in all aspects of the design, implementation, and evaluation of the project.
 - Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from diverse backgrounds, rural and inner-city areas, migrant, homeless, and refugee families, with severe disabilities.

- Compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794);

- Collaboration through partnerships and coalitions.

- Development of the capacity to communicate and disseminate information and technical assistance through e-mail and other effective, affordable, and accessible forms of electronic communication.

Details of the relationship between ADD and awardee will be set forth in the cooperative agreement to be developed and signed prior to issuance of the award.

- *Project Duration:* This announcement is requesting applications for project periods up to three years under this priority area. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under this priority area beyond the one-year budget period, but within the three-year project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and determination that continued funding would be in the best interest of the Government.

- *Federal Share of Project Costs:* The Federal share is a range of \$300,000–\$400,000 for the first 12-month budget period or a minimum of \$900,000 for a three-year project period. There is a possibility of increased funding in year two and three contingent on additional funds.

- *Matching Requirement:* Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$300,000 in Federal funds (based on an award of \$300,000 per budget period) must include a match of at least \$100,000 (25% total project cost).

- *Anticipated Number of Projects To Be Funded:* It is anticipated that one (1) project will be funded. Subject to availability of additional resources in FY 1998 and the number of acceptable applications received as a result of this program announcement, the ADD Commissioner may elect to select recipients for the FY 1998 cohort of

programs out of the pool of applications submitted for FY 1997 funds.

- *CFDA:* ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Part V. Instructions for the Development and Submission of Applications

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in part IV.

A. Required Notification of the State Single Point of Contact

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Program and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. **Note:** State/Territory participation in the Intergovernmental Review Process does not signify applicant eligibility for financial assistance under a program. A potential applicant must meet the eligibility requirements of the program for which it is applying prior to submitting an application to its SPOC, if applicable, or to ACF.

As of June 1997, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by Federally-recognized Indian Tribes need take no action in regard to E.O. 12372:

Alabama
Alaska
Colorado
Connecticut
Hawaii
Idaho
Kansas
Louisiana
Massachusetts
Minnesota
Montana
Nebraska

New Jersey
Oklahoma
Oregon
Pennsylvania
South Dakota
Tennessee
Vermont
Virginia
Washington
American Samoa
Palau

All remaining jurisdictions participate in the Executive Order process and have established Single Point of Contact (SPOCs). Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule.

When comments are submitted directly to ADD, they should be addressed to: Department of Health and Human Services, ACF/Administration on Developmental Disabilities, Third Floor, 200 Independence Avenue SW, Washington, DC 20201, Attn: 93.631 ADD—Projects of National Significance.

A list of the Single Points of Contact for each State and Territory is included at the end of this Part.

B. Notification of State Developmental Disabilities Planning Councils

A copy of the application must also be submitted for review and comment to the State Developmental Disabilities Council in each State in which the applicant's project will be conducted. A list of the State Developmental Disabilities Councils is included at the end of this announcement.

C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424A, Page 2 and Certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from

the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the **Federal Register** announcement, as they are printed on both sides of the page.

Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted under the Announcement. An application under this Announcement should be submitted under only one priority area.

Item 1. "Type of Submission"—Preprinted on the form.

Item 2. "Date Submitted" and "Applicant Identifier"—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. "Date Received By State"—State use only (if applicable).

Item 4. "Date Received by Federal Agency"—Leave blank.

Item 5. "Applicant Information".

"Legal Name"—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

"Organizational Unit"—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

"Address"—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

"Name and telephone number of the person to be contacted on matters involving this application (give area code)"—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. "Employer Identification Number (EIN)"—Enter the employer

identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. "Type of Applicant"—Self-explanatory.

Item 8. "Type of Application"—Preprinted on the form.

Item 9. "Name of Federal Agency"—Preprinted on the form.

Item 10. "Catalog of Federal Domestic Assistance Number and Title"—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title. For all applications for PNS funding, the following should be entered, "93.631—Developmental Disabilities: Projects of National Significance."

Item 11. "Descriptive Title of Applicant's Project"—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. "Areas Affected by Project"—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. "Proposed Project"—Enter the desired start date for the project and projected completion date.

Item 14. "Congressional District of Applicant/Project"—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If Statewide, a multi-State effort, or nationwide, enter "00."

Items 15. Estimated Funding Levels
In completing 15a through 15f, the dollar amounts entered should reflect, for a 17-month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b-e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b-e are considered cost-sharing or "matching funds." The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E

and F, and the specific priority area description.

Item 15f. Enter the estimated amount of program income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this program income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a-15e.

Item 16a. "Is Application Subject to Review By State Executive Order 12372 Process? Yes."—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 16b. "Is Application Subject to Review By State Executive Order 12372 Process? No."—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. "Is the Applicant Delinquent on any Federal Debt?"—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. "To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded."—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a-c. "Typed Name of Authorized Representative, Title, Telephone Number"—Enter the name, title and telephone number of the authorized representative of the applicant organization.

Item 18d. "Signature of Authorized Representative"—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. "Date Signed"—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 15 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first-year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, "Other."

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem)

for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, "Other."

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, non-profit organizations, including Federally recognized Indian Tribes, "equipment" is tangible personal property having a useful life of more than one year and acquisition cost of \$5,000 or more per unit. Grantees may use their own definitions if it does not exceed these limits. (45 CFR 74.2 and 92.3)

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, "Other."

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of

contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as "miscellaneous" and "honoraria" are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter "none." Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Please cite the page numbers where program income is discussed.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled "Totals." Third Party In-kind contributions are defined in title 45 of the Code of Federal Regulations, Parts 74.2 and 92.3, as "the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program."

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column "(b) First." If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under "(c) Second." Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a

three-year maximum project period. They should remain blank.

Section F—Other Budget Information.
Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project "abstract." It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part IV. The narrative should also provide information concerning how the application meets the evaluation criteria, using the following headings:

- (a) *Objectives and Need for Assistance;*
- (b) *Results and Benefits Expected;*
- (c) *Approach; and*
- (d) *Staff Background and Organization's Experience.*

The specific information to be included under each of these headings

is described in Section C of Part III, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½" x 11" plain white paper, with 1" margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with "Objectives and Need for Assistance" as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. This will be strictly enforced. A page is a single side of an 8½ x 11" sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Part V—Assurances/Certifications

Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, "Assurances: Non-Construction Programs." Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a certification regarding lobbying when applying for an award in excess of \$100,000. Applicants must sign and return the certification with their application.

Applicants must disclose lobbying activities on the Standard Form LLL

when applying for an award in excess of \$100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying. Applicants must sign and return the disclosure form, if applicable, with their applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for an award. By signing and submitting the application, the applicant is providing the certification regarding environmental tobacco smoke and need not mail back the certification with the applications.

Applicants must make the appropriate certification of their compliance with the Drug Free Workplace Act of 1988. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification of their compliance with the Pro-Children Act of 1994. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the application.

In addition, applicants are required under Section 162(c)(3) of the Act to provide assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who will receive services under projects assisted under Part E will be protected consistent with section 110 of the Act (relating to the rights of individuals with developmental disabilities). Each application must include a statement providing this assurance.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496-7041.

Copies of the certifications and assurances are located at the end of this announcement.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

- ___ One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;
- ___ Application is from an organization which is eligible under the eligibility requirements defined in

the priority area description (screening requirement);

___ Application length does not exceed 60 pages, unless otherwise specified in the priority area description. A complete application consists of the following items in this order:

- ___ Application for Federal Assistance (SF 424, REV 4-88);
- ___ A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.
- ___ Budget Information—Non-Construction Programs (SF 424A, REV 4-88);
- ___ Budget justification for Section B—Budget Categories;
- ___ Table of Contents;
- ___ Letter from the Internal Revenue Service, etc. to prove non-profit status, if necessary;
- ___ Copy of the applicant's approved indirect cost rate agreement, if appropriate;
- ___ Project summary description and listing of key words;
- ___ Program Narrative Statement (See Part III, Section C);
- ___ Organizational capability statement, including an organization chart;
- ___ Any appendices/attachments;
- ___ Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88);
- ___ Certification Regarding Lobbying; and
- ___ Certification of Protection of Human Subjects, if necessary.
- ___ Certification Regarding Environmental Tobacco Smoke; signature on the application represents certification.
- ___ Certification Regarding Drug-Free Workplace; signature on the application represents certification.
- ___ Certification Regarding Debarment/Suspension; signature on the application represents certification.

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

G. Paper Reduction Act

Under the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Department is required to submit to OMB for review and approval any reporting and record keeping requirements or program announcements. This program announcement meets all information collection requirements approved for ACF grant applications under OMB Control Number 0970-0139.

(Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: July 29, 1997.

Bob Williams,

Commissioner, Administration on Developmental Disabilities.

Executive Order 12372—State Single Points of Contact

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280-1315, FAX # (602) 280-1305

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682-1074, FAX # (501) 682-5206

California

Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone (916) 323-7480, FAX # (916) 323-3018

Delaware

Francine Booth, State Single Point of Contact Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone: (302) 739-3326, FAX # (302) 739-5661

District of Columbia

Charles Nichols, State Single Point of Contact Office of Grants Management and Development, 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone: (202) 727-6551, FAX # (202) 727-1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100, Telephone: (904) 922-5438, FAX # (904) 487-2899

Georgia

Tom L. Reid, III, Coordinator, Georgia State Clearinghouse, 270 Washington Street, S.W.—8th Floor, Atlanta, Georgia 30334, Telephone: (404) 656-3855, FAX # (404) 656-3828

Illinois

Virginia Bova, State Single Point of Contact, James R. Thompson Center, 100 West Randolph, Suite 3-400, Chicago, Illinois

60601, Telephone: (312) 814-6028, FAX # (312) 814-1800

Indiana

Frances E. Williams, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232-2972, FAX # (317) 233-3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242-4719, FAX # (515) 242-4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601-8204, Telephone: (502) 573-2382, FAX # (502) 573-2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287-3261, FAX # (207) 287-6489

Maryland

William G. Carroll, Manager, Plan and Project Review, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201-2365, Staff Contact: Linda Janey, Telephone: (410) 767-4490, FAX # (410) 767-4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 660 Plaza Drive—Suite 1900, Detroit, Michigan 48226, Telephone: (313) 961-4266, FAX # (313) 961-4869

Mississippi

Cathy Malette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202-3087, Telephone: (601) 359-6762, FAX # (601) 359-6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751-4834, FAX # (314) 751-7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687-4065, FAX # (702) 687-3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271-2155, FAX # (603) 271-1728

New Mexico

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827-3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474-1605

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603-8003, Telephone: (919) 733-7232, FAX # (919) 733-9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0170, Telephone: (701) 224-2094, FAX # (701) 224-2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411

Please direct correspondence and questions about intergovernmental review to: Linda Wise, Telephone: (614) 466-0698, FAX # (614) 466-5400

Rhode Island

Kevin Nelson, Review Coordinator, Department of Administration, Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908-5870, Telephone: (401) 277-2656, FAX # (401) 277-2083

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

South Carolina

Rodney Grizzle, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 331, Columbia, South Carolina 29201, Telephone: (803) 734-0494, FAX # (803) 734-0356

Texas

Tom Adams, Governors Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463-1771, FAX # (512) 463-1880

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538-1535, FAX # (801) 538-1547

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558-4010, FAX # (304) 558-3248

Wisconsin

Jeff Smith, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266-0267, FAX # (608) 267-6931

Wyoming

Matthew Jones, State Single Point of Contact, Office of the Governor, 200 West 24th Street, State Capitol, Room 124, Cheyenne, Wyoming 82002, Telephone: (307) 777-7446, FAX # (307) 632-3909

Territories (SPOC)

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011-671-472-2285, FAX #011-671-472-2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-1119, Telephone: (809) 727-4444; (809) 723-6190, FAX # (809) 724-3270; (809) 724-3103

Northern Mariana Islands

Mr. Alvaro A. Santos, Executive Officer, Office of Management and Budget, Office of the Governor, Saipan, MP 96950, Telephone: (670) 664-2256, FAX: # (670) 664-2272

Contact person:

Ms. Jacoba T. Seman, Federal Programs Coordinator, Telephone: (670) 664-2289, FAX # (670) 664-2272

Virgin Islands

Nellon Bowry, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to:

Linda Clarke, Telephone: (809) 774-0750, FAX # (809) 776-0069

State Developmental Disabilities Planning Councils

Alabama

Joan B. Hannah, Ed.D., Executive Director, Alabama Developmental Disabilities Planning Council, RSA Union Building, PIPA, 100 North Union Street, Post Office Box 301410, Montgomery, Alabama 36130-1210, Phone: (334) 242-3973; 1-800-232-2158; 1-800-846-3735, FAX # (334) 242-0797

Alaska

David Maltman, Exec. Director, Governor's Council on Disabilities and Special Education, David_M@hss.state.ak.us, P.O. Box 240249, Anchorage, Alaska 99524-0249, Phone: (907) 269-8990, FAX # (907) 269-8995

American Samoa

Henry Sesepasara, Executive Director, American Samoa Developmental Disabilities Council, P.O. Box 194, Pago Pago, American Samoa 96799, Phone: 011 (684) 633-2919, FAX same as phone, call first

