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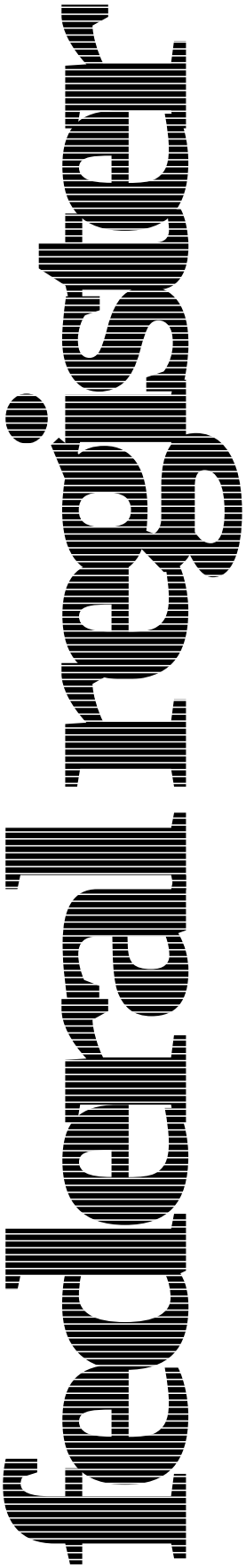

Tuesday
May 9, 1995

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FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1603

Vesting

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Interim rule with request for comment.

SUMMARY: This interim amendment implements section 4 of the Uniformed Services Employment and Reemployment Rights Act (USERRA) which clarifies that certain military service will now be counted for vesting purposes under the Thrift Savings Plan (TSP).

DATES: This interim amendment is effective August 2, 1990. Comments must be received by June 30, 1995.

ADDRESSES: Comments may be sent to: James B. Petrick, Federal Retirement Thrift Investment Board, 1250 H Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: James B. Petrick, (202) 942–1664.

SUPPLEMENTARY INFORMATION: Part 1603 establishes the rules for vesting of TSP basic (1%) contributions. Under those rules, persons who separate from Federal service with less than three years of civilian service (or in come cases, two years of civilian service) forfeit their basic contributions and attributable earnings. If employees have the requisite service when they separate, the contributions and attributable earnings are not forfeited.

Section 4 of the Uniformed Services Employment and Reemployment Rights Act (USERRA), Public Law 103–353 (October 14, 1994), added section 8432b to title 5 of the United States Code. Section 8432b contains provisions dealing specifically with participation in the TSP by Federal employees returning from covered military service. Among those provisions is 5 U.S.C. 8432b(h)(1)(B), which requires that persons who separate from Federal service to perform military service and who thereafter exercise restoration or reemployment rights be credited with service for the period of their absence for TSP vesting purposes. Because only civilian service was previously creditable for TSP vesting purposes, it is necessary to amend the definition of service credible for vesting under part 1603 to include military service credible under USERRA. It is also necessary to change all other references to ''civilian service'' to refer only to ''service.'' In addition, the new definition of ''year of service'' eliminates any reference to the Federal Personnel Manual, which no longer exists.

Regulatory Flexibility Act

I certify that this amendment will not have a significant economic impact on a substantial number of small entities. It will affect only a small number of Federal employees who separate from employment to perform military service and who are later reemployed.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking and 30-Day Delay of Effective Date

Under 5 U.S.C. 553(b)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. It is necessary for these regulations to be effective as of August 2, 1990, which is the day on which employees may receive credit for military service under Public Law 103–353 and subpart H of part 1620 for vesting purposes.

List of Subjects in 5 CFR Part 1603

Employee benefit plans, Government employees, Retirement, Pension.

Dated: May 2, 1995.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons set out in the preamble, 5 CFR part 1603 is amended as follows:

PART 1603—VESTING

1. The authority citation for part 1603 is revised to read as follows:

Authority: 5 U.S.C. 8432(g), 8432b(h)(1), 8474(b)(5), and 8474(c)(1).

2. Section 1603.1 is amended by removing the definitions of ''civilian service'' and ''year of civilian service'' and adding the definitions of ''service'' and ''year of service'' to read as follows:

§ 1603.1 Definitions.

* * * * *

Service for purposes of TSP vesting means: (1) Any non-military service which is creditable under either 5 U.S.C. 8411 or subchapter III of chapter 83 of title 5, U.S.C., determined without regard to any time limitations, any deposit or redeposit requirements contained in those statutory provisions after performing the service involved, or any requirement that the individual give notice in writing to the official by whom that individual is paid of that individual's desire to become subject to the retirement system established by either chapter 83 or chapter 84 of title 5, United States Code; or (2) Any military service creditable under the provisions of 5 U.S.C. 8432b(h)(1) and the regulations issued at subpart H of part 1620 of this chapter.

* * * * *

Year of service means one full calendar year of service.

3. Section 1603.3 is amended in paragraph (a) by revising the phrase ''three years of civilian service'' to read ''three years of service''; and in paragraph (b) by revising the phrase ''two years of civilian service'' to read ''two years of service''.

[FR Doc. 95–11235 Filed 5–8–95; 8:45 am]
BILLING CODE 6760–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 95–021–1]

Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine by removing and adding commuted traveltime allowances for travel between various locations in California and North Carolina. Commuted traveltime allowances are the periods of time required for Plant Protection and Quarantine employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Plant Protection and Quarantine employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for these locations.

EFFECTIVE DATE: May 9, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Eggert, Assistant to the Deputy Administrator, Resource Management Staff, PPQ, APHIS, Suite 4C03, 4700 River Road Unit 130, Riverdale, MD 20737–1236; (301) 734–7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals, animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Plant Protection and Quarantine (PPQ) on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by removing and adding commuted traveltime allowances for travel between various locations in California and North Carolina. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

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

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

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

Executive Order 12372

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

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by removing or adding in the table, in alphabetical order under California and North Carolina, the following entries to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
[Remove]			
* * * *	* *	*	
North Carolina:			
Camp Lejeune	Kenansville or Kinston		3
Camp Lejeune	Wallace or Wilmington		3
* * * *	* *	*	
New River MCAS	Kenansville		3
New River MCAS	Wallace		3
Pope AFB	Fayetteville	1¼	
Pope AFB	Raeford		2
* * * *	* *	*	
[Add]			
* * * *	* *	*	
California:			
March AFB	Ontario		3
* * * *	* *	*	
North Carolina:			
* * * *	* *	*	
Camp Lejeune	Wilmington		3
Morehead City	Clinton		4
* * * *	* *	*	
Pope AFB	Clinton		2½
Pope AFB	Fayetteville	1½	
Pope AFB	Goldsboro		4
* * * *	* *	*	
Raleigh	Fayetteville		4
* * * *	* *	*	

Done in Washington, DC, this 28th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11295 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR Parts 911 and 915

[FV95–911–1FIR]

Expenses and Assessment Rates for Marketing Orders Covering Limes and Avocados Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Finalization of interim final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of the interim final rule which authorized expenses and established assessment rates for the Florida Lime Administrative Committee and the Avocado Administrative Committee (Committees) under Marketing Orders 911 and 915 for the 1995–96 fiscal year. Authorization of these budgets enables the Committees to incur expenses that are reasonable and necessary to administer their respective programs. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATE: Effective beginning April 1, 1995, through March 31, 1996.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–5331; or Aleck Jonas, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883, telephone (813) 299–4770.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 911 [7 CFR Part 911], as amended, regulating the handling of limes grown in Florida; and Marketing Agreement and Order No. 915 [7 CFR Part 915] regulating the handling of avocados grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the ''Act''.

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, limes and avocados grown in Florida are

subject to assessments. It is intended that the assessment rates as issued herein will be applicable to all assessable Florida limes and avocados handled during the 1995–96 fiscal year, beginning April 1, 1995, through March 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 45 handlers of limes grown in Florida, and approximately 40 producers in the regulated area. Also, there are approximately 65 handlers of avocados grown in Florida, and approximately 95 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of lime and avocado producers and handlers may be classified as small entities.

The lime and avocado marketing orders, administered by the Department, require that the assessment rates for a particular fiscal year apply to all assessable limes and avocados handled from the beginning of such year. Annual budgets of expenses are prepared by the Committees, the agencies responsible for local administration of their respective marketing orders, and submitted to the Department for approval. Each Committee consists of producers, handlers and a non-industry public member. They are familiar with the Committees' needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. The Committees' budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rates recommended by the Committees are derived by dividing anticipated expenses by expected shipments of limes and avocados (in bushels). Because those rates are applied to actual shipments, they must be established at rates which will produce sufficient income to pay the Committees' expected expenses. The recommended budgets and rates of assessment are usually acted upon by the Committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committees will have funds to pay their expenses.

The Florida Lime Administrative Committee met on December 14, 1994, and unanimously recommended 1995–96 expenses of $92,270. In comparison, the 1994–95 fiscal year expense amount was $92,197, which is $73 less in expenses than the amount recommended for this fiscal year.

The Committee also unanimously recommended an assessment rate of $0.16 per 55-pound bushel of limes. The 1995–96 assessment rate remains unchanged from the previous fiscal year. Assessment income for 1995–96 is estimated to total $64,000 based on anticipated fresh domestic shipments of 400,000 bushels of limes. This, along with $2,500 in interest income, and a withdrawal of $25,770 from the Committee's reserve fund will be adequate to cover estimated expenses. Funds in the reserve at the end of the 1995–96 fiscal year are within the maximum permitted by the order of three fiscal years' expenses.

Major budget categories for the 1995–96 fiscal year are $34,000 for administrative staff salaries, $10,000 for research, $8,300 for compliance, and $7,300 for employee benefits.

The Avocado Administrative Committee also met on December 14, 1994, and unanimously recommended 1995–96 expenses of $107,570. In comparison, 1994–95 fiscal year expenses were $116,420, which is $8,850 more than the $107,570 recommended for this fiscal year.

An assessment rate of $0.16 per 55-pound bushel of avocados was also unanimously recommended by the Committee. The 1995–96 rate of assessment remains the same as the previous fiscal year. Assessment income for 1995–96 is estimated to total $112,000 based on anticipated fresh domestic shipments of 700,000 bushels of avocados. Assessment income, plus an additional $1,500 in interest income will provide sufficient funds to cover budgeted expenses. The Committee anticipates a reserve fund increase of $5,930 because assessment income is more than budgeted expenses. Funds in the reserve at the end of the 1995–96 fiscal year are within the maximum permitted by the order of three fiscal years' expenses.

Major budget categories for the 1995–96 fiscal year are $34,000 for administrative staff salaries, $15,600 for compliance, $12,810 for insurance and bonds, and $10,000 for research.

An interim final rule was issued on February 8, 1995, and published in the **Federal Register** [60 FR 8523; February 15, 1995] and provided a 30-day comment period for interested persons. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing orders covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** [5 U.S.C. 553] because the Committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis. The 1995–96 fiscal year for the programs began April 1,

1995. The marketing orders require that the rates of assessment apply to all assessable limes and avocados handled during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committees at public meetings and published in the **Federal Register** as an interim final rule. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects

7 CFR Part 911

Limes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are amended as follows:

1. The authority citation for both 7 CFR parts 911 and 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 911—LIMES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 911 which was published at 60 FR 8523 on February 15, 1995, is adopted as a final rule without change.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Accordingly, the interim final rule amending 7 CFR part 915 which was published at 60 FR 8523 on February 15, 1995, is adopted as a final rule without change.

Dated: May 3, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–11307 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 958

[Docket No. FV95–958–1IFR]

Idaho-Eastern Oregon Onions; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures of $1,111,447 and establishes an assessment rate of $0.10 per hundredweight of onions under Marketing Order No. 958 for the 1995–96 fiscal period. Authorization of this budget enables the Idaho-Eastern Oregon Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective July 1, 1995, through June 30, 1996. Comments received by June 8, 1995, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone number 202–720–9918, or Robert J. Curry, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone number 503–326–2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The U.S. Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect Idaho-Eastern Oregon onions are subject to assessments. Funds to administer the Idaho-Eastern Oregon onion marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions during the 1995–96 fiscal period which begins July 1, 1995, and ends June 30, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Idaho-Eastern Oregon onions under the marketing order and approximately 35 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Idaho-Eastern Oregon onion producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the Idaho-Eastern Oregon Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers

of Idaho-Eastern Oregon onions. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Idaho-Eastern Oregon onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met on March 21, 1995, and unanimously recommended a 1995–96 budget of $1,111,447, $91,408 more than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Manager's salary, $33,472 ($30,429), office salaries, $66,222 ($62,816), payroll taxes, $9,229 ($8,642), health and medical insurance, $9,182 ($8,700), workman's compensation, $1,084 ($929), rent, $11,000 ($10,000), property insurance, $1,700 ($1,400), miscellaneous, $12,500 ($9,000), promotion, $724,076 ($668,500), and contingency, $75,000 ($50,000). Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Salary and disability insurance $1,072 ($1,099), research, $59,340 ($60,154), and property tax ($800) for which no funding was recommended this year. All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of $0.10 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 8,800,000 hundredweight, will yield $880,000 in assessment income. This, along with $45,000 in interest income and $186,447 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1994–95 fiscal period, estimated at $921,500, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on July 1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 958 is amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 958.239 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 958.239 Expenses and assessment rate.

Expenses of $1,111,447 by the Idaho-Eastern Oregon Onion Committee are authorized, and an assessment rate of $0.10 per hundredweight of assessable onions is established for the fiscal period ending June 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: May 3, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–11306 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–02–P

Rural Housing and Community Development Service

Rural Business and Cooperative Development Service

Rural Utilities Service

Consolidated Farm Service Agency

7 CFR Part 1924

RIN 0575–AA88

Construction and Repair

AGENCIES: Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency; USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing and Community Development Service (RHCDS) is amending the regulation on Planning and Performing Site Development Work. RHCDS will no longer review or approve subdivisions, but will review and approve individual sites for its program. This action is consistent with similar actions being proposed or promulgated by the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). This site approval authority will allow RHCDS to bring into the program many low cost homes in subdivisions that have already been developed. Many of these were not previously reached because the seller would not, or could not afford to furnish RHCDS with all the required data for a total subdivision approval.

To assure that eligible individuals are afforded quality sites, subdivisions must meet the community standards and the sites must meet RHCDS site underwriting criteria. Environmental reviews will be required on a site by site basis and cumulative impact will be addressed when indicated.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Billy Chapman, Senior Loan Specialist, Rural Housing and Community Development Service, USDA, Room 5334–S, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. 20250, Telephone (202) 720–1485.

SUPPLEMENTARY INFORMATION:

Classification

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

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0575–0164, in accordance with the Paperwork Reduction Act of 1980. This final rule does not impose any new information collection requirements in addition to those approved by OMB.

Environmental Impact Statement

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

Intergovernmental Consultation

For the reason set forth in the final rule and related notice to 7 CFR part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Program Affected

These changes affect the following RHCDS program as listed in the Catalog of Federal Domestic Assistance: 10.410, Low Income Housing Loans.

Civil Justice Reform

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule: (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations of the RHCDS at 7 CFR part 1900, subpart B as published by the Department of Agriculture to implement the provisions of the National Appeals Division as mandated by the Department of Agriculture Reorganization Act of 1994, must be exhausted before bringing suit in court challenging actions taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Regulatory Reform: Less Burdensome or More Efficient Alternatives

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome and are easy for the public to understand, use or comply with. In short, the Department is committed to issuing regulations that maximize the net benefits to society and minimize costs imposed by those regulations. The Department has utilized comments and suggestions from the public to develop this regulation in accordance with these principles.

Background

The proposed rule was published in the **Federal Register** (59 FR 42778) on August 19, 1994, providing for a 60-day comment period. The rule proposed that RHCDS no longer approve subdivisions and instead approve individual lots.

Interested persons have been afforded an opportunity to participate in the making of this rule. Due consideration has been given to the 47 comments received (including four late comments).

Twenty-seven commenters issued strong support for the rule and requested that it be published as written.

Nine commenters applauded RHCDS for a step in the right direction. However, they along with eleven other commenters, furnished some of the following suggestions for revisions to individual sections of the rule:

One commenter contends this rule goes through several paragraphs to outline details to look for, but appears to wind up stating that regardless of whether or not the subdivision is approved by a local community RHCDS may accept the site. The commenter recommended that RHCDS should just allow approval officials to approve any well located site and eliminate the rule completely.

RHCDS does not concur with this request. RHCDS must ensure that sites are developed to provide decent, safe, and sanitary living conditions for recipients of RHCDS loans and to serve as adequate security for these loans. In order to effectively perform its mission, RHCDS must have guidelines for loan approval officials as well as applicants, builders, and developers, that will give some standardization to what is expected before financing is approved for a particular site. However, a paragraph has been added to the rule to make it clear that no site will be approved unless it meets all state and local permits and approvals in connection with any proposed development.

Two commenters suggested that RHCDS should still require that subdivisions be developed as part of a rural community.

RHCDS does not concur with this suggestion. When this rule is effective RHCDS will no longer approve subdivisions, and does not plan to deny financing for individual sites to eligible applicants just because they may be in a subdivision not associated with a town. Section 502(f) of the Housing Act of 1949, 42 U.S.C. § 1472(f), clearly provides that RHCDS cannot deny credit on a site just because it is in a remote rural area.

Four commenters stated that the process for an environmental review of a site is not clear and phrases like ''important farmland'' should be clarified. One of these commenters stated RHCDS was excluding flood hazard areas from their loan making and eliminating entire communities as locations for Section 502 loans in the West and Southwest.

RHCDS has not changed the final rule because of these comments. Several sections in the rule refer to 7 CFR part 1940, subpart G, which contains RHCDS environmental requirements. RHCDS environmental policies on individual site reviews are not changed with the revision of this rule. RHCDS policy on flood hazard areas, as set forth in 7 CFR part 1806, subpart B, has not been changed by this regulation.

One commenter contends that the requirements for approval of sites for Federal Housing Administration (FHA), VA, and RHCDS guaranteed loans are similar and the requirements for approval of sites for this program are different.

RHCDS has not changed the final rule relating to these comments. This rule is for the RHCDS direct loan program which is designed for low- and very low-income applicants. RHCDS serves not as a guarantor in this program, but as a lender. In the guaranteed loan programs the guaranteed lender reviews the site for acceptability for loan purposes. In this program RHCDS must ensure that sites are developed to provide decent lots for the applicants.

Three commenters stated that if RHCDS did not approve subdivisions and had no process to approve more than one lot in a subdivision at a time, it was going to be very difficult for

developers to get financing for multiple lot developments.

RHCDS has not changed the final rule relating to these comments. There is no provision in the rule to package approvals of more than one site at a time. However, a developer may have more than one site approval in any time period. The funding for RHCDS housing programs is no longer strong enough to support subdivisions developed for 100 percent RHCDS financing. The requirements for approval of a site are specified in this rule. If a developer receives approval on one lot in a subdivision it should be fairly simple to receive approval on other similar sites in the same subdivision.

One commenter suggested that with reduced funding for RHCDS programs RHCDS should use only the best sites, i.e., the ''cream of the crop,'' for the most needy low- and very low-income applicants.

RHCDS does not concur with this suggestion. This practice would be discriminatory by refusing to finance properties that applicants really wanted and requiring them to find ''better'' sites.

One commenter advised that 7 CFR part 1822, subpart G (FmHA Instruction 444.8), Site Loan Procedures, still requires a subdivision approval and it refers to this rule for further instructions.

RHCDS agrees with the commenter and a section is added to make it clear that individual sites financed with RHCDS site loans must comply with the requirements in this regulation.

Two commenters stated that sections 1924.105(a)(1) and 1924.106(a)(1)(i) should be deleted. If RHCDS was not going to approve subdivisions they should not provide developers advice on how to develop them.

RHCDS agrees with the commenters and the sections are revised in the final rule.

One commenter noted section 1924.105(b)(1) referred to exhibit B as a guide while section 1924.106(a)(1) states individual water and sewer systems must meet requirements of exhibit B. This commenter along with another recommended this rule be revised to require that exhibit B be referenced as a mandatory minimum instead of a guide.

RHCDS agrees with this recommendation, even though several commenters disagreed and wanted all references in the rule to refer to exhibit B as a guide. After further review RHCDS believes single family housing should use exhibit B as a mandatory minimum for all sites unless an exception is issued by the state director. Multiple family housing projects are reviewed by architects and engineers and unacceptable sites are not as likely. This rule is revised accordingly.

Two commenters pointed out that the requirement that ''sites must...insure long-term market demand and acceptability.'' in section 1924.106(b), did not comply with the law.

RHCDS agrees with these commenters and this phrase will be removed from the final rule.

Four commenters suggested that section 1924.106(c) was too restrictive. Railroads and cemeteries should not be restricted as surroundings for a multiple family complex.

RHCDS partially concurs with the commenters. RHCDS is still responsible as a Government agency to not finance a multiple family complex if the loan approval official observes a problem for the residents. RHCDS is concerned that the long-term viability of an apartment complex will be adversely impacted by the non-desirable influences and more importantly, the quality of the life of the tenants would be diminished. RHCDS is responsible for ensuring that the proposed housing is located to provide a desirable place for the tenants to reside. The final rule will be revised to remove proximity to cemeteries and low activity railroads as unacceptable locations.

Two commenters suggested that section 1924.107(a)(1) be revised to accept individual water systems for financing if they meet the requirements of the state Department of Health or other comparable reviewing and regulatory authority.

RHCDS partially concurs with these commenters and the final rule will be revised to state that individual water or sewer systems must meet the requirements of the state Department of Health or other comparable reviewing and regulatory authority. However, because there is a vast difference in local area requirements, RHCDS will still require minimum requirements for water and sewer systems serving an individual site unless an exception is issued by the state director.

Nine commenters thought that the rule required nearly the same steps to approve a site as previously required to approve a subdivision. Several of these commenters wrote that the Housing and Community Development Act of 1992 (HCDA of 1992) allowed the Secretary to accept subdivisions that had been approved by local, county or state agencies. They recommended that a section be included to accept subdivisions planned in accordance with local requirements which generally meet or exceed those of this subpart. Several of these commenters recommended that the state director be authorized to make those determinations.

RHCDS does not concur with the commenters' request. The HCDA of 1992 did allow the Secretary to accept subdivisions that had been approved by local, county or state agencies. This rule does not authorize RHCDS to accept or reject subdivisions. RHCDS approves or rejects individual sites. Therefore, if a subdivision had been approved by a local, county or state agency RHCDS is still required to approve the site. Section 1924.115 requires information on the site to be provided by the appraiser and/or the site approval official on a form provided by the RHCDS. Currently the form that is planned for this purpose is Form HUD–54891, ''Appraiser/Review Appraiser Checksheet.'' The site review official must complete the proper environmental review required by 7 CFR part 1940, subpart G for each site. The applicant or builder will only be involved in this phase if this review exposes a problem. The other sections of this rule describe the kind of site that is expected, and for appropriate reasons, the state director is authorized to waive many of the individual site requirements. The agency anticipates that the site approval official and builders will become familiar with these requirements and it will normally only require a very short time for a builder to complete the required forms for approval.

One commenter recommended that ''all weather'' streets, as referenced in section 1924.115(b), not be allowed except under exception authority of the state director.

RHCDS does not concur with this recommendation. The agency believes that property constructed and maintained all weather streets provide acceptable cost effective access to housing sites which are security for an RHCDS loan.

''All weather'' streets are still required to be developed in full compliance with public body requirements, dedicated for public use, and be maintained by a public body or a Home Owners Association.

One commenter stated ''site access'' as referred to in section 1924.115(b) should be left to local governments.

RHCDS does not concur with this request. While some local governments have ''site access'' requirements, many do not. In order to ensure that RHCDS loans are adequately secured and that borrowers have reasonable access to their property RHCDS requires basic, minimum site access requirements.

Three commenters thought that site approval authority should come with the position of county supervisor and the state director should not approve each one individually as required in section 1924.120.

RHCDS does not concur with these commenters. With the United States Department of Agriculture's reorganization underway, the county supervisor title may be changed. The state directors will have the ability to manage the program in their state by deciding who has adequate experience and training to approve sites.

One commenter suggested that the public should be allowed to request an exception under section 1924.122.

RHCDS does not concur with the commenter. Section 1924.122 requires that the state director make the exception request to the administrator. There is no general exception authority in this rule. Exceptions are only granted if the Administrator determines that application of the requirement or provision would adversely affect the Government's interest.

Several commenters questioned the use of Form HUD–92541, ''Builder's Certification of Plans, Specifications, and Site'', when the site is new construction.

RHCDS has reviewed this form and although parts of it apply to the review process being used, it does not totally apply and would be a source of confusion. A large part of this form applies to the construction of the house and RHCDS has requirements in other instructions that govern the inspection and approval of construction. Requirement of the use of Form HUD–92541 has been deleted from the final rule.

Discussion

RHCDS stands alone as the only Federal agency that requires approval of a complete subdivision prior to insuring or guaranteeing a loan for a home within the subdivision. Developers, builders, realtors, and applicants for the programs have frequently complained that there is too much ''red tape'' before an eligible applicant can receive an RHCDS loan within a well-developed subdivision. Most counties and communities now have adequate subdivision reviews, and RHCDS's subdivision approval is not needed to assure quality sites, but is a duplication of efforts.

This action permits the better use of existing developments and decreases the environmental impact because not as many new developments will be needed to meet the demand for lots that will meet RHCDS's requirements. It fits into existing growth patterns and places more authority with the local government.

RHCDS is committed to quality sites for its programs and therefore, requires scrutiny of the individual site. The new site criteria incorporate many of the prior requirements for all sites in a subdivision and make these requirements part of the underwriting criteria for the individual site which will be security for an RHCDS loan. This action provides for better sites, without requiring the cumbersome subdivision review and approval process. It provides the loan applicant with minimum standards for a quality water supply and waste disposal. It also requires that the property be served by publicly owned and maintained roads. The regulation provides for an orderly request for review and systematic process of reviewing the site.

This regulation omits the detailed internal RHCDS administrative guidance used by the field offices to administer the program. In the past, RHCDS program regulations and RHCDS Instructions have been identical. However, RHCDS has now adopted a policy of publishing regulations which set forth only these matters which confer a benefit or impose an obligation on the public or which are necessary for the public to understand their responsibilities.

List of Subjects in 7 CFR Part 1924

Housing standards, Low and moderate income housing, Rural areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1924—CONSTRUCTION AND REPAIR

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

Authority: 42 U.S.C. 1480, 5 U.S.C. 301.

Subpart C—Planning and Performing Site Development Work

2. Sections 1924.101 through 1924.150 of subpart C of part 1924 are revised to read as follows:

§ 1924.101 Purpose.

This subpart establishes the basic Rural Housing and Community Development Service (RHCDS) policies for planning and performing site development work. It also provides the procedures and guidelines for preparing site development plans consistent with Federal laws, regulations, and Executive Orders.

§ 1924.102 General policy.

(a) *Rural development.* This subpart provides for the development of building sites and related facilities in rural areas. It is designed to:

(1) Recognize community needs and desires in local planning, control, and development.

(2) Recognize standards for building-site design which encourage and lead to the development of economically stable communities, and the creation of attractive, healthy, and permanent living environments.

(3) Encourage improvements planned for the site to be the most cost-effective of the practicable alternatives. Encourage utilities and services utilized to be reliable, efficient, and available at reasonable costs.

(4) Provide for a planning process that will consider impacts on the environment and existing development in order to formulate actions that protect, enhance, and restore environmental quality.

(5) No site will be approved unless it meets the requirements of this part and all state and local permits and approvals in connection with the proposed development have been obtained.

(b) *Subdivisions.* RHCDS does not review or approve subdivisions. Each site approved by RHCDS must meet the requirements of § 1924.115, on a site by site basis.

(c) *Development related costs.* (1) *Applicant.* The applicant is responsible for all costs incurred before loan or grant closing associated with planning, technical services, and actual construction. These costs may be included in the loan or grant as authorized by RHCDS regulations.

(2) *Developer.* The developer is responsible for payment of all costs associated with development.

§ 1924.103 Scope.

This subpart provides supplemental requirements for Rural Rental Housing (RRH) loans, Rural Cooperative Housing (RCH) loans, Farm Labor Housing (LH) loans and grants, and Rural Housing Site (RHS) loans. It also provides a site development standard, as indicated in exhibit B of FmHA Instruction 1924–C (available in any RHCDS field office), which supplements this subpart to provide the minimum for the acceptability of development. All of this subpart applies to Single Family Housing unless otherwise noted. All of this subpart also applies to Multiple Family Housing except §§ 1924.115 and 1924.120, and any paragraph specifically designated for Single Family Housing only. In addition, RHCDS will consult with appropriate

Federal, state, and local agencies, other organizations, and individuals to implement the provisions of this subpart.

§ 1924.104 Definitions.

As used in this subpart:

Applicant. Any person, partnership, limited partnership, trust, consumer cooperative, corporation, public body, or association that has filed a preapplication, or in the case of RHCDS programs that do not require a preapplication, an official application, with RHCDS in anticipation of receiving or utilizing RHCDS financial assistance.

Community. A community includes cities, towns, boroughs, villages, and unincorporated places which have the characteristics of incorporated areas with support services such as shopping, post office, schools, central sewer and water facilities, police and fire protection, hospitals, medical and pharmaceutical facilities, etc., and are easily identifiable as established concentrations of inhabited dwellings and private and public buildings.

Developer. Any person, partnership, public body, or corporation who is involved with the development of a site which will be financed by RHCDS.

Development. The act of building structures and installing site improvements on an individual dwelling site, a subdivision, or a multiple family tract.

Multiple Family Housing. RHCDS RRH loans, RCH loans, LH loans and grants, and RHS loans.

Single Family Housing. RHCDS Rural Housing loans for individuals for construction of, repair of, or purchase of a dwelling to be occupied by one household.

Site. A parcel of land proposed as a dwelling site, with or without development.

Site approval official. The RHCDS making the determination that a site meets the requirements in this subpart to be acceptable for site loans. (See § 1924.120.)

Street surfaces. Streets may be hard or all-weather surfaced.

(1) *Hard surface*—a street with a portland cement concrete, asphaltic concrete, or bituminous wearing surface or other hard surfaces which are acceptable and suitable to the local public body for use with local climate, soil, gradient, and volume and character of traffic.

(2) *All-weather*—a street that can be used year-round with a minimum of maintenance, such as the use of a grader and minor application of surface material, and is acceptable and suitable to the local public body for use with local climate, soil, gradient, and volume and character of traffic.

Subdivision. Five or more contiguous (developed or undeveloped) lots or building sites. Subdivisions may be new or existing.

§ 1924.105 Planning/performing development.

(a) *General.* Planning is an evaluation of specific development for a specific site. Planning must take into consideration topography, soils, climate, adjacent land use, environmental impacts, energy efficiency, local economy, aesthetic and cultural values, public and private services, housing and social conditions, and a degree of flexibility to accommodate changing demands. All planning and performing development work is the responsibility of the applicant or developer. All development will be arranged and completed according to applicable local, state, or Federal regulations including applicable health and safety standards, environmental requirements, and requirements of this subpart. When a public authority requires inspections prior to final acceptance, written assurance by the responsible public authority of compliance with local, city, county, state or other public codes, regulations, and ordinances is required prior to final acceptance by RHCDS.

(1) [Reserved]

(2) *Technical Services.* [Reserved]

(i) [Reserved]

(ii) An applicant or developer for a Multiple Family Housing project or a Single Family Housing site which requires technical services under § 1924.13(a), must contract for the technical services of an architect, engineer, land surveyor, landscape architect, or site planner, as appropriate, to provide complete planning, drawings, and specifications. Such services may be provided by the applicant's or developer's ''in house'' staff subject to RHCDS concurrence. Technical services must be performed by professionals who are qualified and authorized to provide such services in the state in which the project would be developed. All technical services must be provided in accordance with the requirements of professional registration or licensing boards. At completion of all construction or completion of a phase or phases of the total project, the persons providing technical services under this section must notify the RHCDS field office in writing that all work has been completed in substantial conformance with the approved plans and specifications.

(iii) For developments not specifically required to have technical services under paragraph (a)(2)(ii) of this section, such services may be required by the state director when construction of streets or installation of utilities is involved.

(3) *Drawings, specifications, contract documents, and other documentations.* Adequate drawings and specifications must be provided by the applicant or developer to RHCDS in sufficient detail to fully and accurately describe the proposed development. Contract documents must be prepared in accordance with § 1924.6 or, in the case of more complex construction, § 1924.13.

(b) *Single Family Housing.* Proposals for development of individual dwelling sites must meet the following requirements:

(1) *Site development design requirements.* Exhibit B (available in any RHCDS field office) will be used as a minimum by applicants or developers in preparing proposals and supporting documents for Single Family Housing loans, in addition to specific requirements made in this subpart.

(2) [Reserved]

(c) *Multiple Family Housing.* Exhibit C (available in any RHCDS office) should be used as a guide by the applicant or developer in preparing a proposal and supporting documents for multiple family housing projects.

§ 1924.106 Location.

(a) *General.* It is RHCDS's policy to promote compact community development and not to approve sites located in floodplains, on wetlands, or on important farmlands, unless there is no practical alternative. Furthermore, RHCDS will not finance development on locations that adversely affect properties which are listed or are eligible for listing on the National Register of Historic Places, located within the Coastal Barrier Resource System, or on a barrier island. (Environmental requirements are found in 7 CFR part 1940, subpart G.) In order to be eligible for RHCDS participation:

(1) The site must be located in an eligible area as defined in the program regulations under which the development is being funded or approved.

(2) The site must comply with the applicable environmental laws, regulations, Executive Orders, and subpart G of part 1940.

(b) *Single Family Housing.* In addition to the general requirements in paragraph (a) of this section, sites must provide a desirable, safe, functional, convenient, and attractive living environment for the residents.

(c) *Multiple Family Housing.* Multiple family housing projects shall be located in accordance with the requirements in paragraph (r) of § 1944.215. Locating sites in less than desirable locations of the community because they are in close proximity to undesirable influences such as high activity railroad tracks; adjacent to or behind industrial sites; bordering sites or structures which are not decent, safe, or sanitary; or bordering sites which have potential environmental concerns such as processing plants, etc., is not acceptable. Screening such sites does not make them acceptable. Sites which are not an integral part of a residential community and do not have a reasonable access, either by location or terrain, to essential community facilities such as water, sewerage, schools, shopping, employment opportunities, medical facilities, etc., are not acceptable.

§ 1924.107 Utilities.

All development under this subpart must have adequate, economic, safe, energy efficient, dependable utilities with sufficient easements for installation and maintenance.

(a) *Water and wastewater disposal systems*—(1) *Single Family Housing.* If sites are served by central water or sewer systems, the systems must meet the requirements of paragraphs (a)(2) (i) and (ii) of this section. If sites have individual water or sewer systems, they must meet the requirements of the state department of health or other comparable reviewing and regulatory authority and the minimum requirements of exhibit B (available in any RHCDS field office), paragraphs V and VI. Sites in subdivisions of more than 25 dwelling units on individual systems, or sites that do not meet the requirements of exhibit B, paragraphs V and VI, must have state director concurrence.

(2) *Multiple Family Housing.* Proposals processed under this paragraph shall be served by centrally owned and operated water and wastewater disposal systems unless this is determined by RHCDS to be economically or environmentally not feasible. All central systems, whether they are public, community, or private, shall meet the design requirements of the state department of health or other comparable reviewing and regulatory authority. The regulatory authority will verify in writing that the water and wastewater systems are in compliance with the current provisions of the Safe Drinking Water Act and the Clean Water Act, respectively.

(i) Sites which are not presently served by a central system, but are scheduled for tie-in to the central system within 2 years, should have all lines installed during the initial construction. Such sites must have an approved interim water supply or wastewater disposal system installed capable of satisfactory service until the scheduled tie-in occurs.

(ii) In addition to written assurance of compliance with state and local requirements, there must be assurance of continuous service at reasonable rates for central water and wastewater disposal systems. Public ownership is preferred whenever possible. In cases where interim facilities are installed pending extension or construction of permanent public services, the developer must assume responsibility for the operation and maintenance of the interim facility or establish an entity for its operation and maintenance which is acceptable to the local governing body. If a system is not or will not be publicly owned and operated, it must comply with one of the following:

(A) Be an organization that meets the ownership and operating requirements for a water or wastewater disposal system that RHCDS could finance under 7 CFR part 1942, subpart A or be dedicated to and accepted by such an organization.

(B) Be an organization or individual that meets other acceptable methods of ownership and operation as outlined in HUD Handbook 4075.12, ''Ownership and Organization of Central Water and Sewerage Systems.'' RHCDS should be assured that the organization has the right, in its sole discretion, to enforce the obligation of the operator of the water and sewerage systems to provide satisfactory continuous service at reasonable rates.

(C) Be adequately controlled as to rates and services by a public body (unit of Government or public services commission).

(iii) Multiple family developments of more than 25 units with individual system must have national office concurrence.

(A) [Reserved]

(B) Supporting information for the proposed individual water systems, covering the following points:

(*1*) In areas where difficulty is anticipated in developing an acceptable water supply, the availability of a water supply will be determined before closing the loan.

(*2*) Documentation must be provided that the quality of the supply meets the chemical, physical, and bacteriological standards of the regulatory authority having jurisdiction. The maximum contaminant levels of U.S. EPA shall apply. Individual water systems must be tested for quantity and bacteriological quality. Where problems are anticipated with chemical quality, chemical tests may be required. Chemical tests would be limited to analysis for the defects common to the area such as iron and manganese, hardness, nitrates, pH, turbidity, color, or other undesirable elements. Polluted or contaminated water supplies are unacceptable. In all cases, assurance of a potable water supply before loan closing is required.

(C) Supporting information for individual wastewater disposal systems with subsurface discharge provided by a soil scientist, geologist, soils engineer, or other person recognized by the local regulatory authority. This data must include the following:

(*1*) Assurance of nonpollution of ground water. The local regulatory authority having jurisdiction must be consulted to ensure that installation of individual wastewater systems will not pollute ground water sources or create other health hazards or otherwise violate State water quality standards.

(*2*) Records of percolation tests. Guidance for performing these tests is included in the EPA design manual, ''Onsite Wastewater Treatment and Disposal Systems'' and the minimum RHCDS requirements are in exhibit B, paragraph VI. (These may be waived by the state director when the state has established other acceptable means for allowing onsite disposal.)

(*3*) Determination of soil types and description. The assistance of the SCS or other qualified persons should be obtained for soil type determination and a copy of its recommendations included in the documentation.

(*4*) Description of ground water elevations, showing seasonal variations.

(*5*) Confirmation of space allowances. An accurate drawing to indicate that there is adequate space available to satisfactorily locate the individual water and wastewater disposal systems; likewise, documented assurance of compliance with all local requirements. Structures served by wastewater disposal systems with subsurface discharge require larger sites than those structures served by another type system.

(*6*) Description of exploratory pit observations, if available.

(D) Supporting information for individual wastewater disposal systems with surface discharge covering the following points:

(*1*) Effluent standards issued by the appropriate regulatory agency that controls the discharge of the proposed individual systems. Assurance from this regulatory agency that the effluent standards will not be exceeded by the

individual systems being proposed must be included.

(*2*) Program of maintenance, parts, and service available to the system-owner for upkeep of the system.

(*3*) A plan for local inspection of the system by a responsible agency with the authority to ensure compliance with health and safety standards.

(b) *Electric service.* The power supplier will be consulted by the applicant to assure that there is adequate service available to meet the needs of the proposed site. Underground service is preferred.

(c) *Gas service.* Gas distribution facilities, if provided, will be installed according to local requirements where adequate and dependable gas service is available.

(d) *Other utilities.* Other utilities, if available, will be installed according to local requirements.

§ 1924.108 Grading and drainage.

(a) *General.* Soil and geologic conditions must be suitable for the type of construction proposed. In questionable or unsurveyed areas, the applicant or developer will provide an engineering report with supporting data sufficient to identify all pertinent subsurface conditions which could adversely affect the structure and show proposed solutions. Grading will promote drainage of surface water away from buildings and foundations, minimize earth settlement and erosion, and assure that drainage from adjacent properties onto the development or from the development to adjacent properties does not create a health hazard or other undesirable conditions. Grading and drainage will comply with exhibit B, paragraphs III and IV, of this subpart.

(b) *Cuts and fills.* Development requiring extensive earthwork, cuts and fills of 4 feet or more shall be designed by a professional engineer. Where topography requires fills or extensive earthwork that must support structures and building foundations, these must be controlled fills designed, supervised, and tested by a qualified soils engineer.

(c) *Slope protection.* All slopes must be protected from erosion by planting or other means. Slopes may require temporary cover if exposed for long periods during construction.

(d) *Storm water systems.* The design of storm water systems must consider convenience and property protection both at the individual site level and the drainage basin level. Storm water systems should be compatible with the natural features of the site. In areas with inadequate drainage systems, permanent or temporary storm water storage shall be an integral part of the overall development plan. Design of these facilities shall consider safety, appearance, and economical maintenance operations.

§§ 1924.109–1924.114 [Reserved]

§ 1924.115 Single Family Housing site evaluation.

(a) *Site review.* The site approval official will evaluate each site (developed or undeveloped) to determine acceptance for the program. Information on the site will be provided by the appraiser or site approval official on a form provided by RHCDS and available in any RHCDS field office.

(b) *Site access.* Each site must be contiguous to and have direct access from:

(1) A hard surfaced or all weather road which is developed in full compliance with public body requirements, is dedicated for public use, and is being maintained by a public body or a home owners association that has demonstrated its ability or can clearly demonstrate its ability to maintain the street; or

(2) An all weather extended driveway which can serve no more than two sites connecting to a hard surface or all weather street or road that meets the requirements of paragraph(b)(1); or

(3) A hard surfaced street in a condominium or townhouse complex which:

(i) Is owned in common by the members or a member association and is maintained by a member association that has demonstrated its ability or can clearly demonstrate its ability to maintain the street; and

(ii) Connects to a publicly owned and dedicated street or road.

(c) *Exceptions to street requirements.* A site not meeting the conditions in paragraph (b) of this section will be acceptable if:

(1) The applicant is a builder for a conditional commitment (a loan will not be approved until the site meets the conditions in paragraph (b) of this section), or the builder posts an irrevocable performance and payment bond (or similar acceptable assurance) that assures the site approval official that the site will be developed to meet the conditions in paragraph (b) of this section; or

(2) The site is recommended by the site approval official and approved by the state director. A request for state director approval must justify that it is in the best interest of both the government and the applicant to approve the site.

(d) *Site layout.* (1) Sites shall be surveyed and platted. Permanent markers shall be placed at all corners.

(2) Sites shall meet all requirements of state and local entities and RHCDS.

(e) *Covenants, conditions and restrictions.* Sites in subdivisions shall be protected by covenants, conditions, and restrictions (CC&Rs) to preserve the character, value, and amenities of the residential community and to avoid or mitigate potential environmental impacts unless, an exception is granted by RHCDS after considering the suitability of local ordinances, zoning, and other land use controls.

(1) CC&Rs shall be recorded in the public land records and specifically referenced in each deed.