- Arizona
Bill Hixon, Acting Executive Director, Governor's Council on Developmental Disabilities, 1717 West Jefferson Street, Rm. 112, Site Code 074Z, Phoenix, Arizona 85007, Phone: (602) 542-4049, TDD (602) 542-4000, FAX #(602) 542-5320
- Arkansas
Wilma Stewart, Director, Arkansas Governor's Developmental Disabilities Council, Freeway Medical Tower, Suite 805, 5800 West 10th Street, Little Rock, Arkansas 72204, Phone: (501) 661-2589, TDD (501-661-2736, FAX #(501) 661-2399
- California
Judy McDonald, Executive Director, CA State Council on Developmental Disabilities, 2000 "O" Street, Suite 100, Sacramento, California 95814, Phone: (916) 322-8481, TDD (916) 324-8420, FAX #(916) 443-4957
- Colorado
Donald St. Louis, Executive Director, Colorado Developmental Disabilities Council, 777 Grant Street, Suite 304, EMail-CDDPC@aol.com, Denver, Colorado 80203, Phone: (303) 894-2345, also TDD, FAX (303) 894-2880
- Commonwealth of the Northern Mariana Island
Thomas J. Camacho, Executive Director, CNMI Governor's D.D. Council, Capitol Hill, Bldg. #1312, P.O. Box 2565, dd.council@saipan.com, Saipan, MP 96950, Phone: (011) 670-322-3014 (Voice/TDD), FAX (011) 670-322-4168
- Connecticut
Edward T. Preneta, Executive Director, Council on D.D., 460 Capitol Avenue, EMail-72322.2915@compuserve.com, Hartford, Connecticut 06106-1308, Phone: (860) 418-6160, TTD (860) 418-6172, FAX #(860) 418-6003
- Delaware
James F. Linehan, Ex. Director, Developmental Disabilities Council, Townsend Building, Lower Level, Box 1401, Dover, Delaware 19903, FAX #(302) 739-2015, EMail-jlinehan@state.de.us, Phone: (302) 739-3333, TDD 302-739-4894
- District of Columbia
Mary Brown, Acting Ex. Dir., Developmental Disabilities Council, St. Elizabeth Campus, 2700 Martin Luther King Ave., S.E., Bldg. 801 East, Room 1301, Washington, D.C. 20032, (202) 279-6085, FAX (202) 279-6090
- Gov't of Federated States of Micronesia,
Yosiro Suta, Director, Gov't of Federated States of Micronesia, Dept of Ed., Palikir, Pohnpei, FM 96941, (691) 320-2609, FAX #(691) 320-5500
- Florida
Joseph Krieger, Director, Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301-2981, fddc@nettally.com, (904) 488-4180; 800-580-7801, TDD (904) 488-0956, FAX #(904) 922-6702
- Georgia
John E. Crews, DPA, Executive Director, Governor's Council on Developmental Disabilities for Georgia, 2 Peachtree St., NW, 3rd Floor, Suite 210, Atlanta, Georgia 30303 (404) 657-2126, FAX #(404) 657-2132, TDD 657-2133
- Guam
Thomas J. Paulino, Executive Director, Guam Developmental Disabilities Council, 104 E Street, Tiyan, Guam 96913, 011 (671) 475-9127/8, FAX #011 (671) 475-9128
- Hawaii
Diana C. Tizard, Executive Director, State Planning Council on Developmental Disabilities, 919 Ala Moana Blvd., Suite #113, Honolulu, Hawaii 96814, (808) 586-8100, FAX # (808) 586-7543, tiza100w@wonder.em.cdc.gov
- Idaho
Russ Spearman, Executive Director, Idaho State Council on Developmental Disabilities, 280 North Eighth Street, Suite 208, Boise, Idaho 83720-0280, rspearman@dhw.state.id.us, W (208) 334-2178, FAX (208) 334-3417, TDD (208) 334-2179, 800-544-2433
- Illinois
Rene Christensen-Leininger, Director, Illinois Planning Council on Developmental Disabilities, 830 S. Spring Street, Springfield, IL 62704, W (217) 782-9696, 100 West Randolph, S.10-600, Chicago, Illinois 60601, W (312) 814-2080, FAX # (217) 524-5339, lisa@cencom.net, Fax (312) 814-7141, TDD 312-814-7151
- Indiana
Suellen Jackson-Boner, Director, Governor's Council for People with Disabilities, 143 W. Market Street, Harrison Building, Suite 404, Indianapolis, Indiana 46204, W (317) 232-7770, FAX # (317) 233-3712, suellen@in.net, pauls@in.net, hummel@in.net
- Iowa
Jay W. Brewer, Executive Director, Iowa Governor's Council for Developmental Disabilities, 617 E. Second Street, Des Moines, Iowa 50309, W (515) 281-9083, FAX (515) 281-9087, 1-800-452-1936, E-mail one ex dir@aol.com
- Kansas
Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities, Docking State Office Bldg., 915 S.W. Harrison, Room 141, Topeka, Kansas 66612-1570, (913) 296-2608, FAX # (913) 296-2861, glen@ka.net
- Kentucky
Bob Glass, Executive Director, Kentucky Developmental Disabilities Planning Council, Dept. of MH/MR Services, 275 East Main Street, Frankfort, Kentucky 40621, (502) 564-7841, 1-800-928-6583, FAX # (502) 564-9826
- Louisiana
Clarice Eichelberger, Executive Director, Louisiana State Planning Council on Developmental Disabilities, Post Office Box 3455, Mail Bin #14, Baton Rouge, Louisiana 70821-3455, W (504) 342-6804, FAX # (504) 342-1970
- Maine
Peter R. Stowell, Executive Director, Developmental Disabilities Council, 139 State House Station, Nash Building, Augusta, Maine 04333-0139, W (207) 287-4213, FAX # (207) 287-8001, peter.stowell@mmp.org
- Maryland
Ms. Mindy Morrell, Executive Director, Maryland Developmental Disabilities Council, 300 West Lexington Street, One Market Center, Box 10, Baltimore, Maryland 21201, mg44@umail.umd.edu, (410) 333-3688, FAX # (410) 333-3686
- Massachusetts
Daniel M. Shannon, Executive Director, Administering Agency for Dev. Disab., 174 Portland Street, 5th Floor, Boston, Massachusetts 02114, DWhelan@MDDC.state.ma.us, dshannon@MDDC.state.ma.us, (617) 727-6374-ext.108, TDD (617) 727-1885, FAX # (617) 727-1174
- Michigan
Ms. Vendella Collins, Executive Director, Michigan D.D. Council, Lewis Cass Building 6th Floor, Lansing, Michigan 48933, (517) 334-7298, 6123, 7240 (Secy.), FAX # (517) 334-7353, TDD (517) 334-7354
- Minnesota
Colleen Wieck, Ph.D., Executive Director, Governor's Council on Dev. Disabilities, Minnesota Dept. of Administration, 300 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, W (612) 296-4018, TDD 612-296-9962, FAX # (612) 297-7200, admin.dd@state.mn.us
- Mississippi
Edwin L. Butler, Director, Mississippi Developmental Disabilities Council, 1002 Robert E. Lee Building, 239 North Lamar Street, Jackson, Mississippi 39201, (601) 359-1288, TDD 601-359-6230, FAX # (601) 359-6295
- Missouri
Kay Conklin, Director, Missouri Council for Developmental Disabilities, P.O. Box 687, 1706 East Elm Street, Jefferson City, Missouri 65102, (314) 751-8611 (Voice/TTD), FAX # (573) 526-2755, 800-500-7878, kconklin@services.state.mo.us
- Montana
Greg A. Olsen, Ex. Director, Developmental Disabilities Planning and Advisory Council, 111 N. Last Chance Gulch, Unit 1C, P.O. Box 526, Helena, Montana 59624, (406) 444-1334, FAX # (406) 444-5999
- Nebraska
Mary Gordon, Director, Governor's Council on DD, 301 Centennial Mall, South, P.O. Box 95007, Lincoln, Nebraska 68509, (402) 471-2330, TDD (402)-471-6421, FAX # (402) 471-0180, oh7111@vmhost.cdp.state.ne.us
- Nevada
Paul Haugen, Director, Governor's Council on DD, 711 S. Stewart Street, Carson City,

- Nevada 89710, W (702) 687-4452, TDD 702-687-3388, FAX # (702) 687-3292
- New Hampshire**
 Alan Robichaud, Director, New Hampshire Developmental Disabilities Council, The Concord Center, Unit 315, 10 Ferry Street, Concord, New Hampshire 03301-5004, (603) 271-3236, TDD/Voice Relay 800-735-2964, FAX # (603) 271-1156, thslay@aol.com, NHDDCNCL@aol.com
- New Jersey**
 Ethan B. Ellis, Executive Director, NJ Developmental Disabilities Council, 20 West State Street, CN 700, Trenton, New Jersey 08625-0700, (609) 292-3745, FAX # (609) 292-7114
- New Mexico**
 Chris Isengard, Director, NM Developmental Disabilities Planning Council, 435 St. Michael's Drive, Building D, Santa Fe, New Mexico 87505, (505) 827-7590, FAX # (505) 827-7589
- New York**
 Sheila M. Carey, Executive Director, New York State Developmental Disabilities Council, 155 Washington Avenue, 2nd Floor, Albany, New York 12210, W (518) 432-8233; (800) 395-3372, TDD 518-432-8245, FAX # 518-432-8238, nashca@nysomr.emi.com
- North Carolina**
 Holly Riddle, Executive Director, North Carolina Council on Developmental Disabilities, 1508 Western Blvd., Raleigh, North Carolina 27606, (919) 733-6566, FAX # (919) 733-1863, hriddle@ddc.dhr.state.nc.us
- North Dakota**
 Tom Wallner, Director, North Dakota State Council on Developmental Disabilities, Dept. of Human Services, 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0250, W (701) 328-8953, FAX # (701) 328-8969, cdps.sowalt@ranch.state.nd.us
- Ohio**
 Ken Campbell, Executive Director, Ohio Developmental Disabilities Planning Council, 8 East Long Street, 6th Floor, Columbus, Ohio 43215-0415, W (614) 466-5205, TDD 614-644-5530, FAX # (614) 466-0298, mr_ddc_kmc@ohio.gov
- Oklahoma**
 Ann Trudgeon, Executive Director, Council for Dev. Disabilities, P.O. Box 25352, Oklahoma City, OK 73125, 3033 N. Walnut, Suite 105-E, Oklahoma City, Oklahoma 73105, W (405) 528-4984, FAX # (405) 528-0956, E-mail—OPCDD@aol.com, 1-800-836-4470 (toll-free)
- Oregon**
 Charlotte Duncan, Executive Director, Oregon Developmental Disabilities Council, 540 24th Place, NE, Salem, Oregon 97301-4517, (503) 945-9942; 1-800-292-4154, FAX # (503) 945-9947, ODDC@aol.com
- Pennsylvania**
 Graham Mulholland, Executive Director, Developmental Disabilities Council, Room 569 Forum Building, Commonwealth Avenue, Harrisburg, Pennsylvania 17120, W (717) 787-6057, FAX 717-772-0738
- Puerto Rico**
 Ms. Ethel M. Torres, Acting Executive Director, Developmental Disabilities Council, Apartado 9543, Santurce, Puerto Rico 00908-0543, Pda. 18, Ponce de Leon Ave., Caso Building #1225 Santurce, PR 00908, 809 722-8850 (direct line), W (809) 722-0595, FAX (809) 721-3622
- Rhode Island**
 Marie V. Citrone, Executive Director, Rhode Island Developmental Disabilities Council, 600 New London Avenue, Cranston, Rhode Island 02920-3028, (401) 464-3191, FAX # (401) 464-3570, ac808@osfn.rhinet.gov
- South Carolina**
 Charles B. Lang, Executive Director, South Carolina Developmental Disabilities Council, Office of the Governor, 1205 Pendleton Street, Suite 372, Edgar Brown Building, Columbia, South Carolina 29201-3731, (803) 734-0465, FAX # (803) 734-0241
- South Dakota**
 Charlie A. Anderson, Executive Director South Dakota Council on Developmental Disabilities, Hills View Plaza, East Highway 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070, (605) 773-6415, TDD 605-773-5990, FAX (605) 773-5483
- Tennessee**
 Wanda Willis, Ex. Director, Developmental Disabilities Council, Gateway Plaza, 11th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0675, (615) 532-6615, TTY 615-741-4562, FAX # (615) 532-6964, Kwright@mail.state.tn.us
- Texas**
 Roger A. Webb, Executive Director, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Blvd., Austin, Texas 78751-2399, (512) 424-4080, TDD 512-424-4099, FAX 512-424-4097, E-Mail:TXDDC@rehab.state.tx.us, (800) 262-0334
- Utah**
 Catherine E. Chambless, Executive Director, Utah Governor's Council for People with Disabilities, 555 East 300 South, Suite 201, Salt Lake City, Utah 84102, (801) 533-4128 (V/TDD), FAX # (801) 533-5305, cchamble@email.state.ut.us, jsimkins@email.state.ut.us
- Vermont**
 Thomas A. Pombar, Exec. Director, Vermont Developmental Disabilities Council, 103 South Main Street, Waterbury, Vermont 05671-0206, (802) 241-2612, FAX # (802) 241-2979, tomp@wpgate1.ahs.state.vt.us
- Virginia**
 Mr. Brian S. Parsons, Director, Virginia Board for People with Disabilities, Ninth Street Office Building, 202 North 9th Street, 9th Floor, Richmond, Virginia 23219, (804) 786-0016, FAX # (804) 786-1118, TDD 1-800-846-4464
- Virgin Islands**
 Mark Vinzant, Director, VI Developmental Disabilities Council, P.O. Box 2671, Kings Hill, St. Croix, Virgin Islands 00851, (809) 778-9681, FAX 809-778-9250
- Washington**
 Edward M. Holen, Executive Director, Developmental Disabilities Council, P.O. Box 48314, 906 Columbia Street, S.W., Olympia, Washington 98504-8314, (360) 753-3908, TDD 1-800-634-4473, FAX (360) 586-2424, edh@cted.wa.gov, cathyt@cted.wa.gov
- West Virginia**
 Donna Heuneman, Executive Director, West Virginia Developmental Disabilities Council, 110 Stockton Street, Charleston, West Virginia 25312-2521, (304) 558-0416 (Voice), (304) 558-2376 (TDD), FAX # (304) 558-0941
- Western Carolina Islands (Trust Territories of the Pacific)**
 Dr. Minoru Ueki, MD, Trust Terr. Hlth. Cncl., MacDonald Mem. Hosp. KOROR, Palau, WCI 96940
- Wisconsin**
 Jayn Wittenmyer, Executive Director, Council on Developmental Disabilities, (722 Williamson Street, 2nd Floor), Office Box 7851, Madison, Wisconsin 53707-7851, (608) 266-7826, FAX (608) 267-3906, CTC@mailbag.com
- Wyoming**
 Lynn Achter, Executive Director, Council on Developmental Disabilities, 122 West 25th Street, Hersch Bldg., 1st Floor, West, Cheyenne, Wyoming 82002, (307) 777-7230, 1-800-438-5791 (in-state-only), FAX # (307) 777-5690

**APPLICATION FOR
FEDERAL ASSISTANCE**

Appendix A

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <input type="text"/> <input type="text"/>		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/>	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$.00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____	
b. Applicant	\$.00	b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
c. State	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
d. Local	\$.00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No	
e. Other	\$.00		
f. Program Income	\$.00		
g. TOTAL	\$.00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Typed Name of Authorized Representative		b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed	

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Standard Form 424 (REV 4-92)
Prescribed by OMB Circular A-102

Instructions for the SF 424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State, if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present

Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

- “New” means a new assistance award.
- “Continuation” means an extension for an additional funding/budget period for a project with a projected completion date.
- “Revision” means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities.)

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit allowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184-01-P

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. Totals		\$	\$	\$	\$	\$
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					
	(1)	(2)	(3)	(4)	Total (5)	
a. Personnel	\$	\$	\$	\$	\$	
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a - 6 h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	
7. Program Income	\$	\$	\$	\$	\$	

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	\$
9.					
10.					
11.					
12. TOTAL (sum of lines 8 and 11)	\$	\$	\$	\$	\$
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:			22. Indirect Charges:		
23. Remarks:					

Instructions for the SF 424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4

Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple function or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number of each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) Through (g)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the total for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown in Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts of Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k, should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to

Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals in Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing

the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as

amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §§ 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Applicant Organization

Title

Date submitted

Appendix B

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this

transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a

participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Appendix C

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier

participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Appendix D

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F, Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal Inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance: means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute: means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee: means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

Appendix E

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, "Disclosure Form to

Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting

to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form—LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4184-01-P

Appendix F*Certification Regarding Environmental Tobacco Smoke*

Public Law 103-227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services

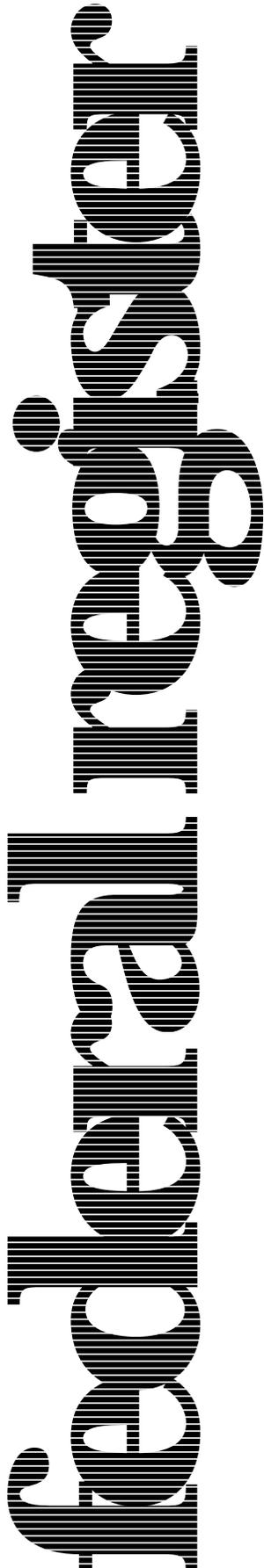
are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an

administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

[FR Doc. 97-20519 Filed 8-5-97; 8:45 am]

BILLING CODE 4184-01-P



Wednesday
August 6, 1997

Part IV

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Part 135
Commercial Passenger-Carrying
Operations in Single-Engine Aircraft
Under Instrument Flight Rules; Final Rule**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 28743; Amendment No. 135-70]

RIN 2120-AG22

Commercial Passenger-Carrying Operations in Single-Engine Aircraft Under Instrument Flight Rules

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Aviation Administration (FAA) is amending the conditions and limitations in part 135 for instrument flight rule (IFR), passenger-carrying operations in single-engine aircraft. The rule will expand the passenger-carrying provisions of the current rule, add equipment requirements, as well as maintenance requirements to monitor engine reliability, and remove the limited IFR provisions of the existing rule for both single and multi-engine aircraft. Visual flight rules (VFR) flight into instrument meteorological conditions (IMC) is the most significant cause of fatal accidents in Alaska and is a serious problem for single-engine aircraft nationally. This action will increase the safety of single-engine, passenger-carrying operations by allowing planned instrument flight in the IFR system and by imposing certain other conditions and limitations.

DATES: The rule is effective May 3, 1998, except for SFAR No. 81. Pending OMB clearance on the paperwork requirements, SFAR No. 81 is not effective until the FAA publishes in the **Federal Register** a document specifying the effective date. Comments on the clarification of §§ 135.163(f)(2), 135.411(c), and/or 135.421 (c) and (d), including the paperwork requirements, must be received on or before September 5, 1997.

ADDRESSES: Comments on the clarification of sections 135.163(f)(2), 135.411(c), and/or 135.421 (c) and (d), including the paperwork requirements, should be submitted to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-200), Room 915-G, Docket No. 28743, 800 Independence Ave., SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Hakala, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, (202) 267-8166/3760.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (703) 321-3339, the Federal Register's electronic bulletin board service (202) 512-1661, or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service ((800) 322-2722 or (202) 267-5948). Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's web page a http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Ave. SW, Washington, DC 20591, or by calling (202) 267-9677. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rules should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

I. Background

Prior to October 10, 1978, passenger-carrying, single-engine instrument flight rule (SEIFR) operations were permitted if an aircraft could descend to visual flight rules (VFR) conditions in the event of an engine failure. This provision allowed operations in instrument meteorological conditions (IMC) or over-the-top of a ceiling, as long as VFR conditions existed below that ceiling (i.e., a buffer zone). In 1978, part 135 was substantially revised for passenger-carrying operations over the top or in IFR conditions to require an aircraft to be able to descend under VFR if its engine fails (43 FR 46742; October 10, 1978). This revision also provided for "limited IFR" operations which, if VFR conditions were forecast within 15 minutes flying time, allowed flight in IMC for the first 15 minutes of flight, and thereafter only if those IFR conditions were unforecast. Under the current regulation, a pilot can operate in IFR conditions if unforecast weather conditions are encountered while en route on a flight planned to be conducted under VFR. The pilot can make an IFR approach at the destination airport if unforecast weather conditions are encountered that do not allow an

approach under VFR. This rule had the effect of eliminating the buffer zone provisions, restricting planned flights under IFR in IMC, and restricting VFR over-the-top flights to scattered or broken sky conditions. An exception to the two pilot requirement, or autopilot requirement, is provided for limited IFR operations in § 135.103. Currently, limited IFR can be conducted as a single-pilot operation in aircraft with nine or fewer passenger seats. Cargo-only, single-engine aircraft can operate under IFR over the top without these restrictions.

Since 1978, the FAA has received 12 petitions for exemptions from, or amendments to § 135.181 to allow the use of all or specific models of single-engine aircraft in passenger-carrying IFR operations. Internationally, commercial operators in several countries have sought permission to conduct passenger operations in IMC with single-engine aircraft. Canada, following a cooperative effort with the engine manufacturers, aircraft manufacturers, and users that produced a well-documented case, has allowed SEIFR passenger-carrying operations in turbine-powered airplanes since February 1993, with a number of specific requirements for equipment and training. Other countries are also considering permitting SEIFR passenger-carrying operations.

In response to the petitions, the Canadian action, and changes in technology that have resulted in increasingly reliable engines and aircraft systems, the FAA asked its Office of Integrated Safety Analysis to conduct a study to determine if demonstrable differences exist between single- and multi-engine aircraft in visual meteorological conditions (VMC) and IMC. The study, Part 135 Single-Engine Instrument Flight Rules Operations in Instrument Meteorological Conditions, February 24, 1994, (available in the docket) reviewed the basis for the Canadian action and available data from a number of sources on powerplant/systems reliability and activity exposure data.

In September 1994, the FAA asked the Aviation Rulemaking Advisory Committee (ARAC) to review the Canadian policy on SEIFR, re-examine FAA policies for commercial IMC and night operations for single-engine aircraft, determine conditions or limitations that such operations should meet, and recommend any changes. The ARAC formed a working group that included representatives of the FAA, Transport Canada-Aviation, the European Joint Aviation Authority (JAA), Australian Civil Aviation, several European national aviation authorities,

aircraft and engine manufacturers, trade associations, pilot unions, and commercial operators. The committee recommended that § 135.181 be revised to permit SEIFR passenger-carrying operations provided certain requirements for equipment and training were met. The ARAC proposal, although not technically limited to a particular type of aircraft, proposed certain conditions that are met at present only by turbine-powered aircraft. The ARAC also recommended approval of the Alaska Air Carrier Association's (AACA) petition for exemption, which covers both turbine-powered and reciprocating engine aircraft. Both the ARAC and the FAA study focused on the issue of engine reliability.

In 1995, the National Transportation Safety Board (NTSB) completed a study of operations in Alaska, Aviation Safety in Alaska, (Safety Study NTSB/SS-95/03, PB95-917006, November, 1995). The NTSB noted that, unlike the rest of the U.S., commuter airline service in Alaska is "dominated by single-engine airplanes powered by a reciprocating engine operating under VFR and crewed by one pilot." After reviewing Alaska aviation accidents from 1988 to 1993 (which include single and multi-engine aircraft), the NTSB concluded that "VFR flight into IMC that result in fatal accidents continues to be the most significant safety problem in Alaskan aviation." VFR flight into IMC in Alaska accounted for 67 percent (6 of 9) fatal commuter airline accidents and 47 percent (7 of 15) of the fatal air taxi accidents. Overall, in Alaska, VFR flight into IMC accounted for only 15 percent of the total accidents, but 54 percent of the fatal accidents. The NTSB recommended that the FAA proceed with rulemaking to allow SEIFR passenger-carrying operations in turbine-powered aircraft and evaluate whether extending the rule to all single-engine aircraft would provide a positive effect on safety.

Prior to the Alaska aviation study, the NTSB conducted a study of emergency medical service (EMS) helicopters because their accident rate was twice the rate experienced by part 135 on demand helicopter operations and one and one-half times the rate for all turbine-powered helicopters. For the report, Safety Study—Commercial Emergency Medical Service Helicopter Operations (NTSB 1988), the NTSB investigated and evaluated 59 helicopter accidents in the rapidly growing commercial EMS helicopter industry. The Board determined that marginal weather conditions and inadvertent flight into IMC remain the most serious

hazard that VFR helicopters encounter. "The Board believes that although the IFR system is not designed optimally for IFR helicopters and that the nature of the EMS helicopter mission further complicates this problem, the safety advantages offered by IFR helicopters flown by current and proficient pilots are great enough that EMS programs should seriously consider obtaining this capability."

The Alaska Air Carriers Association in its petition for exemption has stated, and the NTSB study confirmed, that in many areas, only single-engine aircraft can be operated because of the limitations of the landing strips, which severely restrict the availability of air transport in these areas. The petitioners further stated that under the current rule, unless clear weather is forecast over the entire route from 15 minutes from the departure airport to the destination, passenger-carrying, single-engine commercial operations are not permitted. In many areas, aircraft are the only means of transportation; weather forecasts, when available, rarely predict continuing VFR conditions. Alaska, they stated, was particularly disadvantaged by the current rule.

The FAA reviewed accident data from 1983 to 1996 on both reciprocating and turbine engines. Data indicated that there were 67 accidents in on-demand operations that involved VFR flight into IFR conditions; single-engine aircraft were involved in 75 percent of these accidents. Although the number of such accidents is known, the rate of such accidents cannot be determined because the FAA does not collect data on the number of flights or flight hours for on-demand operations under part 135.

Based on its analyses, the FAA, on December 3, 1996 (61 FR 64230), issued a notice of proposed rulemaking (NPRM) to amend part 135 to allow passenger-carrying SEIFR operations subject to the following conditions:

- Each certificate holder should incorporate into their manufacturer's recommended maintenance program or FAA-approved maintenance program an engine trend monitoring program including an oil analysis at each 100 hours interval and a record of the findings; and
- Each aircraft should have two independent electrical power generating sources or a standby battery that can maintain 150 percent of the minimum electrical load for at least one hour to operate navigation and communication equipment.

The FAA proposed to eliminate the limited IFR provisions, permitted under the previous rule, for both single and multi-engine aircraft. In addition, the

FAA sought comments on the need for redundant power sources for gyroscopic instruments. As the NPRM noted, allowing SEIFR operations also imposed on such operations all of the existing requirements for IFR operations, including additional equipment, an autopilot or second pilot, increased pilot experience, and more pilot training.

In response to the NPRM, the FAA received over 200 comments from government entities, trade associations, pilots, air carriers, manufacturers, and individuals. Seven comments opposed all or part of the proposed rule. Today's final rule reflects a consideration of the comments received, which are discussed in Section III.

II. Overview of the Final Rule

The rule promulgated today allows SEIFR operations in both turbine-powered and reciprocating engines subject to the following conditions:

- The certificate holder must incorporate into its maintenance program either the manufacturer's recommended engine trend monitoring program, which includes oil analysis, if appropriate, or an FAA approved engine trend monitoring program that includes an oil analysis at each 100 hour interval or at the manufacturer's suggested interval, whichever is more frequent; the certificate holder must maintain a record of the results from these trend monitoring programs in the engine maintenance records.
- Each aircraft must have two independent electrical power generating sources each of which is able to supply all probable combinations of continuous inflight electrical loads for required instruments and equipment; or in addition to the primary electrical power generating source, a standby battery or an alternate source of electric power that is capable of supplying 150% of the electrical loads of all required instruments and equipment necessary for safe emergency operation of the aircraft for at least one hour.
- Each aircraft must have two independent sources of energy (with means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with the energy supply to the remaining instruments or the other energy source unless, for single-engine aircraft in all-cargo operations only, the rate-of-turn indicator has a source of energy separate from the bank and pitch and direction indicators.

Allowing SEIFR operations means that any certificate holder conducting such operations must meet all existing requirements for IFR operations, including those for equipment (e.g., vertical speed indicator, free-air temperature indicator, heated pilot tube, marker beacon receiver), crew (a second pilot or autopilot), pilot training and testing (proficiency check every six months), and pilot experience (1,200 hours). The new requirements will ensure that operators have an engine trend monitoring program, as well as written maintenance instructions. In addition, the rule requires that aircraft have redundant systems to provide needed power to maintain critical flight instruments as well as the necessary navigation and communications capability.

Because the FAA is deleting the limited IFR provision, this rule will not take effect until May 3, 1998. This will allow operators the time to obtain the required equipment, retrofit aircraft, and revise their operations authority and manuals. Limited IFR provisions will remain in effect until that time. The FAA is also adopting a Special Federal Aviation Regulation (SFAR) No. 81 that will allow operators who can meet the requirements of the rule to begin SEIFR operations prior to the effective date of the rule, provided an information collection is approved and an OMB control number is assigned. Therefore, the SFAR will not take effect until the FAA has published a notice in the **Federal Register** specifying the effective date. It is anticipated that this notice will be published within 60 days.

As explained in the NPRM, in the past, the rationale against SEIFR passenger-carrying operations centered on the hazards of losing an engine. Analysis indicates, however, a far more significant accident category: Flight under VFR into IMC. As discussed above, a recent NTSB study of aviation in Alaska indicated that VFR flight into IMC caused a disproportionate number of fatal accidents in part 135 operations in that state. Multi-engine airplanes are able to file and fly with passengers under IFR, while single-engine airplanes are only able (with few exceptions) to carry passengers under VFR. Thus, multi-engine airplanes have the advantage of contact with ATC, position following, en route and terminal weather information, and the higher altitude ensuring obstacle clearance and radio reception in the IFR system. Further, for IFR operations, part 135 requires additional fuel to be carried, and more stringent weather reporting requirements.

The FAA Administrator, in a November 18, 1994 letter to pilots ("Winter Operations Emphasis Program 1994," available in the docket), expressed his concern about the number of accidents that occur when pilots are flying just below a low ceiling and collide with the terrain. He stated that one of the safest steps available was to take advantage of the IFR system. Aircraft flying at a published cruising altitude that guarantees obstacle clearance and radio reception have considerably more time to glide to a landing and maneuver to a safe landing area, whether VMC or IMC, than those flying below the ceiling.

The number of accidents involving VFR flight into IMC is substantial. It is concern with this safety hazard that prompted the FAA to reconsider its limitations on single-engine IFR flight with passengers under part 135. Additionally, the FAA has considered the action of Canada that allowed single-engine passenger-carrying IFR under certain conditions, and the petitions for exemption of the Alaska Air Carrier Association and individual operators. The FAA concluded that this rule will reduce the number of accidents by allowing operators to take advantage of the IFR system and the significant safety benefits it provides.