(2) The intent of the CC&Rs is to assure the developers that the purchasers will use the land in conformance with the planned objectives for the community. In addition, the CC&Rs should assure the purchasers that the land covered by the CC&Rs will be used as planned and that other purchasers will use and maintain the land as planned to prevent changes in the character of the neighborhood that would adversely impact values or create a nuisance.

§§ 1924.116–1924.118 [Reserved]

§ 1924.119 Site Loans.

Subdivisions approved under subpart G of part 1822 (FmHA Instruction 444.8) or exhibit F of subpart I of part 1944 (available in any RHCDS field office), will meet the general requirements of this subpart to insure lots in the subdivision will meet the requirements of § 1924.115.

§§ 1924.120–1924.121 [Reserved]

§ 1924.122 Exception authority.

The Administrator of RHCDS may in individual cases, make an exception to any requirement or provision of this subpart or address any omission of this subpart which is not inconsistent with the authorizing statute or other applicable law if the Administrator determines that application of the requirement or provision would adversely affect the Government's interest. The Administrator will exercise this authority upon the written request of the state director or the appropriate program assistant administrator. Requests for exceptions must be supported with documentation to explain the adverse effect on the Government, proposed alternative courses of action, and show how the adverse effect will be eliminated or minimized if the exception is granted.

§§ 1924.123–1924.149 [Reserved]

§ 1924.150 OMB Control Number.

The reporting requirements contained in this subpart have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0575–0164. Public reporting burden for this collection of information is estimated to vary from 5 minutes to 10 minutes per response, with an average of .13 hours 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Department of Agriculture, Clearance Officer, OIRM, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0575–0164), Washington, D.C. 20503.

Exhibit A of Subpart C [Removed and Reserved]

3. Exhibit A of subpart C is removed and reserved.

Dated: April 14, 1995.

Michael V. Dunn,

Acting Under Secretary for Rural Economic and Community Development.

[FR Doc. 95–11309 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–07–U

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 94–134–2]

Brucellosis in Cattle; State and Area Classifications; Colorado

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Colorado from Class A to Class Free. We have determined that Colorado meets the standards for Class Free status. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Colorado.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1236; (301) 734–4918.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on January 23, 1995 (60 FR 4371–4372, Docket No. 94–134–1), we amended the brucellosis regulations in 9 CFR part 78 by removing Colorado from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.1(a).

Comments on the interim rule were required to be received on or before March 24, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

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

List of Subjects in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published at 60 FR 4371–4372 on January 23, 1995.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 28th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11373 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 113

[Docket No. 93–071–2]

Viruses, Serums, Toxins, and Analogous Products; Detection of Extraneous Agents by the Fluorescent Antibody Technique

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning testing by the fluorescent antibody technique for extraneous agents (viruses) in cells of animal origin that are used in the manufacture of veterinary biologics. The amendment allows the use of alternative fluorochromes that may be conjugated to an antibody, revises the list of extraneous agents to be tested for, and includes extraneous agents for which equine cells are to be tested. In addition, the word ''agent'' is replaced with the word ''virus'' since this is the agent being tested for. The amendment is necessary to update the requirements related to the testing for extraneous viruses.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1237, (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the regulations contained in 9 CFR part 113, standard requirements are prescribed for the preparation of veterinary biological products. A standard requirement consists of specifications, procedures, and test methods which define the standards of purity, safety, potency, and efficacy for a given type of veterinary biological product. Microorganisms, animal cells, and ingredients of animal origin used in production are required to be tested for extraneous viruses. In part, this involves testing for the presence of extraneous viruses by the fluorescent antibody technique described in § 113.47. When the current standard requirement was established, fluorescent antibodies were constructed by conjugating antibodies to one of the fluorochromes, fluorescein. Fluorochromes are any of a variety of chemicals used in cytochemistry to produce a secondary fluorescence in the specimen. In the intervening years, additional fluorochromes have been developed for use as cytochemical markers or stains.

Standard requirements included in the regulations specify that cells, master seed virus, and most ingredients of animal origin used in the production of biological products be tested for contaminating bacteria, fungi, mycoplasma, cytopathogenic organisms, viruses, hemadsorbing agents, and extraneous agents (viruses) detectable by the fluorescent antibody technique. The presence of specific fluorescence associated with the use of certain antibodies, in comparison with the

appropriate controls, is an indication of the presence of the contaminating antigen or extraneous virus against which the antibody was made.

Current § 113.47 lists the types of extraneous viruses against which fluorescein-conjugated antibodies are to be used in testing cells from certain species of animals. New viruses have since been identified as animal pathogens. No viruses which are disease agents of horses are included in the current § 113.47. As new knowledge has developed, testing for these agents has become necessary.

On March 21, 1994, we published in the **Federal Register** (59 FR 13257–13259, Docket No. 93–071–1) a proposal to amend the regulations by revising § 113.47 to allow the use of additional fluorescent stains in the testing of extraneous viruses by the fluorescent antibody technique. The current regulations in § 113.47 limit the stain used in the fluorescent antibody test to fluorescein (a fluorochrome). Other fluorochromes, when conjugated to antibodies, may be expected to perform as well as fluorescein in the test for extraneous viruses. The amendment thus allows for the use of alternative fluorochromes in such tests. The term ''fluorescein-conjugated antibody'' is replaced with ''fluorochrome-conjugated antibody'' everywhere it appears in §§ 113.47 and 113.52(b)(2) (i) and (ii).

The current regulations in § 113.47 lists the specific extraneous viruses against which antibodies are used in the testing of certain types of cells. We have revised the list of cell types to be tested for extraneous viruses to include equine cells. Those using other cells for the production of biologics may also be required to test for specific viruses before such use is approved.

We solicited comments concerning our proposal for a 60-day comment period ending April 20, 1994. We received one comment by that date from a manufacturer of veterinary biological products. We carefully considered the comment which is discussed below.

The comment was in two parts The first was that the fluorescent antibody (FA) test was not as sensitive for detecting bluetongue virus as seroconversion in sheep, and the use of the FA test would require firms to introduce this organism into their testing facility. The second was that testing of bovine cells for bovine respiratory syncytial virus was also a new requirement.

In response to the comment, the Animal and Plant Health Inspection Service has found that the FA test is a sensitive, specific, and accurate test for the detection of extraneous viruses in seeds, cells and ingredients of animal origin. When used with the required controls, the FA test detects the presence of specific antigens indicative of the presence of specific extraneous viruses. The use of positive and negative controls with the FA test eliminates the incidence of false positives and false negatives. The FA test also has the advantage of relieving the firms from the need to locate and maintain seronegative sheep.

APHIS acknowledges that requiring firms to test for the bluetongue virus will result in the introduction of the agent onto their premises. This should, however, pose no greater problem to the firms than introducing other viruses for the purpose of conducting these tests. If no firm's biosecurity is adequate to contain such viruses as those causing bovine virus diarrhea, canine parvoviral diarrhea, or pseudorabies, it should be able to contain bluetongue virus. Further, there is no threat of human disease from the use of bluetongue virus in association with this test as bluetongue virus is not known to affect humans.

With respect to the requirement for testing bovine cells for bovine respiratory syncytical virus, APHIS has determined that this virus may be present as an extraneous agent in cells of bovine origin. One of the major purposes of the rule is to update the list of extraneous viruses for which seeds, cells, and ingredients of animal origin are tested. The new requirements are based on current knowledge of animal diseases. No changes are made to the regulations in response to the commenter.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with one conforming change in § 113.300(c)(1).

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. This 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.

These amendments should not have a significant economic impact on manufacturers since they will broaden the range of fluorochrome stains that may be used in conducting the fluorescent antibody test and will revise the list of extraneous agents for which various cell types are to be tested with the fluorescent antibody technique. The amendments will thus remove outdated requirements and provide flexibility in the types of antibody that may be used in tests for extraneous agents. On balance, therefore, there should be no net increase in testing requirements over the current requirements.

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

Executive Order 12372

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

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, and Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 is amended as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 113.47 is revised to read as follows:

§ 113.47 Detection of extraneous viruses by the fluorescent antibody technique.

The test for detection of extraneous viruses by the fluorescent antibody technique provided in this section shall be conducted when prescribed in an applicable Standard Requirement or in a filed Outline of Production for a product.

(a) Monolayer cultures of cells (monolayers), at least 7 days after the

last subculturing, shall be processed and stained with the appropriate antiviral fluorochrome-conjugated antibody as specified in paragraph (b) of this section.

(1) Three groups of one or more monolayers shall be required for each specific virus prescribed in paragraph (b) of this section.

(i) At the time of the last subculturing, one group of test monolayers shall be inoculated with approximately 100–300 $FAID_{50}$ of the specific virus being tested for as positive controls.

(ii) One group of monolayers shall be the ''material under test.''

(iii) One group of monolayers, that are of the same type of cells as the test monolayers and that have been tested as prescribed in §§ 113.51 or 113.52 (whichever is applicable), shall be prepared as negative controls.

(2) Each group of monolayers shall have a total area of at least 6 cm^2.

(3) Positive control monolayers may be fixed (processed so as to arrest growth and assure attachment of the monolayer to the surface of the vessel in which they are grown) before 7 days after subculturing if fluorescence is enhanced by doing so, *Provided,* That a monolayer of the material under test is also fixed at the same time as the positive control and a monolayer of the material under test is also fixed at least seven days after subculturing. Monolayers that are fixed before 7 days after subculturing shall be stained at the same time as the test monolayers and negative controls fixed at least 7 days after subculturing.

(b) The antiviral fluorochrome-conjugated antibodies to be used shall depend on the type of cells required to be tested for extraneous viruses as specified in an applicable Standard Requirement or in a filed Outline of Production. Antiviral fluorochrome-conjugated antibodies specific for the extraneous viruses shall be applied to each respective type of cell in accordance with the following list. Under certain circumstances, additional tests may need to be conducted, as determined by the Administrator. When a specific antiviral fluorochrome-conjugated antibody is used in testing for the listed extraneous viruses specified in more than one cell type, it need only be applied to the most susceptible cell type.

(1) All cells shall be tested for:
(i) Bovine virus diarrhea virsus;
(ii) Reovirus; and
(iii) Rabies virus.

(2) Bovine, caprine, and ovine cells shall, in addition, be tested for:
(i) Bluetongue virus;
(ii) Bovine adenoviruses;
(iii) Bovine parvovirus; and
(iv) Bovine respiratory syncytial virus.

(3) Canine cells shall, in addition, be tested for:
(i) Canine coronavirus;
(ii) Canine distemper virus; and
(iii) Canine parvovirus.

(4) Equine cells shall, in addition, be tested for:
(i) Equine herpesvirus; and
(ii) Equine viral arteritis virus.

(5) Feline cells shall, in addition, be tested for:
(i) Feline infectious peritonitis virus; and
(ii) Feline panleukopenia virus.

(6) Porcine cells shall, in addition, be tested for:
(i) Porcine adenovirus;
(ii) Porcine parvovirus;
(iii) transmissible gastroenteritis virus; and
(iv) Porcine hemagglutinating encephalitis virus.

(7) Firms that do not have rabies virus on premises either for research or production purposes are exempt from having to produce positive rabies virus control monolayers. Fixed positive rabies virus control monolayers will be provided by the National Veterinary Services Laboratories.

(c) After staining, each group of monolayers shall be examined for the presence of specific fluorescence attributable to the presence of extraneous viruses.

(1) If the material under test shows any evidence of specific viral fluorescence, it is unsatisfactory and may not be used; *Provided,* That, if specific fluorescence attributable to the virus being tested for is absent in the positive control monolayers, the test is inconclusive and may be repeated.

(2) If the fluorescence of the monolayers inoculated with the specific virus as positive controls is equivocal, or if the negative monolayers show equivocal fluorescence indicating possible viral contamination, or both, the test shall be declared inconclusive, and may be repeated; *Provided,* That, if the test is not repeated, the material under test shall be regarded as unsatisfactory for use in the production of biologics.

3. Section 113.52, paragraph (b)(2)(i) and (ii), is revised to read as follows:

§ 113.52 Requirements for cell lines used for production of biologics.

* * * * *

(b) * * *

(2) * * *

(i) At least two monolayers shall be stained with an antispecies fluorochrome-conjugated antibody unrelated to the species of origin of the MCS.

(ii) At least two monolayers shall be stained with an antispecies fluorchrome-conjugated antibody specific to the species of origin of the MSC.

* * * * *

§§ 113.51, 113.52 and 113.53 [Amended]

4. In the following places, the word ''agents'' are removed and the word ''viruses'' added in its place:

a. Section 113.51, paragraph (c)(3)(ii).

b. Section 113.52, paragraph (f)(4)(ii).

c. Section 113.53, paragraph (c)(6)(ii).

5. In § 113.300, paragraph (c)(1), the term ''fluorescein'' is removed and the term ''fluorochrome'' added in its place.

Done in Washington, DC, this 1st day of May 1995.

B. Glen Lee,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11294 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 30, 32, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 76, and 150

RIN 3150–AF34

Changes to NRC Addresses and Telephone Numbers

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to indicate the current addresses, telephone numbers, and organizational titles within the NRC. These changes reflect the agency's consolidation of headquarters employees to Rockville, Maryland.

EFFECTIVE DATE: May 9, 1995.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415–7163.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission is revising the regulations in 10 CFR Parts 2, 19, 20, 30, 32, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 76, and 150 to provide

changes to current addresses, telephone numbers, and organizational titles within the NRC. These changes are the result of the consolidation of most NRC headquarters employees to Rockville, Maryland.

Because this is an amendment dealing with agency organization, practice, and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendment is effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendment is of a minor and administrative nature dealing with changes to current addresses, telephone numbers, and organizational names.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–0001, –0002, –0008, –0009, –0011, –0014, –0017, –0020, –0021, –0032, –0044, –0123, –0132, and –0135.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 32

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

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Export, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 76

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR Parts 2, 19, 20, 30, 32, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 76, and 150.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

1. The authority citation for part 2 continues to read in part as follows:

Authority: Sec. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

2. In § 2.712, paragraph (d)(4)(iii) is revised to read as follows:

§ 2.712 Service of papers, methods, proof.

* * * * *

(d) * * *
(4) * * *
(iii) Facsimile: (301) 415–1672; (301) 415–2275; and (301) 415–1977 (verification).
* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

3. The authority citation for part 19 continues to read in part as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282, 2297f) * * *.

§ 19.11 [Amended]

4. In § 19.11 in the ''Note:'' after paragraph (c), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

5. The authority citation for part 20 continues to read in part as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236, 2297f) * * *.

Appendix D to Part 20—[Amended]

6. In Appendix D to part 20, in the entry for Region I, remove the telephone number ''(215) 337–5000'' and add the telephone number ''(610) 337–5000.'' Also in Appendix D to part 20, remove the words ''Region IV: Field Office, USNRC, Region IV, Uranium Recovery Field Office, 730 Simms Street, Suite 100a, Golden, CO 80225; Mail: P.O. Box 25325, Denver, CO 80225,'' and the telephone numbers ''(303) 231–2805'' and ''(FTS) 554–2805.''

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

7. The authority citation for part 30 continues to read in part as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282) * * *.

8. In § 30.6, paragraph (a)(2)(ii) is revised to read as follows:

§ 30.6 Communications.

(a) * * *
(2) * * *
(ii) 11545 Rockville Pike, Two White Flint North, Rockville, Maryland.
* * * * *

§ 30.7 [Amended]

9. In § 30.7 in the ''Note:'' after paragraph (e)(2), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

10. The authority citation for part 32 continues to read as follows:

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

§ 32.210 [Amended]

11. In § 32.210 in paragraph (b), remove the words ''Division of Fuel Cycle, Medical, Academic and Commercial Use Safety'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

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

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2) 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3309, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282) * * *.

13. In § 40.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 40.5 Communications.

(a) * * *
(2) * * *
(ii) 11545 Rockville Pike, Two White Flint North, Rockville, Maryland.
* * * * *

§ 40.7 [Amended]

14. In § 40.7 in the ''Note:'' after paragraph (e)(2), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

§ 40.23 [Amended]

15. In § 40.23 in paragraphs (b)(1), (b)(2)(ix), (c), and (d), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

16. In § 40.23 in paragraph (d), remove the telephone number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

§ 40.25 [Amended]

17. In § 40.25 in paragraphs (c)(1) introductory text, (c)(2), and (d)(4), remove the words ''Division of Nuclear Material Safety'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

§ 40.66 [Amended]

18. In § 40.66 in paragraphs (a), (b)(5), and (c), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

19. In § 40.66 in paragraph (c), remove the telephone number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

§ 40.67 [Amended]

20. In § 40.67 in paragraphs (a), (c), and (d), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

21. In § 40.67 in paragraphs (c) and (d), remove the telephone number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

22. The authority citation for part 50 continues to read in part as follows:

Authority: Secs. 102, 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282) * * *.

§ 50.4 [Amended]

23. In § 50.4 in paragraphs (c) and (f), remove the telephone number ''301–492–8304'' and add the telephone number ''(301) 415–7230.'' Also, in paragraphs (c) and (f), remove the words ''Division of Information Support Services'' and add the words ''Information and Records Management Branch.''

§ 50.7 [Amended]

24. In § 50.7 in the ''Note:'' after paragraph (e), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

§ 50.55a [Amended]

25. In § 50.55a, in Footnote 7., remove the words ''Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland'' and add the words ''11545 Rockville Pike, Two White Flint North, Rockville, Maryland 20852–2738.''

Appendix K to Part 50—[Amended]

26. In Appendix K to Part 50, Section I., paragraph A.5., remove the words ''7920 Norfolk Avenue, Bethesda, Maryland 20814,'' and add the words ''11545 Rockville Pike, Two White Flint North, Rockville, Maryland 20852–2738.''

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

27. The authority citation for part 51 continues to read as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, as amended (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

§ 51.40 [Amended]

28. In § 51.40 in paragraph (c)(1), remove the telephone number ''(301) 492–1270'' and add the telephone number ''(301) 415–1270.''

29. In § 51.40 in paragraphs (c)(2) and (3), remove the telephone number ''(301) 492–3352'' and add the telephone number ''(301) 415–7800.''

30. In § 51.40 in paragraph (c)(4), remove the telephone number ''(301) 492–3700'' and add the telephone number ''(301) 415–6641.''

31. In § 51.40 in paragraph (c)(5), remove the telephone number ''(301) 492–1700'' and add the telephone number ''(301) 415–1700.''

§ 51.121 [Amended]

32. In § 51.121 in paragraph (a), remove the telephone number ''(301) 492–1270'' and add the telephone number ''(301) 415–1270.''

33. In § 51.121 in paragraphs (b) and (c), remove the telephone number ''(301) 492–3352'' and add the telephone number ''(301) 415–7800.''

34. In § 51.121 in paragraph (d), remove the telephone number ''(301) 492–3700'' and add the telephone number ''(301) 415–6641.''

35. In § 51.121 in paragraph (e), remove the telephone number ''(301) 492–1700'' and add the telephone number ''(301) 415–1700.''

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

36. The authority citation for part 60 continues to read in part as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended, (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) * * *.

§ 60.9 [Amended]

37. In § 60.9 in the ''Note:'' after paragraph (e), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

38. The authority citation for part 61 continues to read in part as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended, (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) * * *.

§ 61.9 [Amended]

39. In § 61.9 in the ''Note:'' after paragraph (e), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

40. The authority citation for part 70 continues to read in part as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f) * * *.

41. In § 70.5, paragraph (a)(2)(ii) is revised to read as follows:

§ 70.5 Communications.

(a) * * *

(2) * * *

(ii) 11545 Rockville Pike, Two White Flint North, Rockville, Maryland.

* * * * *

§ 70.7 [Amended]

42. In § 70.7 in the ''Note:'' after paragraph (e)(2), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

§ 70.20b [Amended]

43. In § 70.20b in paragraphs (f)(1), (f)(2)(ii), (f)(2)(iii), and (g)(1), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

44. In § 70.20b in paragraphs (f)(2)(ii) and (iii), remove the telephone number ''301–427–4033'' and add the telephone number ''(301) 415–7197.''

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

45. The authority citation for part 71 continues to read in part as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2297f) * * *.

§ 71.97 [Amended]

46. In § 71.97 in paragraph (c)(3)(iii), remove the words ''Office of Governmental and Public Affairs'' and add the words ''Office of Public Affairs.''

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

47. The authority citation for part 72 continues to read in part as follows:

Authority: Secs. 51, 53, 57, 62, 63, 64, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282) * * *.

§ 72.10 [Amended]

48. In § 72.10 in paragraph (e)(2), remove the telephone number ''301–492–8138'' and add the telephone number ''(301) 415–7230.''

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

49. The authority citation for part 73 continues to read in part as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201) sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f) * * *.

§ 73.37 [Amended]

50. In § 73.37 in paragraph (f)(1), remove the words ''Office of Governmental and Public Affairs'' and add the words ''Office of Public Affairs.''

§ 73.57 [Amended]

51. In § 73.57 in paragraph (d)(1), remove the words ''Bethesda, MD'' and add the words ''Rockville, MD.'' Also, in § 73.57 in paragraph (d)(1), remove the words ''Records and Reports Management Branch, Division of Information Support Services'' and add the words ''Information and Records Management Branch.''

§ 73.72 [Amended]

52. In § 73.72 in paragraphs (a)(1), (a)(4), and (a)(5), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.'' Also, in paragraphs (a)(4) and (a)(5), remove the telephone

number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

§ 73.73 [Amended]

53. In § 73.73 in paragraphs (a)(1) and (b), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.'' Also, in paragraph (b), remove the telephone number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

§ 73.74 [Amended]

54. In § 73.74 in paragraph (a)(1) and (b), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.'' Also, in paragraph (b), remove the telephone number ''301–492–3365'' and add the telephone number ''(301) 415–7197.''

Appendix A to Part 73—[Amended]

55. In Appendix A to part 73, in the entry for the NRC Operations Center (via NRC Operator), remove the telephone numbers ''(301) 492–7000'' and ''(FTS) 492–7000'' and add the telephone number ''(301) 415–7000.'' Also, in the entry for Region I, remove the telephone number ''(215) 337–5000'' and add the telephone number ''(610) 337–5000.'' Also in Appendix A to part 73, remove the words ''Region IV: Field Office, USNRC, Region IV, Uranium Recovery Field Office, 730 Simms Street, Suite 100a, Golden, CO 80225; Mail: P.O. Box 25325, Denver, CO 80225,'' and the telephone numbers ''(303) 231–2805'' and ''(FTS) 554–2805.''

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

56. The authority citation for part 74 continues to read in part as follows:

Authority: Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282, 2297f) * * *.

§ 74.57 [Amended]

57. In § 74.57 in paragraphs (c) introductory text and (f)(2), remove the words ''Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation'' and add the words ''Licensing Branch, Division of Industrial and Medical Nuclear Safety.'' Also, in paragraphs (c) introductory text and (f)(2), remove the telephone number ''301–492–3379'' and add the telephone number ''(301) 415–7231.''

§ 74.59 [Amended]

58. In § 74.59 in paragraph (f)(1)(iii), remove the words ''Domestic Licensing and Regional Oversight Branch of the Division of Safeguards and Transportation'' and add the words ''Licensing Branch, Division of Industrial and Medical Nuclear Safety.''

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

59. The authority citation for part 76 continues to read in part as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, sec. 1312, 1701, 106 Stat. 2932, 2951, 2952, 2953 (42 U.S.C. 2201, 2297b–11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sec. 76.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851) * * *.

§ 76.7 [Amended]

60. In § 76.7 in paragraph (e)(3), remove the words ''Division of Information Support Services.''

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

61. The authority citation for part 150 continues to read in part as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); secs. 201, as amended, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 150.17 [Amended]

62. In § 150.17 in paragraphs (b) and (c), remove the words ''Division of Safeguards and Transportation'' and add the words ''Division of Industrial and Medical Nuclear Safety.''

Dated at Rockville, Maryland, this 28th day of April 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95–11218 Filed 5–8–95; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–SW–16–AD; Amendment 39–9210; AD 95–09–07]

Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Robinson Helicopter Company Model R44 helicopters. This action requires removal of the push-pull tube sleeve guide assembly (sleeve guide) and replacement with a push-pull tube roller guide assembly (roller guide); and, inspections of the push-pull tube sleeves for signs of wear and replacement as necessary. This amendment is prompted by a report of an operator experiencing binding in the cyclic control system caused by torn heat-shrink material (material) on the cyclic push-pull tubes binding in the sleeve guide. The actions specified in this AD are intended to prevent binding in the cyclic control system and subsequent loss of control of the helicopter.

DATES: Effective May 24, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 24, 1995.

Comments for inclusion in the Rules Docket must be received on or before July 10, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–16–AD, 2601 Meacham Blvd., Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Lirio Liu, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood,

California 90712, telephone (310) 627–5229, fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: This amendment adopts a new AD that is applicable to Robinson Model R44 helicopters. The Civil Aviation Authority of England reported that on October 11, 1994, an operator of a Model R44 helicopter experienced binding in the cyclic control system. An inspection revealed that the material on the cyclic control push-pull tubes had torn and caused the push-pull tubes to bind in the push-pull tube guide. After reviewing this report, as well as the manufacturer's data on wear-testing of the material used on the push-pull tube, and the maintenance history of the wear of this material at the existing sleeve guide, the FAA has determined that the existing sleeve guide should be replaced with a roller guide within the next 25 hours time-in-service (TIS) in order to reduce the wear on the push-pull tube material, and preserve the integrity of the cyclic control system. The cyclic control system controls the attitude of the helicopter. If it binds, the operator loses the ability to control inputs to the main rotor. Due to the criticality of the cyclic control system and the relatively short compliance time, this rule must be issued immediately to correct an unsafe condition in the affected helicopters. This condition, if not corrected, could result in binding in the cyclic control system and subsequent loss of control of the helicopter.

The FAA has reviewed Robinson Helicopter Company R44 Service Bulletin SB–4 (SB), dated January 24, 1995, which describes procedures for removal of the existing sleeve guide and replacement with a roller guide within the next 50 hours TIS. It also describes procedures for inspecting the push-pull sleeve tube for signs of wear, and replacement as necessary. However, based upon the manufacturer's test data as well as the TIS of the helicopter that was involved in the one reported incident (56.5 hours TIS), the FAA has determined that a compliance time of 25 hours TIS is necessary to ensure the safety of the affected helicopters.

Since an unsafe condition has been identified that is likely to exist or develop on other Robinson Model R44 helicopters of the same type design, this AD is being issued to prevent binding in the cyclic control system and subsequent loss of control of the helicopter. This AD requires removal of the sleeve guide and replacement with a roller guide. This AD also requires an initial inspection and repetitive inspections at 100 hours TIS intervals of the C121–7 push-pull tube sleeve for signs of wear, and replacement as necessary. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–16–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95–09–07 Robinson Helicopter Company: Amendment 39–9210. Docket No. 95–SW–16–AD.

Applicability: Model R44 helicopters, serial numbers (S/N) 0001 through 0150, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the

effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent binding in the cyclic control system and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service after the effective date of this AD, remove the existing push-pull tube sleeve guide assembly (sleeve guide) and replace it with a C439–7 push-pull tube roller guide assembly (roller guide), which is included in the KI–88 push-pull tube guide kit, in accordance with the Compliance Procedure in Robinson Helicopter Company Service Bulletin SB–4, dated January 24, 1995.

(b) Inspect the C121–7 push-pull tube sleeve for signs of wear and replace, if necessary, using the sleeves and adhesive in the KI–88 push-pull tube guide kit in accordance with the Compliance Procedure in Robinson Helicopter Company Service Bulletin SB–4, dated January 24, 1995. Repeat this inspection at each 100 hours TIS in accordance with the applicable maintenance manual.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

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

(e) The removal and replacement shall be done in accordance with Robinson Helicopter Company Service Bulletin SB–4, dated January 24, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California, 90505. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 24, 1995.

Issued in Fort Worth, Texas, on May 1, 1995.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–11223 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 95–ASO–9]

Amendment to Class E Airspace; Milledgeville, GA

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class E airspace at Milledgeville, GA. A LOC RWY 28 Standard Instrument Approach Procedure (SIAP) has been developed for Baldwin County Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

EFFECTIVE DATE: 0901 UTC, July 20, 1995.

FOR FURTHER INFORMATION CONTACT: Steve McDuffee, Systems Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

On February 23, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying Class E airspace at Milledgeville, GA (60 FR 10042). This action would provide adequate Class E airspace for IFR operations at Baldwin County Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E airspace at Milledgeville, GA, to accommodate a LOC RWY 28 SIAP and for IFR operations at Baldwin County Airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth

* * * * *

ASO GA E5 Milledgeville, GA

Baldwin County Airport, GA
(Lat. 33°09′15″ N, long. 83°14′26″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Baldwin County Airport and within 2.1 miles each side of the 098° bearing from the Culver LOM, extending from the 7-mile radius to 7 miles east of the LOM.

* * * * *

Issued in College Park, Georgia on April 27, 1995.

Stephen W. McDuffee,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 95–11279 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ANM–8]

Amendment of Class D Airspace; Ogden, Utah

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Ogden, Utah, Class D airspace, based on the results of an airspace review. This action amends the ceiling altitude and the geographic size of the Ogden, Utah, Class D airspace area. This action brings publications up-to-date giving continuous information to the aviation public.

EFFECTIVE DATE: 0901 UTC, August 15, 1995.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–537, Federal Aviation Administration Docket No. 95–ANM–8, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

History

On March 16, 1995, the FAA proposed to amend part 71 of Federal Aviation Regulations (14 CFR part 71) by revising the Ogden, Utah, Class D airspace area (60 FR 14240). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

During an airspace review an error was discovered in the ceiling altitude and geographic size of the Ogden, Utah Class D airspace area. This action corrects that error. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace is published in Paragraph 5000 of FAA Order 7400.9B dated June 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class D airspace at Ogden, Utah. The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, 14 CFR part 71 is amended as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated June 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

ANM UT D Ogden-Hinckley Airport, UT [Amended]

Ogden-Hinckley Airport, UT
(Lat. 41°11′46″ N, long. 112°00′44″ W)
Ogden, Hill AFB, UT
(Lat. 41°07′25″ N, long. 111°58′23″ W)

That airspace extending upward from the surface up to, but not including, 7,800 feet MSL within a 4.3-mile radius of the Ogden-Hinckley Airport, excluding the portion south of a line beginning east of the airport at the intersection of the 4.3-mile radius of the Ogden-Hinckley Airport and the 4.3-mile radius of the Hill AFB, extending west to the intersection of the 4.3 mile radius of the Ogden-Hinckley and the 4.3-mile radius of the Hill AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Director.

* * * * *

Issued in Seattle, Washington, on April 24, 1995.

Richard E. Prang,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95–11277 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ANM–4]

Amendment of Class E Airspace; Worland, Wyoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Worland, Wyoming, Class E airspace from full-time back to part-time. It corrects an error discovered during an airspace review. This amendment brings publications up-to-date giving continuous information to the aviation public.

EFFECTIVE DATE: 0901 UTC, June 23, 1995.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–537, Federal Aviation Administration, Docket No. 95–ANM–4, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

History

On February 21, 1995, the FAA proposed to amend part 71 of Federal Aviation Regulations (14 CFR part 71) by amending the Worland, Wyoming, Class E airspace designation (60 FR 9653). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

During an airspace review an error was discovered in the airspace description for Class E airspace at Worland, Wyoming. This action corrects that error. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace is published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class E airspace at Worland, Wyoming. The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, 14 CFR part 71 is amended as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.0. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E Airspace Extending Upwards From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM WY E5 Worland, WY [Amended]

Worland Municipal Airport, WY
(Lat. 43°57′56″ N, long. 107°57′01″ W)
Worland VOR/DME
(Lat. 43°57′51″ N, long. 107°57′03″ W)

That airspace extending upward from 700 feet above the surface within 4 miles east and 8.3 miles west of the Worland VOR/DME 352° and 172° radials extending from 16.1 miles north to 5.3 miles south of the VOR/DME; that airspace extending upward from 1,200 feet above the surface within a 20.1-mile radius of the VOR/DME, and that airspace extending upward from 10.500 feet MSL bounded on the north by lat. 44°00′00″ N, on the east by the 20.1-mile radius of the Worland VOR/DME, on the south by V–319, and on the west by V–85. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on April 19, 1995.

Bill H. Ellis,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95–11275 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 100

[CGD 05–95–014]

RIN 2115

Special Local Regulations for Marine Events; 17th Annual Wilmington Family YMCA—Physicians Health Plan Triathlon, Wrightsville Channel, Wrightsville Beach, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations for the 16th Annual Wilmington Family YMCA—Physicians Health Plan Triathlon. The swim portion of the event will be held in Wrightsville Channel between daybeacon 18 (LLNR 28050) and daybeacon 23 (LLNR 28065). These regulations restrict vessel traffic within the regulated area during the event. These special local regulations are considered necessary to control vessel traffic and to provide for the safety of the participants in the event.

EFFECTIVE DATE: The regulations in 33 CFR 100.513 are effective from 6 a.m. to 9:45 a.m., September 10, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmounh Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Fort Macon (919) 247–4548.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LCDR C.A. Abel, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The Wilmington Family YMCA submitted an application to hold the swim portion of the 17th Annual Wilmington Family YMCA—Physicians Health Plan Triathlon at Wrightsville Beach, North Carolina. This swim portion of the triathlon will consist of approximately 700 swimmers racing in a section of the Wrightsville Channel. The regulations in 33 CFR 100.513 govern the activities of the swim portion of the triathlon on Wrightsville Channel between Wrightsville Channel Daybeacon 18 (LLNR 28050) and Wrightsville Channel Daybeacon 23 (LLNR 28065). Because the swim portion of the triathlon is an event of the type contemplated by these regulations, the safety of the participants will be enhanced by the implementation of the special local regulations. The waterway will be closed from 6 a.m. to 9:45 a.m., September 10, 1995, for the event. Since the waterway will not be closed for an extended period, commercial traffic should not be severely disrupted.

Dated: April 14, 1995.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 95–11301 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD13–95–013]

Safety Zone Regulations; National Maritime Week Tugboat Races, Elliott Bay, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone during the National Maritime Week Tugboat Races held on Elliott Bay in Seattle, WA. This event will be held on Saturday, May 20, 1995, from 12 p.m. to 4:30 p.m. (PDT). The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. Entry into the safety zone will be prohibited during the event in order to keep spectator vessels from interfering with the races and to prevent damage that may be caused by the large wakes thrown by the tugboats during the races.

EFFECTIVE DATE: This regulation becomes effective on May 20, 1995, at 12 p.m. and will terminate at 4:30 p.m. (PDT) that same day.

FOR FURTHER INFORMATION CONTACT: LT S. Workman, c/o Commander, Group Seattle, 1519 Alaskan Way South, Seattle, Washington 98134, (202) 217–6000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication. Prompt regulatory action is

needed in order to provide for the safety of spectators and participants during this event. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Drafting Information

The principal persons involved in drafting this document are LT Susan Workman, project officer, Coast Guard Group Seattle, WA, and LCDR John Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

Background and Purpose

The Tug Boat Races are sponsored by the Seattle Maritime Week Committee as part of the National Maritime Week celebration and will be conducted on the waters of Elliott Bay, Seattle, WA. This one day event attracts a large number of spectator craft which gather on the waters near the race course. To promote the safety of both the spectators and participants, a safety zone will be established and entry into this safety zone will be restricted during the event. This action is necessary in order to keep spectators off of the race course and to prevent any damage to spectator vessels that may be caused by the large wakes thrown by the tugs during the races. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 CFR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the safety zone will involve less than one square mile of area on Elliott Bay and entry into this zone will be restricted for only 4.5 hours on the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and has concluded that under Section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the rulemaking docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends part 165 of title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section 165T.13–012 is added to read as follows:

§ 165.T13–012 Safety Zone; Elliott Bay, Seattle, WA

(a) *Location.* The following area is a safety zone: All waters of Elliott Bay, Seattle, Washington, bounded by the following coordinates:

Beginning at the southwest corner of Pier 89 at Latitude 47°37′36″N, Longitude 122°22′42″W; thence southwest to Latitude 47°37′30″N, Longitude 122°22′48″W; thence southeast to Latitude 47°36′14″N, Longitude 122°20′43″W, thence northeast to Latitude 47°36′21″N, Longitude 122°20′31″W, thence returning to the origin.

(b) *Regulations.* In accordance with the general regulations in section 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port, Puget Sound.

(c) *Effective Dates.* This regulation becomes effective on May 20, 1995, at 12 p.m. (PDT) and terminates on May 20, 1995, at 4:30 p.m. unless sooner terminated by the Captain of The Port.

Dated: April 26, 1995.

R.K. Softye,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 95–11296 Filed 5–8–95; 8:45 am]

BILLING CODE 4919–14–M

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33 CFR Part 165

[CGD01–95–026]

RIN 2115–AA97

Safety Zone: Brick Founder's Day Fireworks, Metedeconk River, Brick, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on June 3, 1995, for the Brick Founder's Day fireworks display located in the Metedeconk River, Brick, New Jersey. This safety zone closes all waters of the Metedeconk River within a 300 yard radius from the center of the fireworks platform located on Windward Beach, Brick, New Jersey.

EFFECTIVE DATE: This rule is effective on June 3, 1995, from 8 p.m. until 10:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group, New York, (212) 668–7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On March 27, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 15736) concerning this regulatory action. Interested persons were requested to submit comments on or before April 26, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this temporary final rule as proposed. Good cause exists for making this regulation effective less than 30 days after **Federal Register** publication. Due to the NPRM comment period deemed necessary to give the public adequate notice, there was insufficient time to publish this temporary final rule 30 days prior to the event. The delay that would be encountered to allow for a 30 day publication period would cause the cancellation of this event. Cancellation of this event is contrary to the public interest.

Background and Purpose

On February 23, 1995, the Brick Township Chamber of Commerce submitted an Application for Approval of Marine Event for a fireworks program on Windward Beach in the Metedeconk River. This regulation establishes a temporary safety zone in the waters of the Metedeconk River on June 3, 1995, from 8 p.m. until 10:30 p.m., unless extended or terminated sooner by the Coast Guard Captain of the Port, New York. This safety zone precludes all vessels from transiting a portion of the Metedenock River within a 300 yard radius of the fireworks platform located on a pier in the approximate position 40°03′25″N latitude 074°06′47″W longitude at Windward Beach, Brick, New Jersey. It is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Metedeconk River to all vessel traffic on June 3, 1995, from 8 p.m. until 10:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; that mariners can transit to the south of this area; and the extensive, advance advisories that will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Final Regulation

For reasons set up in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01–026 is added to read as follows:

§ 165.T01–026 Safety Zone; Brick Founder's Day Fireworks, Metedeconk River, Brick, New Jersey.

(a) *Location.* all waters of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier in the approximate position 40°03′25″N latitude 074°06′47″W longitude at Windward Beach, Brick, New Jersey.

(b) *Effective period.* This safety zone is in effect on June 3, 1995, from 8 p.m. until 10:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 28, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95–11300 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7140

[AZ–930–1430–01; AZA 6592]

Revocation of Public Land Order No. 5298; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety public land order No. 5298, which withdrew 1,062.70 acres of public lands for the expansion and protection of the Aravaipa Canyon Primitive Area. The lands have been incorporated into the National Wilderness Preservation System to be known as the Aravaipa Canyon Wilderness Area, and the withdrawal is no longer needed. The lands will remain closed to surface entry, mining, and mineral leasing as part of a wilderness area.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0509.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 5298, which withdrew the following described lands for the protection and expansion of the Aravaipa Canyon Primitive Area, is hereby revoked in its entirety:

Gila and Salt River Meridian

T. 6 S., R. 18 E.,
Sec. 15, S½S½;
Sec. 24, S½SE¼;
Sec. 25, W½E½, and W½.
T. 6 S., R. 19 E.,
Sec. 19, lot 4;
Sec. 30, lots 2 to 6, inclusive, SW¼NE¼, and W½SE¼.

The areas described aggregate 1,062.70 acres in Pinal and Graham Counties.

2. The lands will remain closed to all forms of entry due to the lands being within the Aravaipa Canyon Wilderness Area.

Dated: April 21, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–11288 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 381

[Docket No. R–153]

RIN 2133–AB17

Cargo Preference—U.S.-Flag Vessels; Available U.S.-Flag Commercial Vessels

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment to the cargo preference regulations of the Maritime Administration (MARAD) would provide that during the 1995 shipping season when the St. Lawrence Seaway is in use, MARAD will consider the legal requirement for the carriage of bulk agricultural commodity preference cargoes on privately-owned ''available'' U.S.-flag commercial vessels to have been satisfied where the cargo is initially loaded at a Great Lakes port on one or more U.S.-flag or foreign-flag vessels, transferred to a U.S.-flag commercial vessel at a Canadian transshipment point outside the St. Lawrence Seaway, and carried on that U.S.-flag vessel to a foreign destination. This amendment allows Great Lakes ports to compete for agricultural commodity preference cargoes during an entire season trial period.

EFFECTIVE DATE: This final rule is effective on May 9, 1995.

FOR FURTHER INFORMATION CONTACT: John E. Graykowski, Deputy Maritime Administrator for Inland Waterways and Great Lakes, Maritime Administration, Washington, DC, 20590, Telephone (202) 366–1718.

SUPPLEMENTARY INFORMATION: United States law at sections 901(b) (the ''Cargo Preference Act'') and 901b, Merchant Marine Act, 1936, as amended (the ''Act''), 46 App. U.S.C. 1241(b) and 1241f, requires that at least 75 percent of certain agricultural product cargoes ''impelled'' by Federal programs (preference cargoes), and transported by sea, be carried on privately-owned United States-flag commercial vessels, to the extent that such vessels ''are available at fair and reasonable rates.'' The Secretary of Transportation intends to administer that program so that all ports and port ranges may participate.

1994 Rulemaking

On August 8, 1994, MARAD published a final rule on this subject in the **Federal Register** (59 FR 40261). That rule stated that it was intended to allow U.S. Great Lakes ports to participate with ports in other U.S. port ranges in the carriage of bulk agricultural commodity preference cargoes. It cited as justification for the rule dramatic changes in shipping conditions that have occurred since 1960, including the disappearance of any all-U.S.-flag commercial ocean-going service to foreign countries from U.S. Great Lakes ports. It further stated that the static configuration of the St. Lawrence Seaway system and the evolving greater size of commercial vessels contributed to the disappearance of any all-U.S.-flag service.

No preference cargo has moved on U.S.-flag vessels out of the Great Lakes since 1989, with the exception of one trial shipment in 1993. Under the Food Security Act of 1985, Public Law 99–198, codified at 46 App. U.S.C. 1241f(c)(2), a certain minimum amount of Government-impelled cargo was required to be allocated to Great Lakes ports during calendar years 1986, 1987, 1988, and 1989. That Great Lakes ''set-aside'' expired in 1989, and was not renewed by Congress. The disappearance of Government-impelled cargo flowing from the Great Lakes coincided with the expiration of the Great Lakes ''set aside.''

At the time of the opening of the 1994 Great Lakes shipping season on April 5, 1994, the Great Lakes did not have any all-U.S.-flag ocean freight service for carriage of bulk preference cargo. In contrast, the total export nationwide by non-liner vessels of USDA and USAID agricultural assistance program cargoes subject to cargo preference in the 1992–1993 cargo preference year (the latest program year for which figures are available) amounted to 6,297,015 metric tons, of which 4,923,244, or 78.2 percent, was transported on U.S.-flag vessels. (Source: Maritime Administration database.)