The FAA is aware that other nations have either not allowed SEIFR or have limited it to turbine-powered aircraft. In the U.S., however, single-engine aircraft are already allowed to conduct passenger-carrying operations under VFR in both day and night, and in IFR conditions under the limited IFR provisions, if they meet existing requirements for IFR operations. Also, single engine cargo operations are presently authorized under IFR. The limited IFR rules have created a situation where pilots who encounter IMC must either file an IFR flight plan while en route or attempt to maintain VFR by flying below the ceiling. The FAA determined that safety would be improved if operators could complete adequate preflight planning and a file a flight plan in advance, take advantage of the IFR system while en route, and maintain the obstacle clearance provided by flying at higher altitudes.

Paragraph 5.1.2 of Annex 6, Part 1 of the ICAO standard states, "Single engine aeroplanes shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure." The ability to make such a safe landing will be enhanced if the aircraft is in the IFR system because it will be flying at a

higher altitude, which provides more time to select a location and glide to a landing. In addition, the aircraft would be on an established route, with guaranteed communications, with ATC assistance readily available to select an appropriate landing area, or advise/direct search and rescue.

III. Discussion of Comments

The FAA received over 200 comments on the SEIFR proposed rule. Seven of the commenters oppose the rule; all of these commenters propose changes to the rule. The remaining commenters state their support for the rule based on the reasons given in the NPRM for the proposal. A number of rule supporters suggest changes to the rule, or requested clarification of the technical requirements.

A. General Opposition

The Air Line Pilots' Association (ALPA) and Raytheon Aircraft Corporation both oppose the rule as a whole on the grounds that VFR flight into IMC is illegal and could be prevented by other means. They state that the FAA's solution is inherently unsafe. The commenters state that VFR flight into IMC could be prevented by increasing weather minimums or imposing penalties for illegal operations. They state that single-engine aircraft will never be as safe as multi-engine aircraft in the same operating conditions. They further state that the rule would increase the accident rate and that FAA data indicate the accident rate from propulsion system failure is eight times higher for single-engine than for multi-engine aircraft. A commenter states that more than 18 percent of single-engine propulsion failures occur in IMC.

The FAA notes that the current VFR standards represent a level of safety which experience has shown to be acceptable. Increasing VFR minimums would not address the problem of VFR flight into IMC. An increase in the current VFR minimums could, unnecessarily, restrict part 135 operators who are limited only to VFR operations. Adequate penalties already exist for violations of these regulations.

VFR flight into IMC is generally the result of inaccurate weather reports or unavailable forecasts. In deteriorating conditions, pilots are forced to fly at lower altitude to maintain VMC (or VFR conditions). The FAA determined that this rule will improve this situation by requiring additional fuel reserves and weather reporting necessary for IFR operations; by providing immediate assistance by ATC to the affected crew; by guaranteeing radio communication

from a minimum enroute altitude; by providing quicker notification of search and rescue assistance, all the while having additional assistance in the cockpit of another crewmember or autopilot. Therefore, the FAA has determined that this amendment will create a safer flying environment than the environment provided for in the current rules.

The number of engines is only one factor of many that leads to a successful flight. The FAA is improving the total operating environment with this amendment. The single engine IFR passenger-carrying operation will be a planned operation (IFR preflight planning of routes, weather, fuel, and alternates), conducted in an ATC controlled environment, with better trained and qualified pilots, with additional equipment (autopilot if not two pilots, backup electrical and pneumatic sources), and backed by an improved maintenance program that includes engine health monitoring. It also is important to note that single-engine aircraft are already permitted under the current regulations to carry passengers during both day and night in VFR conditions, and under limited IFR conditions. Also, single engine cargo operations are presently authorized without having to meet the limited IFR provisions. Thus, the FAA has already endorsed the use of single-engine aircraft in air transportation. This amendment will make the total operating environment for these aircraft safer for the traveling public.

B. Turbine Versus Reciprocating Engines

Although many commenters support the extension of this rule to all single-engine aircraft, several commenters state that the rule should be limited to turbine-powered aircraft. These commenters state that adequate data on engine reliability exist only for turbine-powered aircraft. Transport Canada states that the NPRM is "almost totally lacking in the safeguards we included in our rule to mitigate the risks inherent in SEIFR."

Further, Transport Canada states that it is not convinced that opening SEIFR to all single-engine aircraft without restriction will achieve the FAA's safety goals. Transport Canada also is not convinced that trend monitoring for reciprocating engines can provide the same reliable information and warnings that similar programs for turbine engines provide. It states the belief that only turbine-powered engines offer sufficient reliability.

The Joint Aviation Authority of Europe (JAA) states that it has no intention of including reciprocating-

powered engines in its proposal to allow limited commercial travel and IMC flight for single-engine aircraft. JAA's proposal will be limited to turbine-powered engines and require a flight proficiency test, an area navigation system, autopilot or two pilots, specific approval on the air operator certificate, a radio altimeter, airborne weather equipment, a continuous ignition system, a shoulder harness for passengers, and supplemental oxygen for pressurized aircraft. In addition, terrain onto which a forced landing can be made should be available at all phases of flight. JAA states that "the absence of any consideration of the ability to carry out a forced landing in the event of an engine failure seems to the JAA not to accord with the Standard in ICAO Annex 6, Chapter 5, Paragraph 5.1.2."

In response, the FAA understands the concerns expressed by these commenters, but upon consideration, has determined that this amendment should apply to both reciprocating and turbine-powered aircraft. In examining the types of accidents that were occurring, the FAA determined that there would be a positive benefit to extending the rule to all properly certificated airplanes. The amendment addresses a number of factors, i.e., improved maintenance programs, more detailed preflight planning, operations in the IFR system, immediate assistance from ATC, second pilot or autopilot, and improved pilot training and qualifications. When combined, the FAA expects these improvements to save lives. Additionally, in their comment to the proposed rule change, the NTSB supported the proposal stating that the "Board accepts the FAA's conclusion that a positive effect on safety would be obtained by approving commercial, passenger-carrying IFR operations in single-engine airplanes powered by both turbine and reciprocating engines, subject to the additional equipment and operating limitations."

SEIFR operations under part 135 are not without restrictions. Operators who choose to use single-engine aircraft in part 135 passenger-carrying operations must comply with all the additional equipment and training requirements that apply to IFR operations.

In response to JAA's concerns regarding harmonization, the FAA fully supports harmonization efforts with JAA and Transport Canada, where appropriate. JAA's proposal is concerned largely with a European aeronautical and geographical environment. The FAA has required in this rulemaking many of the items proposed by JAA; however, the FAA

believes that JAA's full proposal would have the effect of deterring participation of operators of single-engine part 135 aircraft in the IFR system and by so doing, contribute to the type of safety situation that this rule seeks to improve.

Additionally, the FAA recognizes that Transport Canada has taken the lead with allowing operations with single engine turbine aircraft. In fact, the FAA considered Transport Canada's work as it developed its proposal. The FAA will continue to support harmonization efforts to the maximum extent practicable; however, because of its large aircraft population operating under part 135 and its extensive IFR system, the FAA will continue to address aviation safety issues in the United States in light of its unique situation. The FAA notes, however, that to the extent that Canada's aviation rules preclude the use of single-engine aircraft powered by reciprocating engines in IFR operations, then such U.S. certificated single-engine operations may not be able to conduct single engine, passenger-carrying operations in Canadian airspace.

Therefore, the FAA intends to file a difference to the single-engine operational standard of Annex 6, Chapter 5, Paragraph 5.1.2. to become effective upon the effective date of the SFAR.

C. Equipment Requirements

Independent Generators/Second Battery Requirement

A number of commenters state that it would be too costly for electrical systems to provide a second battery capable of supplying 150 percent of the minimum electrical load for a least one hour, as proposed. One commenter says that such a battery would weigh 30 pounds and result in a more complex electrical system increasing the probability of electrical failure. Another commenter writes that he does not know of such a system that is widely available, reliable, and reasonable in cost. Instead of requiring a standby battery system, the commenter proposed requiring an "easily noticeable warning light," which indicates immediately that the power generating source is failing. Several commenters suggest a requirement to carry a handheld transceiver, perhaps with an alkaline battery pack, to address concerns about the loss of the airplane battery or alternator/generator. In general, commenters who disagree with the requirement for a backup power supply argue that there is enough redundancy currently required.

In response to comments, the FAA, in the final rule, requires either two independent electrical generating sources, or a standby battery or an alternate electrical source to serve as a second power source (as opposed to specifying only a battery) if that source can supply 150% of the electrical loads necessary for emergency operations of the aircraft for at least one hour. This requirement introduces redundancy for the generator and alternator and ensures that, if a generator or alternator fails, the aircraft will still be able to use certain equipment for a period of time in which to make a safe approach and landing.

A handheld transceiver is not on the aircraft equipment list; because such equipment is not permanently installed, its presence on an aircraft could not be assured and, therefore, it would not meet the regulatory requirement. In reference to the comment recommending a warning light system, the FAA has determined that such a system provides no redundancy and would only identify a failure as it is happening rather than providing the aircraft with electrical power for needed equipment for at least one more additional hour after the failure of the primary system has occurred.

Further, the FAA believes that an alternate electrical source, such as a standby battery, that would be approved for use in a single-engine IFR will be a cost effective means of providing a level of safety equivalent to an aircraft with a dual electrical system. The FAA has used the phrase "alternate source of electric power" in this amendment. Although the FAA envisions that alternate source to be a battery or an electrical storage unit, the wording provides for future technology that may replace a simple battery.

The NPRM proposed, as an alternative to having two independent electrical generating sources installed on the aircraft, a single generating source and a standby battery capable of supplying 150% of the minimum electrical load for at least one hour to operate navigation and communication equipment. Commenters raised questions as to what was meant by the term "minimum electrical load" as it pertains to the capacity of the standby battery. Upon further review, the Agency recognizes that the proposed § 135.163(f)(2) regulatory language did not comport with its intent regarding the electrical loads that the standby battery must be capable of providing.

Therefore, in this final rule, the Agency is clarifying its intent that the standby battery be capable of supplying 150% of the electrical loads for all required instruments and equipment

necessary for the safe emergency operation of the aircraft for one hour. This is consistent with the redundancy requirements specified for multiengine aircraft in § 135.163(g). The FAA further recognizes that in an actual emergency situation, the pilot will shed electrical loads to the minimum required for safe operation. Required instruments and equipment could include single navigation and communication equipment, but could also include other equipment necessary for the safe operation of the aircraft in the actual environment, such as pilot heat or instrument lighting. The FAA is therefore deleting both the phrase "minimum" and "to operate navigation and communication equipment" from the regulatory language to clarify that the battery capacity is not limited solely to the capacity needed to operate navigation and communication equipment, but other necessary equipment as well. Thus, should an operator choose not to install two independent electrical power generating sources on the aircraft, this alternate minimum electrical power source will provide the necessary system redundancy for safe emergency operation of the flight.

The FAA further finds that although it did not propose this precise language in the NPRM, it is unnecessary and not in the public interest to delay the entire single-engine IFR rulemaking on this minor technical issue. Nevertheless, the FAA invites comment on the final regulatory language in § 135.163(f)(2).

Redundant Power Source for Gyroscopic Instruments

The FAA specifically sought comments on whether a redundant power source for gyroscopic instruments is needed. One commenter responds that requiring dual engine-driven, pneumatic pumps would go a long way to precluding loss of air-driven gyros. If both pumps were lost because the engine stopped, the battery should last long enough to allow the aircraft to glide to a landing. One commenter states that French IFR rules achieve redundant gyroscopic instruments with one attitude indicator and a second attitude indicator or a turn indicator and a slip indicator powered by a source independent of the first attitude power source. Another commenter states that a third attitude indicator should be installed with at least 3-minute self-contained electrical source independent of the aircraft's main electrical system. The NTSB recommended a requirement for a redundant source of power for attitude gyroscopic instrumentation. The Board stated that despite

requirements for partial panel training, the fatal accident record indicates that many pilots have experienced difficulty maintaining aircraft control during actual partial panel situations. Another commenter, however, states that because there are so few system failures in IFR flight, redundant systems for gyroscopes are unnecessary.

By this amendment, the FAA has adopted the proposed requirement for redundant power sources for gyroscopic instruments to the final rule. Although the NPRM did not contain the regulatory language, the Agency proposed the redundant power source requirement in the preamble. The FAA recognized that the failure of the vacuum/pressure pump of the pneumatic system during IFR in IMC can lead to spatial disorientation of the pilot and loss of aircraft control. The redundancy or the pneumatic system will put single-engine aircraft systems on parity with existing twin-engine aircraft. Because the FAA proposed redundancy for passenger-carrying operations, but not for all-cargo operations, the final rule requirement for redundancy of power source for gyroscopic instruments is limited to passenger-carrying operations.

Autopilot/Co-pilot Requirement

Several commenters state that the proposed rule does not substantiate the need for two pilots or a single pilot with autopilot. There are concerns because the vast majority of single engine aircraft do not have an autopilot installed that meets the requirements of § 135.105, and retrofitting such aircraft may cost up to \$20,000 and add up to 30 pounds to the empty weight of an aircraft. In addition, according to the commenter, if another crewmember is added to comply with the regulation, one less seat would be available on the small planes, which would be a "severe economic burden." Another commenter states that the FAA should allow two-axis autopilots; a requirement for a three-axis autopilot would eliminate most single-engine aircraft currently equipped with autopilots.

In response, the FAA disagrees that an autopilot or second pilot is not needed. The complexity and workload in IMC is such that a three-axis autopilot as opposed to a two-axis autopilot, or second pilot is necessary for safety in air transportation. Section 135.105 currently establishes a standard for an autopilot capable of operating the aircraft controls about three axes.

Concerning the comment on weight penalty and the cost issue, the FAA has determined that these requirements, as well as the other requirements for

equipment, training and checking, operations, maintenance, etc., are based on experience and are considered necessary for safety. The FAA has determined that they remain valid for any air carrier involved in commercial passenger-carrying operations. Therefore, the FAA is adopting the autopilot or second pilot as proposed.

Other Equipment

Commenters suggest other equipment that should be required for SEIFR operations. One commenter states that a radar altimeter should be required because it shows actual height above the terrain. Another commenter states that for planes with six or more passengers, the FAA should mandate an emergency cockpit checklist, a cockpit voice recorder, and weather radar. For turbine-powered airplanes, TCAS and GPWS should be required when carrying six or more passengers. Area navigation systems provide an additional margin of safety where radar coverage is minimal. A third commenter states that the NPRM does not adequately address pitot system anti-icing. Any flight where flight temperatures will be below 40° F should require dual heated pitot systems to ensure that the pilot will have airspeed and static system operation in IMC. Fuel tank vents and stall warning systems need to be ice protected. Windshield de-ice is needed for winter operations in Alaska. The commenter also suggests self-powered attitude indicators should be added to single-engine aircraft used for SEIFR operations.

To respond, the FAA notes that radar altimeters are only required for Category II and III operations. As for the emergency cockpit checklist, a cockpit voice recorder, weather radar, TCAS, GPWS, and area navigation systems, the FAA has decided that this equipment is not necessary for the planned operations affected by this rule.

Regarding the comment on icing, flight into icing conditions is already prohibited by § 135.227 unless the aircraft is adequately equipped. This rule does not change the equipment requirements for flight into icing conditions. Also, this rule does not relieve an operator from having an aircraft certified for flight into icing conditions, if those operations are anticipated.

D. Oil Analysis/Maintenance/Trend Monitoring/Engine Health

Several commenters are concerned about the oil analysis requirements. Several letters mention that while oil analysis as part of a maintenance program may be justified, expensive

engine maintenance should not be required based solely on this one parameter. According to the commenter, one "bad" sample is not sufficient reason for maintenance until further analysis is performed. Oil samples may be misleading because it is possible to have sample contamination; as the commenter noted, a single operation on a dusty day with the carburetor heat left on accidentally allowing unfiltered air into the engine may create a contaminated sample. The commenter suggests that other tools, such as compression checks and borescopes, should be used in conjunction with oil analyses.

Another commenter states that oil analysis has never enabled him to predict, and therefore avoid, engine problems. He gave an example of one instance where a turbocharger broke down, filling the engine's oil screen with metal. After contacting the oil lab to find out why the oil analysis tests had not predicted the failure, the lab indicated to him that the particles of metal in the oil were "too big" to be detected by regular analysis.

One commenter says that those in the oil analysis business are concerned about their liability insurance if their opinion is mandated rather than advisory. Another commenter writes that oil analysis should not be required at each 100 hours of inspection, but rather at 100 hours of operations because not all oil changes are made at 100-hour inspections. Other commenters suggest replacing "oil analysis" with "trend monitoring and/or oil analysis." Finally, two commenters suggest requiring "oil analysis" and an oil and filter change every 50 hours rather than 100 hours. Another commenter states that spectrographic oil analysis is not a predictor of fatigue failures, which are the most common cause of piston-engine power loss.

FAA has determined that engine health trend monitoring can play an important part in preventive maintenance by providing an early warning of potential problems. The final rule gives operators the option of adopting the manufacturer's trend monitoring program or an FAA-approved trend monitoring program that includes oil analysis. The FAA is currently updating its advisory materials on trend monitoring programs (AC 21-105A, "Engine Power Loss Accident Prevention," dated 11/20/80).

While the FAA recognizes that the possibility exists for misleading oil analyses, each laboratory analysis report must be treated individually and in conjunction with previous reports. If the data indicate a possible problem exists,

further inspection and/or maintenance is necessitated. This approach is consistent with the current practice of inspection if one of the engine's cylinders had a bad compression reading because carbon deposits were keeping a valve from properly seating.

FAA has determined that a spectrographic oil analysis, properly performed, provides the owner/operator with a reliable, advance warning of a potential failure based on the amount of metal and bearing material in the oil sample. Although contamination can occur at any stage, in a comprehensive maintenance inspection program, oil analysis will provide useful trend information. The FAA agrees with the comment that oil analysis will not always give advance warning of fatigue failures, such as crankshaft separation, but neither do other inspection techniques, such as borescope inspections and compression tests.

Regarding the recommendation to change the interval of oil sampling from 100 hours to 50 hours, the FAA notes that 100-hour interval is considered an "industry standard." Under the final rule, operators must follow the manufacturer's monitoring program recommendations if they call for more frequent checks.

The FAA also recognizes that oil analysis may not be applicable to certain engine types, e.g. Pratt and Whitney PT-6. Therefore, in the final rule, the operator is given the option to choose between the manufacturer's published trend monitoring program, which may or may not contain a provision for oil analysis based on the engine type and design, or the FAA-approved program that must include oil analysis. Published manufacturer's trend monitoring programs are available for turbine engines, however, the FAA is not aware of any published trend monitoring program for reciprocating aircraft.

To clarify the recordkeeping requirements, the FAA has added a new § 135.421(e) to require the recordation and maintenance of the results of each test, observation, or inspection required by the applicable engine monitoring program in the engine maintenance records. Although the FAA proposed a recordkeeping requirement for the engine trend monitoring, the FAA requests comment on the modification to the recordkeeping requirement to be codified in § 135.421(e). The required recordation is subject to OMB approval, as required by the Paperwork Reduction Act. An information collection control number will be assigned for it if and when OMB approval is given; that

number would be listed in part 11, subpart F, of Title 14.

E. Training

One commenter suggests that training should emphasize partial panel operations and systems failure recognition; such training could be included in part 135 training manuals. Another commenter states that an ATP certificate should be required for SEIFR operations. Commenters also suggest that simulator training and a six-month IFR check should be required.

The FAA agrees with the commenter that additional emphasis and checking in partial panel and system failure recognition are necessary. Existing regulations require training in systems failures. The FAA will review and update its handbooks and training related material to ensure that partial panel operations are evaluated on the instrument competency checks for the affected operators and that proper attention is given when operators' training programs are approved and reviewed.

In addition, the FAA notes that an ATP certificate is required for pilot-in-command positions on large airplanes usually operated under part 121. The experience and skill level required for single-engine air transportation under IFR are not equivalent to those required for large transport category airplanes. The FAA maintains that a commercial pilot certificate and appropriate ratings are sufficient qualification for operations conducted under this rule; part 135 requires 1,200 hours of flight time for IFR operations. On simulator training, the FAA notes that part 121 does not require simulator training. Simulators are not available for most of the types of aircraft that will operate under this rule. For those aircraft that have simulators available, operators are encouraged to use them. Also, some training may be accomplished in a training device (§ 135.347). The FAA does not believe that required simulator training is necessary for adequate safety for the anticipated operations. Last, a six-month instrument proficiency check is already required (§ 135.297) by the existing regulations.

F. Removal of Limited IFR

Several commenters believe that the elimination of the present "limited IFR" rules would not be in the best interest of safety. They believe that operations in limited IFR conditions allowed by §§ 135.103 and 135.181 should still apply to single-engine airplanes without autopilots because the rules allow a qualified pilot to make an approach if, due to unforecast weather, the intended

destination goes below VFR minimums. Another commenter does not favor eliminating these sections because pilots would lose the ability to climb out of the low level fog layer that often persists at some airports during the morning hours of the day. One commenter argues for maintaining the "limited IFR" rule because it is safer to offer the ability to operate under limited IFR rather than to force a pilot to scud run in and out of an uncontrolled field, or face delays at a tower controlled field, all the while watching the weather conditions worsen. Another commenter suggested amending § 135.103 to exempt the autopilot for this section.

Current data, as discussed in the NPRM, for on-demand Part 135 accidents involving single-engine aircraft indicate that poor inflight planning and decision-making, and other weather-related errors resulting from attempts to maintain VFR flight are the major causes of accidents. While the possibility of a failure of the single engine exists, the FAA has, it believes, reduced that possibility further by additional maintenance requirements. The possibility of pilot mishandling has also been reduced, in the judgment of the FAA, by emphasizing training in partial panel emergency procedures and system failure recognition when combined with equipment redundancies.

As mentioned above, the FAA is improving the total operating environment with this amendment. A single-engine passenger-carrying operation will be a planned operation (IFR preflight planning of routes, weather, fuel, and alternates), conducted in an ATC controlled environment, with better trained pilots, with additional equipment (autopilot if not two pilots, redundant electrical and vacuum systems), backed by an improved inspection program that includes engine trend monitoring. Therefore, the FAA has not retained the limited IFR rule because the FAA concluded, based on available data, that planned flight under IFR provides a higher standard of safety than unplanned flight under the limited IFR rule.

G. Weather and Terrain Issues

Transport Canada states that flight under IFR requires that the aircraft be certified for flight into known icing for at least the northern U.S.; few existing single-engine aircraft in commercial service are so certified. Another commenter states that icing is a greater problem than VFR flight into IMC. The greater number of accidents due to inadvertent encounters with icing will

more than offset any improvements in the VFR to IMC accident rate. Reciprocating engine aircraft certification rules do not require a demonstration of any ability to continue to operate in icing conditions. In addition, a few commenters state the SEIFR over mountainous terrain should be barred.

The FAA recognizes that authorizing an aircraft to operate in IFR conditions neither converts an aircraft to "all-weather," nor allows it to do anything for which it is not certificated or equipped. Under § 135.227, operators using aircraft not certified for known icing conditions may not operate in those conditions. An aircraft that does not meet the requirements for flying in icing conditions may not be operated in those conditions. Additionally, the FAA notes that part 135 operators can already operate under IFR in U.S. airspace using aircraft that are not certified for known icing as long as the operations anticipated are outside of known icing conditions.

Single-engine aircraft limited by service ceiling or lack of pressurization or oxygen will not be capable of using the IFR system over some mountainous terrain. In addition, the FAA notes that finding a suitable landing place in mountainous terrain, if a forced landing is necessary, may not be very much different from finding a suitable landing place in a wide, densely populated area. Single engine aircraft are not presently restricted from either area. Thus, single engine operations addressed in this amendment will not be so restricted either.

H. National Application of the Rule

A commenter suggests that the FAA should limit all SEIFR operations to only Alaska (turbine or reciprocating engine) or, at least, limit SEIFR with reciprocating-engine aircraft to only Alaska. A commenter states that if specific operations in remote areas require exemptions, these should be handled on a case-by-case basis, not by adopting a national standard. Several commenters state that this rule will result in operators trading in multi-engine aircraft and replacing them with reciprocating engine, single-engine aircraft.

The FAA considered the conditions of weather and terrain in Alaska to be a "worst-case" operating environment. Authorization in the regulations for use of single-engine air transportation under IFR in Alaska would justify single-engine air transportation under IFR in the contiguous U.S. where operating conditions are generally less severe. The FAA's regulatory evaluation indicates

that this rule will create a net safety benefit in the other 49 states as well as Alaska. Exemptions are handled on a case-by-case basis; however, the rationale that the FAA would use to justify an exemption would also apply to all similarly-situated operators.

The FAA does not expect the operators currently flying multi-engine aircraft will switch to single-engine aircraft simply because of this rule change. Decisions about the type of aircraft to operate are complex. Operators must weigh numerous factors when selecting aircraft, for example, aircraft availability and age, customer base, and geographical location. Whatever choice operators make, the FAA remains convinced that the rule will increase safety of single-engine, passenger-carrying operations.

I. Other Comments

Several comments support the ARAC proposals. One commenter states that the FAA received only 12 petitions for exemptions since 1978, which is not a significant number. Finally, one commenter states the proposal would result in slower, single-engine aircraft at metropolitan airports, taxing the ATC system, and in more inexperienced pilots flying in hazardous conditions. To overcome these problems, they suggest that any aircraft that cannot maintain 140 knots on final approach should be excluded from Class B airspace and that pilot qualifications should include 2,000 hours of flight time.

The FAA commends the ARAC for its detailed work on the SEIFR proposal; as is evident, the ARAC proposal formed a basis for this action. In fact, the FAA notes that this final rule incorporates a number of the ARAC proposals. Other ARAC proposals are not needed because they duplicate existing requirements. The ARAC proposals, although not technically limited to a particular type of aircraft, cited conditions that are met at present by only turbine-powered aircraft. The ARAC also recommended that the FAA grant the Alaska Air Carriers Association's petition for exemption, which covers all single-engine aircraft.

FAA rulemaking is not contingent only upon public petition. In the case of this rule, the petitions for exemption, one of which was submitted by a trade association, were only part of an overall, growing awareness by industry and FAA that the limited IFR rule was no longer serving its original purpose and that the better safety alternative would be to allow all qualified part 135 operators to use the IFR system from departure to termination of the flight.

Finally, the FAA is unaware of any evidence that this rule would place an excessive burden on the ATC system or result in delays in the terminal area.

IV. Maintenance of Required Equipment

Section 135.411 requires an operator of an aircraft type certificated for 9 or fewer passengers to have that aircraft maintained, at a minimum, in accordance with parts 91 and 43 of Title 14. The maintenance is performed on the basis of 100-hour and annual inspections, as those inspections are described in part 43, appendix D. For an aircraft type certificated for 9 or fewer passengers, § 135.411 also accepts an approved aircraft inspection program (AAIP), as described in § 135.419.

Section § 135.419(a) provides that, when the FAA finds that the aircraft inspections required under part 91 are not adequate to meet part 135, the FAA may amend the operator's operations specifications to require an AAIP. Section § 135.419(f) provides that, when the FAA finds that revisions to an AAIP are necessary for the continued adequacy of the program, the operator must, after notification from the FAA, make the necessary revisions. Long-standing rules, therefore, enable the FAA to make even major adjustments to an operator's maintenance program that are necessary to maintain the level of safety appropriate for carrying passengers or cargo for compensation or hire.

Section 135.421(a) describes additional maintenance requirements for each operator of an aircraft type certificated for 9 or fewer passengers; it requires the operator to comply with the manufacturer's recommended maintenance program, or with an AAIP, for each aircraft, engine, propeller, rotor, and item of emergency equipment. In Notice 96-14, the FAA proposed to add paragraph (c) to § 135.421 to require the single engine aircraft operator to incorporate into its manufacturer's recommended maintenance program or AAIP, an engine trend monitoring program that includes a 100-hour oil analysis and record of findings.

The equipment required under § 135.105 and new § 135.163 (f) and (h) will frequently be installed in accordance with a supplemental type certificate (STC); the holder of that certificate may be required by 14 CFR § 21.50 to furnish instructions for continued airworthiness (ICAW), in which case, it is important that the operator maintain the equipment in accordance with those instructions to maintain the level of safety appropriate for carrying passengers for

compensation or hire. It is imperative for each part 135 operator, no matter what the method of approval of the installation, to have the equipment required by this rule maintained to the level of safety appropriate for carrying passengers for compensation or hire.

Accordingly, the FAA has decided to adopt new § 135.421(d). New § 135.421(d) will require the operator to ensure that the equipment required by § 135.105 and new § 135.163 (f) and (h) is maintained in accordance with written maintenance instructions that will provide a level of safety equivalent to ICAW. If the manufacturer provides ICAW, the operator may use those; to deviate from the ICAW, the operator will be required to obtain FAA approval. New § 135.421(d) applies to operators who have 100-hour and annual inspection based programs, and operators who have AAIPs. Therefore, if operator does not utilize the applicable manufacturer's maintenance manual or instructions for continued airworthiness prepared by the manufacturer, then it must have written maintenance instructions, acceptable to the Administrator, containing the methods, techniques, and practices to maintain the equipment required in §§ 135.105 and 135.163 (f) and (h).

Although this modification to the maintenance requirements was not explicitly stated in Notice 96-14, the FAA has decided to adopt it in this final rule. As explained above, long-standing rules enable the FAA to make necessary adjustments to an operator's maintenance program. Furthermore, operators should realistically expect to be required to properly maintain all equipment that is critical to SEIFR operations. The FAA has determined that many operators already have the items of equipment installed in their aircraft, and are maintaining those items in accordance with instructions that are not stated in the amount of detail necessary for the level of safety expected for SEIFR operations. New § 135.421(d) will require those instructions to be written and acceptable to the Administrator.