MARAD issued the 1994 rule to provide Great Lakes ports with the opportunity to compete for agricultural commodity preference cargoes for only the 1994 Great Lakes shipping season cargoes, and to assess the results.

Inadequate 1994 Trial Period

As predicted by numerous commenters on the first notice of proposed rulemaking (NPRM), published on May 11, 1994 (59 FR 24390), the timing of the final rule did not allow for a true trial period since it was actually in effect for less than one-half of the 1994 Great Lakes shipping season. Because of the long lead time required for arranging shipments of bulk agricultural commodity preference cargoes, there was no real opportunity

for U.S.-flag vessel operators to make the necessary arrangements to bid on preference cargoes.

Second NPRM

Because the publication of the 1994 final rule occurred too late to allow participants in the shipment of agricultural commodity preference cargoes to arrange shipments from Great Lakes ports, no shipments occurred in 1994. Accordingly, MARAD was not able to evaluate the impact of the 1994 amendment, and issued a second NPRM on February 1, 1995 (60 FR 6068), that proposed to extend the trial period for applying its policy for shipment of preference cargoes on available U.S.-flag vessels through the 1995 Great Lakes shipping season.

MARAD received twelve (12) comments on this second NPRM from individual Great Lakes ports, a Federal shipper agency, Great Lakes grain carriers, grain producers and exporters, and a commodity exchange. All commenters enthusiastically supported the amendment as a minimal initial action that would allow Great Lakes ports to participate in the bulk agricultural cargo preference trade by being able to offer service at competitive rates. Most commenters supported a longer trial period, or requested that the rule be made permanent. They cited equity as being the paramount justification.

In reiterating last year's statement that the trial period should extend for several navigation seasons or until U.S.-flag vessels resume operations on the Great Lakes, a commenter asserted that not only is it difficult to assess any benefits based on only one shipping season, but that shippers are reluctant to change their shipping patterns for a short period of time, knowing that they must revert back to the ''old way,'' irrespective of their recognition of a cost advantage during that short period. MARAD will issue another proposed rule to extend the trial period for at least three years if it determines that this amendment actually was responsible for the carriage of agricultural commodity cargoes from Great Lakes ports to foreign destinations on available U.S.-flag vessels during the 1995 Great Lakes shipping season.

Another commenter urged MARAD to promulgate a rule that allows shipment of agricultural commodities from a Great Lakes port for the entire voyage, from origin to destination, on foreign-flag vessels where U.S.-flag vessels are not available for such voyages from Great Lakes ports. The commenter argued that this policy will allow the Great Lakes ports greater participation in USDA and USAID agricultural assistance program cargoes. That proposal is contrary to the provisions and intent of the Cargo Preference Act of 1954, and of this rulemaking.

Based on the unequivocal support of all the commenters for modification of the interpretation of ''available'' U.S.-flag commercial vessels for the carriage of bulk agricultural commodity preference cargoes from Great Lakes ports, MARAD is adopting as a final rule, without change, the text of the NPRM.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been reviewed under Executive Order 12866 and Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). It is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, since it has been determined that it is not likely to result in a rule that may have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. However, since this rule would affect other Federal agencies, is of great interest to the maritime industry, and has been determined to be a significant rule under the Department's Regulatory Policies and Procedures, it is considered to be a significant regulatory action under E.O. 12866.

MARAD expects that this rule could allow, in the 1995 Great Lakes season, the movement of up to 300,000 metric tons of agricultural commodities from Great Lakes ports, with a reduction in the shipping cost to sponsoring Federal agencies of up to $3 per metric ton ($900,000). Because the Great Lakes shipping season opened on March 24, MARAD has determined, pursuant to 5 U.S.C. 553(d), that good cause exists to make this rule effective on publication.

MARAD will evaluate the results of the one-season trial period before determining whether to issue a rule to make this arrangement permanent.

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirement that is subject to OMB approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.)

List of Subjects in 46 CFR Part 381

Freight, Maritime carriers.

Accordingly, MARAD hereby amends 46 CFR part 381 as follows:

PART 381—[AMENDED]

1. The authority citation for Part 381 continues to read as follows:

Authority: 46 App. U.S.C. 1101, 1114(b), 1122(d) and 1241; 49 CFR 1.66.

2. Section 381.9 is revised to read as follows:

§ 381.9 Available U.S.-flag service for 1995.

For purposes of shipping bulk agricultural commodities under programs administered by sponsoring Federal agencies from U.S. Great Lakes ports during the 1995 shipping season, if direct U.S.-flag service, at fair and reasonable rates, is not available at U.S. Great Lakes ports, a joint service involving a foreign-flag vessel(s) carrying cargo no farther than a Canadian port(s) or other point(s) on the Gulf of St. Lawrence, with transshipment via a U.S.-flag privately owned commercial vessel to the ultimate foreign destination, will be deemed to comply with the requirement of ''available'' commercial U.S.-flag service under the Cargo Preference Act of 1954. Shipper agencies considering bids resulting in the lowest landed cost of transportation based on U.S.-flag rates and service shall include within the comparison of U.S.-flag rates and service, for shipments originating in U.S. Great Lakes ports, through rates (if offered) to a Canadian port or other point on the Gulf of St. Lawrence and

a U.S.-flag leg for the remainder of the voyage. The ''fair and reasonable'' rate for this mixed service will be determined by considering the U.S.-flag component under the existing regulations at 46 CFR Part 382 or 383, as appropriate, and incorporating the cost for the foreign-flag component into the U.S.-flag ''fair and reasonable'' rate in the same way as the cost of foreign-flag vessels used to lighten U.S.-flag vessels in the recipient country's territorial waters. Alternatively, the supplier of the commodity may offer the Cargo FOB Canadian transshipment point, and MARAD will determine fair and reasonable rates accordingly.

Dated: May 3, 1995.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 95–11272 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 88–21, Notice No. 09]

RIN No. 2127–AE25
RIN No. 2127–AE62

Federal Motor Vehicle Safety Standards, Bus Emergency Exits and Window Retention and Release

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

ACTION: Final rule.

SUMMARY: This rule makes a number of amendments to the agency's standard on bus emergency exits and window retention and release. Among other things, the amendments permit manufacturers to install two emergency exit windows as an alternative to an emergency exit door as the first means of satisfying recent requirements for additional emergency exits on school buses. The amendments also permit non-school buses to meet either the current non-school bus emergency exit requirements or the recently upgraded school bus requirements. These amendments will increase manufacturer flexibility in meeting emergency exit requirements while maintaining the existing level of safety. The amendments also modify the requirements specifying the number of additional exits that are required for school buses of varying capacity. These amendments will provide increased clarity and also ensure that manufacturers meet the recently upgraded requirements by providing additional emergency exits rather than by increasing the size of existing exits. The rule also makes a number of more minor amendments to the standard.

DATES: This final rule is effective May 9, 1996.

Manufacturers may voluntarily comply with the amendments promulgated by this final rule on or after June 8, 1995.

Any petition for reconsideration of this rule must be received by NHTSA no later than June 8, 1995.

ADDRESSES: Any petition for reconsideration should refer to the docket and notice number for this rule and be submitted to NHTSA Docket Section, 400 Seventh Street, S.W., Room 5109, Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday. Telephone: (202) 366–4949.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Room 5320. Washington, DC 20590. Telephone (202) 366–0247.

SUPPLEMENTARY INFORMATION:

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SUPPLEMENTARY INFORMATION:

I. Background

A. Standard No. 217

NHTSA has long recognized the safety need for buses to provide means for readily accessible emergency egress in the event of a crash or other emergency. The agency addressed this safety need by issuing Safety Standard No. 217, *Bus Emergency Exits and Window Retention Release*

When the standard originally became effective on September 1, 1973, it required that buses other than school buses have exits whose combined area, in square inches, equaled or exceeded 67 times the number of designated seating positions. The type of exit used to comply with this requirement was left to the choice of the manufacturer, although the agency assumed that most manufacturers would meet the standard primarily by installing push-out side windows. Moreover, the standard's performance requirements for emergency exit windows effectively required those windows to be of the push-out type.

School buses were excluded from this requirement for the reasons explained in the notice of proposed rulemaking (NPRM):

> In view of discipline problems associated with mandatory quick-release and exit devices throughout a school bus which may interfere with the school bus driver's task, and the added risk of children falling from moving school buses, push-out windows for school buses would remain optional. 35 FR 13025; August 15, 1970.

Later, in response to the Motor Vehicle and Schoolbus Safety Amendments of 1974, NHTSA amended Standard No. 217 to include emergency exit requirements for school buses. Instead of adopting the approach used for non-school buses, the agency required that all new school buses have either (1) one rear emergency door, or (2) ''one emergency door on the vehicle's left side that is in the rear half of the bus passenger compartment and is hinged on its forward side, and one push-out rear window.''

In response to several school bus accidents in the late 1980's and recommendations by the National Transportation Safety Board, NHTSA subsequently upgraded Standard No. 217's school bus requirements to increase the number of emergency exits required for larger school buses. This final rule was published in the **Federal Register** (57 FR 49413) on November 2, 1992, and a correction notice was published on December 2, 1992 (57 FR 57020).

The upgraded rule required, among other things, that the total area of the emergency exits of each school bus be based on the designated seating capacity of the bus. The rule maintained the existing requirement that all school buses have either a rear emergency exit door or a left-side emergency exit door along with a rear push-out window, at the option of the manufacturer. It also provided, however, that the area in

square centimeters of the unobstructed openings for emergency exit must collectively amount to at least 432 times the number of designated seating positions in the bus (this is the metric equivalent of an area in square inches amounting to at least 67 times the number of designated seating positions).

The rule specified that the front service door area and either the rear door exit area (for a bus that has a rear emergency door) or side door exit area plus push-out window area (for a bus with a left side emergency door and push-out rear window) are counted toward meeting the total emergency exit area requirement. Under the rule, if these areas are insufficient to meet the total area requirement, manufacturers must provide sufficient additional exits to meet the remaining area (termed the ''additional emergency exit area'' (AEEA)). Such additional exits must be provided in the following sequence:

(a) A left side emergency exit door (for a bus that has a rear emergency door) or right side emergency exit door (for a bus with a left side emergency door and push-out rear window);

(b) An emergency roof exit; and,

(c) Any of the following, at the manufacturer's option: side emergency doors, roof exits, or push-out window exits.

B. November 1992 NPRM

At the same time NHTSA published the final rule upgrading Standard No. 217's requirements for school buses, it published an NPRM to permit non-school buses to meet either the existing non-school bus requirements or the newly upgraded school bus requirements. 57 FR 49444, November 2, 1992. The agency stated that it believed the upgraded school bus requirements provide a level of safety comparable to that of the existing non-school bus requirements.

NHTSA noted that the action would affect obligations of school bus operators under the Federal Motor Carrier Safety Regulations (FMCSRs) issued by the Office of Motor Carrier Standards in the Federal Highway Administration. The FMCSRs require all buses, including school buses, to meet the Standard No. 217 requirements for non-school buses. NHTSA explained that if Standard No. 217 were amended to allow non-school buses to meet the upgraded school bus requirements, there would be no need under the FMCSRs to retrofit school buses which are operated in interstate commerce and therefore required by the FMCSRs to meet the existing non-school bus requirements in Standard No. 217.

C. December 1993 NPRM

On December 1, 1993, in response to two petitions from the Blue Bird Body Company, NHTSA published in the **Federal Register** (58 FR 63321) an NPRM to amend Standard No. 217's emergency exit requirements. The agency proposed to permit manufacturers to install windows other than push-out windows in order to meet the emergency exit requirements. The agency also proposed to permit manufacturers to install two emergency exit windows as an alternative to an extra emergency exit door as the first means of satisfying the AEEA requirements for school buses. In addition, NHTSA proposed new criteria for determining the amount of area that is credited for emergency exits on school buses.

NHTSA also proposed a new means for specifying the number of exits that are required for school buses of varying capacity. The agency proposed to replace the existing requirements, which are specified in terms of total emergency exit area and AEEA, with simple tables specifying the exits that are required for each level of seating capacity. Under the proposal, the number of exits required by the tables would be derived from the existing requirements, as well as the criteria at issue in the NPRM concerning the amount of area that should be credited for emergency exits for school buses.

The agency also proposed several miscellaneous amendments, including the following: a minimum size requirement for required school bus emergency exit windows; a requirement for an opening device that keeps a window, once having been fully opened, from closing past the point at which the window is perpendicular to the bus; an amendment to clarify that the standard's requirements apply to any type of emergency exit; and an amendment to return the standard's gross vehicle weight rating (GVWR) references from metric units to pounds, until NHTSA decides how to convert GVWR for all safety standards.

NHTSA believed that the proposed amendments would increase manufacturer flexibility while maintaining the existing level of safety, would provide increased clarity, and would also ensure that manufacturers meet the recently upgraded school bus exit requirements by providing additional emergency exits rather than by increasing the size of existing exits.

II. Overview

Today's final rule is based on the November 1992 and December 1993 NPRMs. The final rule:

* Permits the installation of two emergency exit windows as an alternative to an emergency exit door as the first means of providing additional emergency exit area in school buses. The agency believes that permitting this additional option will increase manufacturer flexibility while maintaining the level of safety envisioned by the standard;

* Modifies the requirements specifying the number of additional exits that are required for school buses of varying capacity. These modifications will provide increased clarity and ensure that manufacturers meet school bus emergency exit requirements by providing additional emergency exits rather than by increasing the size of existing exits.

* Specifies that emergency exit windows in school buses must meet the same minimum size requirements as non-school bus emergency exit requirements;

* Permits non-school buses to meet the emergency exit requirements of school buses. This will allow school buses to be used for interstate non-school bus purposes. School buses that comply with Standard 217's school bus exit requirements will also comply with the FMCSR's without the need for retrofitting; and

* Corrects an error made in the final rule issued by NHTSA on November 2, 1992, so that the retroreflective tape outlining the exteriors of required school bus emergency exits shall be at least 2.5 centimeters wide rather than the 3 centimeters specified in the final rule.

III. The December 1993 Proposal

A. Exit Window Performance Requirements

As indicated above, the existing performance requirements for emergency exit windows in Standard No. 217 effectively require those windows to be of the push-out type. These windows are defined as being ''designed to open outward to provide for emergency egress.'' The standard provides that at least one force application is required to operate the emergency release mechanism and that such force application must differ from the ''initial push-out motion'' of the exit by at least 90° to 180°. The reason that the existing requirements have the effect of requiring that an emergency exit window be a push-out window is that at the time requirements for emergency

exit windows were being developed, push-out windows were the only existing emergency exit windows available.

In the December NPRM, however, NHTSA proposed to permit installation of windows other than push-out windows. The agency ascertained that other types of emergency windows are available which the agency believes are capable of providing safety benefits at least equivalent to those of push-out windows.

Blue Bird Body Company (Blue Bird), National School Transportation Association, and Flxible Corporation (Flxible) supported the proposal as allowing manufacturers additional flexibility in providing emergency exits for school buses. Blue Bird specifically addressed sliding windows as alternatives to push-out windows, as further discussed below.

NHTSA agrees with the commenters and believes that manufacturers should be permitted the option of installing windows to meet emergency exit requirements. Standard No. 217, therefore, is amended to so provide.

B. School Bus Emergency Exit Requirements

NHTSA proposed to include sliding windows as an alternative to doors in the first priority category of additional emergency exits, since windows as well as a door could decrease evacuation time in catastrophic crashes (e.g., involving fire or submersion). Since improving the evacuation of a school bus in a catastrophic crash was the basis for requiring school buses to have AEEA, a window could satisfy the safety need for the AEEA requirement.

However, NHTSA did not believe all windows would be suitable for inclusion in the first priority category. NHTSA did not propose to include push-out exit windows in the first priority category, since the agency believed that there are differences between push-out and sliding windows that make the former less desirable on a school bus. In some evacuation situations, a push-out window could be difficult, if not impossible, for a small child to open. NHTSA explained in the NPRM that push-out windows could not have been opened in the catastrophic Alton, Texas school bus crash until the vehicle was nearly filled with water because of the outside water pressure. If a bus rolled over on its side, the windows on the upper side would have to be pushed open against gravity. In both those situations, however, sliding windows would be easier to open. Even if the bus were upright, push-out windows would have to be held open while a sliding window would remain open without being held. In addition, NHTSA pointed out that push-out windows typically require the occupant to exit the vehicle head first while holding the window open, while sliding windows remain open, allowing the occupant to exit feet first.

To avoid creating confusion among children trying to decide how to open the windows of a school bus, NHTSA proposed to require that if a manufacturer chooses to install emergency exit windows, it cannot install both sliding and push-out windows in the same vehicle. The agency proposed an exception to this prohibition for a bus with a single rear push-out window. Such a bus is typically a rear-engine bus in which a sliding rear window could not be installed.

The agency received nine comments on the NPRM. Commenters included school bus manufacturers, the National School Transportation Association (a trade association of school bus contractors), and state and local agencies responsible for pupil transportation. There was no consensus among the commenters on whether sliding windows should be in the first priority category of additional emergency exits.

Commenters supporting the proposal were the National School Transportation Association (NSTA), petitioner Blue Bird Body Company (Blue Bird), Portland Public Schools, and Salem Keizer Public Schools (Salem, Oregon). The California Highway Patrol (CHP) supported allowing sliding windows in school buses up to 10,000 pounds or 20 passengers. These commenters expressed either strong or qualified support for the proposal. Commenters expressing strong support were NSTA and Blue Bird. NSTA indicated that it supported permitting sliding windows as a first priority option because the amendment would increase manufacturer design flexibility, and could lead to a greater variety of exit types and locations on a school bus. Blue Bird stated that it supported the proposal for the reasons provided in its petition for rulemaking, i.e., that window-size exits provide better structural integrity than doors, that properly designed window-sized exits are less likely to allow passenger ejection while simultaneously providing quick egress in emergency situations, and that window exits provide economic benefits. Blue Bird also stated that its suggestions for rulemaking are based on its experience in manufacturing buses with various types and sizes of emergency exits and on

> [O]ur knowledge of the preferences of school bus users as specified in the 1990 National Standards for School Buses and state school bus specifications. Blue Bird believes the users of school buses are ultimately responsible for safe and efficient vehicle evacuation in emergencies and their knowledge and preferences should be weighed heavily in any final rule regarding emergency exits.

Commenters opposing the proposal were Wayne Wheeled Vehicles (WWV), a school bus manufacturer, Washington's Superintendent of Public Instruction (WSPI), Thomas Built Buses, another school bus manufacturer, and CHP, with regard to large school buses. WWV opposed any change to the sequential listing of emergency exits currently provided in Standard 217, but did not explain the basis for its opposition. WSPI opposed permitting sliding exit windows as a first priority in satisfying the AEEA, arguing that these windows are of limited value except in certain specific situations, such as submersion.

NHTSA disagrees with commenters' assertions that the usefulness of emergency exit windows is so limited that their inclusion in the first priority category of additional emergency exits is unwarranted. The agency also disagrees with CHP that sliding windows should not be installed on large school buses. The basic rationale of the AEEA requirements is to provide additional emergency exits for catastrophic crashes. In such cases, a variety of exits in both location and type provides additional means of egress in a variety of different situations. NHTSA believes that exit windows provide a reasonable and effective option for such egress.

The agency further concludes that, even if exit windows may not be useful in all situations, this limitation is not determinative. This amendment does not require installation of exit windows, but merely permits them as an option in meeting the AEEA requirement. The intent of this rulemaking, therefore, is to enable manufacturers to install exit windows when school bus purchasers prefer them. NHTSA concurs with Blue Bird that school bus purchasers are best able to determine which types of emergency exits would best meet their school bus needs. The agency does not have data that would justify denying school bus purchasers and administrators their preferences between exit windows and side doors, particularly in view of the cost differential between the two.

Opponents of this proposal raised safety concerns about sliding windows. Thomas argued that in an emergency, the natural reflex of people is to push out, as in exiting a building, and the motion required in releasing a sliding window is inconsistent with that natural tendency. Thomas stated that since children are accustomed to pushing out to exit, the sliding windows will confuse them. WSPI asserted that its experience has been that children tend not to use windows, especially in drills.

Thomas asserted, without supporting data, that the motion necessary to open a sliding window is contrary to passengers natural tendency. Assuming that statement to be valid, Thomas did not provide information showing that such natural tendency cannot be overcome through adequate training, such as evacuation drills. NHTSA believes that local school officials can and will implement training programs that will overcome any reluctance on the part of students to use a sliding window in an emergency. Moreover, school children typically ride to and from school in the same bus for the entire school year, and often for the entire time they are in elementary school, middle school or high school. Since school children usually change buses infrequently, children riding a bus with a sliding window emergency exit will likely have a high degree of exposure to that type of exit, which increases their degree of familiarity with the sliding window exit.

Thomas argued that sliding windows cannot be opened from the outside as can doors, thereby diminishing safety. While it is correct that a sliding window typically cannot be opened from the outside, the agency does not believe that it is necessary for all emergency exits to be capable of being opened from the outside. Emergency exits are intended primarily to provide occupants a means of egress from inside the bus in case of emergency. The rear and side emergency doors and roof hatches are required to have release mechanisms on the outside as well as the inside of the bus. The agency believes, therefore, that doors and roof hatches provide access from outside the bus sufficient to meet all accident scenarios. If necessary in an extreme emergency, windows can be broken from the outside to provide emergency egress.

Thomas asserted that since there is no aisle leading to an emergency window and it can only be reached by climbing over a seat, the ability to exit the vehicle quickly is reduced. It should be noted that the NPRM proposed to allow the installation of either two sliding windows or a door as the first means of satisfying the AEEA requirement. While NHTSA concurs that it is probably quicker to exit a bus when there is an aisle leading to an exit as opposed to when there is none, the fact that there would be two window exits (versus one side door) should offset any increase in evacuation time due to the lack of an aisle leading to the window exit.

Finally, Thomas stated that there has been little or no experience in determining the crashworthiness of sliding emergency exit windows and suggested that NHTSA conduct impact and rollover testing of sliding windows on school bus bodies before issuing a final rule. NHTSA is not persuaded that Thomas' crashworthiness concerns are warranted. Thomas questioned what would be the long-term effect on sliding windows of the racking and shifting to which school buses are subjected. NHTSA believes that the ''racking and shifting'' to which school buses are subjected in their normal daily utilization should have no greater adverse affect on sliding windows than on any other exit in the vehicle. The design and construction of the vehicle should allow for such motion to minimize any adverse effects. The commenter was also concerned that a sliding window would be affected by the deformation of a bus body in a rollover crash. NHTSA believes that body deformation of the vehicle in a rollover situation may or may not affect the proper operation of sliding windows. Body deformation could affect any exit on the vehicle, but by providing a variety of exits on the vehicle, the likelihood is increased that occupants will have available a workable exit from which to depart the vehicle.

Thomas also asked how a sliding window would be affected by water pressure when a bus is submerged. Thomas believed that, in a submersion situation, water will rush in after any exit is opened. Thomas was concerned that under those conditions, a child might not be able to remain sufficiently oriented to be able to exit through that opening.

In response, the agency notes that, in a submersion situation, water will rush in as soon as any exit is opened. The orientation of the occupants of the vehicle in this situation will be a problem regardless of the nature of the exit. Therefore, NHTSA believes that sliding windows pose no greater hazard in this instance than any other exit.

After reviewing the comments on the NPRM, NHTSA concludes it is reasonable to allow windows as the first means of satisfying the AEEA requirement. The amendment would provide flexibility to manufacturers and school bus purchasers, while not degrading safety. However, partly in response to particular aspects of the NPRM, some commenters supporting the proposal to permit sliding windows qualified their support by suggesting certain conditions should be placed on sliding windows for the exits to be in the first priority category of the AEEA. As discussed below, this rule adopts many of these suggested conditions.

For a school bus to meet the AEEA using windows, there must be two windows on the vehicle. This condition was proposed in the NPRM. NSTA commented that it does not believe that it is preferable to install more than two sliding exit windows. Once the vehicle has been equipped with two sliding windows, it would be better to require the next exit to be a roof exit, as this will provide a greater variety of exit types and locations. NHTSA concurs, and has decided that a requirement for two windows is appropriate.

Each window must meet a minimum size requirement. This condition was proposed in the NPRM as a requirement for all emergency exit windows on school buses. The minimum size requirement is the same one that has been in S5.4.1 of Standard 217 for windows on non-school buses. Section S5.4.1 specifies that window exits must provide an opening large enough to permit passage of an ellipse having a major axis of 20 inches and a minor axis of 13 inches. This rule specifies that school bus exit windows, including sliding windows, must satisfy this size requirement.

Except for a bus with a single rear push-out window, both sliding and push-out windows may not be installed in the same vehicle. This requirement was proposed in the NPRM. No commenter opposed it. Accordingly, the agency is adopting it for the reasons stated in the proposal.

The sliding windows installed in school buses pursuant to this rule must slide vertically, not horizontally. This limitation results from comments from Portland Public Schools and Salem-Keizer Public Schools. Both expressed concern that horizontal sliding windows would provide openings that are more accessible, thus allowing children to put their heads or arms out the windows or enable them to throw items out the windows. Portland argued that the window designs and the proximity of the students to the windows would render it extremely difficult for drivers to regulate how far the windows may open. Both agreed that vertical sliding windows, or a ''full drop'' design,

would be safer and allow faster evacuation, provided they had appropriate release and warning systems.

NHTSA agrees with Portland and Salem-Keizer that horizontal sliding windows on school buses may increase the potential for student injuries. Typically, the vertical drop sash windows currently installed in school buses are designed to have a drop of approximately 9 inches. That opening permits ventilation, yet is generally above the heads of the children seated nearby, making it difficult for them to extend their heads and/or arms out of the windows. Vertical sliding emergency exit windows can be designed so that they drop partially to permit ventilation, then drop farther to allow for evacuation. Horizontal sliding windows, on the other hand, in order to provide an opening large enough to evacuate the vehicle, must provide an area close to the heads and arms of the passengers, making it easier for them to extend their heads and/or arms out of the windows. Accordingly, the agency has decided that horizontal sliding windows may not be installed in school buses as emergency exits.

The agency has decided that both push-out and vertical sliding windows should be authorized as a first priority for providing the AEEA in school buses. The agency's intent in requiring more emergency exits on school buses, as promulgated in the final rule of November 2, 1992, was to provide a greater number and variety of exits to be available in catastrophic situations where the occupants must exit the bus as quickly as possible. NHTSA believes that allowing emergency exit windows in meeting those requirements gives both manufacturers and consumers additional choices when ordering and manufacturing school buses. Finally, the agency notes that some states currently require push-out windows in school buses in addition to the emergency exits required by Standard No. 217. NHTSA believes that by allowing windows to be installed instead of doors, some of those states may realize cost savings by being relieved of the necessity of installing additional windows.

NHTSA has decided not to adopt its proposal to require push-out windows to have positive opening devices that would allow occupants to exit through the window without having to hold it open. Commenters WSPI, NSTA, and CHP all expressed support for the proposal, asserting that such a device would assist children in evacuating the vehicle. Wayne and Blue Bird opposed it, arguing that current designs of emergency exit windows are sufficient and that no safety need has been shown to require these devices. Blue Bird also asserted that such devices are not currently available on emergency exit windows, and suggested that NHTSA develop and test such a device and issue performance standards to regulate it. In view of Blue Bird's comments, the agency has concerns about the practicability of a hold-open device for windows. NHTSA is not aware of the availability of any hold-open device that will function properly as applied to windows. Accordingly, the agency is not adopting the proposal.

C. Exit Area Credit and Means for Specifying Requirements for Additional School Bus Exits.

The NPRM proposed to limit the amount of area that can be credited for any particular emergency exit in satisfaction of the AEEA requirement. The reason for the proposal was stated as follows:

> Restricting the amount of area that can be credited for an exit would ensure that [the AEEA] rulemaking would achieve its intended purpose of increasing the number of exits available to school bus occupants in a catastrophic crash.

(58 FR at 63324.) Stated differently, the purpose of the proposal was to ensure that manufacturers would install additional exits to meet the AEEA, rather than simply enlarge the size of exits existing prior to the AEEA rulemaking. NHTSA believed that increasing the number of exits will decrease evacuation time in a catastrophic crash.

The NPRM proposed two options for restricting the amount of area that can be credited for each emergency exit:

Option 1—limit the amount of area that could be credited toward any one emergency exit to 3,458 square centimeters. This value is comparable to the current amount that can be credited for a non-school bus exit (536 square inches).

Option 2—limit the amount of area that could be credited to an emergency exit to the following:

* Front service door: daylight opening or 12,916 square centimeters (cm), whichever is less;

* Rear or side exit door: 6,954 square cm;

* Rear push-out window: 5,002 square cm;

* Roof exit: daylight opening or 3,458 square cm, whichever is less;

* Side exit window: daylight opening or 3,458 square cm, whichever is less.

The NPRM also stated that the agency was considering restating Standard 217's requirements for the provision of school bus emergency exits (S5.2.3) in the form of a table, thereby replacing the formula in S5.2.3 for calculating the requisite AEEA for each bus.

Commenters differed as to which option they preferred. NSTA, Blue Bird and CHP supported option 1 on the basis that it would equalize the requirements of both school buses and non-school buses, thus providing better evacuation possibilities for both. Blue Bird expressed preference for option 1 because it would serve to increase the number of emergency exits in school buses. However, Blue Bird also concurred with option 2 as ''reasonable, practical, and justifiable,'' recognizing that option 1 may not be practical or justifiable, given that option 1 would require substantially more exits than those currently required by Standard 217 and specified by the 1990 National Standards for School Buses.

WSPI, Thomas, and Wayne supported option 2. Thomas said that option 2 would require the same number and size of all emergency exits by all manufacturers.

After considering the comments, NHTSA has decided to adopt option 2, though expressed in the form of tables (see Tables 1 through 3 below). NHTSA agrees with Blue Bird that the number of emergency exits required by option 1 may be excessive. Option 1 was based on the current requirement in Standard 217 (S5.2) that limits the amount of area that can be credited for an exit on a non-school bus. In proposing option 1, NHTSA believed that the option would make the number of emergency exits on school buses closer to the number of emergency exits on non-school buses. The agency realized, however, that since school buses have a greater seating capacity than non-school buses of the same size, option 1 might have resulted in a school bus having to have many more exits than a non-school bus of the identical size. NHTSA requested comments on the number of exits required on the same bus if it is equipped with seats either as a school bus or as a non-school bus.

Blue Bird was the only commenter responding to this request. Blue Bird stated that a 91-passenger school bus would be the equivalent of a 61-passenger non-school bus. Under option 1, this school bus would be required to have 11 exits, while the non-school bus would be required to have 8. Under option 2, this school bus would be required to have 7 exits. NHTSA believes that option 2 is the more appropriate option, since under it, school buses and non-school buses have a comparable and appropriate number of required exits.

The amount of emergency exit area for both school buses and non-school buses is based on seating capacity, calculated, as stated above, at 432 times the number of designated seating positions in the vehicle in square centimeters. School buses distribute this area slightly differently than non-school buses because many, if not most, school bus passengers are smaller than most adults. Non-school buses meet the emergency exit requirements primarily by push-out windows. School buses, on the other hand, use a variety of exits, including doors, windows, and roof hatches, at specified locations throughout the bus. The maximum seating capacity of a school bus is higher than that of a non-school bus. School buses can transport 3 to a seat if the passengers are in grades 1 through 5, and 2 per seat in grades 9 through 12. For students in grades 6 through 8, school districts vary the capacity of the bus depending on the size of the students. In any case, NHTSA believes that an excessive number of emergency exits as suggested by option 1 would be counterproductive by possibly degrading the structural integrity of the bus. Thus, the agency does not believe that requiring the additional exits resulting from option 1 is desirable.

With regard to the agency's consideration in the NPRM of adopting tables to replace the AEEA formulas in S5.2.3 of the Standard 217, WSPI opposed the change as unnecessary:

> It is a simple task to determine the amount of required exit area for a given passenger capacity, and the requirements are quite clear as to the order that additional required exits must be added.

In contrast, Thomas supported the change. Thomas indicated that a table is needed to determine the number of required emergency exits, because there has been a great deal of confusion over the number of emergency exits that are required of school buses with certain capacities:

> The number of required emergency exits already differs between body manufacturers due to differences in daylight opening calculations which are a result of each manufacturer's unique exit door sizes and designs. To further complicate the situation, front service door type (outward opening vs. jackknife), step height (9¼″ vs. 8¼″), and headroom (73″ vs. 78″) on some manufacturer's vehicles also affect daylight opening calculations, which in turn impact the number of additional emergency exits.

NHTSA believes that tables that show the AEEA requirements for school buses express emergency exit requirements with greater clarity and specificity, thereby reducing or removing the possibility of misunderstanding, misinterpretation, or miscalculation of the formula. Since the tables are based on seating capacity, while the formula is based not only on seating capacity but also calculations of exit areas, the agency believes that the tables will be easier to implement. Accordingly, this rule adopts the tables based on the calculations in option 2. Further, this rule specifies a new table in addition to the two discussed in the NPRM (one table designated the additional exits for school buses with a rear emergency exit door, while the other designated the additional exits for school buses with a side emergency exit door and a rear emergency push-out window). The two tables in the NPRM for determining the number of emergency exits required on a school bus treated all buses with a rear door and a seating capacity greater than 70 equally and all buses with a side door and rear push-out window and a seating capacity greater than 82 equally. In other words, under the tables, a bus with a capacity significantly above 70 or 82 did not need to have more exits than a 71 or 83-passenger capacity bus.

The NPRM explained that these limits were based on the largest capacity bus NHTSA believed is built for each type. The agency requested comments on whether even larger capacity buses are being built. In response, commenters submitted information that a significant number of buses have a sufficiently large capacity that they would be required to have more than one ''third priority'' exit.

NHTSA believes all school buses should have exits proportional to their capacity. Accordingly, the tables are modified as follows. The modified tables 1 and 2 indicate that buses over a certain capacity (70 or 82) must incorporate exits in addition to the required additional door and roof exit until the credit for those exits (found in table 3) plus either 70 or 82, depending on school bus type, exceeds the capacity of the bus. The third table responds to a comment from Blue Bird urging that NHTSA include tables showing the amount of credit for each type of exit instead of tables indicating the type of exits required for buses of certain capacity. NHTSA believes that the third table will reduce confusion and questions about equipping very large school buses with various combinations of third priority exits.

This rule adopts the following tables. Table 1 applies to school buses with a rear emergency door.

TABLE 1

Seating capacity	Additional exits required*
1–45	None.
46–62	1 left side exit door or 2 exit windows.
63–70	1 left side exit door or 2 exit windows, and 1 roof exit.
71 and above.	1 left side exit door or 2 exit windows, and 1 roof exit, and any combination of door, roof, or windows such that the total capacity specified in Table 3 for these exits, plus 70, is greater than the seating capacity of the bus.

*Side emergency exit doors must meet the requirements of S5.2.3.2(a); emergency roof exits must meet the requirements of S5.2.3.2(b); and emergency window exits must meet the requirements of S5.2.3.2(c).

Table 2 applies to school buses with a side emergency exit door and a rear emergency push-out window:

TABLE 2

Seating capacity	Additional exits required*
1–57	None.
58–74	1 right side exit door or 2 exit windows.
75–82	1 right side exit door or 2 exit windows, and 1 roof exit.
83 and above.	1 right side exit door or 2 windows, and 1 roof exit, and any combination of door, roof, or windows such that the total capacity credit specified in Table 3 for these exits plus 82 is greater than the capacity of the bus.

*Side emergency exit doors must meet the requirements of S5.2.3.2(a), emergency roof exits must meet the requirements of S5.2.3.2(b), emergency window exits must meet the requirements of S5.2.3.2(c).

Table 3 specifies the credit that is accorded each emergency exit installed on the vehicle to satisfy the AEEA requirement:

TABLE 3

Exit type	Capacity credit
Side Door	16
Window	8
Roof Exit	8

IV. November 1992 NPRM

A. Option for Non-School Buses To Meet School Bus Requirements

As indicated above, at the same time NHTSA published the final rule upgrading Standard No. 217's requirements for school buses, it published an NPRM to permit non-

school buses to meet either the existing non-school bus requirements or the newly upgraded school bus requirements. The agency stated that it believed the upgraded school bus requirements provide a level of safety comparable to that of the existing non-school bus requirements. NHTSA noted that the FMCSRs require all buses, including school buses, to meet the Standard No. 217 requirements for non-school buses. The agency explained that if Standard No. 217 were amended to allow non-school buses to meet the upgraded school bus requirements, there would be no need under the FMCSRs to retrofit school buses that are operated in interstate commerce and therefore required by the FMCSRs to meet the existing non-school bus requirements in Standard No. 217.

Five comments were submitted in response to the NPRM. Chrysler Corporation expressed support for the proposal. Blue Bird, on the other hand, stated that although it supported the concept of equivalent exit requirements for school buses and non-school buses, it opposed the proposal in the NPRM because the final rule of November 2, 1992 failed to upgrade school bus emergency exit requirements sufficiently to be equivalent to non-school bus requirements. Specifically, Blue Bird stated that NHTSA erred in permitting the crediting of the area of the front service door, permitting large exits to be credited with their total area, and by not requiring an equal distribution of exits on each side of the bus. Accordingly, Blue Bird argued that school bus emergency exit requirements are not equivalent to non-school bus exit requirements and that non-school buses should therefore not be permitted to meet the less stringent requirements of school buses.

NHTSA agrees that the emergency exit requirements of school buses and non-school buses are currently not equivalent. It is the intent of these amendments to Standard No. 217, however, to make them so. As discussed in the NPRM of December 1, 1993 (58 FR 63323–63324), the standard does not prohibit the front service door from being included as an emergency exit. NHTSA has consistently stated that it can be, so long as it meets all the emergency exit requirements of the standard. Further, the standard requires a specific distribution of emergency exits in school buses, whether or not that distribution results in an exact 40–40 distribution.

Blue Bird stated that a 56-passenger non-school bus would be required to have 8 emergency exits while a 56-passenger school bus would not be required to have any additional emergency exits. NHTSA points out that according to the tables issued by this notice, a 56-passenger school bus equipped with a rear emergency exit door would also be required to have 1 left side emergency door or 2 emergency exit windows. Apart from that, however, using figures supplied by Blue Bird in its comments, a 56-passenger non-school bus would be approximately the same size as an 84-passenger school bus. Thus, under the emergency exit requirements promulgated by this notice, that school bus would be required to have 7 or 8 emergency exits, depending on the type of bus and the type of exits selected by the purchaser. The agency believes, therefore, that the emergency exit requirements for school buses and non-school buses will provide an equivalent level of safety, thereby safely permitting non-school buses to comply with school bus emergency exit requirements.

The National Institute of Standards and Technology of the United States Department of Commerce submitted comments from the Economic Commission for Europe (ECE) suggesting consideration of ECE Nos. 36 and 52 for regulations prescribing technical requirements for doors, windows, and escape hatches used as emergency exits. ECE No. 36 applies to intercity and touring buses, while ECE No. 52 applies to small capacity public service vehicles with a seating capacity of 9 to 16 passengers. Therefore, the ECE standards are not relevant to this rulemaking action which primarily affects only school buses. In addition, the ECE standards are design standards while Standard No. 217 specifies performance standards.

NHTSA has decided, therefore, to amend Standard No. 217 to permit non-school buses to comply with the emergency exit requirements of school buses. Whether or not this option will be widely used by non-school bus manufacturers, it will permit operators of school buses in interstate commerce to comply with the FMCSRs without having to go to the trouble and expense of retrofitting those vehicles.

B. Deletion of S5.2.1.1

NHTSA also proposed in the NPRM of November 2, 1992 to delete S5.2.1.1 from Standard No. 217. That provision permits non-school buses with a gross vehicle weight rating (GVWR) greater than 10,000 pounds to satisfy the emergency exit requirements of the standard by installing one side emergency exit door for each three designated seating positions. That configuration is prohibited for school buses by paragraph S5.2.3.2(a)(4), which prohibits placing more than one side emergency door on school buses within the same post and roof bow panel space. That configuration is prohibited for school buses because of the agency's concern about the structural integrity of school buses in which too many side doors are installed. In addition, the agency is unaware of any bus that has ever been manufactured utilizing that option. No commenters addressed this proposal. Accordingly, for the reasons stated, this final rule deletes paragraph S5.2.1.1 from Standard No. 217.

V. Other Issues

A. Size of Retroreflective Tape

This rule makes a technical correction to the requirement in S5.5.3(c) of Standard 217 regarding the size of retroreflective tape that the standard requires to be placed on the outside perimeter of each required emergency exit. S5.5.3(c) requires the tape to be a minimum of 3 centimeters (cm) wide. The preambles to the NPRM and final rule for the requirement referred to the size of the tape as a minimum of 1 inch wide. However, the agency erroneously specified a minimum 3 cm requirement for the tape. In converting the 1 inch value to a metric value, NHTSA inadvertently increased the minimum size requirement by 0.46 cm.

The increased size has caused problems concerning compliance with S5.5.3(c). Blue Bird stated that 3 cm. retroreflective tape is not commercially available. Given that the increase in size was inadvertent and in view of the compliance problems of manufacturers, NHTSA stated in a July 7, 1993 letter to Blue Bird that the agency will correct the requirement. This rule, therefore, amends paragraph S5.5.3(c) of Standard No. 217 to specify that the width of the reflective tape required by that provision shall be 2.5 cm.

This correction imposes no duties or responsibilities on any party not already affected by the final rule. The discussion in the preamble to the final rule makes it clear that the agency did not intend to change the measurement of the retroreflective tape proposed in the NPRM of March 15, 1991, and that the error was an unintended conversion error. Accordingly, NHTSA finds for good cause that notice and opportunity for comments on this issue are not necessary.

B. Transpec Comments

Transpec, Inc. submitted comments and the law offices of Miller, Canfield, Paddock and Stone (Miller) submitted ''Supplemental Comments'' on behalf of

Transpec, Inc. Transpec argued that the NPRM of November 2, 1992, Docket No. 88–21, Notice 4, RIN 2127–AE25, 57 FR 49444 (Notice 4) ''opened the door to reconsideration of emergency exit sizes specified in FMVSS 217,'' and urged NHTSA to establish a minimum size of 20 x 20 inches for roof hatches. Transpec also suggested that NHTSA establish a maximum amount of area that can be credited for any emergency exit. In addition, the Supplemental Comments submitted by Miller suggested that NHTSA mandate roof hatches for all school buses.

NHTSA disagrees that the issue of the size of emergency exits was reopened by Notice 4. Notice 4 addressed only the proposal to permit non-school buses to meet the emergency exit requirements for school buses. Nothing was said in Notice 4 concerning the sizes or locations of school bus emergency exits. The issues raised by Transpec, on the other hand, were considered and discussed at length in the final rule of November 2, 1992, Docket No. 88–21, Notice 3, RIN 2127–AC88, 57 FR 49413 (Notice 3). Therefore, Transpec's and Miller's comments address issues that are beyond the scope of this notice and, therefore, may not be entertained here.

The agency notes, however, that Transpec's suggestion that NHTSA establish a maximum amount of area credit that can be allowed for any emergency exit has been addressed and resolved in this notice (see Section IIIC above).

VI. Lead Time

Although NHTSA believes that the changes promulgated in this notice are minor, some manufacturers may need to recompute or possibly redesign some of the emergency exits in their school buses. In order to provide adequate lead time to accommodate this, NHTSA considers a lead time of one year to be sufficient. For those manufacturers that are now or will soon be in compliance, they may comply with the amendments in this notice any time after 30 days after publication of this final rule in the **Federal Register**, but not later than one year after such date.

VII. Rulemaking Analyses and Notices

A. Executive Order No. 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, Regulatory Planning and Review. NHTSA has considered the impact of this rulemaking action under the DOT's regulatory policies and procedures and has determined that it is not ''significant'' within the meaning of those policies and procedures. Since compliance with the amendments is optional, there are no cost or leadtime considerations for manufacturers of new buses. Accordingly, a full regulatory evaluation was not prepared.

If a school bus manufacturer elects to use sliding windows as a first priority exit to meet the AEEA, there could be potential cost savings accruing from this rule. NHTSA estimates that the consumer cost of sliding emergency exit windows is $76 per window, or $152 per pair. Assuming sales of 38,000 new school buses per year, NHTSA estimates that the total cost of installing sliding exit windows instead of side exit doors in those buses would be $14,253,800. NHTSA further estimates that the total cost of installing all side emergency exit doors in accordance with Standard No. 217 would be $20,143,800. Thus, a savings could be realized by electing the sliding window option instead of the side door option, with no diminution in school bus safety.

NHTSA estimates that permitting non-school buses the option of complying with school bus emergency exit requirements could result in potential cost savings under the FMCSRs for users of school buses in interstate commerce. The incremental cost of retrofitting a push-out window in a school bus is approximately $150. Thus, a typical 66-passenger non-school bus requiring retrofitting of eight push-out windows could realize a per-vehicle cost savings of approximately $1,200.

B. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that the amendments promulgated by this final rule will not have a significant impact on a substantial number of small entities. Accordingly, the agency has not prepared a regulatory flexibility analysis.

The Regulatory Flexibility Act requires each agency to evaluate the potential effects of its rules on small businesses, small organizations, and small governmental jurisdictions. The small businesses and organizations most likely to be affected by this final rule are: (1) school bus manufacturers; (2) push-out and sliding window equipment manufacturers; (3) school bus dealers and distributors; and (4) state and local school districts that purchase new school bus equipment. Because the proposed requirements are optional, no significant economic impacts are anticipated for any of these small business entities from this final rule.

There will be a potential cost savings under the FMCSR's for small businesses, organizations and individuals who purchase or use vehicles that are also operated in interstate commerce. As indicated above, it cost approximately $150 to retrofit a push-out window into a school bus. Thus, a typical 66-passenger non-school bus requiring retrofitting of eight push-out windows will realize a per-vehicle cost savings of approximately $1,200.

C. Executive Order 12612 (Federalism)

This rulemaking action has been analyzed in accordance with the principles and criteria of Executive Order 12612, and the agency has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act and has determined that implementation of this action will not have any significant impact on the quality of the human environment.

E. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, P.L. 96–511, the agency notes that there are no information collection requirements associated with this rulemaking action.

F. Civil Justice Reform

This rule does not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the standard is identical to the Federal standard. However, a state may prescribe a standard for a motor vehicle or equipment obtained for its own use that imposes a higher performance requirement than the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings is not required before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. §§ 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.217 [Amended]

2. Section 571.217 is amended by removing the definition of ''daylight opening'' in S4; removing S5.2.1.1; adding a new definition of ''sliding window'' to S4 in alphabetical order; and by revising S1, S5.2, S5.2.1, S5.2.2, S5.2.3.1, S5.2.3.2(a) (2) and (3), S5.2.3.2(c), S5.3.1, S5.3.2 introductory text, S5.3.3.1 introductory text, S5.3.3.1(b), S5.3.3.2 introductory text, and S5.3.3.3 introductory text; S5.4, S5.4.1, the heading of S5.4.2.1, the heading of S5.4.2.2, S5.5.1 introductory text, and S5.5.3(c); and by adding S5.2.2.1, S5.2.2.2, S5.2.2.3, and S5.4.2.1(c).

§ 571.217 Standard No. 217; Bus emergency exits and window retention and release.

S1. Scope. This standard establishes requirements for the retention of windows other than windshields in buses, and establishes operating forces, opening dimensions, and markings for bus emergency exits.

* * * * *

S4. Definitions.

* * * * *

Sliding window means a bus window designed to open by moving vertically or horizontally to provide emergency egress.

* * * * *

S5.2 Provision of emergency exits.

S5.2.1 Buses other than school buses shall meet the requirements of either S5.2.2 or S5.2.3. School buses shall meet the requirements of S5.2.3.

S5.2.2 Buses other than school buses.

S5.2.2.1 Buses other than school buses shall provide unobstructed openings for emergency exit which collectively amount, in total square centimeters, to at least 432 times the number of designated seating positions on the bus. At least 40 percent of the total required area of unobstructed openings, computed in the above manner, shall be provided on each side of a bus. However, in determining the total unobstructed openings provided by a bus, no emergency exit, regardless of its area, shall be credited with more than 3,458 square centimeters of the total area requirement.

S5.2.2.2 Buses with GVWR of more than 10,000 pounds. Buses with a GVWR of more than 10,000 pounds shall meet the unobstructed openings requirements in S5.2.2.1 by providing side exits and at least one rear exit that conforms to S5.3 through S5.5. The rear exit shall meet the requirements of S5.3 through S5.5 when the bus is upright and when the bus is overturned on either side, with the occupant standing facing the exit. When the bus configuration precludes installation of an accessible rear exit, a roof exit that meets the requirements of S5.3 through S5.5 when the bus is overturned on either side, with the occupant standing facing the exit, shall be provided in the rear half of the bus.

S5.2.2.3 Buses with GVWR of 10,000 pounds or less. Buses other than school buses with GVWR of 10,000 pounds or less may meet the unobstructed openings requirement in S5.2.2.1 by providing:

(a) Devices that meet the requirements of S5.3 through S5.5 without using remote controls or central power systems;

(b) Windows that can be opened manually to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 50 centimeters and a minor axis of 33 centimeters; or

(c) Doors.

* * * * *

S5.2.3.1. Each school bus shall be equipped with the exits specified in either S5.2.3.1(a) or S5.2.3.1(b), chosen at the option of the manufacturer.

(a) One rear emergency door that opens outward and is hinged on the right side (either side in the case of a bus with a GVWR of 10,000 pounds or less), and the additional exits, if any, specified by Table 1.

(b) One emergency door on the vehicle's left side that is hinged on its forward side and meets the requirements of S5.2.3.2(a), and a push-out rear window that provides a minimum opening clearance 41 centimeters high and 122 centimeters wide and meets the requirements of S5.2.3.2(c), and the additional exits, if any, specified by Table 2.

TABLE 1

Seating capacity	Additional exits required*
1–45	None.
46–62	1 left side exit door or 2 exit windows.
63–70	1 left side exit door or 2 exit windows, and 1 roof exit.
71 and above.	1 left side exit door or 2 exit windows, and 1 roof exit, and any combination of door, roof, or windows such that the total capacity credit specified in Table 3 for these exits, plus 70, is greater than the seating capacity of the bus.

*Side emergency exit doors must meet the requirements of S5.2.3.2(a), emergency roof exits must meet the requirements of S5.2.3.2(b), emergency window exits must meet the requirements of S5.2.3.2(c).

TABLE 2

Seating capacity	Additional exits required*
1–57	None.
58–74	1 right side exit door or 2 exit windows.
75–82	1 right side exit door or 2 exit windows, and 1 roof exit.
83 and above.	1 right side exit door or 2 windows, and 1 roof exit, and any combination of door, roof, or windows such that the total capacity credit specified in Table 3 for these exits plus 82 is greater than the capacity of the bus.

*Side emergency exit doors must meet the requirements of S5.2.3.2(a), emergency roof exits must meet the requirements of S5.2.3.2(b), emergency window exits must meet the requirements of S5.2.3.2(c).

TABLE 3

Exit Type	Capacity Credit
Side Door	16
Window	8
Roof Exit	8

(c) The area of an opening equipped with a wheelchair lift may be credited toward the required additional exits if it meets the requirements of paragraphs (a) or (b) of S5.2.3.1 and if the lift folds or stows in such a manner that the area is available for use by persons not needing the lift. With the lift in the folded or stowed position, such opening is considered a side emergency exit door.

S5.2.3.2 * * *

(a) * * *

(2) The first side emergency exit door installed pursuant to Table 1, shall be located on the left side of the bus and as near as practicable to the mid-point of the passenger compartment. A second side emergency exit door installed pursuant to Table 1 shall be located on

the right side of the bus. In the case of a bus equipped with three side emergency door exits pursuant to Table 1, the third shall be located on the left side of the bus.

(3) The first side emergency exit door installed pursuant to Table 2 shall be located on the right side of the bus. A second side emergency door exit installed pursuant to Table 2 shall be located on the left side of the bus. In the case of a bus equipped with three side emergency door exits pursuant to Table 2, the third shall be located on the right side of the bus.

* * * * *

(c) Emergency exit windows. A bus equipped with emergency exit windows shall have an even number of such windows, not counting the push-out rear window required by S5.2.3.1(b). Any side emergency exit windows shall be evenly divided between the right and left sides of the bus. School buses shall not be equipped with horizontally-sliding emergency exit windows. Further, except for buses equipped with rear push-out emergency exit windows in accordance with S5.2.3.1(b), school buses shall not be equipped with both sliding and push-out emergency exit windows.

* * * * *

S5.3.1 Each emergency exit not required by S5.2.3 shall be releasable by operating one or two mechanisms located within the regions specified in Figure 1, Figure 2, or Figure 3. The lower edge of the region in Figure 1, and Region B in Figure 2, shall be located 13 centimeters above the adjacent seat, or 5 centimeters above the arm rest, if any, whichever is higher.

S5.3.2 When tested under the conditions of S6., both before and after the window retention test required by S5.1, each emergency exit not required by S5.2.3 shall allow manual release of the exit by a single occupant using force applications each of which conforms, at the option of the manufacturer, either to S5.3.2 (a) or (b) of this section. Each exit shall have not more than two release mechanisms. In the case of exits with one release mechanism, the mechanism shall require two force applications to release the exit. In the case of exits with two release mechanisms, each mechanism shall require one force application to release the exit. At least one of the force applications for each exit shall differ from the direction of the initial motion to open the exit by not less than 90° and no more than 180°.

* * * * *

S5.3.3.1 When tested under the conditions of S6., both before and after the window retention test required by S5.1, each school bus emergency exit door shall allow manual release of the door by a single person, from both inside and outside the passenger compartment, using a force application that conforms to S5.3.3.1 (a) through (c) of this section, except a school bus with a GVWR of 10,000 pounds or less is not required to conform to S5.3.3.1 (a). The release mechanism shall operate without the use of remote controls or tools, and notwithstanding any failure of the vehicle's power system. When the release mechanism is not in the position that causes an emergency exit door to be closed and the vehicle's ignition is in the ''on'' position, a continuous warning sound shall be audible at the driver's seating position and in the vicinity of the emergency exit door.

* * * * *

(b) Type of motion: Upward from inside the bus and, at the discretion of the manufacturer, from outside the bus. Buses with a GVWR of 10,000 pounds or less shall provide interior release mechanisms that operate by either an upward or pull-type motion. The pull-type motion shall be used only when the release mechanism is recessed in such a manner that the handle, level, or other activating device, before being activated, does not protrude beyond the rim of the recessed receptacle.

* * * * *

S5.3.3.2 When tested under the conditions of S6., both before and after the window retention test required by S5.1, each school bus emergency exit window shall allow manual release of the exit by a single person, from inside the passenger compartment, using not more than two release mechanisms located in specified low-force or high-force regions (at the option of the manufacturer) with force applications and types of motions that conform to either S5.3.3.2 (a) or (b) of this section. In the case of windows with one release mechanism, the mechanism shall require two force applications to release the exit. In the case of windows with two release mechanisms, each mechanism shall require one application to release the exit. At least one of the force applications for each window shall differ from the direction of the initial motion to open the exit by no less than 90° and no more than 180°. Each release mechanism shall operate without the use of remote controls or tools, and notwithstanding any failure of the vehicle's power system. When a release mechanism is open and the vehicle's ignition is in the ''on'' position, a continuous warning shall be audible at the drivers seating position and in the vicinity of that emergency exit.

* * * * *

S5.3.3.3 When tested under the conditions of S6., both before and after the window retention test required by S5.1, each school bus emergency roof exit shall allow manual release of the exit by a single person from both inside and outside the passenger compartment, using not more than two release mechanisms located at specified low-force or high-force regions (at the option of the manufacturer) with force applications and types of motions that conform either to S5.3.3.3 (a) or (b) of this section. In the case of roof exits with one release mechanism, the mechanism shall require two force applications to release the exit. In the case of roof exits with two release mechanisms, each mechanism shall require one application to release the exit. At least one of the force applications for each roof exit shall differ from the direction of the initial push-out motion of the exit by no less than 90° and no more than 180°.

* * * * *

S5.4 Emergency exit opening.

S5.4.1 After the release mechanism has been operated, each emergency exit not required by S5.2.3 shall, under the conditions of S6., both before and after the window retention test required by S5.1, using the reach distances and corresponding force levels specified in S5.3.2, allow manual opening by a single occupant to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 50 centimeters and a minor axis of 33 centimeters.

S5.4.2 School bus emergency exit opening.

S5.4.2.1 School buses with a GVWR of more than 10,000 pounds.

* * * * *

(c) Emergency exit windows. After the release mechanism has been operated, each emergency exit window of a school bus shall, under the conditions of S6., both before and after the window retention test of S5.1, using force levels specified in S5.3.3.2, be manually extendable by a single occupant to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 50 centimeters and a minor axis of 33 centimeters.

S5.4.2.2 School buses with a GVWR of 10,000 pounds or less. * * *

* * * * *

S5.5.1 In buses other than school buses, and except for windows serving as emergency exits in accordance with S5.2.2.3(b) and doors in buses with a GVWR of 10,000 pounds or less, each emergency exit door shall have the designation ''Emergency Door'' or ''Emergency Exit,'' and every other emergency exit shall have the designation ''Emergency Exit'' followed by concise operating instructions describing each motion necessary to unlatch and open the exit, located within 16 centimeters of the release mechanism.

* * * * *

S5.5.3 * * *

(c) Each opening for a required emergency exit shall be outlined around its outside perimeter with a retroreflective tape with a minimum width of 2.5 centimeters and either red, white, or yellow in color, that when tested under the conditions specified in S6.1 of Standard No. 131 (49 CFR 571.131), meets the criteria specified in Table 1 of that section.

* * * * *

Issued on May 2, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–11212 Filed 5–8 –95; 8:45 am]

BILLING CODE 4910–58–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 940254–4104; I.D. 042795B]

Pacific Coast Groundfish Fishery; Closure of Whiting At-sea Processing

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

ACTION: Fishing restrictions.

SUMMARY: NMFS announces the prohibition of further processing at-sea of Pacific whiting at 1400 hours (local time) on May 4, 1995, based on its projection that 60 percent (107,000 metric tons (mt)) of the 1995 harvest guideline for Pacific whiting will have been harvested by that time. This action is authorized by the Pacific Coast Groundfish Fishery Management Plan and is necessary to provide adequate amounts of whiting for shoreside processors and to achieve the allocation adopted for 1995.

EFFECTIVE DATE: 1400 hours (local time) May 4, 1995, through 2400 hours (local time) April 14, 1996.

ADDRESSES: Submit comments to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115–0070.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: On April 13, 1994, NMFS issued regulations (59 FR 17491) to allocate annually the U.S. Pacific whiting harvest guideline in the years 1994 through 1996 between fishing vessels that either catch and process at sea or catch and deliver to at-sea processors (the at-sea sector) and fishing vessels that catch and deliver to processors located on shore (the shore-based sector). In each of the 3 years, after 60 percent of the annual harvest guideline (or quota) for Pacific whiting has been or is projected to be taken, further at-sea processing of Pacific whiting in the exclusive economic zone will be prohibited. The remaining 40 percent of the harvest guideline is reserved initially for harvest by vessels delivering to shore-based processors. The regulations require that the Assistant Administrator for Fisheries, NOAA, announce in the **Federal Register** when 60 percent of the whiting harvest guideline has been, or is about to be, harvested, specifying a time after which further at-sea processing of Pacific whiting in the fishery management area is prohibited.

The most recent catch data available on May 2, 1995, indicate that approximately 92,700 mt of Pacific whiting have been harvested through May 1, 1995, and 60 percent (107,000 mt) of the 178,400 mt harvest guideline for Pacific whiting is projected to be reached by 1400 hours (local time) on May 4, 1995.

Secretarial Action

For the reasons given above, and in accordance with 50 CFR 663.23(b)(4)(i) and (iv), after 1400 hours (local time) on May 4, 1995, at-sea processing of Pacific whiting is prohibited (except for Pacific whiting that was on board the processing vessel prior to that time), and the taking and retaining, or receiving (except as cargo) of Pacific whiting by a vessel in the fishery management area with processed whiting on board is prohibited. Any vessel used to fish for whiting for processing at sea must have its trawl doors on board and attached to the trawl (50 CFR 663.7(o)).

Classification

The determination that 60 percent of the harvest guideline is about to be harvested is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 663.23 (b)(4)(i) (59 FR 17493–17494, April 13, 1994), and is exempt from review under E.O. 12866.

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

Dated: May 3, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–11381 Filed 5–4–95; 1:35 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 89
Tuesday, May 9, 1995

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

DEPARTMENT OF JUSTICE

8 CFR Parts 1, 3, 103, 208, and 242

[EOIR No. 102P; AG Order No. 1965–95]

RIN 1125–AA01

Motions and Appeals in Immigration Proceedings

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: Proposed regulations were published in the **Federal Register** on June 7, 1994 concerning motions and appeals in immigration proceedings and on May 13, 1994 concerning fees. The June proposed rulemaking was promulgated to implement section 545 of the Immigration Act of 1990, Public Law 101–649, which requires both time and number limitations on motions to reopen and reconsider and changes in the substantive and procedural aspects of motion and appeal practice. The May proposed rulemaking was promulgated to establish an alternative procedure for filing proof of fee payments with the Board of Immigration Appeals (the ''Board'').

Since the publication of these two proposed rules, the agency has further examined its current appeal procedures and has decided to establish a uniform central system for filing and tracking appeals before the Board. Under the proposed procedure, parties would file a notice of appeal from a decision of an Immigration Judge and remit the appeal fee or fee waiver petition with the notice of appeal directly to the Board. The rule also would require that motions to reopen and motions to reconsider decisions of the Board be filed directly with the Board accompanied by the appropriate fee or fee waiver petition. This rule would supersede the May and June proposed rulemakings.

This proposed centralization of the appeals procedure is fundamentally interrelated to the proposed changes of both the June and the May proposed rulemakings. Therefore, the agency has determined to merge these substantive and procedural proposals into one rule and to provide an opportunity for public comment on this merged rule. The June proposed rule has been changed to clarify certain provisions and to reflect many of the commenters' concerns. The single unified proposed rule is published herein and addresses both the language of section 545(d) of the Immigration Act of 1990 and new procedural changes to the filing of appeals, motions, and their concomitant fees with the Board.

DATES: Written comments must be received on or before June 8, 1995.

ADDRESSES: Please submit written comments to Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls church, Virginia 22041, telephone (703) 305–0470.

SUPPLEMENTARY INFORMATION: The agency recently published two proposed rules concerning motions to reopen, motions to reconsider, notices of appeal, and filing fees. 59 FR 29386 (published June 7, 1994) (the ''June proposed rulemaking''); 59 FR 24977 (1994) (published May 13, 1994) (the ''May proposed rulemaking''). The June proposed rulemaking established both time and number limitations on motions to reopen proceedings and on motions to reconsider decisions as well as certain changes to appellate procedures to reflect the statutory directives in section 545 of the Immigration Act of 1990. The May proposed rule amended the requirement that the parties, after remitting all fee payments to the Immigration and Naturalization Service (the ''Service''), file the proof of payment with the Office of the Immigration Judge within 10 calendar days of the issuance of an oral decision or within 13 days of the mailing of a written decision. The May proposed rulemaking retained the filing of proof of fee payment procedure but expanded the time frame for filing to 30 days.

Since the publication of these proposed rules, the agency has decided that additional changes should be made in its current procedures for filing appeals and other filings with the Board. These changes are interrelated to the regulatory changes proposed in both May and June 1994 concerning substantive and procedural changes in motion and appeal practice. Therefore, the rule concerning motions and appeals has been modified to reflect the new appeal procedures and to clarify or supersede certain provisions within the original proposed rules. In addition, several changes have been made in response to the comments received concerning the proposed rules. However, the agency is continuing to consider and evaluate each of the issues raised in the comments to the original proposed rules. Comments which were submitted in response to the first publication will continue to be considered, and it will not be necessary to resubmit comments concerning those provisions which are repeated herein. However, the public is encouraged to comment on those areas in which the proposed rule has been amended.

An outline of the changes to the original motion and appeals rule, as well as an explanation of the new appeal filing procedures follows.

(1) *Motions to reconsider.* The time frame for filing a motion to reconsider a decision with the Board has been expanded from 20 to 30 days after the mailing of the Board's decision, or within 30 days of the effective date of the final rule, whichever is later. No additional time is added for mailing of the decision. Language has been added to the rule to state that a motion to reconsider shall specify the errors of fact or law in the prior Board order. This language clarifies that a motion to reconsider a decision is a request to reexamine the prior Board decision. It is not to be confused with a motion to reopen, which addresses the decision in light of the existence of new law or fact or changed circumstances. Many of the comments objected to the 20-day limit for motions to reconsider on the basis that this time frame did not allow sufficient time for the development of new evidence. As stated above, this argument is not applicable for motions to reconsider. Motions to reconsider should be brought to the attention of the adjudicator in a prompt manner, while the circumstances surrounding the decision are easier to reexamine. Nonetheless, the agency has proposed expanding the time to file a motion to reconsider by an additional 10 days for

a total of 30 days subsequent to the decision. As the time frame was expanded by 10 additional days, the 3-day extension for mailing has been removed.

(2) *Motions to reopen.*

a. *Numerical limit.* Language has been added to clarify that a party many file only one motion to reopen proceedings, whether before the Board or the Immigration Judge. This provision makes clear that a motion to reopen shall be limited to one during the entire course of proceedings. This language reflects the direction in the Joint Explanatory Statement of the Committee of Conference (p. 133), of the Immigration Act of 1990, that only one motion to reopen and one motion to reconsider a decision be permitted in immigration proceedings.

b. *Time limit.* The proposed rule had provided a 20-day time frame for filing a motion to reopen. Many commenters argued that the purpose of the motion to reopen was to provide an opportunity to bring new evidence to light, to acknowledge recent changes in the law, or to provide an opportunity for the applicant to seek additional relief that was not available in the first instance. The commenters further urged that unrepresented aliens and, in particular, detained aliens would not have access to counsel in time to develop a meaningful motion to reopen within the 20-day period, regardless of the merits of their position.

The agency has carefully weighted these comments and agrees that a greater time period should be provided for motions to reopen to allow for those situations described above. The agency has determined that such motions must be filed within 90 days of the final decision of the adjudicator. At present, the regulations provide for unlimited motions to reopen without any time limit for filing. The proposed rule will dramatically limit this form of relief to one opportunity, and such opportunity for reopening will be limited to a 90-day time period. These limitations reflect the congressional intent to streamline the deportation process, while providing a reasonable opportunity for meritorious cases to be heard.

c. *Exceptions.* The time and numerical limitations set forth in the body of the rule do not apply in certain circumstances. In the case of an applicant seeking to apply or reapply for asylum or withholding of deportation, the language has been modified to provide for a motion to reopen based on changed circumstances arising in the country of nationality or in the country to which deportation has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the former hearing. This language mirrors the language in section 3.2(c)(1) and will reflect more accurately the standard for reopening that is currently in practice.

d. *Judicial proceedings.* The rule clarifies that motions to reopen or reconsider shall indicate whether the validity of both deportation or exclusion orders have been or are the subject of any judicial proceedings. This change amends the rule to include reference to exclusion as well as deportation orders, and its reference was inadvertently omitted from the original proposed rule.

(3) *New appeal filing procedures.* The rule proposes to amend the filing procedures with the Board to require parties to file all notices of appeal of decisions of immigration judges, as well as motions to reopen and motions to reconsider decisions of the Board directly with the Board. The proposed rule will also abolish the current system of remitting the fees in these cases to the Service. Instead, the proposed rule provides that the required fee or fee waiver petition must accompany the notice of appeal or motion and be filed directly with the Board. Notices of appeal from Service officer decisions and appropriate fees or fee waiver petitions shall continue to be filed directly with the office of the Service having administrative control over the record of proceedings.

In order to allow sufficient time for filing an appeal directly with the Board, this rule expands the time frame in which to file an appeal. Where the Immigration Judge decision is rendered orally, the rule will require that a party file a notice of appeal within 15 calendar days of the Immigration Judge's decision. Where a written decision is served by mail, the rule will require that a party file a notice of appeal within 20 calendar days after the decision was mailed. Briefs in support of or in opposition to an appeal from a decision of an Immigration Judge shall be filed directly with the Board also.

The rule restates that certification of a case does not relieve a party from compliance with the appeals provisions. Further, departure from the Untied States by an individual in deportation proceedings constitutes a waiver of his or her right to appeal.

This regulation has been drafted and reviewed in accordance with Executive Order 12866, § 1(b). The Attorney General has determined that this rule is not a significant regulatory action under Executive Order 12866, § 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This final rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

8 CFR Part 1

Administrative practice and procedure, Aliens.

8 CFR Part 3

Administrative practice and procedure, Immigration, Organization and functions (Government agencies).

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 242

Administrative practice and procedure, Aliens.

Accordingly, title 8, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 1—DEFINITIONS

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

Authority: 66 Stat. 173; 8 U.S.C. 1101; 28 U.S.C. 509, 510; 5 U.S.C. 301.

2. Section 1.1 is amended by adding a new paragraph (p) to read as follows:

§ 1.1 Definitions.

* * * * *

(p) The term *lawfully admitted for permanent residence* means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed. Such

status terminates upon entry of a final administrative order of exclusion or deportation.

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

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

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

4. Section 3.1 is amended by revising paragraphs (b)(1), (b)(2), and (c) to read as follows:

§ 3.1 General authorities.

* * * * *

(b) * * *

(1) Decisions of Immigration Judges in exclusion cases, as provided in part 236 of this chapter, except that no appeal shall lie from an order of exclusion entered in absentia.

(2) Decisions of Immigration Judges in deportation cases, as provided in part 242 of this chapter, except that no appeal shall lie from an order of deportation entered in absentia, nor shall an appeal lie from an order of an Immigration Judge under § 244.1 of this chapter granting voluntary departure within a period of at least 30 days, if the sole ground of appeal is that a greater period of departure time should have been fixed.

* * * * *

(c) *Jurisdiction by certification.* The Commissioner, or any other duly authorized officer of the Service, any Immigration Judge, or the Board may in any case arising under paragraph (b) of this section require certification of such case to the Board. The Board in its discretion may review any such case by certification without regard to the provisions of § 3.7 of this chapter if it determines that the parties have already been given a fair opportunity to make representations before the Board regarding the case, including the opportunity to request oral argument and to submit a brief.

* * * * *

5. Section 3.2 is revised to read as follows:

§ 3.2 Reopening or reconsideration

(a) *General.* The Board may at any time reopen or reconsider on its own motion any case in which it has rendered a decision. A request to reopen or reconsider any case in which a decision has been made by the Board, which request is made by the Service, or by the party affected by the decision, must be in the form of a written motion to the Board. The decision to grant or deny a motion to reopen or reconsider is within the discretion of the Board, subject to the restrictions of this section. The Board has discretion to deny a motion to reopen even if the party moving has made out a *prima facie* case for relief.

(b) *Motion to reconsider.* A motion to reconsider a decision must be filed with the Board within 30 days after the mailing of the Board decision, or within 30 days of effective date of the final rule, whichever is later, A party may file only one motion to reconsider any given decision and may not seek reconsideration of a decision denying a previous motion to reconsider. A motion to reconsider shall state the reasons for the motion by specifying the errors of fact or law in the prior Board decision and shall be supported by pertinent authority. A motion to reconsider a decision render by an Immigration Judge or Service officer that is pending when an appeal is filed with the Board, or that is filed subsequent to the filing with the Board of an appeal from the decision sought to be reconsidered, shall be deemed a motion to remand the decision for further proceedings before the Immigration Judge or the Service officer from whose decision the appeal was taken. Such motion, which shall be consolidated with and considered by the Board in connection with any appeal to the Board, is subject to the time and numerical limitations of this paragraph.

(c) *Motion to reopen.* (1) A motion to reopen proceedings shall state the new facts that will be proven at a hearing to be held if the motion is granted, and shall be supported by affidavits or other evidentiary material. A motion to reopen proceedings for the purpose of submitting an application for relief must be accompanied by the appropriate application for relief and all supporting documentation. A motion to reopen proceedings shall not be granted unless it appeals to the Board that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing; nor shall any motion to reopen for the purpose of affording the alien an opportunity to apply for any form of discretionary relief be granted if it appears that the alien's right to apply for such relief was fully explained to him or her and an opportunity to apply therefore was afforded at the former hearing, unless the relief is sought on the basis of circumstances that have arisen subsequent to the hearing. Subject to the other requirements and restrictions of this section, a motion to reopen proceedings for consideration or further consideration of an application for relief under section 212(c) of the Act (8 U.S.C. 1182(c)) may be granted if the alien demonstrates that he or she was statutorily eligible for such relief prior to the entry of the administratively final order or deportation.

(2) Except as provided in paragraph (c)(3) of this section, a party may file only one motion to reopen proceedings (whether before the Board or the Immigration Judge) and that motion must be filed not later than 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be reopened, or within 90 days of [Insert effective date of the final rule], whichever is later.

(3) The time and numerical limitations set forth in paragraph (c)(2) of this section shall not apply to a motion to reopen proceedings;

(i) Filed pursuant to the provisions of § 3.23(b)(5);

(ii) To apply or reapply for asylum, or withholding of deportation, based on changed circumstances arising in the country of nationality or in the country to which deportation has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the former hearing; or

(iii) Agreed upon by all parties and jointly filed.

(4) A motion to reopen a decision rendered by an Immigration Judge, or Service officer that is pending when an appeal is filed, or that is filed subsequent to the filing of an appeal to the Board from the proceedings sought to be reopened, shall be deemed a motion to remand for further proceedings before the Immigration Judge or the Service officer from whose decision the appeal was taken. Such motion, which shall be consolidated with, and considered by the Board in connection with, the appeal to the Board, is subject to the requirements set forth in paragraph (c)(1) of this section and the time and numerical limitations set forth in paragraph (c)(2) of this section.

(d) *Departure or deportation.* A motion to reopen or a motion to reconsider shall not be made by or on behalf of a person who is the subject of deportation or exclusion proceedings subsequent to his or her departure from the United States. Any departure from the United States, including the deportation of a person who is the subject of deportation or exclusion proceedings, occurring after the filing of a motion to reopen or a motion to reconsider, shall constitute a withdrawal of such motion.

(e) *Judicial proceedings.* Motions to reopen or reconsider shall state whether the validity of the deportation or exclusion order has been or is the subject of any judicial proceeding and, if so, the nature and date thereof, the court in which such proceeding took place or is pending, and its result or status. In any case in which a deportation or exclusion order is in effect, any motion to reopen or reconsider such order shall include a statement by or on behalf of the moving party declaring whether the subject of the order is also the subject of any pending criminal proceeding under section 242(e) of the Act (8 U.S.C. 1252(e)), and, if so, the current status of that proceeding. If a motion to reopen or reconsider seeks discretionary relief, the motion shall include a statement by or on behalf of the moving party declaring whether the alien for whose relief the motion is being filed is subject to any pending criminal prosecution and, if so, the nature and current status of that prosecution.

(f) *Stay of deportation.* Except where a motion is filed pursuant to the provisions of § 3.23(b)(5), the filing of a motion to reopen or a motion to reconsider shall not stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board, the Immigration Judge, or an authorized officer of the Service.

(g) *Filing procedures.* (1) *Distribution of motion papers.* A motion to reopen or motion to reconsider a decision of the Board pertaining to proceedings before an Immigration Judge shall be filed directly with the Board and must be accompanied by a check, money order, or fee waiver request in satisfaction of the fee requirements of § 3.8. The record of proceeding pertaining to such a motion shall be forwarded to the Board upon the request or order of the Board. A motion to reopen or a motion to reconsider a decision of the Board pertaining to a matter initially adjudicated by an officer of the Service shall be filed with the officer of the Service having administrative control over the record of proceeding; provided, however that when a motion to reopen or a motion to reconsider is made by the Service in proceedings in which the Service has administrative control over the record of proceedings, the record of proceedings in the case and the motion shall be filed directly with the Board. If such motion is filed directly with an office of the Service, the entire record of proceeding shall be forwarded to the Board by the Service officer promptly upon receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs. A motion and any submission made in conjunction with a motion must be in English or accompanied by a certified English translation. If the moving party, other than the Service, is represented, a Notice of Entry of Appearance as Attorney or Representative Before the Board (Form EOIR–27) must be filed with the motion. In all cases, the motion shall include proof of service on the opposing party of the motion and all attachments.

(2) *Briefs and response.* The moving party may file a brief if it is included with the motion. If the motion is filed directly with the Board pursuant to paragraph (g)(1) of this section, the opposing party shall have 13 days from the date of service of the motion to file a brief in opposition to the motion directly with the Board. If the motion is filed with an office of the Service pursuant to paragraph (g)(1) of this section, the opposing party shall have 10 days from the date of filing of the motion to file a brief in opposition to the motion directly with the office of the Service. In all cases, briefs and any other filings made in conjunction with a motion shall include proof of service on the opposing party. The Board, in its discretion, may extend the time within which such brief is to be submitted and may authorize the filing of a brief directly with the Board. A motion shall be deemed unopposed unless a timely response is made. The Board may, in its discretion, consider a brief filed out of time.

(h) *Oral argument.* A request for oral argument, if desired, shall be incorporated in the motion to reopen or reconsider. The Board, in its discretion, may grant or deny requests for oral argument.

(i) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written order. If the order directs a reopening and further proceedings are necessary, the record shall be returned to the Office of the Immigration Judge or the officer of the Service having administrative control over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

6. Section 3.3 is revised to read as follows:

§ 3.3 Notice of appeal.

(a) *Filing.* (1) *Appeal from decision of an Immigration Judge.* A party affected by a decision who is entitled under this chapter to appeal to the Board from a decision of an Immigration Judge shall be given notice of his or her right to appeal. An appeal from a decision of an Immigration Judge shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) directly with the Board, within the time specified in the governing sections of this chapter. The appealing parties are only those parties who are covered by the decision of an Immigration Judge and who are specifically named on the Notice of Appeal. The appeal must be accompanied by a check, money order, or fee waiver request in satisfaction of the fee requirements of § 3.8. If the respondent/applicant is represented, a Notice of Entry of Appearance as Attorney or Representative Before the Board (Form EOIR–27) must be filed with the Notice of Appeal. The appeal must reflect proof of service of a copy of the appeal and all attachments on the opposing party. The appeal and all attachments must be in English or accompanied by a certified English translation. An appeal is not properly filed unless it is received at the Board, along with all required documents, fees or fee waiver requests, and proof of service, within the time specified in the governing sections of this chapter. A notice of appeal may not be filed by any party who has waived appeal pursuant to § 3.39.

(2) *Appeal from decision of a Service officer.* A party affected by a decision who is entitled under this chapter to appeal to the Board from a decision of a Service officer shall be given notice of his or her right to appeal. An appeal from a decision of a Service officer shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of District Director (Form EOIR–29) directly with the office of the Service having administrative control over the record of proceeding within the time specified in the governing sections of this chapter. The appeal must be accompanied by a check, money order, or fee waiver request in satisfaction of the fee requirements of § 3.8 and, if the appellant is represented a Notice of Entry of Appearance as Attorney or Representative Before the Board (Form EOIR–27). The appeal and all attachments must be in English or accompanied by a certified English translation. An appeal is not properly filed until its receipt at the appropriate office of the Service, together with all required documents and fees, and the fee provisions of § 3.8 are satisfied.

(b) *Statement of the basis of appeal.* The party taking the appeal must identify the reasons for the appeal in the Notice of Appeal (Form EOIR–26 or

Form EOIR–29) or in any attachments thereto, in order to avoid summary dismissal pursuant to § 3.1(d)(1–a)(i). The statement must specifically identify the findings of fact, the conclusions of law, or both, that are being challenged. If a question of law is presented, supporting authority must be cited. If the dispute is over the findings of fact, the specific facts contested must be identified. Where the appeal concerns discretionary relief, the appellant must state whether the alleged error relates to statutory grounds of eligibility or to the exercise of discretion and must identify the specific factual and legal finding or findings that are being challenged. The appellant must also indicate in the Notice of Appeal (Form EOIR–26 or Form EOIR–29) whether he or she desires oral argument before the Board and whether he or she will be filing a separate written brief or statement in support of the appeal.

(c) *Briefs.* (1) *Appeal from decision of an Immigration Judge.* Briefs in support of or in opposition to an appeal from a decision of an Immigration Judge shall be filed directly with the Board in accordance with a written briefing schedule set by the Board. An appellant who is not detained shall be provided 30 days in which to file a brief, unless a shorter period is specified by the Board. A detained appellant shall be provided 14 days in which to file a brief, unless a shorter period is specified by the Board. The appellee shall have the same period of time in which to file a reply brief that was initially granted to the appellant to file his or her brief. The time to file a reply brief commences from the date upon which the appellant's brief was due, as originally set or extended by the Board. The Board, upon written motion, may extend the period for filing a brief or a reply brief for up to 90 days for good cause shown. In its discretion, the Board may consider a brief that has been filed out of time. All briefs, filings, and motions filed in conjunction with an appeal shall include proof of service on the opposing party.

(2) *Appeal from decision of a Service officer.* Briefs in support of or in opposition to an appeal from a decision of a Service officer shall be filed directly with the office of the Service having administrative control over the file in accordance with a briefing schedule set by that office. If the alien concerned is not detained, the appellant shall be provided 30 days in which to file a brief. If the alien concerned is detained, the appellant shall be provided 14 days in which to file a brief, unless a shorter period is specified by the Service officer from whose decision the appeal is taken. The Service shall have the same period of time in which to file a reply brief that was initially granted to the appellant to file his or her brief. The time to file a reply brief commences from the date upon which the alien's brief was due, as originally set or extended. Upon written request of the alien, the Service officer from whose decision the appeal is taken or the Board may extend the period for filing a brief or a reply brief for good cause shown. The Board may authorize the filing of briefs directly with the Board. In its discretion, the Board may consider a brief that has been filed out of time. All briefs and other documents filed in conjunction with an appeal, unless filed by an alien directly with a Service office, shall include proof of service on the opposing party.

(d) *Effect of Certification.* The certification of a case, as provided in this part, shall not relieve the party affected from compliance with the provisions of this section in the event that he or she is entitled and desires to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal.

(e) *Effect of Departure from the United States.* Departure from the United States of a person who is the subject of deportation proceedings, prior to the taking of an appeal from a decision in his or her case, shall constitute a waiver of his or her right to appeal.

7. Section 3.4 is revised to read as follows:

§ 3.4 Withdrawal of appeal.

In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal thereof with the office at which the notice of appeal was filed. If the record in the case has not been forwarded to the Board on appeal in accordance with § 3.5, the decision made in the case shall be final to the same extent as if no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned and the initial decision shall be final to the same extent as if no appeal had been taken. If a decision on the appeal shall have been made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal, but prior to a decision thereon, shall constitute a withdrawal of the appeal and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

8. Section 3.5 is revised to read as follows:

§ 3.5 Forwarding of record on appeal.

(a) *Appeal from decision of an Immigration Judge.* If an appeal is taken from a decision of an Immigration Judge, the record of proceeding shall be forwarded to the Board upon the request or the order of the Board.

(b) *Appeal from Decision of a Service officer.* If an appeal is taken from a decision of a Service officer, the record of proceeding shall be forwarded to the Board by the Service officer promptly upon receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs. A Service officer need not forward such an appeal to the Board, but may reopen and reconsider any decision made by the officer if the new decision will grant the benefit that has been requested in the appeal. The new decision must be served on the appealing party within 45 days of receipt of any briefs or upon expiration of the time allowed for the submission of any briefs. If the new decision is not served within these time limits or the appealing party does not agree that the new decision disposes of the matter, the record of proceeding shall be immediately forwarded to the Board.

9. Section 3.6 is revised to read as follows:

§ 3.6 Stay of execution of decision.

(a) Except as provided under § 242.2(d) of this chapter and paragraph (b) of this section, the decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

(b) The provisions of paragraph (a) of this section shall not apply to an order of an Immigration Judge under § 3.23 or § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, except where such order expressly grants a stay or where the motion was filed pursuant to the provisions of § 3.23(b)(5). The Board may, in its discretion, stay deportation while an appeal is pending from any such order if no stay has been granted by the Immigration Judge or a Service officer.

10. Section 3.7 is revised to read as follows:

§ 3.7 Notice of Certification.

Whenever, in accordance with the provisions of § 3.1(c), a case is required to be certified to the Board, the alien or other party affected shall be given notice of certification. An Immigration Judge or Service officer may certify a case only after an initial decision has been made and before an appeal has been taken. If it is known at the time the initial decision is rendered that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision is rendered that the case will be certified, the office of the Service or the Office of the Immigration Judge having administrative control over the record of proceeding shall cause a Notice of Certification to be served upon the parties. In either case, the notice shall inform the parties that the case is required to be certified to the Board and that they have the right to make representations before the Board, including the making of a request for oral argument and the submission of a brief. If either party desires to submit a brief, it shall be submitted to the office of the Service or Office of the Immigration Judge having administrative control over the record of proceeding for transmittal to the Board within the time prescribed in § 3.3(c). The case shall be certified and forwarded to the Board by the office of the Service or Office of the Immigration Judge having administrative jurisdiction over the case upon receipt of the brief, or upon the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief. The Board in its discretion may elect to accept for review or not accept for review any such certified case. If the Board declines to accept a certified case for review, the underlying decision shall become final on the date of the Board's declination.

11. Section 3.8 is revised to read as follows:

§ 3.8 Fees.

(a) *Appeal from decision of an Immigration Judge or motion within the jurisdiction of the Board.* Except as provided in paragraph (c) of this section or when filed by an officer of the Service, a Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) filed pursuant to § 3.3(a), or a motion related to Immigration Judge proceedings that is within the jurisdiction of the Board and is filed directly with the Board pursuant to § 3.2(g), shall be accompanied by the fee specified in applicable provisions of § 103.7(b)(1) of this chapter. Fees shall be paid by check or money order payable to the ''United States Department of Justice.'' Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency. A remittance shall not satisfy the fee requirements of this section if the remittance is found uncollectible.