Because the FAA did not explicitly propose § 135.421(d), the FAA invites comment on that section's final regulatory language. The required written maintenance instructions are subject to OMB approval, as required by the Paperwork Reduction Act. An information collection control number will be assigned for them if and when OMB approval is given; that number would be listed in part 11, subpart F, of Title 14.

Section 135.411 requires an operator of an aircraft type certificated for 10 or

more passengers to have that aircraft maintained in accordance with a program that meets the requirements of §§ 135.415, 135.417, and 135.423 through 135.443. That program is referred to as a continuous airworthiness maintenance and inspection program (CAMP). Section 135.425(c) requires that a CAMP ensure that each aircraft released to service has been properly maintained for operation under part 135. Section 135.427(b) requires the CAMP to include the programs required by § 135.425 that must be followed in performing maintenance, preventive maintenance, and alteration of the operator's aircraft, including the airframe, engines, propellers, rotors, appliances, emergency equipment, and parts. Instructions for maintaining the equipment required by §§ 135.105 and 135.163 (f) and (h) will be incorporated into operators' CAMPs.

V. Section-by-Section Discussion of Changes

Special Federal Aviation Regulation (SFAR) No. 81 is added to allow operators who can meet the requirements of this rule before the effective date to begin SEIFR operations. The SFAR is not effective until the FAA publishes a notice specifying the effective date in the **Federal Register**. The SFAR terminates on the effective date of the Commercial Passenger-Carrying Operations in Single-Engine Aircraft Under Instrument Flight Rules rule.

As proposed, § 135.101 is revised to eliminate the reference to § 135.103, which is deleted, and to delete the word "conditions" after IFR. Deletion of the word "conditions" clarifies that any operation for which an IFR flight plan is filed must have a second pilot or an autopilot, even if the flight can be conducted in VFR conditions.

As proposed, § 135.103 is deleted because it is no longer needed.

Section 135.163 is revised to add, for multi-engine aircraft, reference to alternators. For single-engine aircraft, a requirement is added for two independent electrical power generating sources or a standby battery or alternate source of electric power. A requirement is also added for a redundant energy system for gyroscopic instruments; the existing exception in paragraph (h) for single-engine aircraft is not limited to single-engine aircraft in all-cargo operations.

As proposed, § 135.181 is revised by dropping all of the limited IFR conditions. Only the performance requirements for multi-engine aircraft and over-the-top requirements remain.

Section 135.411 is revised to add a reference to § 135.421 as it pertains to the maintenance requirements for single engine passenger-carrying aircraft under IFR.

Section 135.421 is revised to add the requirement for engine trend monitoring for aircraft used in passenger-carrying SEIFR operations, and the requirement for written maintenance instructions, acceptable to the Administrator, for the equipment required in §§ 135.105, and 135.163 (f) and (h).

Regulatory Evaluation Summary

The Federal Aviation Administration (FAA) is updating and revising the regulations to allow single-engine, passenger carrying aircraft to operate under the instrument flight rules. The rule will reduce the incentive for operators to conduct low altitude operations under marginal weather conditions. However, this rule will also require operators to meet the more stringent requirements for such flights including additional aircraft equipment.

The cost of this final rule is estimated at \$170.3 million (\$127.6 million, discounted). The most costly provision is on the requirement for an autopilot, which is estimated at \$94.9 million discounted and represents about 74.3 percent of the total. The FAA concludes that the expected quantitative benefits will be \$354.6 million or \$249.1 million, discounted. If the rule is 75 percent effective in reducing fatalities and injuries, then the expected quantitative benefits will be \$284.3 million or \$199.5 million discounted over ten years. The benefits estimate should be considered low because the added equipment, etc. required for single-engine aircraft should result in fewer overall fatalities. The benefits analysis does not take this into account.

If fewer disruptions, cancellations, etc. were considered a cost-savings instead of a benefit, then both the benefit estimate and the cost estimate should be reduced by \$156.9 million (\$110.2 million discounted). The cost of the rule, net of these costs savings, will be \$13.4 million or \$17.4 million, discounted, and the benefits of this rule, namely safety benefits (assuming 75 percent effectiveness), will be \$127.7 million or \$89.3 million discounted over ten years. While the discounted costs and benefits are lower than the undiscounted costs and benefits, respectively, the discounted net costs are higher than the undiscounted net costs.

Under the guidelines presented in FAA Order 2100.14A, the FAA has determined that the final rule will not

have a significant economic impact, positive or negative, on small operators.

This final rule is not expected to have any impact on trade opportunities for U.S. firms doing business overseas or foreign firms doing business in the United States. The final rule will primarily affect U.S. operators of aircraft for hire that provide domestic service.

This final rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Regulatory Flexibility Assessment

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Federal Regulations. The RFA requires an analysis if a final rule will have "a significant economic impact on a substantial number of small entities." The definitions of small entities and guidance material for making determinations required by the RFA are contained in the **Federal Register** (47 FR 32825, July 29, 1982). Federal Aviation Administration (FAA) order 2100.14A outlines the agency's procedures and criteria for implementing the RFA.

With respect to the final rule, a "small entity" is an operator of aircraft for hire with nine or fewer aircraft. A "significant economic impact on a small entity" is defined as an annualized net compliance cost for operators of aircraft for hire which in 1996 dollars is \$126,100 for scheduled operators whose aircraft have more than 60 seats. It is \$70,490 for scheduled operators whose fleets have aircraft with seating capacities of 60 or fewer seats (other scheduled operators) and \$4,960 for unscheduled operators. A substantial number of small entities is defined as a number that is 11 or more and which is more than one-third of small operators subject to the final rule.

The FAA estimates that the annualized cost of the final rule is about \$4,708 per aircraft and that the annualized cost savings to the operator is about \$2,142 per aircraft. Therefore, the net annualized cost is about \$2,566 per aircraft.

The FAA has initially determined that if every operator were defined as unscheduled, then operators with two aircraft or more will incur a significant impact.

The cost for an operator with two aircraft is slightly over the threshold of \$4,960 by approximately three and a half percent. However, in the regulatory evaluation and the above regulatory

flexibility analysis, the FAA has made conservative assumptions that could result in costs per aircraft being overestimated. For example, the FAA has assumed that none of the aircraft are in partial compliance with any of the equipment requirements of this regulation. To the extent that some operators have aircraft that are in partial compliance, then costs per aircraft have been overestimated and the FAA believes that compliance costs per aircraft are overestimated by more than five percent. An example of this are the weight penalty costs. The FAA assumed that a battery and related hardware would add 30 pounds to the weight of the aircraft. A Gill 25 amp battery weighing 22 pounds plus hardware would be adequate and weighs about 25 pounds. Therefore, the difference in weight (5 pounds \times 15 gallons/pound \times \$2.32/gallon=\$174) would result in aircraft being under the threshold. Consequently, operators with two or fewer aircraft would not likely to be significantly impacted. The FAA has concluded that this is the case and, therefore, the rule will not affect a substantial number of small entities. In addition, many operators that the FAA considered as being potentially impacted may choose not to carry passengers under IFR. For these reasons, the FAA has determined that a substantial number of operators will not be positively or negatively impacted in a significant way.

International Trade Impact Statement

This final rule is not expected to have any impact on trade opportunities for U.S. firms doing business overseas or foreign firms doing business in the United States. The final rule will primarily affect U.S. operators of aircraft for hire that provide domestic service.

Unfunded Mandates Reform Act Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental

mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This final rule does not meet the cost thresholds described above. Furthermore, this final rule will not impose a significant cost on small governments and will not uniquely affect those small governments. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Paperwork Reduction Act of 1995

The proposed recordkeeping requirements for the engine trend monitoring (new § 135.421(e)) and the written maintenance instructions (new § 135.421(d)) are subject to OMB approval, as required by the Paperwork Reduction Act. Pending OMB clearance on the paperwork requirements, SFAR No. 81 is not effective until the FAA publishes in the **Federal Register** a notice specifying the effective date. An information collection control number will be assigned if and when OMB approval is given; that number would be listed in part 11, subpart F of Title 14.

Conclusion

For the reasons discussed in the Preamble, and based on the findings in the Regulatory Flexibility Assessment and the International Trade Impact Analysis, the FAA has determined that this rule is not a "significant regulatory action" under Executive Order 12866. In addition, the FAA certifies that this regulation does not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act of 1980. This amendment is not considered significant under Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A regulatory evaluation of the regulation is available in the docket.

List of Subjects in 14 CFR Part 135

Air carriers, Air taxis, Air transportation, Aircraft, Airmen, Airworthiness, Aviation safety, On-demand operations, Pilots, Rotorcraft, Safety, Single-engine aircraft, Single-engine airplane.

For the reasons set out in the preamble, 14 CFR part 135 is amended as set forth below:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

1. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

2. Special Federal Aviation Regulation No. 81 is added to read as follows:

SFAR No. 81—PASSENGER-CARRYING SINGLE-ENGINE IFR OPERATIONS.

1. Purpose and Eligibility.

(a) This Special Federal Aviation Regulation provides for the approval of single-engine passenger-carrying operations under instrument flight rules (IFR) during the month prior to the effective date of the Commercial Passenger-Carrying Operations in Single-Engine Aircraft Under Instrument Flight Rules rule.

(b) This SFAR terminates on May 3, 1998.

(c) Only those single-engine, passenger-carrying operations meeting all the applicable requirements of part 135 and those requirements set forth in paragraph 2 of this SFAR may operate under IFR.

2. Contrary provisions of §§ 135.103 and 135.181 notwithstanding, a person may conduct passenger-carrying operations under IFR in single-engine aircraft if the following conditions are met:

(a) The aircraft has two independent electrical power generating sources each of which is able to supply all probable combinations of continuous inflight electrical loads for required instruments and equipment; or in addition to the primary electrical power generating source, a standby battery or an alternate source of electric power that is capable of supplying 150% of the electrical loads of all required instruments and equipment necessary for safe emergency operation of the aircraft for at least one hour;

(b) The aircraft has two independent sources of energy (with means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with the energy supply to the remaining instruments or the other energy source;

(c) The aircraft meets the autopilot requirements of § 135.105 or has a second in command;

(d) The certificate holder's maintenance inspection program incorporates either the manufacturer's recommended engine trend

monitoring program, which includes an oil analysis, if appropriate, or an FAA approved engine trend monitoring program that includes an oil analysis at each 100 hour interval or at the manufacturer's suggested interval, whichever is more frequent.

(e) The results of each test, observation, and inspection required by the applicable engine trend monitoring program are recorded and maintained in the engine maintenance records; and

(f) Written maintenance instructions containing the methods, techniques, and practices necessary to maintain the equipment specified in paragraph 2 (a), (b), and (c) are prepared.

3. Section 135.101 is revised to read as follows:

§ 135.101 Second in command required under IFR.

Except as provided in § 135.105, no person may operate an aircraft carrying passengers under IFR unless there is a second in command in the aircraft.

§ 135.103 [Removed and reserved]

4. Section 135.103 is removed and reserved.

5. Section 135.163 is amended by revising paragraphs (f), (g), and (h) to read as follows:

§ 135.163 Equipment requirements: Aircraft carrying passengers under IFR.

* * * * *

(f) For a single-engine aircraft:

(1) Two independent electrical power generating sources each of which is able to supply all probable combinations of continuous inflight electrical loads for required instruments and equipment; or

(2) In addition to the primary electrical power generating source, a standby battery or an alternate source of electric power that is capable of supplying 150% of the electrical loads of all required instruments and equipment necessary for safe emergency operation of the aircraft for at least one hour;

(g) For multi-engine aircraft, at least two generators or alternators each of which is on a separate engine, of which any combination of one-half of the total

number are rated sufficiently to supply the electrical loads of all required instruments and equipment necessary for safe emergency operation of the aircraft except that for multi-engine helicopters, the two required generators may be mounted on the main rotor drive train; and

(h) Two independent sources of energy (with means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with the energy supply to the remaining instruments or the other energy source unless, for single-engine aircraft in all-cargo operations only, the rate-of-turn indicator has a source of energy separate from the bank and pitch and direction indicators. For the purpose of this paragraph, for multi-engine aircraft, each engine-driven source of energy must be on a different engine.

* * * * *

6. Section 135.181 is amended by revising paragraphs (a)(1) and (c) to read as follows:

§ 135.181 Performance requirements: Aircraft operated over-the-top or in IFR conditions.

(a) * * *

(1) Operate a single-engine aircraft carrying passengers over-the-top; or

* * * * *

(c) Without regard to paragraph (a) of this section, if the latest weather reports or forecasts, or any combination of them, indicate that the weather along the planned route (including takeoff and landing) allows flight under VFR under the ceiling (if a ceiling exists) and that the weather is forecast to remain so until at least 1 hour after the estimated time of arrival at the destination, a person may operate an aircraft over-the-top.

* * * * *

§ 135.411 [Amended]

7. Section 135.411 is amended by adding paragraph (c) to read as follows:
* * * * *

(c) Single engine aircraft used in passenger-carrying IFR operations shall also be maintained in accordance with § 135.421 (c), (d), and (e).

8. Section 135.421 is amended by adding paragraph (c), (d), and (e) to read as follows:

§ 135.421 Additional maintenance requirements.

* * * * *

(c) For each single engine aircraft to be used in passenger-carrying IFR operations, each certificate holder must incorporate into its maintenance program either:

(1) the manufacturer's recommended engine trend monitoring program, which includes an oil analysis, if appropriate, or

(2) an FAA approved engine trend monitoring program that includes an oil analysis at each 100 hour interval or at the manufacturer's suggested interval, whichever is more frequent.

(d) For single engine aircraft to be used in passenger-carrying IFR operations, written maintenance instructions containing the methods, techniques, and practices necessary to maintain the equipment specified in §§ 135.105, and 135.163 (f) and (h) are required.

(e) No certificate holder may operate a single engine aircraft under IFR, carrying passengers, unless the certificate holder records and maintains in the engine maintenance records the results of each test, observation, and inspection required by the applicable engine trend monitoring program specified in (c) (1) and (c) (2) of this section.

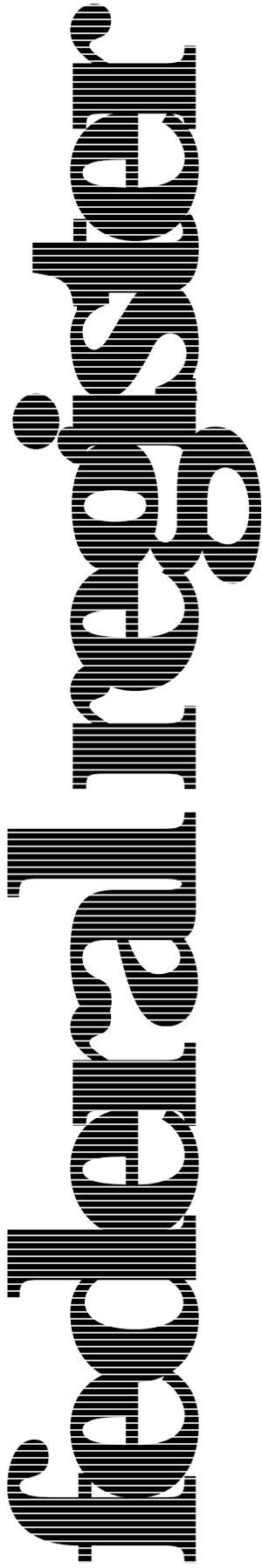
Issued in Washington, DC on July 31, 1997.