(b) *Appeal from decision of a Service officer or motion within the jurisdiction of the Board.* Except as provided in paragraph (c) of this section, a Notice of Appeal to the Board of Immigration Appeals of Decision of District Director (Form EOIR–29), or a motion related to such a case filed under this part by any person other than an officer of the Service, filed direction with the Service shall be accompanied by the appropriate fee specified, and remitted in accordance with the provisions of § 103.7 of this chapter.

(c) *Waiver of fees.* The Board may, in its discretion, authorize the prosecution of any appeal or any motion over which the Board has jurisdiction without payment of the required fee. In any case in which an alien or other party affected is unable to pay the fee fixed for an appeal or motion, he or she shall file with the Notice of Appeal (Form EOIR–26 or Form EOIR–29) or motion, his or her affidavit or unsworn declarations made pursuant to 28 U.S.C. 1746, stating the nature of the proceeding and his or her belief that he or she is entitled to redress. Such document shall also establish his or her inability to pay the required fee and shall request permission to prosecute the appeal or motion without payment of such fee. If the request does not establish the inability to pay the required fee, the appeal or motion will not be deemed properly filed.

12. In § 3.23, paragraph (b) is revised to read as follows:

§ 3.23 Motions.

* * * * *

(b) *Reopening/Reconsideration.* (1) The Immigration Judge may upon his or her own motion, or upon motion of the trial attorney or the alien, reopen or reconsider any case in which he or she has made a decision, unless jurisdiction in the case is vested in the Board of Immigration Appeals under this part. If the Immigration Judge is unavailable or unable to adjudicate the motion to reopen, the Chief Immigration Judge or his delegate shall reassign such motion to another Immigration Judge. Motions to reopen or reconsider a decision of the Immigration Judge must be filed with the Office of the Immigration Judge having administrative control over the record of proceeding. Such motions shall comply with applicable provisions of 8 CFR 208.4, 208.19, and 242.22. The Immigration Judge may set and extend time limits for replies to motions to reopen or reconsider. A motion shall be deemed unopposed unless timely response is made. A motion to reconsider shall state the reasons for the motion and shall be supported by pertinent authority. Any motion to reopen for the purpose of action on an application for relief must be accompanied by the appropriate application for relief and all supporting documents.

(2) A motion to reopen will not be granted unless the Immigration Judge is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing; nor will any motion to reopen for the purpose of providing the alien an opportunity to apply for any form of discretionary relief be granted if the alien's rights to make such application were fully explained to him or her by the Immigration Judge and he or she was afforded an opportunity to do so at the hearing, unless the relief is sought on the basis of circumstances that have arisen subsequent to the hearing. Subject to the other requirements and restrictions of this section, a motion to reopen proceedings for consideration or further consideration of an application for relief under section 212(c) of the Act (8 U.S.C. 1182(c)) may be granted if the alien demonstrates that he or she was statutorily eligible for such relief prior to the entry of the administratively final order of deportation.

(3) A motion to reconsider must be filed within 30 days after the date on which the decision for which reconsideration is being sought was rendered, or within 30 days of the effective date of the final rule, whichever is later. A party may file only one motion to reconsider any given decision and may not seek reconsideration of a decision denying a previous motion to reconsider.

(4) Except as provided in paragraph (b)(5) of this section, a party may file only one motion to reopen proceedings (whether before the Board or the Immigration Judge) and that motion must be filed not later than 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be reopened, or within 90 days of the effective date of the final rule, whichever is later.

(5) The time and numerical limitations set forth in paragraph (b)(4) of this section shall not apply to a motion to reopen filed pursuant to the

provisions of paragraph (b)(6) of this section, or to a motion to reopen proceedings to apply or reapply for asylum or for withholding of deportation based on changed circumstances, which arise subsequent to the commencement of proceedings, in the country of nationality or in the country to which deportation has been ordered, or to a motion to reopen agreed upon by all parties and jointly filed.

(6) A motion to reopen deportation proceedings to rescind an order of deportation entered in absentia must be filed:

(i) Within 180 days after the date of the order of deportation. The motion must demonstrate that the failure to appear was because of exceptional circumstances beyond the control of the alien (e.g., serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances); or

(ii) At any time if the alien demonstrates that the alien did not receive notice in accordance with subsection 242B(a)(2) of the Act, 8 U.S.C. 1252b(a)(2), and notice was required pursuant to such subsection; or the alien demonstrates that the alien was in federal or state custody and did not appear through no fault of the alien.

(7) Upon request by an alien in conjunction with a motion to reopen or a motion to reconsider, the Immigration Judge may stay the execution of a final order of deportation or exclusion. The filing of a motion to reopen pursuant to the provisions of paragraph (b)(5) of this section shall stay the deportation of the alien pending decision on the motion and the adjudication of any properly filed administrative appeal.

13. Section 3.24 is revised to read as follows:

§ 3.24 Fees pertaining to matters within the jurisdiction of the Immigration Judge.

Unless waived by the Immigration Judge, any fee pertaining to a matter within the jurisdiction of the Immigration Judge shall be remitted in accordance with the provisions of § 103.7 of this chapter. Any such fee may be waived by the Immigration Judge upon a showing that the respondent/applicant is incapable of paying the fees because of indigency. A properly executed affidavit or unsworn declaration made pursuant to 28 U.S.C. 1746 by the respondent/applicant must accompany the request for waiver of fees and shall substantiate the indigency of the respondent/applicant.

14. Section 3.31 is amended by revising paragraph (b) to read as follows:

§ 3.31 Filing documents and applications.

* * * * *

(b) All documents or applications requiring the payment of a fee must be accompanied by a fee receipt from the Service or by an application for a waiver of fees pursuant to § 3.24. Except as provided in paragraphs (a) and (c) of § 3.8, any fee relating to Immigration Judge proceedings shall be paid to, and accepted by, any Service office authorized to accept fees for other purposes pursuant to § 103.7(a) of this chapter.

* * * * *

15. Section 3.38 is amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively; revising paragraph (b); and adding a new paragraph (c) to read as follows:

§ 3.38 Appeals.

* * * * *

(b) The Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) shall be filed directly with the Board of Immigration Appeals within 15 calendar days after the Immigration Judge has rendered an oral decision on the record in the presence of the respondent/applicant or his or her attorney. Where the decision of the Immigration Judge is served by mail, the Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) shall be filed with the Board within 20 calendar days after the date the decision is mailed. If the final date for filing falls on a Saturday, Sunday or legal holiday, this appeal time shall be extended to the next business day. A Notice of Appeal (Form EOIR–26) may not be filed by any party who has waived appeal.

(c) A Notice of Appeal must be accompanied by the appropriate fee or by an application for a waiver of fees. If the fee is not paid or the application for a waiver of fees is not filed within the specified time period, as indicated in paragraph (b) of this section, the appeal will not be deemed properly filed and the decision of the Immigration Judge shall be final to the same extent as though no appeal had been taken.

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

16. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

§ 103.5 [Amended]

17. In § 103.5, paragraph (a)(1)(i), is amended by revising the phrase ''parts 210, 242, or 245a'' to read ''parts 3, 210, 242, and 245a''.

18. Section 103.7 is revised to read as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. Except for fees remitted directly to the Board pursuant to the provisions of § 3.8(a) of this chapter, any fee relating to any Executive Office for Immigration Review proceeding shall be paid to, and accepted by, any Service office authorized to accept fees. Payment of any fee under this section does not constitute filing of the document with the Board or with the Office of the Immigration Judge. The service shall return to the payer at the time of payment, a receipt for any fee paid. The Service shall also return to the payer any documents which were submitted with the fee, relating to any Immigration Judge proceeding. A charge of $5 will be imposed if a check in payment of a fee is not honored by the Bank on which it is drawn. An issued receipt for any such remittance shall not be binding if the remittance is found uncollectible. Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency. Fees in the form of postage stamps shall not be accepted. Remittances to the Service shall be made payable to the ''Immigration and Naturalization Service,'' except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the ''Commissioner of Finance of the Virgin Islands,'' and, in the case of applicants residing in Guam, the remittances shall be made payable to the ''Treasurer, Guam.'' If application to the Service is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Remittances to the Board shall be made payable to the ''United States Department of Justice.''

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION

19. The authority citation for part 208 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1158, 1226, 1252, 1252 note, 1252B, 1253, and 1283.

20. In § 208.19, paragraph (a) is revised to read as follows:

§ 208.19 Motion to reopen or reconsider.

(a) A proceeding in which asylum or withholding of deportation was denied may be reopened or a decision from such a proceeding reconsidered for proper cause upon motion pursuant to the requirements of 8 CFR 3.2, 3.23, 103.5, and 242.22 where applicable.

* * * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

21. The authority citation for part 242 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252b, 1254, 1362; 8 CFR part 2.

22. In § 242.21, paragraph (a) is revised to read as follows;

§ 242.21 Appeals.

(a) Pursuant to part 3 of this chapter, and appeal shall lie from a decision of an Immigration Judge to the Board, except that no appeal shall lie for an order of deportation or exclusion entered in absentia. The procedures regarding the filing of a Notice of Appeal (Form EORI—26), fees, and briefs are set forth in §§ 3.3, 3.31, and 3.38 of this chapter. An appeal shall be taken within 20 calendar days after the mailing of a written decision, or 15 calendar days after the mailing of a written decision, or 15 calendar days after the stating of an oral decision, or the service of a summary decision on Form I–38 or Form I–39. The reasons for the appeal shall be stated in the Notice of Appeal, Form EOIR–26, in accordance with the provisions of § 3.3(b) of this chapter. Failure to do so may constitute a ground for dismissal of the appeal by the Board pursuant to § 3.1(d)(1–a) of this chapter.

* * * * *

23. Section 242.22 is amended by revising the first sentence and by adding a sentence at the end, to read as follows:

§ 242.22 Reopening or reconsideration.

Motions to reopen or reconsider are subject to the requirements and limitations set forth in § 3.23 of this chapter. * * * The filing of a motion to reopen pursuant to the provisions of § 3.23(b)(5) of this chapter shall stay the deportation of the alien pending the disposition of the motion and the adjudication of any properly filed administrative appeal.

Dated: April 25, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–11002 Filed 5–8–95; 8:45 am]

BILLING CODE 153–126–GF–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91–071–1]

Importation of Hedgehogs and Tenrecs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the animal importation regulations to prohibit the importation of hedgehogs or tenrecs into the United States from countries affected by foot-and-mouth disease. Additionally, we are proposing to impose certain restrictions on the importation of hedgehogs or tenrecs into the United States from countries declared free of foot-and-mouth disease. We believe these actions are necessary to prevent the introduction of foot-and-mouth disease and other communicable animal diseases into the United States.

DATES: Consideration will be given only to comments received on or before July 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 91–071–1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 91–071–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Hand, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Import-Export Animals Staff, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–5097.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations) prohibit or restrict the importation of certain animals and birds into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart G of part 92 prohibits the importation of brushtail possums and hedgehogs from New Zealand.

Foot-and-mouth disease (FMD) is an acute, highly contagious viral disease of cloven-footed animals, causing fever and blisters in the mouth and around the hoofs. These blisters result in loss of weight, due to the animal's inability to eat; the blisters may permanently deform the animal's feet. The high morbidity rate of cattle affected with FMD results in severe production losses, highlighting the economic importance of this disease. Estimates indicate that an outbreak of FMD in the United States could cost in excess of $1 billion.

Published research obtained by the Animal and Plant Health Inspection Service (APHIS) indicates that certain animals of the order Insectivora, including the family Erinaceidae (hedgehogs), may harbor the FMD virus. Animals of the family Tenrecidae (tenrecs) are often referred to as the Madagascar hedgehog, and are similar to hedgehogs in appearance and behavior. Given these similarities, we believe tenrecs may also be capable of harboring this virus and transmitting it to other animals. Currently, there are no tests or treatments for FMD in hedgehogs or tenrecs. Therefore, we are proposing to amend part 92 to prohibit the importation of hedgehogs and tenrecs into the United States from countries where FMD exists to prevent the introduction of FMD into the United States.

Further, research and APHIS' experience with hedgehogs and tenrecs indicates that these animals present a significant risk of carrying ectoparasites (for example, ticks, mites, and lice). Certain ticks spread East coast fever, heartwater, African swine fever, and other exotic diseases of livestock. Both hedgehogs and tenrecs are hosts to the type of ticks that carry these diseases, which do not exist in the United States. Therefore, we also propose to amend part 92 to impose certain restrictions on the importation of hedgehogs or tenrecs from countries declared free of FMD, including requirements for inspection and treatment for ectoparasites.

The proposed amendments to part 92 concerning hedgehogs and tenrecs would be placed in subpart G. Specific provisions are discussed below.

Definitions

Section 92.700 provides definitions for the convenience of the public. We are proposing to add the following terms: ''Administrator,'' ''Animal and Plant Health Inspection Service,'' ''Delivery,'' ''Enter,'' ''Import,'' ''Inspector,'' ''Person,'' and ''Tenrec.'' These definitions are provided for informational purposes and, for certain terms, consistency with the same definitions found elsewhere in the regulations.

Prohibitions

Section 92.701 prohibits the importation of brushtail possums and hedgehogs from New Zealand into the United States. We are proposing to amend this section to add a provision prohibiting the importation of hedgehogs and tenrecs from any country where FMD exists. This prohibition appears to be necessary to help prevent the introduction of FMD into the United States.

Restrictions

We propose to add a new § 92.702 to provide that hedgehogs and tenrecs not prohibited from importation under § 92.701 may not be imported into the United States unless they meet the provisions of subpart G.

Ports of Entry

Proposed § 92.703 designates ports through which hedgehogs or tenrecs from countries declared free of FMD may be imported into the United States. Proposed § 92.703(a)(1) lists the following air and ocean ports: Anchorage and Fairbanks, AK; San Diego and Los Angeles, CA; Denver, CO; Jacksonville, Miami, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Portland, ME; Baltimore, MD; Boston, MA; Minneapolis, MN; Great Falls, MT; Newburgh, NY; Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

Proposed § 92.703(a)(2) lists the following Canadian border ports: Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; Blaine, Lynden, Oroville, and Sumas, WA.

Proposed § 92.703(a)(3) lists the following Mexican border ports: Douglas, Naco, Nogales, Sasabe, and San Luis, AZ; Calexico and San Ysidro, CA; Antelope Wells, and Columbus, NM; and Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, TX.

Proposed § 92.703(b) provides for special instances when other ports may need to be designated for importation. In special cases, the Administrator may designate, with the Secretary of the Treasury's agreement, other ports as inspection stations under this section.

These ports have adequate facilities for inspection of the hedgehogs and tenrecs and could ensure the availability of inspectors to perform the necessary services.

Import Permit

Proposed § 92.704(a) provides general requirements for the importation of hedgehogs or tenrecs into the United States. These requirements include accompaniment by an import permit; importation within 30 days after the proposed date of arrival stated in the import permit; and notification to the APHIS inspector, at the address or telephone number provided on the import permit, of the date of arrival at least 72 hours before the hedgehogs or tenrecs arrive in the United States. These time periods would allow APHIS sufficient time to plan for the animals' arrival and to arrange for inspection of the hedgehogs or tenrecs. The import permit would help ensure that the requirements for importing hedgehogs or tenrecs are understood and met by the importer.

Proposed § 92.704(b) provides information on how to obtain an import permit. Applications for import permits may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, Import/Export Animals Staff, 4700 River Road Unit 39, Maryland 20737–1231. This proposed section requires any person desiring to import hedgehogs or tenrecs into the United States to complete and submit one copy of an application (VS Form 17–129) for an import permit to the above address. An application for an import permit must be submitted for each shipment of hedgehogs or tenrecs.

Proposed § 92.704(c) specifies what information to include on the application for an import permit. It requires the application to include the name and address of the shipper in the country of origin; the names, addresses, and telephone numbers of the importer and the person intending to take delivery of the hedgehogs or tenrecs in the United States; the ports of embarkation and arrival; the country from which the hedgehogs or tenrecs will be shipped to the United States; the mode of transportation (airplane, boat, car, etc.) to be used to ship the hedgehogs or tenrecs to the United States; the number, breed, species, and descriptions (sex; age; registered name and number, if any; tattoo, if any; tag number, if any; other markings) of the hedgehogs or tenrecs to be imported; the purpose of the importation; the route of travel, including all carrier stops enroute; the proposed shipping and arrival dates; the location of the place where delivery of the hedgehogs or tenrecs will be made in the United States (from the port of arrival); and any remarks the importer may wish to make regarding the shipment. The information required for completion of an application would help APHIS to determine whether the animals appear eligible for importation, to respond to an applicant, to identify the animals at the port of entry, to ensure that inspectors and facilities are available for inspection in the United States, and to contact appropriate persons if any questions arise concerning the importation.

Proposed § 92.704(d) explains what happens after we receive and review the application for an import permit. This proposed section provides that if the hedgehogs or tenrecs appear eligible to be imported, an import permit will be issued. This section also specifies that an import permit does not guarantee that any hedgehogs or tenrecs will be allowed entry into the United States; the hedgehogs or tenrecs will be allowed to enter the United States only if they meet all applicable requirements of subpart G. The requirements of this proposed section appear necessary to help prevent the introduction of communicable animal diseases into the United States.

Health Certificate

Proposed § 92.705(a) requires that a health certificate accompany all hedgehogs or tenrecs offered for entry into the United States. Additionally, this proposed section requires that the health certificate be issued by a full-time salaried veterinary officer of the national government of the exporting country, or issued by a veterinarian authorized or accredited by the national government of the exporting country and endorsed by a full-time salaried veterinary officer of the national government of that country. These requirements would help ensure that the veterinarian who issues the health certificate is authorized to do so. This proposed section also requires that the health certificate contain the names and street addresses of the consignor and

consignee. The names and addresses of the consignor and consignee would allow APHIS to contact appropriate persons if any questions arise concerning the importation.

Further, proposed § 92.705(a) requires specific information and certifications to be included on the health certificate. Paragraphs (a)(1) through (a)(7) of proposed § 92.705 provide that the veterinarian issuing the health certificate must certify on the health certificate that—(1) The hedgehog or tenrec originated in a country that has been declared free of FMD; (2) the hedgehog or tenrec has never been in a country where FMD exists; (3) the hedgehog or tenrec has not been commingled with any other hedgehog or tenrec that originated in or has ever been in a country where FMD exists; (4) the hedgehog or tenrec was inspected by the individual issuing the health certificate and was found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States; (5) all body surfaces of the hedgehog or tenrec were treated for ectoparasites under the supervision of the veterinarian issuing the health certificate at least 3 days but not more than 14 days before being loaded on the means of conveyance that transported the animal to the United States; (6) the pesticide and the concentration used was adequate to kill the types of ectoparasites likely to infest the animal to be imported; and (7) the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (a)(5) and (a)(6) of proposed § 92.705, had physical contact only with, or shared a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States. Proposed § 92.705(a)(8) requires that the health certificate contain the name and concentration of the pesticide used to treat the hedgehog or tenrec.

The health certificate would help APHIS personnel at the port of entry determine if the animals offered for entry into the United States meet the requirements set forth in subpart G. The inspection and treatment, as certified on the health certificate, would help ensure that the animals are free of ectoparasites when they are shipped to the United States. The timing of the treatment (at least 3 days but no more than 14 days before loading on the means of conveyance for shipment to the United States) would minimize the chances of reinfestation by placing treatment as close to shipment as possible. Allowing the hedgehogs or tenrecs to have physical contact only with, or share a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States would further reduce the chances of reinfestation.

Notice of Arrival and Inspection

Proposed § 92.706 requires that, upon the arrival of a hedgehog or tenrec at the port of first arrival in the United States, the importer or the importer's agent must present the import permits and health certificates to the collector of customs for the use of the APHIS inspector at that port. This proposed requirement appears necessary not only to make APHIS aware of the arrival of the animals in the United States, but also to ensure that the hedgehogs or tenrecs are eligible for importation.

Proposed § 92.707(a) requires inspection of the hedgehogs or tenrecs by an APHIS inspector at the port of first arrival. This proposed section provides that hedgehogs or tenrecs may enter the United States subject to the provisions of subpart G only if each hedgehog or tenrec in the shipment is found free of ectoparasites and any clinical signs of communicable diseases.

Proposed § 92.707(b) provides that any shipment of hedgehogs or tenrecs found infested with ectoparasites, or demonstrating clinical signs of any communicable disease, will be refused entry into the United States. This proposed section also provides that the importer be given the option of removing the shipment from the United States or of releasing the shipment to the U.S. Department of Agriculture for disposal. In the latter case, this proposed section provides that the Administrator will destroy or otherwise dispose of the shipment as necessary to prevent the possible introduction of communicable animal diseases into the United States.

All these requirements appear necessary to help prevent the introduction of communicable animal diseases into the United States.

Executive Order 12866 and Regulatory Flexibility Act

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

This document proposes to amend the animal import regulations to prohibit the importation of hedgehogs and tenrecs from countries affected with FMD. Additionally, it would require hedgehogs and tenrecs from countries that have been declared free of FMD to be inspected and treated for ectoparasites in the country of origin and to be inspected upon arrival in the United States.

At present, approximately 3 to 10 small businesses in the United States import hedgehogs or tenrecs or both. These businesses specialize in the importation of exotic species for the domestic pet industry. Animal importers pay less than $75 per head to purchase and transport individual hedgehogs or tenrecs to the United States. In the present market, adult hedgehogs or tenrecs sell for an estimated retail range of approximately $120 to $360 each, depending upon age and species. During calendar year 1990, approximately 500 to 800 hedgehogs entered the United States from countries affected by FMD. Almost all of the hedgehogs imported into the United States were imported from Africa. Although we do not have information regarding the number of tenrecs imported into the United States in 1990, we believe that the number of imported tenrecs did not exceed the number of imported hedgehogs. Based upon those figures, we estimate an annual economic impact on the United States exotic pet industry of between $60,000 ($120×500) to $288,000 ($360×800) due to reduced sales. This loss in sales represents a negligible impact for an industry with sales that exceeded $300 million during calendar year 1990.

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Docket No. 91–071–1,

Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR part 92 would be amended as follows:

1. The authority citation for part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. In part 92, subpart G would be revised to read as follows:

Subpart G—Miscellaneous Animals

Sec.

92.700 Definitions.
92.701 Prohibitions.
92.702 Restrictions.
92.703 Ports designated for importation.
92.704 Import permit.
92.705 Health certificate.
92.706 Notification of arrival.
92.707 Inspection at the port of first arrival.

Subpart G—Miscellaneous Animals

§ 92.700 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Brushtail possum. Vulpine phalangers (Trichosurus vulpecula) of the family Phalangeridae.

Delivery. The transfer of goods or interest in goods from one person to another.

Enter (entry). To introduce into the commerce of the United States after release from government detention.

Hedgehog. All members of the family Erinaceidae.

Import (imported, importation). To bring into the territorial limits of the United States.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Tenrec. All members of the family Tenrecidae.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

§ 92.701 Prohibitions.

(a) No person may import a hedgehog or tenrec into the United States from any country designated in § 94.1 of this chapter as a country where foot-and-mouth disease exists.

(b) No person may import a brushtail possum or hedgehog into the United States from New Zealand.

§ 92.702 Restrictions.

Hedgehogs and tenrecs not specifically prohibited from being imported under § 92.701 may not be imported into the United States except according to the regulations in this subpart.

§ 92.703 Ports designated for importation.

(a) Any person importing a hedgehog or tenrec into the United States may import it, except as provided in paragraph (b) of this section, only through the following ports:

(1) *Air and ocean ports.* Anchorage and Fairbanks, AK; San Diego and Los Angeles, CA; Denver, CO; Jacksonville, Miami, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Portland, ME; Baltimore, MD; Boston, MA; Minneapolis, MN; Great Falls, MT; Newburgh, NY; Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

(2) *Canadian border ports.* Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; Blaine, Lynden, Oroville, and Sumas, WA.

(3) *Mexican border ports.* Douglas, Naco, Nogales, Sasabe, and San Luis, AZ; Calexico and San Ysidro, CA; Antelope Wells, and Columbus, NM; and Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, TX.

(b) The Secretary of the Treasury has approved the designation, as inspection stations, of the ports specified in paragraph (a) of this section. In special cases, the Administrator may designate other ports as inspection stations in accordance with this section, with the concurrence of the Secretary of the Treasury.

§ 92.704 Import permit.

(a) *General requirements.* No person may import into the United States a hedgehog or tenrec unless it is accompanied by an import permit issued by APHIS and is imported into the United States within 30 days after the proposed date of arrival stated in the import permit. The importer or his or her agent must notify the inspector at the port of first arrival of the date of arrival at least 72 hours before the hedgehog or tenrec arrives in the United States.

(b) *How to obtain an import permit.* Any person who desires to import a hedgehog or tenrec must complete and submit one copy of an application (VS Form 17–129) for an import permit to the Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, 4700 River Road Unit 39, Riverdale, Maryland 20737–1231. This staff will supply application forms for import permits upon request. A separate application must be prepared for each shipment.

(c) *What to include on the application for an import permit.* The importer must complete, sign, and date the application for an import permit, which must include the following information:

(1) The name and address of the shipper in the country of origin of the hedgehog or tenrec intended for importation into the United States.

(2) The name, address, and telephone number of the importer.

(3) The port of embarkation.

(4) The country from which the hedgehog or tenrec will be shipped to the United States.

(5) The mode of transportation.

(6) The number, breed, species, and descriptions of the hedgehogs or tenrecs to be imported.

(7) The purpose of the importation.

(8) The route of travel, including all carrier stops enroute.

(9) The proposed shipping and arrival dates.

(10) The port of first arrival in the United States.

(11) The name, mailing address, and telephone number of the person to whom the hedgehog or tenrec will be delivered in the United States.

(12) The location of the place where delivery will be made in the United States.

(13) Any remarks regarding the shipment.

(d) *What will happen to the application for an import permit.* Upon receipt of the application, APHIS will review the application. If the hedgehog or tenrec appears to be eligible to be imported into the United States, APHIS will issue an import permit indicating the applicable requirements under this subpart for the importation of the hedgehog or tenrec. Even though an import permit has been issued for the importation of a hedgehog or tenrec, the animal may enter the United States only if all applicable requirements of this subpart have been met.

§ 92.705 Health certificate.

A hedgehog or tenrec may not be imported into the United States unless accompanied by a health certificate either issued by a full-time salaried veterinary officer of the national government of the exporting country, or issued by a veterinarian authorized or accredited by the national government of the exporting country and endorsed by a full-time salaried veterinary officer of the national government of that country. The health certificate must contain the names and street addresses of the consignor and consignee and must state:

(a) That the hedgehog or tenrec originated in a country that has been recognized as free of foot-and-mouth disease by the USDA;

(b) That the hedgehog or tenrec has never been in a country where foot-and-mouth disease exists;

(c) That the hedgehog or tenrec has not been commingled with any other hedgehog or tenrec that originated in or has ever been in a country where foot-and-mouth disease exists;

(d) That the hedgehog or tenrec was inspected by the individual issuing the health certificate and was found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States;

(e) That all body surfaces of the hedgehog or tenrec were treated for ectoparasites under the supervision of the veterinarian issuing the health certificate at least 3 days but not more than 14 days before being loaded on the means of conveyance that transported the animal to the United States;

(f) That the pesticide and the concentration used was adequate to kill the types of ectoparasites likely to infest the animal to be imported;

(g) That the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (e) and (f) of this section, had physical contact only with, or shared a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States; and

(h) The name and concentration of the pesticide used to treat the hedgehog or tenrec.

§ 92.706 Notification of arrival.

Upon the arrival of a hedgehog or tenrec at the port of first arrival in the United States, the importer or his or her agent must present the import permits and health certificates required by this subpart to the collector of customs for the use of the inspector at that port.

§ 92.707 Inspection at the port of first arrival.

(a) A hedgehog or tenrec from any part of the world must be inspected by an APHIS inspector at the port of first arrival. Subject to the other provisions in this subpart, a shipment of hedgehogs or tenrecs may enter into the United States only if each hedgehog or tenrec in the shipment is found free of ectoparasites and any clinical signs of communicable diseases.

(b) If any hedgehog or tenrec in a shipment is found to be infested with ectoparasites or demonstrates any clinical signs of communicable diseases, then the entire shipment will be refused entry. The importer will be given the following options:

(1) Remove the shipment from the United States; or

(2) Release the shipment to the U.S. Department of Agriculture. The Administrator will destroy or otherwise dispose of the shipment as necessary to prevent the possible introduction into the United States of communicable animal diseases.

Done in Washington, DC, this 27th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11374 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Parts 112 and 113

[Docket No. 94–046–1]

Viruses, Serums, Toxins, and Analogous Products; Marek's Disease Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the standard requirements for Marek's disease vaccines by including vaccines prepared from any of the three Marek's disease virus serotypes, and by defining the identity, safety, and efficacy requirements for vaccines prepared from each serotype or combinations of serotypes. The proposed rule would also amend the requirements for labeling Marek's disease vaccines. These proposed amendments are necessary based on the evolution of the disease in the field, advances in the types of vaccines currently prepared to prevent the disease, and advances in the methods of evaluating such vaccines. The effect of the proposed rule would be to save licensees time during the application process by clarifying and codifying the guidelines developed for licensing these products over the past several years.

DATES: Consideration will be given only to comments received on or before July 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket 94–046–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–046–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD, 20737–1237, (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

Veterinary biologics are regulated under the Virus-Serum-Toxin Act of 1913, as amended by the Food Security Act of 1985 (21 U.S.C. 151–159, hereinafter referred to as the Act). In accordance with this Act, the Animal

and Plant Health Inspection Service (APHIS) promulgates standard requirements that establish the purity, safety, potency, and efficacy requirements for these products.

The current standard requirements in § 113.330 (hereinafter referred to as the regulations) for licensing Marek's disease vaccines were promulgated at a time when only Serotype 3 Marek's disease vaccines were prepared. Also, the standard requirements did not include a standard for evaluating vaccine efficacy. Since that time, vaccines for Serotypes 1 and 2 have been developed, very virulent forms of the field virus have emerged, and other advances in our understanding of this virus have occurred. In response to these changes, APHIS has developed guidelines over the past several years for licensing these products. APHIS now proposes to amend the standard requirement for Marek's disease vaccines to include Serotypes 1 and 2, and to codify appropriate efficacy standards and guidelines which license applicants currently utilize.

Although all three Marek's disease virus serotypes have been used to prepare licensed vaccines, the current true names found on the labels of Marke's disease vaccines do not contain this information. Therefore, we propose to add new § 112.7(m) which would require that the true names of all Marke's disease vaccines specify the virus serotypes contained in the product (e.g., ''Serotype(s) 1, 2, and/or 3, Live Virus''). Also, the true names currently found on labels of many of these products include the final form in which the product is prepared (e.g., ''Cell Associated'' or ''Cell Free''). The reference to final form in the current true name is not consistent with the labeling of other live virus vaccines. Therefore, APHIS would no longer include references to ''Cell Associated'' or ''Cell Free'' when assigning true names for Marek's disease vaccines.

The current standard requirements limit the preparation of Marek's disease vaccines to five passages from the master seed virus (*see* § 113.330, introductory paragraph). A number of exemptions from this requirement, however, have been granted to accommodate production problems, particularly in the propagation of Serotype 2 viruses. Therefore, we propose to remove the five-passage restriction from the introductory paragraph of § 113.330. Licensees, however, would still be required to specify the highest passage, established by efficacy data, that may be contained in the final product for each master seed virus pursuant to § 113.330(c) of the regulations.

Due to the lack of an acceptable identity test at the time the current standard requirements were published, the current regulations provide in paragraph (a) and introductory paragraph (d) of § 113.330 an exemption from identity testing for Marek's disease master seed viruses and final products that is no longer appropriate. Current vaccines contain any of the three Marek's disease virus serotypes, and the reagents and techniques to identify the different serotypes are available. Therefore, the proposed rule would remove the identity test exemption in paragraph (a) and the introductory paragraph (d) of § 113.330 and would require a serotype-specific identity test in proposed paragraph (a) and introductory paragraph (d) of § 113.330.

Sections 113.330 (a) and (d)(1) of the current standard requirements permit applicants to disregard lesions typical of turkey herpes virus when evaluating master seed viruses and final products for extraneous agents in the chicken embryo inoculation test prescribed in § 113.37. Such lesions may arise when a vaccine virus override occurs during the performance of this test. This exemption for herpes virus lesions is inconsistent with the evaluation of other master seed viruses and products, which are typically evaluated in the chicken inoculation test prescribed in § 113.36 when a vaccine virus override occurs. Therefore, APHIS would require in proposed paragraphs (a) and (d)(1) of § 113.330 that the chicken inoculation test be conducted if a vaccine virus override occurs during the chicken embryo inoculation test for a Marek's disease virus master seed or vaccine serial.

The current regulations do not contain an efficacy standard for Marek's disease vaccines. APHIS addressed the need for such standard by issuing Veterinary Biologics Memorandum No. 800.82 on January 19, 1993. This memorandum prescribed efficacy criteria on the basis that Serotype 1 and 2 vaccines typically provide protection against a more (''very'') virulent challenge, while the Serotype 3 vaccines typically provide protection against a less (''standard'') virulent challenge. The proposed rule would codify the efficacy guidelines found in that memorandum in proposed § 113.330(c)—Immunogenicity. Furthermore, because licensees have obtained approval for label claims for both subcutaneous and *in ovo* routes of administration for these products, the proposed efficacy standard has been written to include the requirements for either route.

The master seed virus safety test found in § 113.330(b) of the current standard requirements requires modification in order to adequately evaluate all three Marek's disease virus serotypes. As with the efficacy standard, the safety test is addressed in the Veterinary Biologics Memorandum No. 800.82. The memorandum describes the appropriate challenge virus for the positive control group and adds a contact control group for the evaluation of Serotype 1 viruses, which have an increased potential for horizontal spread. This proposed rule would codify these guidelines with some modifications. Also, this proposed rule would expand the safety test to cover the use of embryos as well as chickens as test subjects (*See* proposed § 113.330(b).

Because Marek's disease vaccines may include more than one serotype in each final container, the proposed rule would require that the potency test for the final product be serotype-specific for all products containing more than one serotype. Also, the acceptable virus titers for product release and expiration would be based on the titers used in the efficacy study for each serotype, with specified minimum titers (*See* proposed § 113.330(d)(3)).

Executive Order 12866 and Regulatory Flexibility Act

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

The proposed amendments to the standard requirements for Marek's disease vaccines would codify guidelines developed for licensing these products over the past several years. These amendments would affect all (currently a total of eight) manufacturers of Marek's disease vaccines, some of which may be small businesses. By clarifying licensing requirements for Marek's disease vaccines, the proposed rule would save time during the application process and would cause no adverse economic impact on the regulated industry.

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

Executive Order 12372

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects

9 CFR part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

9 CFR part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 112 and 113 would be amended as follows:

PART 112—PACKAGING AND LABELING

1. The authority citation for part 112 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 112.7 would be amended by adding paragraph (m) to read as follows:

§ 112.7 Special additional requirements.

* * * * *

(m) In the case of biological products containing Marek's disease virus, all labels shall specify the Marek's disease virus serotype(s) used in the product.

PART 113—STANDARD REQUIREMENTS

3. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

4. Section 113.330 would be revised to read as follows:

§ 113.330 Marek's Disease Vaccines.

Marek's disease vaccine shall be prepared from virus-bearing tissue culture cells. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.300, and the requirements prescribed in this section. The identity test required in § 113.300(c) shall be conducted in a serotype-specific manner by a method acceptable to APHIS. Each lot of Master Seed Virus shall also be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(b) *Safety test.* The Master Seed Virus shall be nonpathogenic for chickens as determined by the following procedure:

(1) Specific pathogen free chickens or embryos, negative for Marek's disease virus antibodies, and from the same source, shall be isolated into the following groups:

(i) *Group 1.* At least 50 test subjects shall be inoculated with 10 times as much viable virus as will be contained in one dose of vaccine, by the route recommended for vaccination.

(ii) *Group 2.* At least 50 test subjects shall be injected with a very virulent Marek's disease virus provided or approved by APHIS, at a dosage level that will cause gross lesions of Marek's disease in at least 80 percent of the chickens within 50 days.

(iii) *Group 3.* Fifth uninoculated controls. For *in ovo* studies, this group should receive a sham inoculation of diluent.

(iv) *Group 4.* For studies evaluating Serotype 1 Master Seed Viruses a group of 50 uninoculated control chickens shall be housed in contact with the group 1 vaccinated chickens.

(2) At least 40 chickens in each group shall survive to 5 days of age. All chickens that die shall be necropsied an examined for lesions of Marek's disease and cause of death. The test shall be judged according to the following criteria:

(i) At 50 days of age, the remaining chickens in group 2 shall be killed and examined for gross lesions of Marek's disease. If at least 80 percent of this group do not develop Marek's disease, the test is inconclusive and may be repeated.

(ii) At 120 days of age, the remaining chickens in groups 1, 3, and 4 shall be weighed, killed, and necropsied. If less than 30 of the chickens in group 3 survive the 120 day period, or if any of the chickens in group 3 have gross lesions of Marek's disease at necropsy, the test is declared inconclusive. If less than 30 chickens in groups 1 and 4 survive the 120 day period; or if any of the chickens in groups 1 and 4 have gross lesions of Marek's disease at necropsy; of if the average body weight of the chickens in groups 1 or 4 is significantly (statistically) different from the average in group 3 at the end of the 120 days, the lot of Master Seed Virus is unsatisfactory.

(3) For tests involving *in ovo* innoculation, hatchability results shall also be reported for each group.

(c) *Immunogenicity.* Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity at the highest passage level allowed for the product, and the virus dose to be used shall be established as follows:

(1) Specific pathogen free chickens or embryos, negative for Marek's disease antibodies, and from the same source, shall be isolated into the following groups:

(i) *Group 1.* A minimum of 35 test subjects shall be inoculated with the vaccine, using the recommended route, at 1 day of age for chicks or 18 days of embryonation for embryos. The dose used shall be established by 5 replicate virus titrations conducted by a cell culture system or other titration method acceptable to APHIS.

(ii) *Group 2.* A minimum of 35 nonvaccinated test subjects shall be held as challenge controls.

(iii) *Group 3.* A minimum of 25 nonvaccinated test subjects shall be held as nonchallenge controls.

(iv) *Group 4.* Except for studies evaluating vaccines which contain only a Serotype 3 virus as the Marek's disease fraction, a minimum of 35 chicks shall be vaccinated at 1 day of age with a licensed Serotype 3 vaccine, in order to document the severity of the very virulent challenge.

(2) At least 30 chickens in groups 1, 2, and 4, and at least 20 chickens in group 3, shall survive to 5 days of age. All chickens in groups 1, 2, and 4 shall be challenged at 5 days of age in the following manner:

(i) For studies evaluating vaccines which contain only a Serotype 3 virus as the Marek's disease fraction, groups 1 and 2 shall be inoculated with a standard virulent challenge virus provided or approved by APHIS.

(ii) For all other Marek's disease vaccines, groups 1, 2, and 4 shall be inoculated with a very virulent

challenge virus provided or approved by APHIS.

(3) All chickens shall be observed until 7 weeks of age, necropsied, and examined for grossly observable lesions consistent with Marek's disease. All chickens dying before the end of the 7 week observation period shall be necropsied and evaluated for gross lesions of Marek's disease. Any chickens not so examined shall be scored as positive for Marek's disease.

(4) For a valid test, at least 80% of the chickens in group 2 must develop grossly observable lesions, none of the chickens in group 3 shall develop grossly observable lesions, and (when included) at least 20% of the chickens in group 4 must develop grossly observable lesions.

(5) For a valid test to be considered satisfactory, at least 80% of the chickens in group 1 must remain free of grossly observable lesions. the appropriate product claim resulting from a satisfactory test would be to aid in the prevention of Marek's disease, for vaccines containing only a Serotype 3 virus as the Marek's disease fraction, or to aid in the prevention of very virulent Marek's disease, for all other vaccines.

(d) *Test requirements for release.* Each serial and subserial shall meet the applicable requirements prescribed in § 113.300. The identity test required in § 113.300(c) shall be conducted in a serotype-specific manner by a method acceptable to APHIS. Final container samples of completed product shall also meet the requirements in paragraphs (d)(1), (2), and (3) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The chicken embryo inoculation test prescribed in § 113.37 shall be conducted, except that, if the test is inconclusive because of a vaccine virus override, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(2) *Safety test.* At least 25 one-day-old, specific pathogen free chickens shall be injected, by the subcutaneous route, with the equivalent of 10 chicken doses of virus (vaccine concentrated 10X). The chickens shall be observed each day for 21 days. Chickens dying during the period shall be examined, cause of death determined, and the results recorded.

(i) If at least 20 chickens do not survive the observation period, the test is inconclusive.

(ii) If lesions of any disease or cause of death are directly attributable to the vaccine, the serial is unsatisfactory.

(iii) If less than 20 chicks survive the observation period and there are no deaths or lesions attributable to the vaccine, the test may be repeated one time, *Provided,* that if the test is not repeated, the serial shall be declared unsatisfactory.

(3) *Potency test.* The samples shall be titrated using a cell culture system or other titration method acceptable to APHIS. For vaccines composed of more than one Marek's disease virus serotype, each fraction shall be titrated in a serotype-specific manner.

(i) Samples of desiccated vaccine shall be incubated at 37°C for 3 days before preparation for use in the potency test. Samples of desiccated or frozen vaccine shall be reconstituted in diluent according to the label recommendations, and held in an ice bath at 0°C to 4°C for 2 hours prior to use in the potency test.

(ii) For a serial or subserial to be eligible for release, each serotype contained in the vaccine shall have a virus titer per dose which is at least 3 times greater than the number of plaque forming units (pfu) used in the immunogenicity test prescribed in paragraph (c) of this section, but not less than 1000 pfu per dose.

(iii) When tested (without the pretest incubation of desiccated products) at any time within the expiration period, each serotype contained in the vaccine shall have a virus titer per dose which is at least 2 times the number of pfu used in the immunogenicity test, but not less than 750 pfu per dose.

Done in Washington, DC, this 28th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11375 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–135–AD]

Airworthiness Directives; British Aerospace Model Viscount 744, 745D, and 810 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain British Aerospace Model Viscount 744, 745D, and 810 airplanes, that currently establishes time-in-service limits for components of the fuselage pressure vessel, and requires modifications and inspections of various fuselage components to assure the continued structural integrity of these airplanes through the manufacturer's design life goal. This action would require additional modifications and inspections of the fuselage pressure vessel to extend the fuselage pressure vessel life from 30 to 45 years since new. This proposal is prompted by results of a review of fatigue test findings, stress analysis, and in-service history associated with pressure vessel components. The actions specified by the proposed AD are intended to prevent reduced structural capability of the fuselage pressure vessel.

DATES: Comments must be received by June 20, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–135–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–135–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–135–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 30, 1978, the FAA issued AD 65–20–04, amendment 39–3138 (23 FR 5506, February 9, 1978), applicable to certain British Aerospace Model Viscount 744, 745D, and 810 airplanes. That AD establishes time-in-service limits of 30 years since new or 75,000 landings (whichever occurs first) for components of the fuselage pressure vessel. That AD also requires modifications and repetitive inspections of various fuselage components to assure the continued structural integrity of these airplanes to 30 years since new or 75,000 landings (whichever occurs first). That action was prompted by results of the manufacturer's fatigue tests, stress analysis, and in-service history associated with life-limited fuselage parts. The requirements of that AD are intended to prevent reduced structural capability of the fuselage pressure vessel.

Since the issuance of that AD, the airplane manufacturer has conducted an additional review of fatigue test results, stress analysis, and in-service experience. Results of that review have revealed that additional new modifications and repetitive inspections are necessary to ensure that the fuselage pressure vessel can maintain the continued structural integrity necessary to attain the initial time-in-service limit of 30 years since new or 75,000 landings (whichever occurs first) specified in the existing AD.

In addition, the manufacturer has developed a program for Model Viscount 744, 745D, and 810 airplanes, which involves performing new inspections and modifications, and revising the implementation times for existing requirements. Once accomplished, these actions will allow an extension of the initial time-in-service limit of 30 years or 75,000 landings (whichever occurs first) of the fuselage pressure vessel to 45 years or 75,000 landings (whichever occurs first).

British Aerospace has issued Preliminary Technical Leaflet (PTL) No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes), and PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes). These PTL's describe procedures for additional visual inspections, non-destructive testing (NDT) inspections, and modifications of the fuselage necessary to assure the continued structural integrity of the pressure vessel to the initial time-in-service limit of 30 years or 75,000 landings (whichever occurs first). These PTL's also specify compliance with two other PTL's, described below, for operation of affected airplanes beyond 30 years, but not to exceed 75,000 landings. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified PTL No. 221 and PTL No. 94 as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

British Aerospace also has issued PTL No. 320, Issue 3, dated October 1, 1993 (for Model Viscount 744 and 745D airplanes), and PTL No. 189, Issue 5, dated May 1, 1994 (for Model Viscount 810 airplanes). These PTL's specify inspections and modifications of the fuselage pressure vessel assembly, and revise the implementation times for certain existing requirements for continued operation of specific airplanes (listed in the PTL's) beyond 30 years since new. Accomplishment of the actions specified in these PTL's will allow extension of the initial time-in-service limit of the fuselage pressure vessel to 45 years or 75,000 landings (whichever occurs first).

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 65–20–04 to require additional modifications and inspections of the fuselage pressure vessel. The actions would be required to be accomplished in accordance with the PTL's described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 29 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 400 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $37,400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,780,600, or $61,400 per airplane.

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

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this

proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–3138 (23 FR 5506, February 9, 1978), and by adding a new airworthiness directive (AD), to read as follows:

British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Docket 94–NM–135–AD. Supersedes AD 65–20–04, Amendment 39–3138.

Applicability: All Model Viscount 744, 745D, and 810 airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural capability of the fuselage pressure vessel, accomplish the following:

(a) To operate the airplane for a maximum of 30 years since the date of manufacture or 75,000 total landings, whichever occurs first, accomplish the following:

(1) Perform visual, eddy current, dye penetrant, and x-ray inspections in accordance with Sections 2 through 10 of British Aerospace Preliminary Technical Leaflet (PTL) No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Perform the initial inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(2)(ii) of this AD. Thereafter, repeat these inspections at the repetitive intervals specified in the applicable PTL.

(i) Prior to the threshold specified in Sections 2 through 10 of the applicable PTL; or within the next repetitive inspection specified in Sections 2 through 10 of the applicable PTL following the immediately preceding inspection accomplished in accordance with PTL No. 221, Issue 4 (for Model Viscount 744 and 745D airplanes), or PTL No. 94, Issue 4 (for Model Viscount 810 airplanes); whichever occurs first. Or

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

(2) Install the modifications specified in Sections 2 through 10 of British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Accomplish this installation at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Prior to the accumulation of the number of equivalent flights at 6.5 pounds per square inch (psi) specified in the initial compliance columns of Sections 2 through 10 of the applicable PTL. Or

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

Note 2: The number of equivalent flights at 6.5 psi is determined by using the procedure specified in Section 1, Part 6, Paragraph 6.6, of PTL No. 221 or PTL No. 94, as applicable.

(3) Modify the components of the pressurization system to reduce the cabin pressure maximum pressure setting to 3.5 psi, in accordance with Section 1, Part 7, Paragraph 7.5.2 of British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Accomplish this modification at the later of the times specified in paragraphs (a)(3)(i) and (a)(3)(ii) of this AD.

(i) Prior to the accumulation of 25 years since date of manufacture, or prior to the accumulation of the number of flights equivalent to 17,000 flights at 6.5 psi; whichever occurs first. Or

(ii) Within 30 days after the effective date of this AD.

(b) This paragraph is applicable only to airplanes listed in British Aerospace PTL No. 320, Issue 3, dated October 1, 1993 (for Model Viscount 744 and 745D airplanes); and PTL No. 189, Issue 5, dated May 1, 1994 (for Model Viscount 810 airplanes). To operate the airplane for a maximum of 45 years since date of manufacture or 75,000 total landings, whichever occurs first: Prior to the accumulation of 30 years since date of manufacture, or within 2 months after the effective date of this AD, whichever occurs later, perform the inspections, change the inspection times, install the modifications, and perform all other actions specified in the applicable PTL.

(c) If any crack(s) or corrosion is found during any inspection required by this AD, prior to further flight, repair in accordance with British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model 744 and 745D airplanes), or PTL No. 94, Issue 10, dated September 1, 1993 (for Model 810 airplanes).

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on May 3, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–11357 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–107–AD]

Airworthiness Directives; British Aerospace Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), which would have superseded an existing AD that is applicable to all British Aerospace Model ATP airplanes. The existing AD currently requires inspections to detect cracking of the aft end of the wing rib boom angles on the left and right engine, and repair or replacement of the wing rib boom angle assemblies, if necessary. The existing AD was prompted by the detection of cracks in the engine outboard rib boom angles at the main landing gear (MLG) actuator attachment point. Its required actions are intended to prevent structural failure of the actuator attachment point, which could lead to collapse of the MLG. The previously proposed action would have limited the applicability of the rule to certain airplanes; revised the initial inspection threshold for certain modified airplanes; and would have required that modified boom angles be installed whenever replacement is necessary. This action revises the proposed rule by correcting the actions necessary to be accomplished for one specific type of cracking condition.

DATES: Comments must be received by June 1, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–107–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–107–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–107–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain British Aerospace Model ATP airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on January 18, 1995 (60 FR 3581). That NPRM would have superseded an existing airworthiness directive (AD) that is applicable to all British Aerospace Model ATP series airplanes. The existing AD currently requires inspections to detect cracking of the aft end of the wing rib boom angles on the left and right engine, and repair or replacement of the wing rib boom angle assemblies, if necessary. The existing AD was prompted by the detection of cracks in the engine outboard rib boom angles at the main landing gear (MLG) actuator attachment point.

The NPRM proposed to limit the applicability of the existing rule to only a certain number of airplanes; revise the initial inspection threshold, depending on whether or not certain modifications have been accomplished on the boom angles; and require that modified boom angles be installed whenever replacement is necessary.

Since the issuance of that NPRM, the FAA has recognized that one of the corrective actions proposed for certain cracking indications was incorrectly stated.

Specifically, proposed paragraph (f) describes the actions that are to be taken if visual inspections reveal that one rib boom angle is cracked, and the crack extends beyond bolt hole Y or into bolt hole A. For conditions of this type of cracking, the NPRM proposed to require that operators repeat the inspections of the rib boom angle for additional crack propagation at intervals of 50 hours time-in-service. If no additional cracking was detected during any of the repetitive inspections, operators would be required to repair the rib boom angle or replace the rib boom angle assembly within one month. However, if additional cracking was detected, operators would be required to repair or replace prior to further flight.

Those proposed corrective actions were inadvertently iterated in the NPRM. They are incorrect and, as stated, are unacceptable as corrective action to address the described cracking conditions. Additionally, they are at variance with the corrective action recommended by the manufacturer and described in the service bulletin referenced in the NPRM as the appropriate source of service information (i.e., British Aerospace Service Bulletin ATP–57–13, Revision 5, dated June 3, 1994). Instead, the action that must be taken to address initial findings of the described cracking is either the repair of the wing boom angle or replacement of the wing boom angle assembly, prior to further flight. The FAA has determined that the proposed rule must be revised to require this specific corrective action.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD. The inspections that are currently required by AD 93–14–08 take approximately 2 work hours per airplane to accomplish. The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the current inspection requirements AD on U.S. operators is estimated to be $1,200, or $120 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, since AD 93–14–08 became effective on September 3, 1993, the FAA assumes that at least the initial inspection already has been performed on several of the affected airplanes. Thus, the total cost impact of this proposed AD may be reduced by the amount of the costs associated with those inspections that have already been accomplished.

Additionally, since this proposed AD would extend the compliance time for the initial inspection of some airplanes, it has the effect of reducing the economic burden for operators of those airplanes, since it would preclude scheduling an airplane for inspections at a time earlier than is necessary.

Should replacement of the boom angles with modified boom angles be necessary, it would require approximately 150 work hours to accomplish, at an average labor charge of $60 per work hour. Required parts would cost approximately $3,800 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8632 (58 FR 42194, August 9, 1993), and by adding a new airworthiness directive (AD), to read as follows:

British Aerospace: Docket 94–NM–107–AD. Supersedes AD 93–14–08, Amendment 39–8632.

Applicability: Model ATP airplanes; serial numbers 2002 through 2063, inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the actuator attachment point, which could lead to collapse of the main landing gear (MLG), accomplish the following:

(a) Conduct a detailed visual inspection to detect cracking of the aft end of the engine outboard rib boom angles under the wing rib outboard of the left and right engine, in accordance with British Aerospace Service Bulletin ATP–57–13, Revision1, dated January 15, 1993; or Revision 5, dated June 3, 1994; at the applicable time indicated below.

(1) For airplanes on which Modification 10313A (reference British Aerospace Service Bulletin ATP–56–16–1013A, Revision 1, dated July 2, 1994) has not been accomplished: Conduct the initial inspection within 400 hours time-in-service after September 8, 1993 (the effective date of AD 93–14–08, amendment 39–8632), or within 12 months since airplane manufacture, whichever occurs later.

(2) For airplanes on which Modification 10313A has been accomplished (modified inboard and outboard boom angles on both the left wing and right wing): Conduct the initial inspection prior to the accumulation of 30,000 landings on the boom angle assembly or within 12 months after the effective date of this AD, whichever occurs later.

(b) For the purposes of compliance with this AD, the following apply:

(1) *Repair* of cracked rib boom angles shall be accomplished in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) *Replacement* of cracked rib boom angle assemblies with modified assemblies shall be accomplished in accordance with British Aerospace Service Bulletin ATP–57–16–10313A, Revision 1, dated July 2, 1994 (as corrected by Erratum 2, dated August 30, 1994). Prior to the accumulation of 30,000 landings on the replaced (modified) boom angle assembly, repeat the inspection in accordance with paragraph (a) of this AD.

(c) If no crack is detected: Repeat the detailed visual inspection at intervals not to exceed 3,000 landings or 12 months, whichever occurs first.

(d) If any crack is detected on only one rib boom angle, and that crack does not extend beyond bolt hole X: Repeat the detailed visual inspection of the rib boom angle for additional crack propagation at intervals not to exceed 300 hours time-in-service.

(1) If no additional crack propagation is detected during any of the repetitive inspections: Within 6 months after discovery of the crack, either repair the rib boom angle or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(2) If any of the repetitive inspections reveal that crack propagation has reached or extends beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angle or replace the rib boom assembly in accordance with paragraph (b) of this AD.

(e) If any crack is detected on only one rib boom angle, and that crack extends beyond bolt hole X, but not beyond bolt hole Y or down towards bolt hole A: Repeat the detailed visual inspection of the rib boom angle for additional crack propagation at intervals not to exceed 100 hours time-in-service.

(1) If no additional crack propagation is detected during any of the repetitive inspections: Within 3 months after discovery of the crack, either repair the rib boom angle or replace the rib boom angle assembly in accordance paragraph (b) of this AD.

(2) If any of the repetitive inspections reveal that crack propagation has reached or extends beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angle or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(f) If any crack is detected on only one rib boom angle, and that crack extends beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angle or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(g) If any crack is detected on both rib boom angles, and cracks do not extend beyond bolt hole X: Repeat the detailed visual inspection of the rib boom angles for additional crack propagation at intervals not to exceed 100 hours time-in-service.

(1) If no additional crack propagation is detected during any of the repetitive inspections: Within 3 months after discovery of the cracks, either repair the rib boom angles or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(2) If any of the repetitive inspections reveal that crack propagation has reached or extends beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angles or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(h) If any crack is detected on both rib boom angles, and cracks extend beyond bolt hole X, but not beyond bolt hole Y or down towards bolt hole A: Repeat the detailed visual inspection of the rib boom angles for additional crack propagation at intervals not to exceed 50 hours time-in-service.

(1) If no additional crack propagation is detected during any of the repetitive inspections: Within 1 month after discovery of the cracks, either repair the rib boom angles or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(2) If any of the repetitive inspections reveal that crack propagation has reached or extends beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angles or replace the rib boom angle assembly in accordance with paragraph (b) of this AD.

(i) If any crack is detected on both rib boom angles, and cracks extend beyond bolt hole Y or into bolt hole A: Prior to further flight, either repair the rib boom angles or replace the rib boom angle assembly in accordance with paragraph (b) of this AD

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

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

Note 3: Alternative methods of compliance previously granted for amendment 39–8632, AD 93–14–08, continue to be considered as acceptable alternative methods of compliance with this amendment.

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

Issued in Renton, Washington, on May 3, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–11356 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AWP–5]

Proposed Amendment to Class D and E Airspace Areas; Camp Pendleton MCAS, CA

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of rulemaking.

SUMMARY: This document proposes to amend the Class D and E airspace areas at Camp Pendleton MCAS, CA. The intent of this proposal is to provide controlled airspace for instrument flight rules (IFR) operations at Camp Pendleton MCAS, CA.

DATES: Comments must be received on or before June 12, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–5, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Systems Management Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWP–5.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D and E airspace areas at Camp Pendleton. The intended effect of this proposal is to provide Class D and E airspace for aircraft executing instrument approach procedures at Camp Pendleton MCAS, CA. Class D and Class E airspace designations are published in paragraphs 5000 and 6004, respectively, of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action''

under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Camp Pendleton MCAS, CA [Revised]

Camp Pendleton MCAS (Munn Field), CA
(Lat. 33°18′05″ N, long. 117°21′18″ W)

That airspace extending upward from the surface to including 2600 feet MSL within a 4-mile radius of Camp Pendleton MCAS (Munn Field) extending clockwise from a point beginning at lat. 33°21′46″ N, long. 117°19′26″ W, to lat. 33°16′21″ N, long. 117°25′38″ W, and thence northeast to within a 2.6-mile radius of Camp Pendleton MCAS (Munn Field) extending clockwise from a point beginning at lat. 33°17′30″ N, long. 117°24′21″ W, to lat. 33°20′38″ N, long. 117°20′38″ W, thence northeast to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area.

* * * * *

AWP CA E4 Camp Pendleton MCAS, CA [Revised]

Camp Pendleton MCAS (Munn Field), CA
(Lat. 33°18′05″ N, long. 117°21′18″ W)
Oceanside VORTAC
(Lat. 33°14′26″ N, long. 117°25′04″ W)

That airspace extending upward from the surface within 1.4 miles each side of the Oceanside VORTAC 042° radial extending from the 4-miles radius of Camp Pendleton MCAS to 11.6 miles northeast of the Oceanside VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

* * * * *

Issued in Los Angeles, California, on April 18, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95–11280 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AWP–11]

Proposed Amendment to Class D and E Airspace Areas; Mountain View, CA

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Class D and E airspace areas at Mountain View, CA, due to the renaming of Moffett Field Naval Air Station (NAS), CA, to Moffett Federal Air Field (AFLD), CA. This proposal would also revise the Class D airspace area at Mountain View, CA, to indicate when this airspace area is effective.

DATES: Comments must be received on or before June 26, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–11, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, System Management Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWP–11.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future

NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D and E airspace areas at Mountain View, CA. This proposed action is necessary due to the renaming of Moffett Field NAS, CA, to Moffett Federal AFLD, CA. This action also revises the Class D airspace area at Mountain View, CA, to indicate when this airspace is effective. Class D and E airspace designations are published in paragraphs 5000, 6002, and 6004 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporated by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Mountain View, CA [Revised]

Moffett Federal AFLD, CA
(Lat. 37°24′55″ N, long. 122°02′54″ W)
San Jose International Airport, CA
(Lat. 37°21′42″ N, long. 121°55′43″ W)
Palo Alto of Santa Clara County Airport, CA
(Lat. 30°27′40″ N, long. 122°06′54″ W)

That airspace extending upward from the surface to but not including 1,500 feet MSL within a 4.3-mile radius of Moffett Federal AFLD, excluding that airspace within the San Jose, CA, Class C airspace area and excluding the portion within the Palo Alto of Santa Clara County Airport, CA, Class D airspace area during the specific dates and times it is effective. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designate as a surface area for an airport.

* * * * *

AWP CA E2 Mountain View, CA [Revised]

Moffett Federal AFLD, CA
(Lat. 37°24′55″ N, long. 122°02′54″ W)
San Jose International Airport, CA
(Lat. 37°21′42″ N, long. 121°55′43″ W)
Palo Alto of Santa Clara County Airport, CA
(Lat. 37°27′40″ N, long. 122°06′54″ W)

Within a 4.3-mile radius of Moffett Federal AFLD excluding that airspace within the San Jose, CA, Class C airspace area and excluding the portion within the Palo Alto of Santa Clara County Airport, CA, Class D airspace area during the specific dates and times it is effective. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

* * * * *

AWP CA E4 Mountain View, CA [Revised]

Moffett Federal AFLD, CA
(Lat. 37°24′55″ N, long. 122°02′54″ W)
San Jose VOR/DME
(Lat. 37°22′29″ N, long. 121°56′41″ W)
Moffett TACAN
(Lat. 37°25′57″ N, long. 122°03′26″ W)

That airspace extending upward from the surface within 2.2 miles southwest and 1.8 miles northeast of the Moffett TACAN 158° radial, extending from the 4.3-mile radius of Moffett Federal AFLD to 7 miles southeast of the TACAN and within 1.8 miles each side of the San Jose VOR 320° radial, extending from the VOR/DME to 7 miles northwest of the VOR/DME, excluding the portion within the San Jose, CA, Class C airspace area during the specific dates and times it is effective. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on April 24, 1995.

Richard R. Lien,

Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 95–11282 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 95–AWP–10]

Proposed Amendment of Class E Airspace Area; Salinas, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Class E airspace area at Salinas, CA. This amendment is necessary due to the closure of Ford Ord Fritzche AAF, CA. This amendment would delete Ford Ord Fritzche AAF, CA, from the Class E airspace area at Salinas, CA.

DATES: Comments must be received on or before June 15, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–10, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, System Management Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale,

California 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWP–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Salinas, CA. This amendment is necessary due to the closure of Fort Ord Fritzche AAF, CA. This amendment would remove Fort Ord Fritzche AAF, CA, Class D airspace area from the Class E airspace description at Salinas, CA. Class E airspace designations are published in paragraph 6004 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

* * * * *

AWP CA E4 Salinas, CA [Revised]

Salinas Municipal Airport, CA
(Lat. 36°39′48″ N, long. 121°36′23″ W)
Salinas VORTAC
(Lat. 36°39′50″ N, long. 121°36′12″ W)
Salinas Localizer
(Lat. 36°40′18″ N, long. 121°36′45″ W)
Monterey Peninsula Airport, CA
(Lat. 36°35′13″ N, long. 121°50′35″ W)

That airspace extending upward from the surface within 1.8 miles northeast and 2.6 miles southwest of the Salinas VORTAC 318° radial, extending from the 4.3-mile radius of Salinas Municipal Airport to 5.2 miles northwest of the VORTAC, and within 1.8 miles each side of the Salinas localizer extending from the 4.3-mile radius to 10 miles southwest of the Salinas VORTAC, excluding that portion within the Monterey Peninsula Airport, CA, Class E airspace area.

* * * * *

Issued in Los Angeles, California, on April 13, 1995.

Dennis T. Koehler,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 95–11281 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ANM–11]

Proposed Amendment of Class E Airspace; Salt Lake City, Utah

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Salt Lake City, Utah, Class E airspace. This action is necessary to accommodate a new instrument approach procedure at Salt Lake City International Airport, Salt Lake City, Utah. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before June 10, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 95–ANM–11, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–537, Federal Aviation Administration, Docket No. 95–ANM–11, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–ANM–11.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue S.W., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Salt Lake City, Utah, to accommodate a new instrument approach procedure at Salt Lake City International Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(G); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Salt Lake City, UT [Revised]

Salt Lake City International Airport, UT
(Lat. 40°47′13″ N, long. 111°58′08″ W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 41°00′00″ N, long. 111°45′03″ W, then south along long. 111°45′03″ W, to lat. 40°22′30″ N, thence southeast to lat. 40°10′20″ N, long. 111°35′03″ W, thence southwest to lat. 40°03′30″ N, long. 111°48′33″ W, thence northwest to lat. 40°43′00″ N, long. 112°22′03″ W, thence north along long. 112°22′03″ W, to lat. 41°00′00″ N, thence east along lat. 41°00′00″ N, to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 41°00′00″ N, on the east by long. 111°25′33″ W, on the south by lat. 39°56′30″ N, to long. 111°55′03″ W, thence south along long. 111°55′03″ W, to lat. 39°48′00″ N, long. 111°55′03″ W, thence south to 39°04′00″ N, 112°27′30″ W, thence northwest to lat. 39°48′00″ N, long. 112°50′00″ W, thence west via lat. 39°48′00″ N, to the east edge of Restricted Area R–6402A, and on the west by the east edge of Restricted Area R–6402A, Restricted Area R–6402B and Restricted Area R–6406B and long. 113°00′03″ W; that airspace east of Salt Lake City extending upward from 11,000 feet MSL bounded on the northwest by the southeast edge of V–32, on the southeast by the northwest edge of V–235, on the southwest by the northeast edge of V–101 and on the west by long. 111°25′33″ W; excluding that airspace within the Evanston, WY, 1,200-foot Class E airspace area; that airspace southeast of Salt Lake City extending upward from 13,500 feet MSL bounded on the northeast by the southwest edge of V–484, on the south by the north edge of V–200 and on the west by long. 111°25′33″ W; excluding the portion within Restricted Area R–6403 and the Bonneville, UT Class E airspace area.

* * * * *

Issued in Seattle, Washington, on April 19, 1995.

Bill H. Ellis,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95–11276 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 950 and 990

[Docket No. R–95–1783; FR–3747–P–01]

RIN 2577–AB47

Performance Funding System: Unit Months Available

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to revise the Performance Funding System to permit payment of operating subsidies for scattered-site units as they become occupied.

DATES: Comments due date: July 10, 1995.

ADDRESSES: Interested persons are invited to submit written comments regarding this proposed rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. at the above address. Facsimile (FAX) comments are *not* acceptable.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Comerford, Director, Financial Management Division, Office of Management Operations, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington D.C. 20410, telephone (202) 708–1872; or with respect to the Indian Housing programs, Ms. Joann A. Teiken, Financial Management Specialist, Office of Native American Programs, Public and Indian Housing, Room B–133, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington D.C. 20410, telephone (202) 708–2980. Hearing or speech impaired individuals may call HUD's TDD number, (202) 708–0850. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: HUD's current policy provides that eligibility for operating subsidy depends on the date of the End of Initial Operating Period (EIOP), and the subsidy is payable for the project as a whole, not on the basis of individual units. Any operating deficit prior to EIOP is chargeable to the Development Cost Budget, thereby reducing funds available for other development costs. This procedure is founded on practices historically used in large, multi-unit apartment projects, but is not necessarily appropriate to projects involving acquisition of existing, scattered site units.

This proposed rule would revise the definition of Unit Months Available (§§ 950.102 and 990.102) and provide an explanation of the alternate method for calculating unit months available upon acquisition of units in a scattered site project (§§ 950.705 and 990.104(b)). This change in procedure would be made applicable to scattered site developments acquired by Indian Housing Authorities.

Findings and Certifications

The subject matter of this proposed rule is categorically excluded from HUD's environmental clearance procedures under 24 CFR 50.20(k). It relates to internal administrative procedures whose content does not constitute a development decision or affect the physical condition of project areas or building sites.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule before publication and by approving it certifies that this proposed rule does not have a significant economic impact on substantial number of small entities. The proposed rule would recognize that homes that are part of scattered-site developments become ready for occupancy at varying times, and would remove a potential penalty to housing authorities who would otherwise have to wait for all units in a scattered-site development to be occupied before they can receive subsidy.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies contained in this proposed rule would not have federalism implications and, thus, are not subject to review under the Order. The proposed rule would refine an established formula under which HUD calculates operating subsidies for low-income housing developments, but contains no requirement for explicit action by local officials and would not interfere with State or local governmental functions.

Executive Order 12606

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

Regulatory Agenda

This proposed rule was listed as item 1881 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57670) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.850.

List of Subjects

24 CFR Part 950

Aged, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 990

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

Accordingly, in title 24 of the Code of Federal Regulations, parts 950 and 990 would be amended, as follows:

PART 950—INDIAN HOUSING PROGRAMS

1. The authority citation for part 950 would continue to read as follows:

Authority: 25 U.S.C. 405e(b), 1437aa–1437ee, and 3535(d).

2. Section 950.102 would be amended by revising the definition of *''Unit months available''*, to read as follows:

§ 950.102 Definitions.

* * * * *

Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given IHA fiscal year. See also § 950.705(b).

* * * * *

3. The existing text in § 950.705 would be redesignated as paragraph (a), and a new paragraph (b) would be added, to read as follows:

§ 950.705 Determination of amount of operating subsidy under PFS.

* * * * *

(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any IHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of an IHA development involving the acquisition of scattered site housing, the IHA may submit, and HUD shall review and can approve, a revised Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

PART 990—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

4. The authority citation for part 990 would continue to read as follows:

Authority: 42 U.S.C. 1437g and 3535(d).

5. Section 990.102 would be amended by revising the definition of *''Unit Months Available''*, to read as follows:

§ 990.102 Definitions.

* * * * *

Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given PHA fiscal year. See also § 990.104(b).

* * * * *

6. In § 990.104, paragraph (b) would be revised, to read as follows:

§ 990.104 Determination of amount of operating subsidy under PFS.

* * * * *

(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any PHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of a PHA development involving the acquisition of scattered site housing, the PHA may submit, and HUD shall review and can approve, a revised Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

Dated: March 24, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–11372 Filed 5–8–95; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF TRANSPORTATION

33 CFR Part 84

Coast Guard

[CGD 95–037]

Adequacy of Barge and Tug Navigation Lights

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: Concern has been expressed that current lighting requirements are not adequate for towing vessels and vessels under tow. The Coast Guard also receives frequent requests for clarification of lighting requirements. Therefore, it has asked the Navigation Safety Advisory Council (NAVSAC) to review this issue. It also solicits public comments on the need for possible changes to or clarification of lighting requirements.

DATES: Written comments must be received not later than September 6, 1995.

ADDRESSES: Written comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments will become part of this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director, Navigation Safety Advisory Council, phone (202) 267–0415. This telephone is equipped to take messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION: The Inland Navigation Rules (Navigation Rules) are set forth in 33 U.S.C. 2001 et seq. Lighting requirements for towing vessels and vessels under tow are contained in Rule 24, 33 U.S.C. 2024. Under 33 U.S.C. 2071, the Secretary of Transportation may issue regulations to implement and interpret the Navigation Rules. The Secretary is also directed to establish technical annexes. The technical annex for lighting requirements is contained in 33 CFR Part 84. This annex specifies placement requirements for lights, including placement of lights on towing vessels and vessels under tow.

Safety concerns associated with towing operations and small craft traffic have been raised in recent years in several publications, including the American Boat and Yacht Council Newsletter, U.S. Coast Guard boating Safety Circulars, America's Inland and Coastal Tug and Barge Operators pamphlet ''Life Lines'', and various yachting magazines. The safety aspects of barge lighting were discussed at the May 1994 meeting of the National Boating Safety Advisory Council (NBSAC). At its November 1994 meeting, NAVSAC was also asked to consider whether current tug and tow lighting requirements are adequate.

After considerable discussion, NAVSAC concluded that additional information was needed to determine whether there was an actual problem, and, if so, possible solutions. the Council unanimously passed a resolution requesting that the Coast Guard solicit public comments on whether towing vessels and vessels being towed are sufficiently lighted while underway.

In addition to other information you may wish to provide, NAVSAC is particularly interested in receiving comments regarding the lighting of barges towed astern. There has been concern that an approaching vessel could misinterpret prescribed lighting and not realize the presence of a towing hawser. The length of the hawser can be considerable, up to one-half mile in some waters, and the positions of the barge(s) are not always directly astern of the towing vessel. Barges towed astern are currently lighted with sidelights and a stern light only, the same as a sailing vessel, while barges pushed ahead or towed alongside also carry a ''special yellow flashing'' light forward.

One suggestion under consideration by NAVSAC is extending the requirement for a yellow flashing light to barges towed astern. After an approaching vessel identifies that a barge is under tow it will be able to determine the location of the towing hawser.

Another suggestion is that a towing vessel towing astern be required to show

three masthead lights regardless of the length of the tow. This would clearly indicate that a hawser is in use. The two masthead lights would be reserved for a towing vessel pushing ahead or towing alongside. Currently, three masthead lights are shown only if the length of the tow exceeds 200 meters—if less than 200 meters, two masthead lights are carried, the same as when pushing ahead or towing alongside.

Barges pushed ahead or towed alongside are also of concern because of the large expanse of hull with no lights. The Coast Guard routinely receives requests for clarification of Rule 24(f), usually in conjunction with a specific scenario/lighting scheme that has been observed or a proposed lighting scheme.

Comments should clearly describe any problems associated with barge lighting and, if possible, provide potential solutions. The Coast Guard is particularly interested in recommendations that would not require amendment of the Navigation Rules. The Coast Guard also desires to ensure conformity with the International Rules. In adopting the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS), the United States not only agreed that its vessels would abide by those regulations when in international waters, but also that any special rules adopted by the United States for use on waterways connected with the high seas and navigable by seagoing vessels would ''conform as closely as possible to these rules'' (72 COLREGS, Rule 1).

Comments received in response to this notice will be considered by the Coast Guard and NAVSAC. A Rules of the Road Committee will convene at the next Council meeting, tentatively scheduled to be held in New Orleans, LA on November 10–12, 1995, to continue discussions on this issue. This meeting will be announced by a notice in the **Federal Register**.

Dated: May 2, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–11302 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

Coast Guard

33 CFR Part 117

[CGD11–95–003]

RIN 2115–AE47

Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Alameda County, California Public Works Agency, the Coast Guard is considering amending the regulation or the draws of the Alameda County vehicular bridges crossing the Oakland Inner Harbor Tidal Canal at the following locations: Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; High Street, mile 8.1; as well as the U.S. Army Corps of Engineers railroad bridge, mile 7.7 at Fruitvale Avenue. Under the existing regulations, the draws are attended 24 hours per day, and open on signal except during designated morning and afternoon commute periods. The proposed amendment requires attended service 16 hours per day, preserves the existing commute hours closures, and provides for openings on four-hour notice during nighttime hours when an operator is not in constant attendance. This amendment will allow the bridge owner to reduce operating expenses and should still provide for the reasonable needs of navigation. In addition, the identifying waterway mileage designating the location of, and the call sign for, each bridge would be revised to conform with the currently utilized standard of measurement.

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Room 214, Building 10, Coast Guard Island, Alameda, CA 94501–5100, or may be delivered to Room 214 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

Commander (oan-br), Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of the docket and will be available for inspection or copying at Room 214, Building 10, Coast Guard Island, Alameda, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3514.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD11–95–003) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If this is not practical, a second copy of any bound materials is requested. Persons desiring acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Eleventh Coast Guard District Bridge Section, Project Manager, and Lieutenant Robin J. Barber, Eleventh Coast Guard District Legal Office, Project Counsel.

Background and Purpose

The four drawbridges used for automobile and railroad traffic across the Oakland Inner Harbor Tidal Canal are operated and maintained by the County of Alameda, California. The U.S. Army Corps of Engineers (USACOE) railroad bridge at Fruitvale Avenue is owned by the USACOE, but is operated by the County in coordination with the Fruitvale Avenue automobile bridge. The minimum vertical clearance of the lowest of the bridges in the closed position is 13 feet (3.96 meters) above Mean High Water (MHW).

At present, under the rules in 33 CFR 117.181 the bridges have attended service 24 hours per day and open upon signal, except for morning and afternoon commute hours closures. Historically, the Park Street Bridge is the most frequently opened bridge, opening about 1,500 times annually to allow 2,000 vessels to pass. Approximately 60% of the openings are for recreational vessels, which travel predominantly during daylight hours, and one third of the openings are for commercial vessels, which historically transit at all hours.

An analysis of the County's logs of bridge openings at the series of bridges for the year ending March 31, 1993 indicates that 96% of transiting

recreational vessels and 73% of commercial vessels signaled for openings between 6 a.m. and 10 p.m., weekdays, and between 7 a.m. and 11 p.m., weekends and holidays.

Discussion of the Proposed Amendment

The proposed operating regulation would affect bridge openings only during nighttime hours. Between 6 a.m. and 10 p.m., Monday through Friday, and between 7 a.m. and 11 p.m., Saturdays, Sundays, and Federal holidays, the present system of operation, including weekday morning and afternoon commute hours closures, would not change. During all other periods, the proposed regulations would require the draws to open on signal if at least four hours advance notice is given to either the drawtender at the Park Street Bridge or to the Alameda County Public Works Agency at Hayward.

The vast majority of vessel transits would be unaffected by this amendment. The recreational and commercial vessel traffic transit requirements are substantially reduced during the proposed designated nighttime hours. Therefore, the Coast Guard considers a requirement of advance notice to request draw openings during these hours of reduced vessel traffic to be reasonable. The proposed amendment would permit the bridges operator to reduce operating expenses while still ensuring that all draw opening requests are accommodated, and still provided for the reasonable needs of navigation.

Commercial vessels transiting the series of bridges usually constitute tug and barge combinations, which have restricted maneuverability. In order to meet the reasonable needs of navigation of these vessels, the proposed regulation would require that sufficient draw operators be provided for openings requested during the nighttime period to ensure that commercial vessels which have provided four-hour advance notice may make a continuous transit though the series of bridges without having to slow their transit or wait between bridges for openings.

The existing regulation contains a provision that the draws will open for vessels in distress and emergency vessel traffic ''as soon as possible.'' Since the existing regulation was promulgated the Coast Guard has established in 33 CFR 117.31 a general regulation applicable to all drawbridges, which requires that a bridge operator ''take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for the passage of'' emergency vessels and vessels in distress. The existing reference to emergency openings in 33 CFR 117.181 would therefore be eliminated as redundant. The Coast Guard believes that the proposed change will continue to provide for emergency needs.

The present regulations reflect the USACOE traditional method of measurement of waterway mileage in statute miles. The Coast Guard and the operators of other bridges in the area designate bridge location using nautical miles, and the proposed rule reflects this latter standard of measurement. The location designations and call signs in 33 CFR 117.181 and in appendix A to part 117 would also be changed to reflect a measurement baseline of the first point of land defining the Oakland Inner Harbor Tidal Canal, as is currently used by the Coast Guard and the other bridge operators and to reflect changes to call signs monitored.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the Department of Transportation regulatory policies and procedures is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small business and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33 Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 is also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.181 is revised to read as follows:

§ 117.181 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway bridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; and High Street, mile 6.0; and the U.S. Army Corps of Engineers railroad bridge, mile 5.6 at Fruitvale Avenue, shall open on signal as follows:

(a) From 6 a.m. through 10 p.m. Monday through Friday, excluding Federal holidays, except that from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m. Monday through Friday, the draws need not be opened for the passage of vessels. However, the draws shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given.

(b) From 7 a.m. through 11 p.m. Saturdays, Sundays, and Federal holidays.

(c) At all other times if at least four hours advance notice is given. Advance notice may be given to the drawtender at the Park Street Bridge or to the Alameda County Public Works Agency at Hayward. For any commercial vessel

which has provided four hours advance notice of its intended transit, the bridge owners shall provide sufficient drawtenders so that the commercial vessel will not have to slow its transit or wait between bridges for openings.

3. Appendix A to part 117 is amended to revise the Oakland Inner Harbor Tidal Canal entries under the State of California to read as follows:

APPENDIX A TO PART 117.—DRAWBRIDGE EQUIPPED WITH RADIOTELEPHONES

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
*	*	*	*	*	*	*
California						
*	*	*	*	*	*	*
Oakland Inner Harbor Tidal Canal	5.2	Oakland ...	Park Street, Alameda County	WHV 996	16	9
	5.6	Oakland ...	Fruitvale Avenue, Alameda County	WQB 330	16	9
	6.0	Oakland ...	High Street, Alameda County	WHX 488	16	9
*	*	*	*	*	*	*

Dated: April 27, 1995.

R.A. Appelbaum,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 95–11297 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AC82

Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—1995–1996 Subsistence Taking of Fish and Wildlife Regulations for the Kenai Peninsula

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This rule proposes customary and traditional use determinations for several species and regulations for seasons and harvest limits related to taking of moose for subsistence uses on Federal lands on the Kenai Peninsula during the 1995–1996 regulatory year.

DATES: Written public comments will be accepted through July 10. Public meetings on this proposed rule making will be held during the comment period in the following locations in Alaska: Anchorage, Soldotna, Seldovia, Hope, Cooper Landing, Homer, and other communities as necessary.

ADDRESSES: Written comments and proposals for changes to these proposed regulations may be sent to the Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. Specific locations and addresses for the public meetings will be published locally.

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3447. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–7921.

SUPPLEMENTARY INFORMATION:

Customary and Traditional Use Determinations

The Board implemented a systematic program for review of customary and traditional use eligibility determinations as provided for in 36 CFR 242 and 50 CFR 100. As a priority consideration, the Board focused its determinations on community or area uses of large mammals (ungulates and bears), examining uses of species of large mammals by communities or areas rather than focusing on individual herds. The Board recognized that subsistence resource use patterns of neighboring communities are often interrelated and should be analyzed concurrently.

Existing regulations at 36 CFR 242.16(b) and 50 CFR 100.16(b) identify eight factors that a community or area shall generally exhibit which exemplify customary and traditional subsistence uses. The eight factors are as follows:

1. A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

2. A pattern of use recurring in specific seasons for many years;

3. A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

4. The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the community or area;

5. A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

6. A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values and lore from generation to generation;

7. A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

8. A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social and nutritional elements to the community or area.

Each Federal Subsistence Regional Advisory Council (Regional Council) has a substantial role in reviewing and developing information on which to base a recommendation to the Board concerning customary and traditional use determinations. The Southcentral Regional Council had available for consideration an extensive compilation of existing information on historic and contemporary large mammal resource use patterns by rural Kenai Peninsula communities. A draft report, dated

December 8, 1993, incorporated information from historic ethnographic sources; census data; community surveys conducted by the Alaska Department of Fish and Game, Division of Subsistence; and harvest ticket and sealing records compiled by the Alaska Department of Fish and Game.

During their public meeting of February 28—March 2, 1995, the southcentral Regional Council reviewed and discussed written information and oral testimony on resource use patterns as related to the eight factors for the Kenai Peninsula rural communities of Whittier, Hope, Cooper Landing, Ninilchik, the Homer rural area, Nanwalek (formerly known as English Bay), Port Graham and Seldovia. Positive customary and traditional use determinations were recommended based on several empirical elements. The communities were established and active in use of local resources by the 1950's. Contemporary use patterns, including seasons and harvest areas, for moose, caribou, goat, sheep, black bear, and brown bear in the areas under consideration were documented in community surveys, harvest reports, or oral testimony by Southcentral Regional Council members. Ceremonial uses and the cultural significance of harvest of some species were discussed. Sharing patterns and patterns of transmitting knowledge and lore from one generation to the next were documented more generally for the communities, without details particular to each species. the Southcentral Regional Council employed an inclusive standard in interpreting the empirical patterns in relation to the eight factors.

The Board voted to endorse the recommendations of the Southcentral Regional Council concerning which communities had customary and traditional uses of six large mammal species in Unit 15 and Unit 7. Those determinations are found in the changes proposed for section____.24.

Proposed Changes for the 1995–1996 Seasons and Bag Limit Regulations

The Regional Council also proposed adding Federal subsistence seasons for the taking of moose on public lands in Unit 15. The recommendation was for an any-bull harvest season beginning August 10, 1995 and ending September 20, 1995. The Board, however, was persuaded by the biological data concluding that adverse impacts would result from any significant harvest of bulls in the middle age categories. Since 1987, antler restrictions have been a key part of the management efforts to improve upon very low bull:cow ratios on the Kenai Peninsula. This effort has had positive effects, but the gains could be reversed and the population jeopardized under an any-bull subsistence harvest opportunity. In addition, local wildlife biologists report that the high snow fall of the 1994–95 winter has resulted in high natural mortality, with virtually no recruitment into the spike-fork age class of bull moose anticipated this coming year. The Board therefore added an antler restriction as a part of the subsistence seasons in Unit 15 to avoid adverse biological consequences. The proposed seasons and harvest limits are found in the proposed changes to section ____.25.

Regulations contained in this proposed rule are proposed to take effect on August 10, 1995, unless they are changed by subsequent Board action following the public review process outlined herein. The Departments propose to waive the 30-day effective date time period for the final rule in order to provide the maximum opportunity for public participation during the comment period following publication of the proposed rule, while simultaneously complying with the seasons' starting date of August 10, 1995.

Applicability of Subparts A, B, and C

Subparts A, B, and C of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.24 and 36 CFR 100.1 to 100.24, remain effective and apply to this proposed rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 100.4 apply to regulations found in these subparts. The identified sections include definitions for the following terms:

''*Federal lands* means lands and waters and interests therein title to which is in the United States''; and

''*Public land* or *public lands* means lands situated in Alasks which are Federal lands; except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal Law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.''

Public Review Process—Regulation Comments and Public Meetings

Written comments may be submitted to the address identified at the beginning of this rulemaking. They must be received by the date indicated. Comments may also be presented at the public meetings to be held in Anchorage and various communities on the Kenai Peninsula.

The Board will discuss and evaluate comments and suggested changes to this rule during a public meeting scheduled to be held in Anchorage in early summer, 1995. The public may provide additional oral testimony to the Board at that time.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The final Environmental Impact Statement (DEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964)

implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other proposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501–3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018–0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0075), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

This rule was not subject to OMB review under Executive Order 12866.

Economic Effects

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of ''Federalism Effects'' as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

Drafting Information. These regulations were drafted by William Knauer under the guidance of Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are proposed to be amended as set forth below.