Barry L. Valentine,

Acting Administrator.

[FR Doc. 97-20641 Filed 8-1-97; 11:49 am]

BILLING CODE 4910-13-M



Wednesday
August 6, 1997

Part V

**Department of
Agriculture**

**Cooperative State Research, Education,
and Extension Service**

**Applications for FY 1998, National
Research Initiative Competitive Grants
Program; Notice**

DEPARTMENT OF AGRICULTURE**Cooperative State Research,
Education, and Extension Service****Applications for FY 1998, National
Research Initiative Competitive Grants
Program**

AGENCY: Cooperative State Research,
Education, and Extension Service,
USDA

ACTION: Notice of Availability of
Program Description and Solicitation for
Applications for Fiscal Year 1998
National Research Initiative Competitive
Grants Program.

SUMMARY: Applications are invited for
competitive grant awards in
agricultural, forest, and related
environmental sciences under the
National Research Initiative Competitive
Grants Program (NRICGP) administered
by the Competitive Research Grants and
Awards Management Division,
Cooperative State Research, Education,
and Extension Service (CSREES), for
fiscal year (FY) 1998.

FOR FURTHER INFORMATION CONTACT:
USDA/CSREES/NRICGP, Stop 2241,
1400 Independence Ave., SW,
Washington, DC 20250-2241. Phone:
(202) 401-5022. E-mail:
nricgp@reeusda.gov.

SUPPLEMENTARY INFORMATION:**Table of Contents**

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Authority

The authority for this program is
contained in Section 2(b) of the Act of
August 4, 1965, as amended (7 U.S.C.
450i(b)). Under this program, subject to
the availability of funds, the Secretary
may award competitive research grants,
for periods not to exceed five years, for
the support of research projects to
further the programs of the United
States Department of Agriculture
(USDA). Proposals may be submitted by
any State agricultural experiment
station, college, university, other
research institution or organization,
Federal agency, private organization,
corporation, or individual. Proposals

submitted by non-United States
organizations will not be considered for
support.

It is expected that Congress, in the
Agriculture, Rural Development, Food
and Drug Administration, and Related
Agencies Appropriations Act, 1998, will
prohibit CSREES from using the funds
available for the NRICGP for FY 1998 to
pay indirect costs exceeding 14 per
centum of the total Federal funds
provided under each award on
competitively awarded research grants.
It is also expected that Congress, in the
Agriculture, Rural Development, Food
and Drug Administration, and Related
Agencies Appropriations Act, 1998, will
encourage entities to use grant funds to
purchase only American-made
equipment or products in the case of
any equipment or product that may be
authorized to be purchased with the
funds provided under this program.

**Applicable Regulations and Statutory
Guidance**

The regulations governing the
NRICGP currently are found at 7 CFR
part 3411. The regulations set forth
procedures to be followed when
submitting grant proposals, rules
governing the evaluation of proposals
and the awarding of grants, and
regulations relating to the post-award
administration of grant projects.

Other regulations and statutes
applicable to this program (as specified
in those regulations) include, but are not
limited to, the following: (a) The USDA
Uniform Administrative Requirements
for Grants and Agreements with
Institutions of Higher-Education,
Hospitals, and Other Non-Profit
Organizations, 7 CFR part 3019; (b) the
USDA Uniform Administrative
Requirements for Grants and
Cooperative Agreements to State and
Local Governments, 7 CFR part 3016; (c)
the USDA Uniform Federal Assistance
Regulations, 7 CFR part 3015; (d)
Section 1402 of the National
Agricultural Research, Extension, and
Teaching Policy Act of 1977, as
amended (7 U.S.C. 3101); and (e)
Section 1404 of the National
Agricultural Research, Extension, and
Teaching Policy Act of 1977, as
amended (7 U.S.C. 3103), which defines
"sustainable agriculture."

Conflicts of Interest

For the purpose of determining
conflicts of interest in accordance with
7 CFR 3411.12, the academic and
administrative autonomy of an
institution shall be determined by
reference to the January 1997 issue of
the *Codebook for Compatible Statistical
Reporting of Federal Support to*

*Universities, Colleges, and Nonprofit
Institutions*, prepared by Quantum
Research Corporation for the National
Science Foundation. Copies may be
obtained from Quantum Research
Corporation, 7315 Wisconsin Avenue,
Suite 400W, Bethesda, MD 20814.

Project Types

The project types for which proposals
are solicited include:

I. Conventional Projects

(a) *Standard Research Grants:*
Research will be supported that is
fundamental or mission-linked,
conducted by individual investigators,
co-investigators within the same
discipline, or multidisciplinary teams.
Any State agricultural experiment
station, college, university, other
research institution or organization,
Federal agency, private organization,
corporation, or individual may apply.
Proposals submitted by non-United
States organizations will not be
considered for support.

(b) *Conferences:* Scientific meetings
that bring together scientists to identify
research needs, update information, or
advance an area of research are
recognized as integral parts of research
efforts. Any State agricultural
experiment station, college, university,
other research institution or
organization, Federal agency, private
organization, corporation, or individual
is an eligible applicant in this area.
Proposals submitted by non-United
States organizations will not be
considered for support.

**II. Agricultural Research Enhancement
Awards**

In order to contribute to the
enhancement of research capabilities in
the research program areas described
herein, applications are solicited for
Agricultural Research Enhancement
Awards. Such applications may be
submitted by any State agricultural
experiment station, college, university,
other research institution or
organization, Federal agency, private
organization, corporation, or individual;
however, further eligibility
requirements are defined in 7 CFR
3411.3(d) and restated in the FY 1998
NRICGP Program Description.
Applications submitted by non-United
States organizations will not be
considered for support. However,
United States citizens applying as
individuals for Postdoctoral
Fellowships may perform all or part of
the proposed work at a non-United
States organization. Agricultural
Research Enhancement Awards are
available in the following categories:

(a) Postdoctoral Fellowships.

(b) New Investigator Awards.

(c) Strengthening Awards: Institutions in USDA EPSCoR entities are eligible for strengthening awards. For FY 1998, USDA EPSCoR states consist of the following:

Alaska
Arkansas
Connecticut
Delaware
Hawaii
Idaho
Maine
Mississippi
Montana
Nevada
New Hampshire
New Mexico
North Dakota
Rhode Island
South Carolina
South Dakota
Utah
Vermont
West Virginia
Wyoming

For FY 1998, other USDA-EPSCoR entities consist of the following:

American Samoa
District of Columbia
Guam
Micronesia
Northern Marianas
Puerto Rico
Virgin Islands

Investigators at small and mid-sized institutions (total enrollment of 15,000 or less) may also be eligible for Strengthening Awards. An institution in this instance is an organization that possesses a significant degree of autonomy, as determined by reference to the January 1997 issue of the *Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions*, prepared by Quantum Research Corporation for the National Science Foundation. Copies may be obtained from Quantum Research Corporation, 7315 Wisconsin Avenue, Suite 400W, Bethesda, MD 20814.

Institutions which are among the top 100 universities and colleges, except those in USDA EPSCoR states, are ineligible for strengthening awards. The top 100 institutions excluding those in USDA EPSCoR states, as listed in the table *Federal obligations for science and engineering research and development to the 100 universities and colleges receiving the largest amounts, ranked by total amount received, by agency: Fiscal year 1995 of the Survey of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions* (National Science

Foundation, accessible through the Internet at www.nsf.gov/sbe/srs/fedsuppt/start.htm), are as follows:

Arizona State University Main
Baylor College of Medicine
Boston University
California Institute of Technology
Carnegie-Mellon University
Case Western Reserve University
Colorado State University
Columbia University
Cornell University
CUNY Mount Sinai School of Medicine
Duke University
Emory University
Florida State University
Georgia Institute of Technology
Harvard University
Indiana University
Iowa State University of Science and Technology
Johns Hopkins University
Louisiana State University
Massachusetts Institute of Technology
Michigan State University
New York University
North Carolina State University at Raleigh
Northwestern University
Ohio State University
Oregon Health Sciences University
Oregon State University
Pennsylvania State University
Princeton University
Purdue University
Rockefeller University
Rutgers the State University of New Jersey
Stanford University
State University of New York Stony Brook
State University of New York at Buffalo
Texas A&M University
Thomas Jefferson University
Tufts University
Tulane University
University of Alabama Birmingham
University of Arizona
University of California Santa Barbara
University of California San Francisco
University of California Irvine
University of California San Diego
University of California Davis
University of California Los Angeles
University of California Berkeley
University of Chicago
University of Cincinnati
University of Colorado
University of Florida
University of Georgia
University of Illinois Urbana
University of Illinois Chicago
University of Iowa
University of Kansas
University of Kentucky
University of Maryland Baltimore Prof Sch
University of Maryland College Park

University of Massachusetts Amherst
University of Massachusetts Med Schl Worcester
University of Medicine and Dentistry of New Jersey
University of Miami
University of Michigan
University of Minnesota
University of Missouri Columbia
University of North Carolina Chapel Hill
University of Pennsylvania
University of Pittsburgh
University of Rochester
University of Southern California
University of Texas at Austin
University of Texas Health Science Center Houston
University of Texas Health Sci. Center San Antonio
University of Texas MD Anderson Cancer Center
University of Texas Medical Branch Galveston
University of Texas SW Medical Center Dallas
University of Virginia
University of Washington
University of Wisconsin Madison
Vanderbilt University
Virginia Polytech Institute and State University
Virginia Commonwealth University
Wake Forest University
Washington University
Wayne State University
Woods Hole Oceanographic Institute
Yeshiva University

See the FY 1998 Program Description for complete details on programs and eligibility.

Funding Categories for FY 1998

CSREES is soliciting proposals, subject to the availability of funds, for support of high priority research of importance to agriculture, forestry, and related environmental sciences, in the following research categories (Anticipated FY 1998 funding and Actual FY 1997 funding, rounded to the \$0.1M, follows in parentheses):

- Natural Resources and the Environment (FY98: \$16.0M, FY97: \$16.0M)
- Nutrition, Food Quality, and Health (FY98: \$6.7M, FY97: \$6.7M)
- Plant Systems (FY98: \$33.5M, FY97: \$33.5M)
- Animal Systems (FY98: \$21.5M, FY97: \$21.5M)
- Markets, Trade, and Policy (FY98: \$3.6M, FY97: \$3.6M)
- New Products and Processes (FY98: \$6.3M, FY97: \$6.3M)

Support for research areas listed below may be derived from one or more of the above funding categories based on the nature of the scientific topic to be supported.

Pursuant to the provisions of section 2(b)(10) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)(10)), no less than 10 percent (FY98: \$8.7M, FY97: \$8.7M) of the available funds listed above will be made available for Agricultural Research Enhancement Awards (excluding New Investigator Awards), and no more than 2 percent (FY98: \$1.7M, FY97: \$1.7M) of the available funds listed above will be made available for equipment grants. Further, no less than 30 percent (FY98: \$26.3M, FY97: \$26.3M) of the funds listed above shall be made available for grants for research to be conducted by multidisciplinary teams, and no less than 40 percent (FY98: \$35.1M, FY97: \$35.1M) of the funds listed above shall be made available for grants for mission-linked research.

Research Topic Areas

The funds appropriated as listed above will be used to support research grants in the following areas:

Natural Resources and the Environment
 Plant Responses to the Environment
 Forest/Range/Crop/Aquatic Ecosystems (not offered in FY 1998)
 Soils and Soil Biology
 Water Resources Assessment and Protection
 Nutrition, Food Safety, and Health
 Improving Human Nutrition for Optimal Health
 Ensuring Food Safety
 Animals
 Animal Reproductive Efficiency
 Animal Growth, Development, and Nutrient Utilization
 Animal Genetic Mechanisms and Gene Mapping
 Animal Health and Well-Being
 Pest Biology and Management
 Plant Pathology
 Entomology and Nematology
 Weed Biology and Management
 Biologically Based Pest Management
 Plants
 Plant Genome
 Plant Genetic Mechanisms
 Plant Growth and Development
 Photosynthesis and Respiration
 Nitrogen Fixation/Nitrogen Metabolism
 Markets, Trade, and Rural Development
 Markets and Trade
 Rural Development
 Enhancing Value and Use of Agricultural and Forest Products
 Value-Added Products Research
 Food Characterization/Process/

Product Research
 Non-Food Characterization/Process/
 Product Research
 Improved Utilization of Wood and Wood Fiber

Agricultural Systems Research (integrated, multidisciplinary research on agricultural systems)

Application Materials

The solicitation, which contains research topic descriptions, and the NRICGP Application Kit, which contains detailed instructions on how to apply and the requisite forms, may be obtained by writing or calling the office indicated below. Please note that applicants who submitted NRICGP proposals for FY 1997 or who have recently requested placement on the list for FY 1998 will automatically receive a copy of the FY 1998 solicitation and any supplements.

Proposal Services Unit, Grants Management Branch, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Ave., SW., Washington, DC 20250-2245, Telephone: (202) 401-5048.

Requests for solicitations and application materials may also now be made via Internet by sending a message with your name, complete mailing address, (not e-mail), phone number, and materials that you are requesting to psb@reeusda.gov. Materials will be mailed to you (not e-mailed) as quickly as possible.

Materials Available on Internet

The following materials are available on the NRICGP Home Page on the Internet (www.reeusda.gov/nri).

NRICGP Program Description

This document is available for the current fiscal year, and describes all of the NRICGP funding programs. To apply for a grant, it is also necessary to obtain the NRICGP Application Kit.

NRICGP Application Kit

This document contains guidelines for proposal preparation and the requisite forms.

NRICGP Abstracts of Funded Research

The abstracts available on this searchable database are nontechnical abstracts written by the principal investigator of each individual grant, starting with FY 1993. Each entry also includes the title, principal investigator(s), awardee institution, dollar amount, and proposal number for

each grant. The first two digits of the proposal number indicate the fiscal year in which the proposal was submitted.

NRICGP Annual Report

The NRICGP Annual Reports starting with FY 1995 are available. These reports include descriptions of the program concept, the authorization, policy, inputs to establish research needs, program execution, and outcomes, including relevant statistics. Also included are examples of recent research funded by the NRICGP.

Electronic Subscription to NRICGP Documents

The NRICGP has set up a mailserver which will notify subscribers when publications such as its Program Description or Abstracts of Funded Research are available electronically on the World Wide Web. Subscribers will not receive the document itself, but instead will receive an e-mail containing an announcement regarding the document's availability on the Web.

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NRICGP Deadline Dates

The following fixed dates have been established for proposal submission deadlines within the NRICGP, Cooperative State Research, Education, and Extension Service, United States Department of Agriculture. To be considered for funding in any fiscal year, proposals must be transmitted by the date listed below (as indicated by postmark or date on courier bill of lading). When the deadline date falls on a weekend or Federal holiday, transmission must be made by the following business day.