PART _____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Section ____.24(a)(1) is proposed to be amended in the table under ''Area,'' ''Species,'' and ''Determination'' by removing the five entries for ''GMU 7'' and adding six new entries in their place to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(1) * * *

Area	Species	Determination
*	*	*
GMU 7	Black Bear	Residents of Hope and Cooper Landing.
7	Brown Bear	No subsistence.
7	Caribou	Residents of Hope and Cooper Landing.
7	Goat	Residents of Hope, Cooper Landing, and Ninilchik.
7	Moose	Residents of Hope, Cooper Landing, and Whittier.
7	Sheep	Residents of Hope, Cooper Landing, and Ninilchik.
*	*	*

* * * * *

3. Section ____.24(a)(1) is proposed to be amended in the table under ''Area,'' ''Species,'' and ''Determination'' by removing the seven entries for ''GMU 15'' for ''Brown Bear,'' ''Sheep,'' ''Moose,'' and ''Goat'' and adding the following new entries in their place to read as follows:

* * * * *

(a) * * *

(1) * * *

Area	Species	Determination
*	*	*
GMU 15 (A) and (B).	Black Bear	Residents of Hope, Cooper Landing, and Ninilchik.
15(C)	Black Bear	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15 (A) and (B).	Brown Bear	No subsistence.
15(C)	Brown Bear	Residents of Ninilchik, Nanwalek, and Port Graham.
15(A)	Caribou	Residents of Hope, Cooper Landing, and Ninilchik.
15(B)	Caribou	Residents of Ninilchik.
15(C)	Caribou	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15(A)	Goat	No subsistence.
15(B)	Goat	Residents of Cooper Landing and Ninilchik.
15(C)	Goat	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
*	*	*
15(A)	Sheep	Residents of Cooper Landing.
15(B)	Sheep	Residents of Cooper Landing and Ninilchik.
15(C)	Sheep	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15(A)	Moose	Residents of Hope, Cooper Landing, Ninilchik, and Seldovia.
15(B)	Moose	Residents of Hope, Cooper Landing, Ninilchik, Seldovia, Nanwalek, and Port Graham.
15(C)	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
*	*	*

* * * * *

4. Section ____.25(k)(15)(iii)(D) is proposed to be amended in the table under ''Hunting'' by adding an entry for ''Moose'' in alphabetical order to read as follows:

§ ____.25 Subsistence taking of wildlife.

* * * * *

(k) * * *

(15) * * *

(iii) * * *

(D) * * *

Harvest limits	Open season
Hunting:	
* * * * * * *	
Moose:	
Unit 15—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
* * * * * * *	

* * * * *

Dated: April 27, 1995.

Mitch Demientieff,

Chair, Federal Subsistence Board.

Dated: April 26, 1995.

Fred Norbury,

Acting Regional Forester, USDA—Forest Service.

[FR Doc. 95–11319 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–11–M; 4310–55–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

RIN 1090–AA51

Natural Resource Damage Assessments—Additional Type A Procedures

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior is holding a public meeting to discuss development of additional ''type A'' procedures for assessing natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act and the Clean Water Act. The Department is responsible for issuing regulations that Federal, State, and Indian tribe natural resource trustees may use to obtain compensation from parties responsible for natural resource injuries. Type A procedures are standard procedures for simplified assessments requiring minimal field observation.

DATES: June 1, 1995, from 1:00 to 4:00 p.m.

ADDRESSES: U.S. Department of the Interior, South Building, Auditorium, 1951 Constitution Avenue, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary Morton, Office of Environmental Policy and Compliance, Department of the Interior, MS 2340, 1849 C Street, NW, Washington, DC 20240, (202), tel: 208–3301 or MMORTON@IOS.DOI.GOV on Internet.

SUPPLEMENTARY INFORMATION: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) makes certain potentially responsible parties (PRPs) liable for monetary damages resulting from injury to, destruction of, or loss of natural resources caused by a release of a hazardous substance. 42 U.S.C. 9607(a)(4)(C). Only designated Federal, State, and Indian tribe natural resource trustees may recover natural resource damages. Damages may be recovered for those natural resource injuries that are not fully remedied by response actions as well as public economic values lost from the date of the release until the resources have fully recovered. All sums recovered in compensation for natural resource injuries must be used to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources. 42 U.S.C. 9607(f)(1). Trustee officials may also recover the reasonable costs of assessing natural resource damages.

CERCLA requires the promulgation of regulations for the assessment of natural resource damages resulting from a release of a hazardous substance. 42 U.S.C. 9651(c). The regulations are to identify:

> The best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover. 42 U.S.C. 9651(c).

Those Federal and State trustee officials who follow the regulations and then file a lawsuit or pursue available administrative remedies to recover natural resource damages receive a rebuttable presumption that their assessment and determination of damages is correct. 42 U.S.C. 9607(f)(2)(C). The Department of the Interior (the Department) has the delegated authority to promulgate the natural resource damage assessment regulations under CERCLA. E.O. 12316, as amended by E.O. 12580.

The Clean Water Act (CWA) created liability for natural resource damages resulting from discharges of oil or hazardous substances into navigable waters. 33 U.S.C. 1321(f). The Department's natural resource damage assessment regulations were developed for use in assessing damages either from a hazardous substance release under CERCLA or an oil or hazardous substance discharge under CWA. The natural resource damage provisions of CWA were amended by the Oil Pollution Act (OPA). 33 U.S.C. 2701 *et seq.* OPA authorized the National Oceanic and Atmospheric Administration (NOAA) to develop new natural resource damage assessment regulations for discharges of oil into navigable waters. On January 7, 1994, NOAA published a proposed rule for assessing natural resource damages under OPA. 59 FR 1062. The Department is coordinating its rulemakings with NOAA to ensure, to the extent appropriate, that consistent processes are established for assessing natural resource damages under CERCLA and OPA.

The Department's natural resource damage assessment regulations are codified in the Code of Federal Regulations at 43 CFR part 11 (1994). The regulations provide an administrative process for conducting assessments as well as technical procedures for the actual determination of injuries and damages. The administrative process consists of four phases: The Preassessment Phase, the Assessment Plan Phase, the Assessment Phase, and the Post-Assessment Phase.

The Preassessment Phase consists of the activities that precede the actual assessment, including guidance for deciding whether to proceed with an assessment. The Assessment Plan Phase includes the preparation of a written Assessment Plan, which is made available for public review and comment. During the Assessment Phase, trustee officials conduct the work described in the Assessment Plan. The work involves determining whether any natural resources have been injured; quantifying the natural resource injuries; and computing monetary damages for the quantified injuries. During the Post-Assessment Phase, trustee officials prepare a Report of Assessment detailing the results of the Assessment Phase and present PRPs with a demand for monetary damages and assessment costs. CERCLA requires that all sums recovered in compensation for natural resource injuries be used to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources. 42 U.S.C. 9607(f)(1). Therefore, once damages have been awarded or settlement has been reached, trustee officials establish an account for the recovered damages and prepare a Restoration Plan for use of the recovered damages.

As required by CERCLA, the regulations provide two types of technical procedures for use during the Assessment Phase. See 42 U.S.C. 9651(c)(2). ''Type B'' procedures are ''alternative protocols for conducting assessments in individual cases.'' 42 U.S.C. 9651(c)(2)(B). The regulations provide a range of alternative type B scientific and economic methodologies that trustee officials may apply on a site-specific basis to determine and quantify injury and compute damages. ''Type A'' procedures, on the other hand, are ''standard procedures for simplified assessments requiring minimal field observation, including measures of damages based on units of discharge or release or units of affected area.'' 42 U.S.C. 9651(c)(2)(A).

The Department is developing type A procedures in stages. In 1987, the Department issued a type A procedure for minor discharges and releases in coastal and marine environments that incorporated a computer model, called the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME). 52 FR 9042. The Department has issued a proposed rule to revise the type A procedure for coastal and marine environments. See 59 FR 63300 (Dec. 8, 1994). The Department also recently published a proposed rule that would establish an additional type A procedure for minor discharges and releases in the Great Lakes. 59 FR 40319 (Aug. 8, 1994). The proposed type A procedure for Great Lakes incorporates a computer model called the Natural Resource Damage Assessment Model for Great Lakes Environments (NRDAM/GLE). The comment periods on these two proposed type A procedures close on July 6, 1995. 60 FR 7154 (Feb. 6, 1995).

The Department is now preparing to develop, where feasible and appropriate, additional type A procedures and has scheduled a public meeting to discuss the possible scope and form of those procedures as well as alternative processes for developing the procedures. All interested parties are encouraged to attend. The Department intends the meeting as an open discussion at which attendees will be given the opportunity both to present their own thoughts as well as ask questions of and respond to other attendees.

Attendees are invited to raise any issue related to additional type A procedures. As a starting point, attendees should consider the questions listed below.

With regard to the scope of additional type A procedures:

Should the procedures cover a specific geographic area?

Should the procedures cover selected types of habitat?

Should the procedures cover selected types of resources?

Should the procedures cover selected types of releases (e.g., spills versus leachate from sites)?

Should the procedures cover selected hazardous substances?

Should the procedures cover all steps of the Assessment Phase or simply certain parts (e.g., injury determination or damage determination but not both)?

For which geographic regions, habitats, resources, types of releases, hazardous substances, or steps of the Assessment Phase are there adequate data with which to develop a type A procedure?

With regard to the form of additional type A procedures:

Should the Department develop additional computer models or should any additional type A procedures take a different form, such as a look-up table, a formula, or a model assessment or restoration plan?

Which form would be easiest to use?

Which form would be most useful in settlement negotiations?

Which form would be most useful in litigation?

With regard to the process for developing additional type A procedures:

Should the Department hold additional public meetings?

Should the Department hold meetings with specific interested parties?

Should the Department conduct a negotiated rulemaking?

Should the Department issue advance notices of proposed rulemaking soliciting comment on particular aspects of the procedures prior to issuing a proposed rule?

Dated: May 4, 1995.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 95–11378 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–RG–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 73

[MM Docket No. 95–42, FCC 95–155]

TV Broadcast Service, Ancillary Communications Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this proceeding, comment is sought on what procedural and substantive rules, if any, should be established regarding the transmission of ancillary digital data within the active video portion of broadcast television NTSC signals. This action is needed to determine how best to permit certain digital technologies to be integrated with the current television broadcast service (NTSC).

DATES: Comments must be submitted by June 23, 1995. Reply comments must be submitted July 10, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paul Gordon at (202) 776–1653 or James E. McNally, Jr. at (202) 418–2190.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making* in MM Docket No. 95–42, adopted April 10, 1995, and released May 2, 1995. The complete text of this *Notice of Proposed Rule Making* (''*NPRM*'') is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW., Washington, DC and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Synopsis of Notice of Proposed Rule Making

1. The Commission initiates this proceeding to determine how best to permit certain digital technologies to be integrated with the current television broadcast service (NTSC). Specifically, it seeks comment on what procedural and substantive rules, if any, should be established regarding the transmission of ancillary digital data within the active video portion of broadcast television NTSC signals.

2. Section 73.646 of the Commission's Rules allows the transmission, with prior Commission consent, of ancillary telecommunications services within the Vertical Blanking Interval (VBI) of television broadcast signals. No picture information is transmitted during the VBI. In order to ensure the public's ability to receive over-the-air video broadcast transmissions of the highest quality made possible by the current television standard, the Commission has generally not allowed the transmission of ancillary telecommunications services within the active video portion of broadcast television signals without specific approval.

3. Recently, two general approaches have been proposed to the Commission for the transmission of digital data. The first replaces the transmitted video signal with digitally encoded information in a part of the picture not normally seen by viewers because all TV sets to some extent ''overscan'' the picture to ensure that the portion of the picture tube that is visible is completely filled with the picture. To date, the Commission has authorized only the top line of the video picture (line 22) for such activity, although in theory, digital signals also could be concealed in the left or right edges of the picture, or at the bottom. The second method of concealing digital signals distributes them throughout the visible picture The amplitudes of such signals are kept sufficiently low (or they are confined to such a limited part of the normally emitted video spectrum bandwidth) that they are invisible to the viewer. Tests of such systems indicate that, with a proper selection of system parameters, no degradation to picture brightness, contrast, color or focus is perceptible to the viewer.

4. On December 9, 1993, WavePhore, Inc. (WavePhore) requested a declaratory ruling that television broadcast licensees may, without prior Commission authorization, use WavePhore's ''TVT1'' system to transmit digital data signals. This system transmits digital data on a subcarrier within the standard 6.0 MHz NTSC television signal, between 3.9 HNz and 4.2 MHz above the visual carrier frequency, at an amplitude close to the video noise floor.

5. On November 22, 1989, the staff granted A. C. Nielsen Company (''Nielsen'') temporary, conditional authority to use line 22 of the active portion of the television video signal to transmit the Nielsen Automated Measurement of Lineup (''AMOL'') system signal identification codes. By a subsequent letter dated May 1, 1990, the temporary authority as extended until the Commission acts on the request for permanent authority, or until the temporary authority is expressly withdrawn.

6. As a result of the difficulties encountered in obtaining assurance that its system for identifying commercials would not be overwritten (and thus be rendered useless) by Nielsen's AMOL system, Airtrax filed a petition for rule making (RM–7567), which requested the Commission to set standard for ''special signal'' use of line 22. As justification for the rule making, Airtrax noted what even with the limited number of special signals currently authorized, disputes had arisen as to how to ensure

compatibility of existing systems and to ensure that one entity's system would not preclude other users from access to line 22 at individual TV broadcast stations. Airtrax argued that the Commission had a statutory duty to promote the provision of new technologies and service to the public and that it should establish the ground rules by which competition may take place.

7. By letter of November 8, 1993 Yes! Entertainment Corporation (''Yes!'') requested the Commission to permit television broadcasters to transmit a pulsed amplitude (7.5 to 100 IRE) signal at the beginning of each line of active video, yielding a data rate of 14,160 pulses per second, which could be coded to carry audio information. By means of equipment at a viewer's television receiver, this signal would be detected, processed and retransmitted from a set-top box to an external ''TV Teddy'' toy bear (a stuffed animal with a built-in receiver and speaker) for the purpose of making it ''talk.'' Yes! indicates that there would be no visible degradation of received video because the affected portion of each scanning line is in an ''overscanned'' area.

8. On January 19, 1995, the Commission authorized Station WWOR–TV in Secaucus, New Jersey, to conduct tests of a data transmission technology developed by Digideck, Inc. (Digideck called) ''D–Channel.'' This system, like that of WavePhore, operates in the active video part of the TV spectrum and is represented as being imperceptible to viewers.

9. The commission believes that it does not yet have sufficient information upon which to act on the requests from Yes! and WavePhore and therefore initiates this proceeding to address them as well as the Airtrax petition. Both requests raise significant questions pertaining to potential use for other purposes and technical compatibility. The Commission solicits additional information in order to ascertain the long-term impact the authorization of these or other potential systems may have on broadcasters, the data transmitting industry, consumers, and others.

10. Generally, the Commission proposes that licensees be allowed to transmit acceptable data signals without prior Commission authority or notification but not be allowed to relinquish to the data or program supplier the right to delete the data. A licensee should be notified of any upstream data insertion in programming supplied to it unless the presence of the data is readily detectable. The Commission further proposes that a licensee be required to maintain a copy at the station of any contract regarding ancillary data transmissions within the video, as is currently required for data transmissions in the VBI.

11. With the possibility that other manufacturers will want to employ different schemes for their own products or services, a substantial demand for such ''hidden video spectrum'' could develop, potentially posing difficult system compatibility problems. Maintaining the licensee's ultimate responsibility gives the broadcaster flexibility to choose among clearly mutually-exclusive uses. However, the Commission is concerned that newly-developed systems might be incompatible with systems already in use without that fact being obvious to the broadcaster. It is also possible that while a single system's digital data insertions on a particular video signal would cause no discernible degradation to reception of the TV signal by itself, a combination of transmissions could have destructive cumulative effects. Comment is sought on how to be certain that broadcasters and users are aware of such cumulative effects and also on how, if at all, such incompatibilities could harm consumers, broadcasters, or the data delivery industry. Comment is also sought on whether the resolution of questions concerning system compatibility and the impact of cumulative effects on the video signal should be left to presumably informed broadcasters or whether compatibility standards and insertion limits should be prescribed by regulation.

12. There are two fundamentally different methods employed to prevent the inserted data from being discernable to viewers. In this proceeding, the Commission will refer to them as ''overscan'' technology, where data is inserted at the top, bottom, right or left edge of the picture and ''sub-video'' technology, where data is inserted in a manner that could affect regularly viewable portions of the TV picture but would still not be detectable by the ordinary viewer. Line-22 uses and the Yes! proposal are examples of the ''overscan'' approach. WavePhore's and Digideck's proposals use the ''sub-video'' approach. Comments are sought to explore two aspects of these different approaches: discernable degradation and broadcasters' ability to delete the data.

13. Current policy generally does not allow any use of the video portion of the TV signal for ancillary purposes if the picture or sound would be adversely affected in a manner that is discernable by viewers. The Commission proposes to continue to require that broadcasters not be allowed to use any digital data transmission system (or combination of such systems) that would perceptibly degrade the video signal. Comment is also sought on whether further reductions in overscan might result in signals in ''overscan'' areas becoming discernible to viewers in the future and on whether ''overscan'' technologies are visible on standard TVs and VCR recordings when ''picture-in-picture'' modes of viewing are invoked or will be more visible in the future when a TV signal is displayed as a ''window'' on a computer terminal graphics display. If development of these methods of television video display suggests that continuing use of ''overscan'' data transmission technology could create problems as the previously hidden information becomes visible on the screen, comment is sought on whether ''overscan'' technologies should be phased out in favor of more subtle, less intrusive methods of data transmission, and if so, on a timetable for such a phase out.

14. Comment is sought on whether there is some method by which picture degradation or ''distortion'' due to sub-video methods of data transmission can be objectively measured and on whether there is some limit which should not be exceeded. Comment also is invited on the extent if at all, the Commission should permit alteration of the video signal or the video bandpass characteristics to permit the insertion of data. Any further information on the potential for Digideck's D-Channel system to cause adjacent channel interference also is requested. Finally, the Commission asks whether some types of receivers might be more prone to showing degradation caused by any method of sub-video data transmission.

15. Licensees must maintain control over all aspects of their signal, including data transmissions within the video and must thus retain the right to reject any material they deem unsuitable. Comment is sought on whether an ability to reject the entire program should be considered to satisfy this obligation or if any acceptable data insertion method must allow the broadcaster the option of stripping out the data.

16. ''Overscan'' data signals are limited to specific places in the picture and are easily deleted by the licensee. Comment is sought on what would happen to the picture if the licensee deletes sub-video data, if the licensee replaces sub-video data, and if multiple occurrences of such deletions or replacements take place. The Commission is concerned that individually insignificant degradations

to the picture could become cumulative, noticeable, and objectionable.

17. The Commission wishes to encourage the use of television signals for ancillary data transmission and to permit new technological developments. Comment is sought on whether special rules should be applied to digital data transmissions that are directed to the general public.

18. While the Commission seeks comments now to expedite resolution of this proceeding and to gain information that can assist any interim decisions it may make, it intends also to consider the work of the National Data Broadcasting Committee as requested by several commenters in this proceeding.

19. The Commission next seeks comments on whether there are limitations that should be imposed on a technical standard developed by industry. The Commission asks whether any system that may be recommended as a standard must be ''partitioned by use'' at the time of its possible adoption or whether its design permits its adaptation to potential future uses on a flexible or dynamic basis. This question should also be considered in relation to digital signal decoders that might be used by the general public, either as an optional accessory provided on certain models of televisions or as some kind of external converter.

20. Comment is sought on how the rules should reflect the industry standards. The options range from continuing to authorize such transmissions on an *ad hoc* basis to adopting a comprehensive set of rules defining and regulating permissible transmissions. Comment is requested on adopting rules analogous to those that govern multichannel television sound, where an industry committee evaluated the technology and recommended a standard. The Commission's Rules refer to the standard, which is also published in a Bulletin issued by the Commission's Office of Engineering and Technology, but are only designed to protect receivers designed to the standard from signals to which they would respond incorrectly.

21. Pending the Committee's completion of its work, comment is invited on whether the Commission should consider the near-term authorization of individual methods of such transmission on an *ad hoc* basis. The Commission expects technical conflicts between users to be resolved by the individual licensees, but requests comments on whether Commission involvement or guidance is necessary to focus licensee decisions on the public interest. Commenters are invited to address how questions of picture or sound degradation can be resolved.

22. The Commission proposes that the policies currently contained in Sections 73.646 (which sets forth the rules currently applicable to non-broadcast services provided in the VBI) and 73.667 (TV subsidiary communications services) be extended to include non-broadcast use of overscan and sub-video data transmission technologies.

23. Lines in the VBI are also used for broadcast and broadcast-related services. The Commission proposes to permit both broadcast and broadcast-related use of sub-video data transmission technology and asks for comment on this proposal.

24. As a final matter, given the pendency of the advanced television proceeding, MM Docket No. 87–268, which proposes to replace the current NTSC transmission standard, the Commission seeks comment on whether by further enhancing NTSC television in the manner described herein the Commission would provide a disincentive for the public to readily accept and upgrade to the digital service that the Commission expects will be introduced in the near future. Similarly, the Commission requests comment on the extent to which enhancing NTSC service in the manner described herein could slow or create a distincentive to the recovery of the spectrum currently used by NTSC stations, as discussed in the advanced television proceeding.

Procedural Matters

25. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 12, 1995, and reply comments on or before June 27, 1995. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, room 239, at the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

26. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission rules. *See generally* 47 CFR 1.1202, 1.1203, and 1.1206(a).

Initial Regulatory Flexibility Act Statement

I. Reason for Action

In recent years, a number of requests have been submitted to the Commission concerning systems of embedding digital data within television video signals. These proposals raise important questions about how embedded data systems could be accommodated, concerns over the extent to which broadcasters' control over their signals may be impaired or lost, and to what degree embedding multiple digital signals in the television picture may result in discernable picture degradation.

II. Objectives of the Action

The purpose of this proceeding is to develop policies and rules defining the respective rights and responsibilities of broadcast licensees and persons wishing to provide different types of digital information service, to explore the potential uses of such digital technology, to determine to what extent different systems may be compatible, to determine whether a national technical standard is necessary for the provision of such service, and to determine the probable impact of such service on the quality of primary television service.

III. Legal Basis

Authority for the actions proposed in this Notice may be found in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303.

IV. Reporting, Recordkeeping and Other Compliance Requirements

Policies adopted in this proceeding could lead to increased record-keeping requirements being imposed on broadcast licensees and/or providers of digital information service. If such requirements are imposed, they would probably take the form of such entities being required to maintain copies of contracts relating to the provision of such service and making them available to the Commission upon request.

V. Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

VI. Description, Potential Impact and Number of Small Entities Involved

Approximately 10,000 licensees of television broadcast facilities of all types (Commercial and educational VHF and UHF stations, translators, boosters and Low Power TV stations) could be

affected. The number of digital service providers affected would probably be much less.

VII. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives

A decision to implement a national standard applicable to all digital information to be contained within the television picture, in conjunction with a decision as to the general types of information that could be provided, could greatly reduce or eliminate the compatibility problems related to the provision of digital data services and decrease the need for additional record-keeping requirements.

27. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

28. Authority for the proposed amendments is contained in Section 4(i) and 303 of the Communications Act of 1934, as amended.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–11284 Filed 5–8–95; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register

Vol. 60, No. 89

Tuesday, May 9, 1995

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

Grain Inspection, Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under Section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below are stockyards as defined by Section 302(a). Notice was given to the stockyard owners and to the public as required by Section 302(b), by posting notices at the stockyards on the dates specified below, that the stockyards are subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility number, name, and location of stockyard	Date of posting
CA–185 Dairyman's & Cattleman's Beef Auction, Bakersfield, California	September 9, 1993.
CA–186 Newman Livestock Market, Newman, California	September 13, 1993.
CA–187 Cash & Carry Livestock Sale, Apple Valley, California	November 20, 1993.
FL–135 Madison Livestock Market, Inc., d/b/a Townsend Livestock Market, Madison, Florida	February 24, 1995.
IL–173 Wyoming Livestock Auction, Wyoming, Illinois	February 9, 1994.
IA–262 Appanoose County Livestock Exchange, Centerville, Iowa	March 30, 1995.
KY–174 New O.K. Livestock Auction, Inc., Maysville, Kentucky	February 8, 1995.
MO–276 Barry County Livestock Auction, Exeter, Missouri	February 15, 1994
MO–277 Callaway Livestock Center, Inc., Fulton, Missouri	February 28, 1994
MO–278 Wheeler & Sons Livestock Auction, Osceola, Missouri	November 14, 1994
ND–133 Bowman Auction Market, Bowman, North Dakota	February 1, 1995.
OH–160 Michigan Livestock Exchange, Columbus Grove, Ohio	July 6, 1994.
WI–144 Coral City Sales, Pigeon Falls, Wisconsin	April 1, 1995.

Done at Washington, DC, this 3rd day of May 1995.

Ronny Parkerson,

Acting Director, Livestock Marketing Division, Packers and Stockyards Programs.

[FR Doc. 95–11310 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Agency Information Collections Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA)
Title: Electronic Computers and Related Equipment
Form Number(s): None
Agency Approval Number: 0694–0013
Type of Request: Revision of a currently approved collection
Burden: 321 hours
Number of Respondents: 395
Avg Time Per Response: 30 minutes
Needs and Uses: This collection of information is the signed statement and any additional information requested by BXA which accompanies an application for a license to export or reexport electronic computers and related equipment to destinations in Country Groups Q, W, and Y, or the People's Republic of China. This provides BXA with all facts pertinent to the exporting transaction.
Affected Public: Businesses or other for-profit institutions
Respondent's Obligation: Required to obtain or retain benefits.
OMB Desk Officer: Don Arbuckle, (202) 395–7340

Agency: Bureau of Export Administration
Title: Export Controls on Supercomputers
Form Number(s): None
Agency Approval Number: 0694–0073
Type of Request: Revision of a currently approved collection
Burden: 38 hours
Number of Respondents: 30
Avg Time Per Response: 12 minutes
Needs and Uses: These recordkeeping and reporting requirements are clear statements of normal business records for supercomputers that are expected to be maintained by end-users in destinations where there is a potential for diversion to unauthorized proliferation activities. These records must be available for inspection by U.S. officials to maintain surveillance of supercomputer usage and implementation of appropriate safeguards.
Affected Public: Businesses or other for-profit institutions
Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Don Arbuckle, (202) 395–7340

Agency: Bureau of Export Administration

Title: Technical Data Letter of Explanation

Form Number(s): None

Agency Approval Number: 0694–0047

Type of Request: Revision of a currently approved collection

Burden: 935 hours

Number of Respondents: 570

Avg Time Per Response: 30 minutes

Needs and Uses: This collection is the Letter of Explanation and special documentation required of exporters and reexporters of technical data. This information provides BXA with all facts pertinent to the exporting transaction.

Affected Public: Businesses or other for-profit institutions

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Don Arbuckle, (202) 395–7340

Agency: Bureau of Export Administration

Title: Written Assurances for Exports of Technical Data Under General License GTDR

Form Number(s): None

Agency Approval Number: 0694–0023

Type of Request: Revision of a currently approved collection

Burden: 117 hours

Number of Respondents: 226

Avg Time Per Response: 30 minutes

Needs and Uses: This procedure requires that certain written assurances be provided by the foreign importer of specific U.S. origin technical data to assure that the data is not exported or reexported to proscribed destinations. The requirement of these letters provides a measure of security and compliance with established export control policy.

Affected Public: Businesses or other for-profit institutions

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Don Arbuckle, (202) 395–7340

Agency: Bureau of Export Administration

Title: Special Comprehensive License

Form Number(s): BXA–748P and BXA–752P

Agency Approval Number: None

Type of Request: New collection

Burden: 3,036 hours

Number of Respondents: 19

Avg Time Per Response: 5 minutes to 40 hours, depending on the requirement

Needs and Uses: The information collected under this procedure is used to provide a variety of special licensing authorizations designed to support multiple shipments of commodities service parts or precursor chemicals. Additional information is used to confirm Special Comprehensive Licenseholders compliance with the requirements of the license.

Affected Public: Businesses or other for-profit institutions

Respondent's Obligation: Required to obtain or retain benefits

O*MB Desk Officer:* Don Arbuckle, (202) 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, Room 5312, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: May 2, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–11341 Filed 5–8–95; 8:45 am]

BILLING CODE 3510–CW–M

National Oceanic and Atmospheric Administration

[Docket No. 950407092–5092–01]

RIN: 0648–XX12

NOAA Climate and Global Change Program, Program Announcement

AGENCY: Office of Global Programs, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Climate and Global Change Program represents a National Oceanic and Atmospheric Administration (NOAA) contribution to evolving national and international programs designed to improve our ability to observe, understand, predict, and respond to changes in the global environment. This program builds on NOAA's mission requirements and longstanding capabilities in global change research and prediction. The NOAA Program is a key contributing element of the U.S. Global Change Research Program (USGCRP), which is coordinated by the interagency Committee on Environmental and Natural Resources. NOAA's program is designed to complement other agency contributions to that national effort.

DATES: Strict deadlines for submission to the FY 1996 process are: Letters of Intent must be received at the Office of Global Programs (OGP) no later than June 7, 1995. Full proposals must be received at OGP no later than August 8, 1995.

Applicants should receive notification of the suitability of their intended proposals by June 30, 1995. Investigators who have not received notification by that date should contact the program office. The time from target date to grant award varies with program area. We anticipate that review of the full proposal will occur during the fall of 1995 and funding should begin during the early spring of 1996 for most approved projects. April 1, 1996, should be used as the proposed start date on proposals, unless otherwise directed by the appropriate Program Officer. Applicants should be notified of their status within 6 months. All proposals must be submitted in accordance with the guidelines below. Failure to heed these guidelines may result in proposals being returned without review.

ADDRESSES: Proposals may be submitted to: Office of Global Programs, National Oceanic and Atmospheric Administration, 1100 Wayne Avenue, Suite 1225, Silver Springs, MD 20910–5603.

FOR FURTHER INFORMATION CONTACT: Irma duPree at the above address, or at phone: (301) 427–2089 ext. 17, fax: (301) 427–2073, Internet: duPree@ogp.noaa.gov.

SUPPLEMENTARY INFORMATION:

Funding Availability

NOAA believes that the Climate and Global Change Program will benefit significantly from a strong partnership with outside investigators. Current Program plans assume that 30–35% of the total resources available (approximately $89 million) anticipated in FY 1996 will support extramural efforts, particularly those involving the broad academic community. Approximately $28 million will be applied toward awards already in progress and those proposals submitted in FY 1995 that were recommended for funding in FY 1996. Remaining funds, approximately $16 million, will be available for new grants and cooperative agreements. Annual funding levels are anticipated to be similar or slightly higher in FYs 1997 and 1998 depending on final budget appropriations. This Program Announcement is for projects to be conducted by investigators both inside and outside of NOAA, primarily

over a one, two or three year period. Actual funding levels may be subject to change depending on the final FY 1996 budget appropriation. Programs not currently accepting applications to fund new starts may issue separate announcements of opportunity subsequently should funding permit. The funding instrument for extramural awards will be a grant unless it is anticipated that NOAA will be substantially involved in the implementation of the project for which an award is to be made, in which case the funding instrument should be a cooperative agreement. Examples of substantial involvement may include but are not limited to proposals for collaboration between NOAA or NOAA scientists and a recipient scientist or technician and/or contemplation by NOAA of detailing Federal personnel to work on proposed projects. NOAA will make decisions regarding the use of a cooperative agreement on a case-by-case basis. Funding for non-U.S. institutions and contractual arrangements for services and products for delivery to NOAA are not available under this announcement. Matching share is not required by this program.

Program Authority

Authority: 49 U.S.C. App. 1463; 33 U.S.C. 883d, 883e; 15 U.S.C. 2904; 15 U.S.C. 2931 et seq.

(CFDA No. 11.431)—Climate and Atmospheric Research

Program Objectives

The long term objective of the Climate and Global Change Program is to provide reliable predictions of climate change and associated regional implications on time scales ranging from seasons to a century or more. NOAA believes that these time scales can be studied with an acceptable probability of success and are the most relevant for fundamental social concerns. Predicting the behavior of the coupled ocean-atmosphere-land surface system will characterize NOAA's role in a successful national effort to deal with observed or anticipated changes in the global environment. NOAA has a range of unique facilities and capabilities that can be applied to Climate and Global Change investigations. Proposals that seek to exploit these resources in collaborative efforts between NOAA and extramural investigations are encouraged.

Program Priorities

In FY 1996, NOAA will give priority attention to individual proposals in the areas described below. Investigators are asked to specify clearly which of these areas is being pursued. The names, affiliations and phone numbers of relevant Climate and Global Change Program Officers are provided. Prospective applicants are encouraged to contact Program Officers for further information. Proposals should be sent to the NOAA Office of Global Programs rather than to individual Program Officers, unless specifically stated otherwise in the program descriptions.

- World Ocean Circulation Experiment—As part of NOAA's contribution to WOCE, the Climate and Global Change Program will support proposals to the Atlantic Circulation and Climate Experiment (ACCE). This program is described in the document ''The U.S. Contribution to WOCE and ACCP: A Program Design for an Atlantic Circulation and Climate Experiment,'' available from Dr. Piers Chapman, U.S. WOCE Office, Department of Oceanography, Texas A&M University, College Station, TX, 77843–3146 (409–845–1443; Internet: uswoce@astra.tamu.edu). ACCE proposals will be jointly reviewed by NOAA and the National Science Foundation (NSF) as part of the interagency WOCE Program Announcement. Proposals for this element should be submitted directly to the NSF Ocean Sciences Division, for their August 1 target date. Letters of intent are not required for submissions to ACCE. For further information contact: David Goodrich, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 38, Interent: goodrich@ogp.noaa.gov.
- Atlantic Climate Change—The goal of this program is to determine the nature and influence of interactions between the meridional circulation of the Atlantic Ocean, sea surface temperature and salinity, and the global atmosphere. Proposals are sought in support of the Atlantic Circulation and Climate Experiment, as described above. Proposals using models, instrumental data, or proxy data to examine variability in the climate system resulting from interactions between the Atlantic Ocean and the global atmosphere on interannual to decadal timescales are also solicited, with particular emphasis on interactions in the tropical Atlantic. For further information contact: David Goodrich, NOAA/Office of Global Programs, Silver Spring, MD; 301–427–2089, ext. 38, Internet: goodrich@ogp.noaa.gov.
- Global Energy and Water Cycle Experiment (GEWEX)—Global Energy and Water Cycle Experiment (GEWEX)—In FY 1996, NOAA's principal contribution to GEWEX will be directed at improving the analysis of precipitation at the surface and the modeling of physical processes associated with the transfer of heat, moisture and momentum across the land/atmosphere interface and through the atmospheric boundary layer. Particular emphasis will be placed on issues involving the scale integration of these processes in climate models. The focus for this activity is the GEWEX Continental-scale International Project (GCIP) centered on the Mississippi River Basin. For further information contact: Michael Coughlin, NOAA/Programs, Silver Spring, MD; 301–427–2089 ext. 40. Internet: coughlan@ogp.noaa.gov.
- Atmospheric Chemistry—The Atmospheric Chemistry Project focuses on global monitoring, process-oriented laboratory and field studies, and theoretical modeling to improve the predictive understanding of atmospheric trace gases that influence the Earth's chemical and radiative balance. FY 1996 grants in Atmospheric Chemistry will focus on studies associated with the International Global Atmospheric Chemistry (IGAC) program of the IGBP. Proposals are solicited for the following: (i) (highest priority) the North Atlantic Regional Study (NARE), with emphasis on intensive field studies and modeling; and (ii) the East Asian/North Pacific Regional Experiment (APARE), with emphasis on coordination of ground-based chemical measurements and diagnostic analyses and modeling of regional chemical processes. In addition, proposals are solicited for (iii) stratospheric/upper tropospheric ozone research, with an emphasis on the development or deployment of instruments capable of measuring key chemical compounds from high-altitude jet aircraft, and (iv) field observations and related analyses elucidating the role of anthropogenic aerosols in climate forcing, with an emphasis on the chemical processes involved. For an information sheet containing further details, contact: Joel Levy, NOAA/Office of Global Programs, 301–427–2089 ext. 21, Internet: levy@ogp.noaa.gov, or Fred C. Fehsenfeld, NOAA/Aeronomy Laboratory, Boudler, CO; 303–497–5819.
- Climate Change Data and Detection (formerly Information Management)—The scientific goals of this element include efforts: (1) to provide data and information management support (i.e. data assembly, processing, inventory, access, distribution and archiving) for a variety of national and international programs of primary interest to NOAA's Climate and Global Change Program, e.g., GEWEX (Global Energy & Water Cycle Experiment), WOCE (World Ocean Circulation Experiment), GCOS (Global Climate Observing System),

GOALS (Global Ocean-Atmosphere-Land-System Program, IGBP (International Geosphere Biosphere Program), etc.; (2) to provide data and information management support related to cross cutting science efforts necessary to assess seasonal, interannual, decadal, and longer climate variations and changes; (3) to document the quantitative character of observed climate variations and changes; and (4) to attribute changes in the observed climate record to specific climate forcings. Proposals are sought that are clearly linked to these scientific objectives and that are under the direction of a scientific principal investigator. Proposals that are directly linked to major national international assessments, such as the Inter-governmental Panel on Climate Change (IPCC), are encouraged. Proposals to enhance system and infrastructure responsibilities without firm science driven objectives will not be considered. NOAA/DOE Jointly Sponsored Project: Contingent on the availability of funding, the Department of Energy (DOE) will join NOAA in co-sponsoring projects that specifically address objectives (3) and (4). For further information contact: Tom Karl, NOAA/NESDIS/National Climatic Data Center, Asheville, NC, 704–271–4319, Internet: tkarl@ncdc,noaa.gov, Bill Murray, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 26, Internet: murray@ogp.noaa.gov, Chris Miller, NOAA/NESDIS, Washington, DC 20235, 202–606–5012, Internet: miller@esdim.noaa.gov, or Mike Riches, DOE/Environmental Sciences Division, Washington, DC, 301–903–3264, Internet: mike.riches@mailgw.er.doe.gov.

- Paleoclimatology—The NOAA Paleoclimatology Program solicits proposals that support the new joint IGBP PAGES/WCRP CLIVAR Research Initiative. It is anticipated that this initiative will be jointly supported by NOAA and the National Science Foundation. The initiative will focus on research that utilizes seasonally- to annually-dated paleoclimate time series to develop an understanding of the seasonal to century-scale variability and predictability of: 1) the ENSO and African/Asian monsoon systems, 2) the ocean thermohaline system and its relation to global change, and 3) the hydrologic system at regional to global scales, as it relates to the above. Particular interest focuses on understanding the full range of natural variability and how well this variability can be represented by models. Emphasis is on the use of time series that extend the instrumental record back in time, including ''floating'' seasonally- to annually-resolved time series that span Holocene periods characterized by climate forcing unlike that of today. Investigators from the paleoclimate and modern climate dynamics communities are encouraged to collaborate on proposals. For an information sheet or more information, contact Mark Eakin, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 19, Internet: eakin@ogp.noaa.gov or Jonathan Overpack, NOAA/National Geophysical Data Center, Boulder, CO; 303–497–6172, Internet: jto@mail.ngdc.noaa.gov.
- Economics and Human Dimensions of Climate Fluctuations—The purpose of this program is to advance our understanding of the relationship between human society and climate system fluctuation. Due to limited funds for new starts, OGP seeks to support a few research projects on integrated assessment relevant to direct impacts and related effects of episodic climate variations (such as those related to the El Niño-Southern Oscillation phenomenon, e.g. floods, droughts, increased incidence of severe events), analysis of social and economic vulnerability, and identification of policy options for mitigation and adaption. Investigators are strongly encouraged to contact program officers to request a detailed information sheet which elaborates on program priorities. For an information sheet or more information, contact Claudia Nierenberg, NOAA/Global Programs, Sliver Spring, MD; 301–427–2089 ext. 46, Intenet: nierenberg@ogp.noaa.gov or Caitlin Simpson, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 47, Internet: simpson@ogp.noaa.gov.
- Climate Observations—This program element focuses on ocean, atmosphere and land surface climate observations, measurement systems, and techniques. it is a blend of two former elements, Operational Measurements (OM) and Long-Term Ocean Observations (L-TOO). Due to limited funds anticipated in FY 1996, the Climate Observations program element is not seeking applications to fund new starts, but will accept applications for renewal of funding for ongoing activities. For further information contact Bill Murray, NOAA/Global Programs, Silver Spring, MD; 301/427–2089 ext. 26, Internet: murray@ogp.noaa.gov.
- Marine Ecosystem Response—Due to limited funds anticipated in FY 1996, the Marine Ecosystem Response program element is not seeking applications to fund new starts, but will accept applications for renewal of funding for ongoing activities. A solicitation for new proposals, separate from this announcement, may be issued by the jointly supported (NSF/NOAA) U.S. GLOBEC program to support the ongoing Northwest Atlantic Field Study and/or planned work on the U.S. Pacific coast. In addition, proposals for coral reef activities may be sought separately through the U.S. Coral Reef Initiative. For further information, contact Mark Eakin, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 19, Internet: eakin@ogp.noaa.gov; or Bill Peterson, NOAA/National Marine Fisheries Service, Silver Spring, MD; 301–713–2367, Internet: wpeterso@shark.ssp.nmfs.gov.
- Global Ocean—Atmosphere—Land System (GOALS)—The GOALS program element is not seeking applications to fund new starts, but will accept applications for renewal of funding for ongoing activities in FY 1996. Proposals for the Pan-American Climate Studies (PACS) Program and the Tropical Ocean-Global Atmosphere Coupled Ocean Atmosphere Response Experiment (TOGA COARE) will be solicited under separate announcements. For further information contact: Michael Patterson, NOAA/Office of Global Programs, Silver Spring, MD; 301–427–2089 ext. 12, Internet: patterson@ogp.noaa.gov.
- Ocean-Atmopshere Carbon Exchange Study (OACES)—Due to limited funds anticipated in FY 1996, the OACES program element is not seeking applications to fund new starts, but will accept applications for renewal of funding for ongoing activities. For further information contact: James F. Todd, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 32, Internet: todd@ogp.noaa.gov.
- Education—Due to limited funds anticipated in FY 1996, the Climate and Global Change Education program element is not seeking applications to fund new starts, but will accept applications for renewal of funding for ongoing activities. For further information contact: Daphne Gemmill, NOAA/Office of Global Programs, Silver Spring, MD; 301–427–2089 ext. 20, Internet: gemmill@ogp.noaa.gov.

Eligibility

Extramural eligibility is not limited and is encouraged with the objective of developing a strong partnership with the academic community. Non-academic proposers are urged to seek collaboration with academic institutions. Universities, non-profit organizations, for profit organizations, State and local governments, and Indian

Tribes, are included among entities eligible for funding under this announcement. While not a prerequisite for funding, applicants are encouraged to consider conducting their research in one or more of the National Marine Estuarine Research Reserve System or National Marine Sanctuary sites. For further information on these field laboratory sites, contact Dr. Dwight Trueblood, NOAA/NOS, 301–713–3145 ext. 174.

The NOAA Climate and Global Change Program has been approved for multi-year funding up to a three year duration. Funding for non-U.S. institutions is not available under this announcement.