Programs offered in any fiscal year depend on availability of funds and deadlines may be delayed due to unforeseen circumstances. Consult the pertinent NRICGP solicitation in the **Federal Register**, the NRICGP Program Description, or the NRICGP Home Page (www.reeusda.gov/nri) for up-to-date information.

Postmarked dates	Program codes	Program areas
November 15	22.1	Plant Responses to the Environment.
	25.0	Soils and Soil Biology.
	26.0	Water Resources Assessment and Protection.
	31.0	Human Nutrition for Optimal Health.
	51.4	Weed Biology and Management.
December 15	52.1	Plant Genome.
	52.2	Plant Genetic Mechanisms.
	53.0	Plant Growth and Development.
	54.1	Photosynthesis and Respiration.
	61.0	Markets and Trade.
	62.0	Rural Development.
	71.1	Food Characterization/Process/Product Research.
January 15	71.2	Non-Food Characterization/Process/Product Research.
	32.0	Ensuring Food Safety.
February 15	41.0	Animal Reproductive Efficiency.
	44.0	Animal Health and Well-Being.
	51.1	Plant Pathology.
	51.2	Entomology and Nematology.
	51.7	Biologically Based Pest Management.
	73.0	Improved Utilization of Wood and Wood Fiber.
	42.0	Animal Growth, Development, and Nutrient Utilization.
43.0	Animal Genetic Mechanisms and Gene Mapping.	
54.2	Nitrogen Fixation/Nitrogen Metabolism.	
80.1	Research Career Enhancement Awards.	
80.2	Equipment Grants.	
80.3	Seed Grants.	
100.0	Agricultural Systems.	

The Forest/Range/Crop/Aquatic Ecosystems program will not be offered in FY 1998.

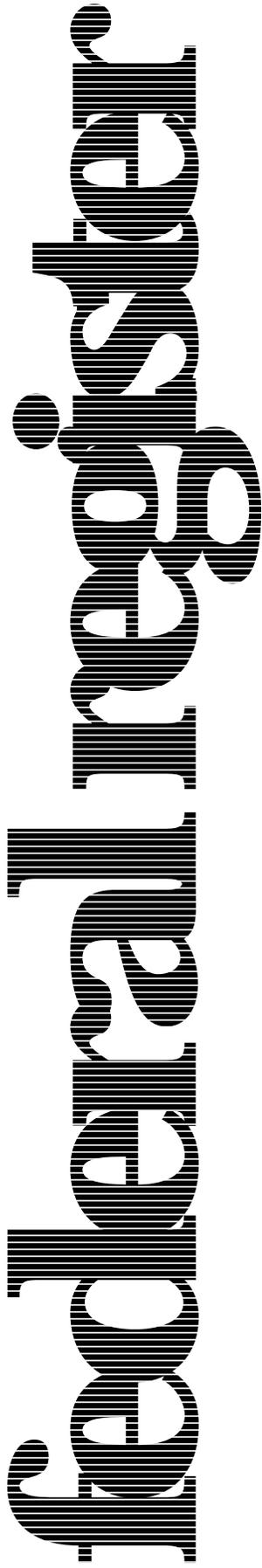
Done at Washington, DC, this 31st day of July 1997.

B.H. Robinson,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 97-20656 Filed 8-5-97; 8:45 am]

BILLING CODE 3410-22-P



Wednesday
August 6, 1997

Part VI

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for
Housing—Federal Housing Commissioner;
Notice Requesting Statements of Interest
From Private Organizations to Administer
a Voluntary Process for the Development
of Suggested Manufactured Housing
Standards; Notice**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4233-N-01]

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner; Notice Requesting
Statements of Interest From Private
Organizations to Administer a
Voluntary Process for the
Development of Suggested
Manufactured Housing Standards**

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

ACTION: Notice requesting statements of interest.

SUMMARY: The Department is committed to full notice-and-comment rulemaking in proposing or changing any of the Federal Manufactured Home Construction and Safety Standards (FMHCSS). To improve the Department's ability to pursue effective rulemaking on any of the FMHCSS, however, the Department is interested in working with a private sector standards body to develop recommendations in updating the FMHCSS, consistent with longstanding Federal Government policy and recent codification of that policy. Any organization that is interested in coordinating and developing suggestions for changes to the FMHCSS is invited to advise the Department of its interest, in accordance with the terms of this notice.

In addition to regular notice-and-comment rulemaking, as required by statute the Department will continue to consult with the National Manufactured Home Advisory Council before adopting, in a final rule, any changes to the FMHCSS that are suggested to the Department.

DATES: Organizations wishing to indicate interest in administering a voluntary process for developing suggested revisions of the FMHCSS must do so by September 22, 1997.

ADDRESSES: Responses should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title.

FOR FURTHER INFORMATION CONTACT: David R. Williamson, Director, Office of Consumer and Regulatory Affairs, Room 9156, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone (202) 708-6409. (This is not a toll-free

number.) For hearing and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 604 of the National Manufactured Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5403, requires the Secretary to establish preemptive FMHCSS (codified in 24 CFR part 3280) for all manufactured homes. In 1990, Congress established a National Commission on Manufactured Housing to develop recommendations for modernizing the Act. The Commission could not reach consensus on all aspects of its work, but did agree on the need for the establishment and maintenance of the standards through a consensus process. To this end, the Department joined much of the Manufactured Housing industry and consumer groups in supporting bipartisan legislation last year, which would have targeted funding for and created an independent consensus committee to develop and revise the standards. The amendment was attached to the public housing bill that was not enacted.

II. Federal Preference for a Consensus Process

The periodic review and updating of manufactured housing construction and safety standards has been difficult due to strong differences of opinion among manufacturers, consumer groups, and other interested parties. President Clinton has encouraged agencies to reform the current way that the Federal government develops and implements regulations. (See Executive Order 12866.) A primary purpose of the reform is to develop cooperative, consultative means of producing sensible and effective regulations. This effort furthers a long-standing Federal Government policy, articulated in OMB Circular A-119, to rely on voluntary standards whenever feasible, and to participate in voluntary standards-making bodies when such participation is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget resources. This policy was adopted as law last year, when Congress passed the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113, 110 Stat. 783, approved March 7, 1996) which states, with several exceptions:

* * * All Federal agencies and departments shall use technical standards that are developed or adopted by voluntary

consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

III. Federal Advisory Committee Act Considerations

At this time, the Department expects that the voluntary standards body for updating the FMHCSS will not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C., App.) (FACA). If the Department determines that this solicitation of statements of interest does not result in a response that will be helpful to the Department, the Department may choose to take the steps necessary under the FACA to establish and manage a formal advisory committee.

IV. Rulemaking Procedures for Issuance of Any New Standards

The Department intends to review and accept, modify, or reject standards developed, packaged, and submitted to it by the designated voluntary standards body. If accepted or modified, the Department will publish in the **Federal Register** for comment the proposed standards or modifications, in accordance with the procedures for notice-and-comment rulemaking set out in the Administrative Procedure Act (5 U.S.C. 553). After considering public comments on the proposed revised standards and consulting with the National Manufactured Home Advisory Council in accordance with section 605 of the Act (42 U.S.C. 5304), the Department will then issue final standards in a final rule.

The Department will not, by use of this standards development process, relinquish its responsibility and authority under the Act to establish and enforce the FMHCSS, but the Department intends and hopes that standards developed by this voluntary standards body will, under most circumstances, be accepted as submitted to the Department for publication as a proposed rule. In addition, the Department will continue to consider standards developed and submitted by other organizations or persons for incorporation into the FMHCSS, as required by law. Only those standards that are deemed appropriate by the Department will be incorporated into the FMHCSS.

V. Selecting a Voluntary Standards Body

The Department wishes to select a private organization, or a combination of private organizations, that is qualified, interested in, and capable of developing and maintaining model

standards that can revise or supplement standards in the FMHCSS. The Department will look more favorably upon any statement of interest providing assurances that the submitting organization will seek to ensure that its suggestions for changes to the FMHCSS reflect a balance of interests and that the submitting organization is willing to give priority consideration to developing suggestions for standards identified by the Department as requiring prompt attention. At the present time, the Department does not anticipate providing the applicant with funding for the expenses incurred in the operation of the voluntary standards body, including travel and per diem expenses. Applicants must address in their statements of interest how they will meet this responsibility.

A. Content of Statements of Interest

Respondents must describe in detail how they would accomplish the development and maintenance of revised model standards pertaining to the construction and safety of manufactured housing by:

1. Identifying the technical capabilities of staff and other entities to be used for examining and developing changes and such additional standards

as may be appropriate for inclusion in the FMHCSS;

2. Defining how the proposed changes to the FMHCSS would be evaluated in accordance with the purpose of the Act to promote the safety, durability, and quality of manufactured housing;

3. Identifying the methodology to be used in developing, updating, removing, or withdrawing standards, and stating the frequency that recommendations resulting from these actions would be submitted to the Department;

4. Stating proposed procedures to be used to balance the views of divergent interest groups (manufacturers and suppliers, consumers, and State and local regulatory officials);

5. Stating whether the applicant is willing to provide travel and per diem for the consumer and State government representatives who would be unable to attend the meetings of the voluntary standards body without such travel and expense reimbursement.

6. Stating whether the applicant is willing, upon a showing of need, to furnish technical support to any interest category of the voluntary standards committee.

7. Providing the policies and procedures to be used for the identification and appointment of voluntary standards body members, and for managing, coordinating, voting on,

processing, and submitting the proposed changes in the FMHCSS to the Department.

B. Criteria To Be Used in Reviewing Statements of Interest

In reviewing the statements of interest, the Department will consider the demonstrated knowledge, experience, and qualifications of each applicant in the following areas:

1. Building codes and standards, their function, development and scope;

2. The development, review, approval and publication of model standards with respect to building codes and standards;

3. Organizing and coordinating efforts that develop standards for structural, testing, fire safety, plumbing, mechanical, ventilation and electrical systems pertaining to residential building; and

4. Qualifications, time commitments, and assignments of managerial, administrative and technical personnel, whether primarily involved or referred to on an as-needed basis.

Dated: July 31, 1997

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner

[FR Doc. 97-20673 Filed 8-5-97; 8:45 am]

BILLING CODE 4210-27-P

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Non-Federal Class I areas; permit review procedures; comments due by 8-14-97; published 5-16-97

State operating permits programs—

Iowa; comments due by 8-13-97; published 7-14-97

Iowa; comments due by 8-13-97; published 7-14-97

Hazardous waste:

Land disposal restrictions—
Metal wastes and mineral processing wastes treatment standards, etc. (Phase IV); comments due by 8-12-97; published 6-9-97

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities: Azoxystrobin; comments due by 8-12-97; published 6-13-97

Toxic substances:

Significant new uses—
Acrylate substances; comments due by 8-14-97; published 8-5-97

Testing requirements—

Biphenyl, etc.; comments due by 8-15-97; published 5-30-97

FEDERAL COMMUNICATIONS COMMISSION

Practice and procedure:

Pole attachments—

Cable operators; maximum just and reasonable rates; comments due by 8-11-97; published 8-6-97

Regulatory fees (1997 FY); assessment and collection; comments due by 8-14-97; published 7-25-97

Radio stations; table of assignments:

Texas; comments due by 8-11-97; published 7-7-97

FEDERAL DEPOSIT INSURANCE CORPORATION

Deposit insurance coverage:

Streamlining and simplification; comments due by 8-12-97; published 5-14-97

FEDERAL RESERVE SYSTEM

Equal credit opportunity (Regulation B):

Fair Credit Reporting Act disclosures; model forms amendments; comments due by 8-15-97; published 7-11-97

Truth in lending (Regulation Z):

Consumer disclosures; simplification; comments due by 8-15-97; published 7-18-97

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Government property; comments due by 8-15-97; published 7-7-97

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Food additives:

- Adjuvants, production aids, and sanitizers—
- 4-nonylphenol, formaldehyde and 1-dodecanethiol; comments due by 8-11-97; published 7-10-97

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Real Estate Settlement Procedures Act:

- Consumer disclosures; simplification; comments due by 8-15-97; published 7-18-97

INTERIOR DEPARTMENT Fish and Wildlife Service

Endangered and threatened species:

- Bull trout (Klamath and Columbia Rivers); comments due by 8-12-97; published 6-13-97

- Habitat conservation plans, safe harbor agreements, and candidate conservation agreements; comments due by 8-11-97; published 6-12-97

Endangered Species Convention:

- Appendices and amendments; comments due by 8-15-97; published 6-6-97

INTERIOR DEPARTMENT**Minerals Management Service**

- Outer Continental Shelf; oil, gas, and sulphur operations: California offshore platforms; seismic reassessment
- Republishing; comments due by 8-11-97; published 6-13-97

INTERNATIONAL TRADE COMMISSION

Practice and procedure:

- Debt collection; salary offset, administrative offset, and tax refund offset; comments due by 8-15-97; published 7-16-97

JUSTICE DEPARTMENT**Drug Enforcement Administration**

- Schedules of controlled substances: Butorphanol; placement into Schedule IV; comments due by 8-11-97; published 7-10-97

JUSTICE DEPARTMENT**Immigration and Naturalization Service**

- Immigration: Immigrant petitions— International matchmaking organizations; comments due by 8-15-97; published 7-16-97

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- Federal Acquisition Regulation (FAR):

- Government property; comments due by 8-15-97; published 7-7-97

PERSONNEL MANAGEMENT OFFICE

Pay administration:

- Child support, alimony and commercial garnishment of Federal employees' pay; processing; comments due by 8-11-97; published 6-11-97

TRANSPORTATION DEPARTMENT**Coast Guard**

Drawbridge operations:

- New Jersey; comments due by 8-15-97; published 7-16-97

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

- Boeing; comments due by 8-11-97; published 7-2-97
- Fairchild; comments due by 8-11-97; published 6-11-97

Airworthiness standards:

- Special conditions— Boeing model 767-27C airplanes; comments due by 8-11-97; published 7-21-97

- Class E airspace; comments due by 8-15-97; published 6-17-97

- Federal regulatory review; comments due by 8-13-97; published 5-15-97

Fees:

- Certification-related services outside U.S.; comments due by 8-14-97; published 7-15-97

- Jet routes; comments due by 8-11-97; published 7-2-97

TRANSPORTATION DEPARTMENT**Federal Highway Administration**

- State highway safety programs; uniform procedures; comments due by 8-11-97; published 6-26-97

TRANSPORTATION DEPARTMENT**National Highway Traffic Safety Administration**

- National Traffic and Motor Vehicle Safety Act: Nonconforming vehicle conformity certificates; review and processing; fee schedule; comments due by 8-14-97; published 7-15-97

- State highway safety programs; uniform procedures; comments due by 8-11-97; published 6-26-97

TREASURY DEPARTMENT**Internal Revenue Service**

Income taxes, etc.:

- Accounting method adoption or change requirements; extensions of time to make elections; cross reference; comments due by 8-13-97; published 5-15-97