Letters of Intent

Letters of Intent: (1) Letters should be no more than two pages in length and include the name and institution of principal investigator(s), a statement of the problem, brief summary of work to be completed, approximate cost of the project, and program element(s) to which the proposal should be directed. (2) Evaluation will be by program management, according to the selection criteria for full proposals described. (3) It is in the best interest of applicants and their institutions to submit letters of intent; however, it is not a requirement. (4) Facsimile and electronic mail are acceptable for letters of intent only. (5) Projects deemed unsuitable during program review should not be submitted as full proposals.

Evaluation Criteria

Consideration for financial assistance will be given to those proposals which address one of the Program Priorities listed above and meet the following evaluation criteria:

(1) Scientific Merit (20%): Intrinsic scientific value of the subject and the study proposed.
(2) Relevance (20%): Importance and relevance to the goal of the Climate and Global Change Program and to the research areas listed above.
(3) Methodology (20%): Focused scientific objective and strategy, including measurement strategies and data management considerations; project milestones; and final products.
(4) Readiness (20%): Nature of the problem; relevant history and status of existing work; level of planning, including existence of supporting documents; strength of proposed scientific and management team; past performance record of proposers.
(5) Linkages (10%): Connections to existing or planned national and international programs; partnerships with other agency or NOAA participants, where appropriate.
(6) Costs (10%): Adequacy of proposed resources; appropriate share of total available resources; prospects for joint funding; identification of long-term commitments. (Matching funding is encouraged, but is not required.)

Selection Procedures

All proposals will be evaluated and ranked in accordance with the assigned weights of the above evaluation criteria by (1) independent peer mail review, and/or (2) independent peer panel review; both NOAA and non-NOAA experts in the field may be used in this process. Their individual recommendations and evaluations will be considered by the Program Manager/Officer in final selections. Those ranked by the panel and program as not recommended for funding will not be given further consideration and will be notified of non-selection. For the proposals rated either Excellent, Very Good or Good, the Program Manager will: (a) ascertain which proposals meet the objectives, fit the criteria posted, and do not substantially duplicate other projects that are currently funded by NOAA or are approved for funding by other federal agencies (b) select the proposals to be funded, (c) determine the total duration of funding for each proposal, and (d) determine the amount of funds available for each proposal. Awards are not necessarily made to the highest-scored proposals, even though scoring is one of several factors considered in selecting proposals for award.

Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding.

Proposal Submission

The guidelines for proposal preparation provided below are mandatory. Failure to heed these guidelines may result in proposals being returned without review.

(a) Full Proposals: (1) Proposals submitted to the NOAA Climate and Global Change Program must include the original and two unbound copies of the proposal. (2) Investigators are not required to submit more than 3 copies of the proposal. Investigators are encouraged to submit sufficient proposal copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5x11″), or otherwise unusual materials submitted as part of the proposal. Only three copies of the Federally required forms are needed. (3) Proposals must be limited to 30 pages (numbered), including budget, investigators vitae, and all appendices, and should be limited to funding requests for one to three year duration. Appended information may not be used to circumvent the page length limit. Federally mandated forms are not included within the page count. (4) Proposals should be sent to the NOAA Office of Global Programs at the above address. (5) Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

(b) Required Elements: All proposals should include the following elements:

(1) Signed title page: The title page should be signed by the Principal Investigator (PI) and the institutional representative and should clearly indicate which project area is being addressed. The PI and institutional representative should be identified by full name, title, organization, telephone number and address. The total amount of Federal funds being requested should be listed for each budget period.

(2) Abstract: An abstract must be included and should contain an introduction of the problem, rationale and a brief summary of work to be completed. The abstract should appear on a separate page, headed with the proposal title, institution(s) investigator(s), total proposed cost and budget period.

(3) Results from prior research: The results of related projects supported by NOAA and other agencies should be described, including their relation to the currently proposed work. Reference to each prior research award should include the title, agency, award number, PIs, period of award and total award. The section should be a brief summary and should not exceed two pages total.

(4) Statement of work: The proposed project must be completely described, including identification of the problem, scientific objectives, proposed methodology, relevance to the goal of the Climate and Global Change Program, and the program priorities listed above. Benefits of the proposed project to the general public and the scientific community should be discussed. A year-by-year summary of proposed work must be included clearly indicating that each year's proposed work is severable and can easily be separated into annual increments of meaningful work. The statement of work, including references but excluding figures and other visual materials, must not exceed 15 pages of text. Investigators wishing to submit group proposals that exceed the 15 page limit should discuss this possibility with the appropriate Program Officer prior to submission. In general, proposals from 3 or more investigators

may include a statement of work containing up to 15 pages of overall project description plus up to 5 additional pages for individual project descriptions.

(5) Budget: Applicants must submit a Standard Form 424 (4–92) ''Application for Federal Assistance'', including a detailed budget using the Standard Form 424a (4–92), ''Budget Information—Non-Construction Programs''. The form is included in the standard NOAA application kit. The proposal must include detailed total and annual budgets corresponding with the descriptions provided in the statement of work. Additional text to justify expenses should be included as necessary.

(6) Vitae: Abbreviated curriculum vitae are sought with each proposal. Reference lists should be limited to all publications in the last three years with up to five other relevant papers.

(7) Current and pending support: For each investigator, submit a list that includes project title, supporting agency and with number, investigator months, dollar value and duration. Requested values should be listed for pending support.

(8) List of suggested reviewers: The cover letter may include a list of individuals qualified and suggested to review the proposal. It also may include a list of individuals that applicants would prefer to not review the proposal. Such lists may be considered at the direction of the Program Officer.

(c) Other requirements:

(1) Applicants may obtain a standard NOAA application kit from the Program Office.

Primary Applicant Certification—All primary applicants must submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying''. Applicants are also hereby notified of the following:

1. Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR Part 26, section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form prescribed above applies;

2. Drug Free Workplace—Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR Part 26, Subpart F, ''Government Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. Anti-Lobbying—Persons (as defined at 15 CFR Part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions'', and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. Anti-Lobbying Disclosure—Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

Lower Tier Certification—Recipients must require applicants/bidders for subgrants, contracts, subcontracts, or lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF—LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

(2) Recipients and subrecipients are subject to all applicable Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(3) Preaward Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that may have been received, there is no obligation to the applicant on the part of Department of Commerce to cover pre-award costs.

(4) This program is subject to the requirements of OMB Circular No. A–110, ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'', and 15 CFR Part 24, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'', as applicable. Applicants under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(5) All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management, honesty, or financial integrity.

(6) A false statement on an applicant is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(7) No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(i) The delinquent account is paid in full.

(ii) A negotiated repayment schedule is established and at least one payment is received, or

(iii) Other arrangement satisfactory to the Department of Commerce are made.

(8) Buy American-Made Equipment or Products—Applicants are encouraged that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

(9) The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

(d) If an applicant is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(e) In accordance with Federal statutes and regulations, no person on grounds of race, color, age, sex, national origin or disability shall be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the NOAA Climate and Global Change Program. The NOAA Climate and Global Change Program does not have direct TDD (Telephonic Device for the Deaf) capabilities, but can be reached through the State of Maryland supplied TDD contact number, 800–735–2258, between the hours of 8:00 am and 4:30 pm.

Classification: This notice has been determined to be not significant for purposes of Executive Order 12866. The

standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB approval number 0348–0043, 0348–0044, and 0348–0047.

Dated: April 28, 1995.

J. Michael Hall,

Director, Office of Global Programs, National Oceanic and Atmospheric Administration.

[FR Doc. 95–11379 Filed 5–8–95; 8:45 am]

BILLING CODE 3510–12–M

[I.D. 050195D]

Endangered Species; Permits

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

ACTION: Receipt of a request for modification 2 to permit 907 (P498A), and issuance of permit 953 (P497C) and modification 2 to permit 824 (P510A).

SUMMARY: Notice is hereby given that David Bennett (P498A) has applied in due form for a second modification to permit 907. Notice is also given that NMFS has issued Permit 953 to Ted Bjornn of the Idaho Cooperative Fish and Wildlife Research Unit (ICFW) and Lowell Stuehrenberg of NMFS (P497C), and a second modification to Permit 824 held by the Shoshone-Bannock Tribes (P510A).

DATES: Written comments or requests for a public hearing on the request to modify Permit 907 must be received on or before June 8, 1995.

ADDRESSES: The applications, permits, and related documents are available for review or by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing on the request to modify Permit 907 should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: David Bennett has requested authority to take juvenile listed Snake River sockeye (*Oncorhynchus nerka*) and chinook salmon (*O. tshawytscha*) for the purpose of assessing the salmonid use of the Cargill grain elevator site near the confluence of the Snake River with the Columbia River.

On March 20, 1995, notice was published (60 FR 14735) that an application had been filed by Ted Bjornn of ICFW and Lowell Stuehrenberg of NMFS (P497C) to test the efficiency and locations of two Merwin traps in 1995 by capturing 200 adult Snake River spring/summer chinook salmon, of which 45 would be listed. No mortalities were requested. On April 25, 1995, NMFS issued Permit 953 for the above research.

On May 2, 1995, NMFS issued Modification 2 to Permit 824 held by the Shoshone-Bannock tribes to allow for increased take of listed Snake River spring/summer chinook salmon redds, juveniles, and adults by observation via snorkeling and from river banks.

Permit 953 and Modification 2 to Permit 824 were issued, subject to certain conditions set forth therein, to authorize takes of listed species for the purposes of scientific research under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222). As required by the ESA, this permit and modification were based on a finding that such actions: (1) Were applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of these actions; (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 2, 1995.

Russell J. Bellmer,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–11380 Filed 5–8–95; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Control Number: DoD FAR Supplement, Subpart 245.6, Reporting, Redistribution, and Disposal of Contractor Inventory; Subpart 245.73, Sale of Surplus Contractor Inventory; and Related Clause at 252.245–7XXX, Demilitarization and Trade Security Controls; OMB Control Number 0704–0363.

Type of Request: Revision.

Number of Respondents: 35,250.

Responses per Respondent: 1.13.

Annual Responses: 40,000.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 20,000.

Needs and Uses: The information collected hereby, is used by contractors and the Federal Government to ensure proper disposal of excess property, while at the same time, considering demilitarization and Trade Security Control requirements. It is used specifically by inventory managers, property administrators, plant clearance offices, contracting officers, and law enforcement agencies.

Affected Public: Businesses or other for-profit; non-profit institutions; and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 3, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–11292 Filed 5–8–95; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Economic Security: Base Closures and Realignments; Points of Contact and Addresses for Local Redevelopment Authorities

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This Notice provides points of contact and addresses for the Local Redevelopment Authorities (LRAs) for the closing and realigning bases listed below. These LRAs have elected to be covered under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Public Law 103–421 (Homeless Assistance Act) All other closing or realigning installations will be screened in accordance with the Stewart B.

McKinney Homeless Assistance Act, 42 U.S.C. 11411 (McKinney Act). Representatives of state and local governments and other parties interested in using base closure properties in this Notice for the needs of the homeless should contact the person or organization listed.

DATES: This action is effective May 9, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hertzfeld, Office of the Assistant Secretary of Defense for Economic Security, Pentagon, Room 1D760, Washington, D.C. 20301–4000, (703) 695–1470.

SUPPLEMENTARY INFORMATION: The Homeless Assistance Act exempts military installations approved for closure or realignment after the date of enactment of the Homeless Assistance Act from compliance with section 501 of the McKinney Act. Further, the Homeless Assistance Act affords LRAs for installations approved for closure pursuant to earlier base closure rounds the opportunity to elect the new procedures for addressing homeless needs, rather than using the McKinney Act procedures. Whereas the McKinney Act gives priority use of underutilized, excess, or surplus Federal real property to homeless assistance providers independent of other reuse plans for property, the Homeless Assistance Act establishes procedures by which local homeless assistance needs are incorporated into the overall reuse plan for the closing installation. Under the new law, LRAs are responsible for developing a reuse plan that incorporates homeless assistance; the plan subsequently must be approved by the Department of Housing and Urban Development to ensure that the needs of the homeless are adequately considered.

Dated: May 3, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BASE REALIGNMENT AND CLOSURE COMMUNITIES ELECTING NEW PLANNING PROCESS

U.S. Army

CALIFORNIA

Novato

Hamilton Army Airfield

Hamilton Reuse Planning Authority, 900 Sherman Avenue, Novato, CA 94945, Mr. Ken H. Bell

COLORADO

Pueblo

Pueblo Depot Activity

Pueblo Depot Activity Development Authority, 1120 Court Street, Room 102, Pueblo, CO 81003–2819, Mr. Charles J. Finley

MASSACHUSETTS

Ayer

Fort Devens

Massachusetts Government Land Bank, One Court Street, Suite 200, Boston, MA 02108, Mr. Timothy A. Bassett

NEW JERSEY

East Hanover

Nike Missile Battery 80

Township of East Hanover, 411 Ridgedale Avenue, East Hanover, NJ 07936, Honorable Lawrence J. Colasurdo, Mayor

Wall

Camp Evans/Fort Monmouth

Marconi Park Complex Advisory Committee, Township of Wall, 2700 Allaire Road, P.O. Box 1168, Wall, NJ 07719–1168, Mr. Joseph L. Verruni

NEW YORK

Brooklyn

Manhattan Beach

Manhattan Beach Community Group, Inc., 174 Dover Street, Brooklyn, NY 11235, Mr. Oliver Klapper

OREGON

Umatilla Army Depot

Installation is covered under P.L. 103–421 Point of contact and organization will be provided at a later date.

PENNSYLVANIA

Philadelphia

Defense Personnel Support Center

City of Philadelphia, Department of Commerce, 1600 Arch Street, 13th Floor, Philadelphia, PA 19103, Ms. Terry Gillen

VIRGINIA

Warrenton

Vint Hill Farms Station

Vint Hill Economic Adjustment Task Force, 26B John Marshall Street, Warrenton, VA 22186, Mr. Owen Bludau

U.S. Navy

CALIFORNIA

Alameda

Naval Air Station Alameda/Naval Aviation Depot

Alameda Reuse and Redevelopment Authority, Naval Air Station, Post Director, Bldg 90, Alameda, CA 94501–5012, Mr. Dave Louk

Long Beach

Naval Station Long Beach

City of Long Beach, Office of the City Manager, 333 West Ocean Boulevard, Long Beach, CA 90802, Mr. James C. Hankla

Los Angeles

Naval Station Long Beach (Los Angeles Property)

City of Los Angeles, City Clerk, Room 395, City Hall, Los Angeles, CA 90012, Mr. Elias Martinez

Novato, Defense Housing Facility, Hamilton Field

Hamilton Reuse Planning Authority, 900 Sherman Avenue, Novato, CA 94545, Mr. Ken H. Bell

Oakland

Naval Hospital Oakland

East Bay Conversion and Reinvestment Commission, City of Oakland, 530 Water Street, 5th Floor, Oakland, CA 94607, Mr. Barry Cromardie

Orange County

Marine Corps Air Station El Toro

Chairman of the Board of Supervisors, County of Orange, 10 Civic Center Plaza, Santa Ana, CA 92701–3330, Mr. Gaddi H. Vasquez

Port Hueneme

Naval Civil Engineering Laboratory Port Hueneme

City of Port Hueneme, 250 North Venture Road, Port Hueneme, CA 93041, Mr. Thomas E. Figg

San Diego

Naval Training Center San Diego

city of San Diego, 1200 Third Avenue, Suite 1700, San Diego, CA 92101, Mr. Michael Stepner

San Francisco

Naval Station Treasure Island

San Francisco Redevelopment Authority, 770 Golden Gate Avenue, San Francisco, CA 94102, Mr. Larry Florin

Tustin

Marine Corps Air Station Tustin

City of Tustin, Mayor, 300 Centennial Way, Tustin, CA 92681–3539, Hon. Thomas R. Saltarelli

Vallejo

Naval Ship Yard Mare Island

City of Vallejo, 555 Santa Clara Street, Vallejo, CA 94590, Mr. Walter

Graham

FLORIDA

Miami

Naval Reserve Center Coconut Grove

City of Miami, City Manager, P.O. Box 330700, Miami, FL 33233–0708, Mr. Cesar H. Odio

Orlando

Naval Training Center Orlando

NTC Reuse Commission of the City of Orlando, Planning and Development Department, 400 South Orange Avenue, Orlando, FL 32801–3302, Mr. Herbert E. Smetheram

GUAM

Agana

Naval Air Station Agana

Komitea Para Tiyan (NAS Agana Reuse Committee), Bureau of Planning, Government of Guam, Agana, Guam 969910, Mr. Frank Toves

HAWAII

Honolulu

Naval Air Station Barbers Point

Barbers Point Naval Air Station Redevelopment Commission, Office of State Planning, P.O. Box 3540, Honolulu, HI 96811–3540, Mr. Paul O'Connor

MASSACHUSETTS

New Bedford

Naval Reserve Center New Bedford

City of New Bedford, Mayor, 133 William Street, New Bedford, MA 02740, Hon. Rosemary S. Tierney

Pittsfield

Naval Reserve Center Pittsfield

City of Pittsfield, Mayor, City Hall, 70 Allen Street, Pittsfield, MA 01201, Hon. Edward M. Reilly

Quincy

Naval Reserve Center Quincy

City of Quincy, Mayor, Quincy City Hall, 1305 Hancock St., Quincy, MA 02169, Hon. James A. Sheets

NEW JERSEY

Amboy

Naval Reserve Center Perth Amboy

City of Perth Amboy, Mayor, City Hall, Perth Amboy, NJ 08861, Honorable Joseph Vas

Ewing

Naval Air Warfare Center Aircraft Division Trenton

Ewing Township Local Reuse Committee, Township of Ewing, Ewing Municipal Complex, 2 Municipal Drive, Ewing, NJ 08628, Mr. Fred Walters

NEW YORK

Jamestown

Naval Reserve Center Jamestown

City of Jamestown, Mayor, Municipal Building, Jamestown, NY 14701, Honorable Richard A. Kimball, Jr.

New York

Naval Station New York (Brooklyn)

City of New York, Office of the Mayor, Planning and Community Relations, New York, NY 10007, Deputy Mayor Fran Reiter

Naval Station New York (Staten Island)

City of New York, NYC Economic Development Corporation, 110 Williams Street, New York, NY 10038, Mr. Christopher O. Ward

PENNSYLVANIA

Philadelphia

Naval Base Philadelphia

City of Philadelphia, Office of Defense Conversion, 1600 Arch Street, 13th Floor, Philadelphia, PA 19103, Ms. Terry Gillen

Warminster

Naval Air Warfare Center Aviation Division Warminster

Bucks County NAWC Economic Adjustment Committee, 622 Mary Street, Suite 1A, Warminster, PA 18974, Ms. Sheila Bass

VIRGINIA

Staunton

Naval Reserve Center Staunton

City of Staunton, City Manager, P.O. Box 58, Staunton, VA 22402–0058, Bernard J. Murphy, Jr.

Suffolk

Naval Radio Test Facility Driver Suffolk

City of Suffolk, P.O. Box 1858, 428 West Washington Street, Suffolk VA 23439, Mr. Robert Baldwin

TEXAS

Fort Worth

Naval Air Station Dallas

City of Duncanville, Office of the City Manager, P.O. Box 38020, Duncanville, TX 75138–0280, Mr. Larry Shaw

WASHINGTON

Seattle

Naval Station Puget Sound (Sand Point)

City of Seattle, Intergovernmental Relations, 1200 Municipal Building, 600 Fourth Avenue, Seattle, WA 98104–1873, Ms. Linda Cannon

U.S. Air Force

CALIFORNIA

Morena Valley

March Air Force Base

March Joint Powers Authority, P.O. Box 7480, Morena Valley, CA 92552, Mr. Stephen A. Albright

San Bernardino

Norton Air Force Base

Inldand Valley Development Authority, 201 North E Street, Suite 203, San Bernardino, CA 92401–1507, Mr. William Bopf

Victorville

George Air Force Base

Victor Valley Economic Development Authority, 13246 Eagle Street, Victorville, CA 92394, Mr. Ken Hobbs

NEW HAMPSHIRE

Portsmouth

Pease Air Force Base

Pease Development Authority, Suite 1, 601 Spaulding Turnpike, Portsmouth, NH 03801–2833, Mr. L. Eugene Schneider

MICHIGAN

Oscoda

Wurtsmith Air Force Base

Charter Township of Oscoda, 110 South State Street, Oscoda, MI 48750, Mr. Carl Sachs

OHIO

Heath

Newark Air Force Base

Newark-Heath Air Force Base Reuse Commission, City of Heath, 1287 Hebron, Heath, OH 43056, Mr. Wallace L. Horton

TEXAS

Dallas

Carswell AFB

Carswell Redevelopment Authority, Executive Director, P.O. Box 27136, Carswell AFB, TX 76127, Mr. Derrick Curtis

[FR Doc. 95–11293 Filed 5–8–95; 8:45 am]
BILLING CODE 5000–04–M

Meeting of the Commission on Roles and Missions of the Armed Forces

AGENCY: Department of Defense, Commission on Roles and Missions of the Armed Forces.

ACTION: Notice.

SUMMARY: Notice is hereby given of a forthcoming meeting of the Commission on Roles and Missions of the Armed Forces.

The Commission is charged with providing an independent review of the roles and missions of the armed services to Congress, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. The year-long review will identify changes that can be made to improve military effectiveness and eliminate unnecessary duplication among the services. The purpose of this meeting is to discuss some of the specific roles and missions issues that are being developed for consideration by the Commission. Material to be discussed will consist of both classified and unclassified information in a format that makes it impractical to separate the two.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–453, as amended (5 U.S.C. App II), it has been determined that this Commission on Roles and Missions meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that, accordingly, this meeting will be closed to the public.

DATES: May 10, 1995.

SUPPLEMENTARY INFORMATION: Extraordinary circumstances compel notice of this meeting to be posted in less than the 15-day requirement.

Dated: May 3, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–11290 Filed 5–8–95; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the Commission on Roles and Missions of the Armed Forces

AGENCY: Department of Defense, Commission on Roles and Missions of the Armed Forces.

ACTION: Notice.

SUMMARY: Notice is hereby given of a forthcoming meeting of the Commission on Roles and Missions of the Armed Forces.

The Commission is charged with providing an independent review of the roles and missions of the armed services to Congress, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. The year-long review will identify changes that can be made to improve military effectiveness and eliminate unnecessary duplication among the services. The purpose of this meeting is to discuss some of the specific roles and missions issues that are being developed for consideration by the Commission. Material to be discussed will consist of both classified and unclassified information in a format that makes it impractical to separate the two.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–453, as amended (5 U.S.C. App II), it has been determined that this Commission on Roles and Missions meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that, accordingly, this meeting will be closed to the public.

DATES: May 17, 1995.

Dated: May 3, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–11289 Filed 5–8–95; 8:45 am]

BILLING CODE 5000–04–M

Strategic Environmental Research and Development Program, Scientific Advisory Board; Notice

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Date of Meeting: June 27–28, 1995 from 0830 to approximately 1700.

Place: Sheraton National Hotel, Columbia Pike & Washington Blvd., Arlington, VA 22204.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kay, 8000 Westpark Drive, Suite 400, McLean, VA 22102, or telephone 703 506–4646 extension 552.

Dated: May 3, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–11291 Filed 5–8–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 11, 1995.

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 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. 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 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons 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 Acting Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: May 3, 1995.

Kent Hannaman,

Acting Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Expedited.
Title: Federal Direct Consolidation Loan Program Application Documents.
Frequency: One time.
Affected Public: Individuals or households; and business or other for-profit.
Reporting Burden: Responses: 1,128,400; Burden hours: 533,260.
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0.
Abstract: These forms are the means by which a borrower applies for a Federal Direct Consolidation Loan and a lender verifies eligible loans to be consolidated. The Department will use this information to make Direct Consolidation Loans to interested borrowers. Copies of these forms for review and comment can be obtained by calling Nicki Meoli at (202) 205–9406.

Additional Information: Clearance for this information collection is requested by May 12, 1995. An expedited review is requested since the regulations and statutory changes governing the Direct Loan Program become effective July 1, 1995. The expedited review will allow the necessary time needed for the printing of the forms so they are made available to borrowers by July 1.

[FR Doc. 95–11343 Filed 5–8–95; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before June 8, 1995.

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 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. 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 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) 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 Acting Director, Information Resources 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) Frequency of collection; (4) The affected public; (5) Reporting burden; and (7) Abstract. 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: May 3, 1995.

Kent Hannaman,

Acting Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Extension.
Title: Applications for Seven Foreign Language and Area Studies Programs.
Frequency: Annually.
Affected Public: Individuals or households; Not-for-profit institutions.
Reporting Burden: Responses: 575; Burden Hours: 65,265.
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0.
Abstract: Collect program and budget information to evaluate grant applications by institutions of higher education, non-profit organizations and individuals. Collected information will be used to make grant awards under seven international education programs.

[FR Doc. 95–11344 Filed 5–8–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–919–000, et al.]

Duke Power Company, et al.; Electric Rate and Corporate Regulation Filings

May 2, 1995.

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

1. Duke Power Co.

[Docket No. ER95–919–000]

Take notice that on April 17, 1995, Duke Power Company submitted its true-up filing for the calendar year 1994 under Article II.3 of the Settlement Agreement in Docket No. ER90–315–000.

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Minnesota Power & Light Co.

[Docket No. ER95–920–000]

Take notice that on April 13, 1995, Minnesota Power & Light Company (MP&L) tendered for filing First Revised Sheet No. 13, which is a part of the tariff designated MP&L FERC Electric Tariff Original Volume No. 2.

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Rainbow Energy Marketing Corp.

[Docket No. ER95–921–000]

Take notice that on April 18, 1995, Rainbow Energy Marketing Corporation tendered for filing a service agreement with the City of Anaheim providing for service pursuant to Rainbow Energy Marketing Corporation Rate Schedule No. 1.

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Rainbow Energy Marketing Corp.

[Docket No. ER95–922–000]

Take notice that on April 18, 1995, Rainbow Energy Marketing Corporation tendered for filing a service agreement with the City of Southern Minnesota Municipal Power Agency providing for service pursuant to Rainbow Energy Marketing Corporation Rate Schedule No. 1.

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Rainbow Energy Marketing Corp.

[Docket No. ER95–923–000]

Take notice that on April 18, 1995, Rainbow Energy Marketing Corporation

tendered for filing a service agreement with the City of Minnkota Power Cooperative, Inc. providing for service pursuant to Rainbow Energy Marketing Corporation Rate Schedule No. 1.

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Louisville Gas and Electric Co.

[Docket No. ER95–924–000]

Take notice that on April 18, 1995, Louisville Gas and Electric Company tendered for filing a copy of a service agreement between Louisville Gas and Electric Company and ENRON Power Marketing, Inc. under Rate GSS.

Notice is also given that the service agreement listed below and filed with the Federal Energy Regulatory Commission by Louisville Gas and Electric Company is to be cancelled.

Date of agreement	Purchaser	Cancellation date	Cancellation effective
4/11/95	ENRON Power Marketing, Inc	4/12/95	4/12/95

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric

[Docket No. ER95–925–000]

Take notice that on April 18, 1995, Louisville Gas and Electric Company tendered for filing a copy of a service agreement between Louisville Gas and Electric Company and ENRON Power Marketing, Inc. under Rate GSS.

Notice is also given that the service agreement listed below and filed with the Federal Energy Regulatory Commission by Louisville Gas and Electric Company is to be cancelled.

Date of agreement	Purchaser	Cancellation date	Cancellation effective
4/10/95	ENRON Power Marketing Inc	4/11/95	4/11/95

Comment date: May 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

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, 825 North Capitol 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. 95–11315 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–338–000, et al.]

Florida Gas Transmission Company, et al.; Natural Gas Certificate Filings

May 2, 1995.

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

1. Florida Gas Transmission Co.

[Docket No. CP95–338–000]

Take notice that on April 21, 1995, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP95–338–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to upgrade an existing meter station under FGT's blanket certificate issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to upgrade the existing Cane Island Meter Station (Cane Island) by adding a single 12-inch turbine meter run and related appurtenant facilities for allowing delivery of up to 6,000 MMBtu per hour to Kissimmee Utility Authority (Kissimmee). FGT states that the end-use will be at two power plants downstream of Cane Island. FGT will deliver the proposed gas quantity on an interruptible basis. FGT states that there will be no incremental effect on its pipeline system and there will be sufficient capacity for continuing all services without detriment or disadvantage to other customers. Cane Island is located in Township 25 South, Range 27 East, Section 26, Osceola County, Florida. Kissimmee will reimburse FGT for all directly and indirectly incurred construction costs. The estimated cost will be between $172,000 without inclusion of expandability facilities or $220,000 with inclusion of such facilities. The expandability facilities would be upstream and downstream measurement headers with two 12-inch risers, blind flanged for future installation of a second 12-inch turbine meter. FGT is not adding the second turbine meter at this time, but will request if and when Kissimmee applies for expansion.

Comment date: June 16, 1995, in accordance with Standard Paragraph G at the end of this notice.

2. Colorado Interstate Gas Co.

[Docket No. CP95–368–000]

Take notice that on April 27, 1995, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP95–368–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct a new delivery facility to be located in Lincoln County, Wyoming, under CIG's blanket certificate issued in Docket No. CP83–21–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG states that the facility would consist of a tap, approximately 200 feet of 10-inch pipe and facilities appurtenant thereto for the delivery and receipt of gas to and from Overland

Trail Transmission Company as operator of the Overland Trail/Muddy Creek Hub.

CIG states further that the capacity of the proposed facilities is approximately 100 Mmcf per day and would cost approximately $64,000 to construct.

Comment date: June 16, 1995, in accordance with Standard Paragraph G at the end of this notice.

3. Great Lakes Gas Transmission Limited Partnership

[Docket No. CP95–375–000]

Take notice that on April 28, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes), One Woodward Avenue, Suite 1600, Detroit, Michigan 48226, filed an application in Docket No. CP95–375–000 pursuant to 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate a loop line of a portion of its existing pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Great Lakes states that all but 4 percent (approximately 24.5 miles) of its system is looped. In order to gain the benefit of enhanced system reliability and flexibility, Great Lakes has planned to fill in the three unlooped segments of its system. Great Lakes notes that this objective would be implemented in several separate stages. The subject application, identified as the Security Loop Project, is the first stage in this process. Great Lakes requests authority to construct and operate 13.8 miles of 36-inch loop beginning at the discharge side of Great Lakes' existing Boyne Falls Compressor Station in Charlevoix County, Michigan (milepost 722.8) and extending to an interconnect with Great Lakes' existing mainline in Otsego County, Michigan (milepost 736.6). Great Lakes proposes to place the facilities in service by November 1, 1996.

Great Lakes estimates that the Security Loop Project will cost $17,392,000. Although the project will increase mainline capacity by 5,000 Mcf per day, Great Lakes states that it has not offered to provide any new firm service because the purpose of the project is to increase system reliability and flexibility for Great Lakes' customers and to facilitate system maintenance. Great Lakes notes that the project cost is equivalent to only about 1 percent of its total system cost and will have an insignificant impact on rates.

Comment date: May 23, 1995, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, 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 a grant of the certificate and/or 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 applicant to appear or be represented at the hearing.

G. 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. 95–11316 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP95–263–000]

ANR Pipeline Co.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, its Second Revised Volume No. 1, the following tariff sheets, with an effective date of June 1, 1995:

Seventh Revised Sheet No. 8
Ninth Revised Sheet No. 9
Ninth Revised Sheet No. 13
Ninth Revised Sheet No. 16
Ninth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to commence recovery of approximately $4.5 million of pricing differential (PD) costs that have been incurred by ANR as a result of the implementation of Order Nos. 636, et seq. ANR proposes a reservation fee surcharge applicable to its Part 284 firm transportation customers to recover ninety percent (90%) of the PD costs, and an adjustment to the maximum base tariff rates applicable to Rate Schedule ITS and overrun service rendered pursuant to Rate Schedule FTS–2, so as to recover the remaining ten percent (10%).

ANR states that all of its Volume No. 1 FERC Gas Tariff customers and interested State Commissions have been mailed a copy of this filing

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such motions or protests should be filed on or before May 10, 1995. 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. 95–11320 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–896–000]

Black Hills Corporation; Notice of Filing

May 3, 1995.

Take notice that Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (Black Hills) on April 11, 1995, tendered for filing an executed form service agreement with Rainbow Energy Marketing Corporation.

Copies of the filing were provided to the regulatory commission each of the states of Montana, South Dakota, and Wyoming.

Black Hills has requested that further notice requirement be waived and the tariff and executed service agreements be allowed to become effective April 11, 1995.

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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before May 15, 1995. 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. 95–11321 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–619–000]

Blackstone Valley Electric Company; Notice of Filing

May 3, 1995.

Take notice that on April 7, 1995, Blackstone Valley Electric 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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before May 16, 1995. 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. 95–11322 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ95–3–23–000 and TM95–9–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Eastern Shore Natural Gas Company (ESNG) tendered for filing an Out-Of-Cycle Quarterly Purchased Gas Adjustment for certain revised tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective May 1, 1995.

ESNG states that the tariff sheets are being filed pursuant to section 154.308 of the Commission's Regulations and Sections 21 and 23 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth thereon reflect an overall decrease of ($0.0163) per dt in the Demand Charge, and an overall increase of $0.2022 per dt in the Commodity Charge as measured against ESNG's regularly scheduled Quarterly PGA, Docket No. TQ95–2–23–000, *et. al.*, with rates in effect as of May 1, 1995.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 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 May 10, 1995. 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 the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11323 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 11527–000, et al.]

Hydroelectric Applications, Engineering Company, Inc., et al.; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11527–000.

c. *Date Filed:* March 2, 1995.

d. *Applicant:* Engineering Company, Inc.

e. *Name of Project:* Uniontown Project.

f. *Location:* On the Ohio River, Union County, Kentucky, Gallatin County, Illinois, and Posey County, Indiana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Richard A. Volkin, Engineering Company, Inc., Orchard Hill Office Park, 354 Turnpike Street, P.O. Box 359, Canton, MA 02021, (617) 821–4338.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Comment Date:* June 18, 1995.

k. *Competing Application:* Project No. 11511–000.

Date Filed: December 7, 1994.

Due Date: March 23, 1994.

l. *Description of Project:* The proposed project would utilize the existing 3,504-foot-long, 20-foot-high Uniontown Locks and Dam, owned by the U. S. Army Corps of Engineers and consists of: (1) A proposed intake structure; (2) a proposed powerhouse having generating units with a total installed capacity of 57,200-kW; (4) a proposed 9.5-mile-long, 69-kV transmission line; and (5) appurtenant facilities. The estimated annual generation would be 304–GWh.

m. *Purpose of Project:* All project energy produced would be sold to a local utility.

n. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

o. *Available Location 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 Maintenance Branch, located at 941 North Capitol Street, N.E., Room

3104, Washington, D.C., 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Uniontown Hydro Matrix Partnership, Ltd., 120 Calumet Court, Aiken, SC 29803, (803) 642–2749.

2 a. *Type of Application:* Proposed Revised Recreation Plan and Land Use Management Plan.

b. *Project No:* 271–033 (Recreation Plan) and 271–034 (Land Use Plan).

c. *Applicant:* Arkansas Power and Light Company.

d. *Name of Project:* Carpenter-Remmel Project.

e. *Location:* Garland and Hot Spring Counties, Arkansas.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)-825(r).

g. *Applicant Contact:* Mr. Douglas Sikes, Arkansas Power and Light Company, Hydro Operations, 2255 East Grand Avenue, P.O. Box 1330, Hot Springs, AR 71902,

h. *FERC Contact:* Dan Hayes, (202) 219–2660.

i. *Comment Date:* June 5, 1995.

j. *Description of Project:* Arkansas Power and Light Company filed on March 22, 1995 a Report on Future Measures and Facilities for Recreation and a Comprehensive Water and Land Use Management Plan. The recreation plan proposes a five-year period of study to determine if a need for additional public recreation facilities exists. The land use plan proposes to study the need for marinas and similar conveyances, and to place a temporary moratorium on new or expanded marina development.

k. This notice also consists of the following standard paragraphs: B, C1, and D2.

3 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2170–003.

c. *Date Filed:* January 17, 1995.

d. *Applicant:* Chugach Electric Association, Inc.

e. *Name of Project:* Cooper Lake.

f. *Location:* The project is located on Cooper Creek, Cooper Lake, and Kenai Lake on Kenai Peninsula, about 55 miles south of Anchorage, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Jim K. Topolski, Chugach Electric Association, Inc., 5601 Minnesota Drive, P.O. Box 196300, Anchorage, Alaska 99519–6300, Phone: (907) 563–7494.

i. *FERC Contact:* Buu T. Nguyen, (202) 219–2913.

j. *Comment Date:* June 5, 1995

k. *Description of Amendment:* The licensee, Chugach Electric Association, Inc., applied for an amendment of license to relocate the transmission line which extends from the vicinity of Bird Point on the north to the vicinity of Girdwood, Alaska on the south. The relocation is needed to accommodate the reconstruction of a portion of the Seward Highway by the State of Alaska.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

4 a. *Type of Application:* Reservoir Level Management Plan for Sebago Lake.

b. *Project No.:* 2984–024.

c. *Date Filed:* April 3, 1995.

d. *Applicant:* S. D. Warren Company.

e. *Name of Project:* Eel Weir Project.

f. *Location:* Cumberland County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791 (a)–825 (r).

h. *Applicant Contact:* William F. Foley, S. D. Warren Company, P.O. Box 5000, 89 Cumberland Street, Westbrook, ME 04098, (207) 856–4000.

i. *FERC Contact*: Scott Riedmann, (202) 219–0076.

j. *Comment Date:* June 12, 1995.

k. *Description of Project:* In accordance with the Federal Energy Regulatory Commission's Order on Complaint, dated August 4, 1994 and Order Granting Extension of Time, dated December 20, 1994 and March 7, 1995, the S. D. Warren Company has submitted its Final Proposed Level Management Plan for Sebago Lake. The submittal, prepared by S. D. Warren Company, is a lake level plan that seeks to balance the various competing uses of Sebago Lake.

l. This notice also consists of the following standard paragraphs: B, C1, D2.

5 a. *Type of Application:* Surrender of License.

b. *Project No:* 10047–005.

c. *Date Filed:* April 13, 1995.

d. *Applicant:* Northern Hydro Consultants, Inc.

e. *Name of Project:* Imperial Dam.

f. *Location:* Saranac River, Clinton County, New York, near Plattsburgh.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a) 825(r).

h. *Applicant Contact:* Mr. James Dowd, Northern Hydro Consultants, Inc., P. O. Box 919, Chateaugay, NY 12920, (518) 497–3111.

i. *FERC Contact:* Mark Hooper, (202) 219–2680.

j. *Comment Date:* June 12, 1995.

k. *Description of Application:* Applicant states that the inability to secure a power sales agreement renders the project uneconomic. No construction has occurred.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

6 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2058–009.

c. *Dated Filed:* March 21, 1995.

d. *Applicant:* Washington Water Power.

e. *Name of Project:* Cabinet Gorge.

f. *Location:* The project is located on the Clark Fork River in Bonner County, Idaho and Sanders County, Montana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Steven A. Fry, Hydro Safety and Compliance Administrator, The Washington Water Power Company, P.O. Box 3727, Spokane, WA 99220, Phone: (509) 489–0500.

i. *FERC Contact:* Buu T. Nguyen, (202) 219–2913.

j. *Comment Date:* June 16, 1995.

k. *Description of Amendment:* The licensee, Washington Water Power, applied for an amendment of license to delete its approximately 80-mile long Cabinet Gorge-Rathdrum-Beacon 230-kV transmission line and portions of the switchyard adjacent to the project. The transmission line and supporting facilities have been integrated into its interconnected transmission system.

l. This notice also consists of the following standard paragraphs; B, C1, and D2.

7 a. *Type of Application: Minor License.*

b. *Project No.:* 11530–000.

c. *Date Filed:* April 5, 1995.

d. *Applicant:* Mitchell County, Iowa.

e. *Name of Project:* Mitchell Mill Dam.

f. *Location:* On the Cedar River near Mitchell in Mitchell County, Iowa.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Milton R. Owen, 415 Lime Kiln Road, Osage, IA 50461, (515) 732–5204.

i. *FERC Contact:* Julie Bernt (202) 219–2814.

j. *Comment Date:* 60 days from the filing date in paragraph C.

k. *Description of Project:* The proposed project consists of: (1) An existing 195-foot-wide concrete dam; (2) a 120-acre natural impoundment; (3) two existing intake structures, one 19 feet wide and one 15 feet wide; (4) a 125-foot-wide concrete spillway; (5) an existing powerhouse containing two generating units with a total rated capacity of 900 kW; (6) an existing 220-foot-long transmission line; and, (7) appurtenant facilities. The applicant estimates that the total average annual generation would be 2,829,335 kWh. The cost of restoration would be $600,000. The project site is owned by Mitchell County.

l. With this notice, we are initiating consultation with the Iowa STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Standard Paragraphs:

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 3, 1995.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11361 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. TM94–4–34–006 and RP95–259–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective June 1, 1995:

3rd Revised Eighth Revised Sheet No. 8A
2nd Revised Original Sheet No. 8A.02
Third Revised Sheet No. 200

FGT states that the instant filing is being made to replace the Annual Unit Take-Or-Pay Surcharge mechanism by modifying Section 25 of the GTC and the applicable market area rate sheets to reflect that recovery of remaining Southern Fixed Charge obligations will be pursuant to arrangements which have been mutually agreed to between FGT and affected customers. Under these arrangements, all remaining balances will be resolved by the end of 1995. At that time, FGT will file to delete Section 25 from its GTC and reserve those sheets for future use.

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, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. 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. 95–11324 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–5–34–000]

Florida Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Florida Gas Transmission Company (FGT), tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective June 1, 1995:

4th Revised Eighth Revised Sheet No. 8A
Third Revised Sheet No. 8A.01
3rd Revised Original Sheet No. 8A.02
2nd Revised Seventh Revised Sheet No. 8B
2nd Revised Original Sheet No. 8B.01

FGT states that it is requesting expedited Commission action on the filing. FGT states that it is filing to make out-of-cycle adjustments to both the Current Fuel Reimbursement Charge and the Annual Fuel Surcharge components of its Effective Fuel Reimbursement Charge. FGT is proposing to increased the Current Fuel Reimbursement Charge from 2.89% to 3.34% to more closely match this charge with the quantities of fuel usage and lost and unaccounted for gas currently being experienced on its system and minimize the balance of its Deferred Fuel Account.

Further, FGT states that it is necessary to revise its Annual Fuel Surcharge from the currently effective <0.30>% to 0.51%. FGT states this is required to reflect the net under recovery of fuel volumes on its system through February 28, 1995 and to segregate the Deferred Fuel Account Balance related to transportation service in effect prior to the institution of incremental firm transportation service under Rate Schedule FTS–2. FGT states that such under recovery of fuel prior to March 1, 1995, will be recovered from transportation services in effect prior to that date and any subsequent over or under collection of fuel should be isolated for recovery from all shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. 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. 95–11325 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–261–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, proposed to become effective May 1, 1995:

First Revised Sheet No. 40
First Revised Sheet No. 41

Great Lakes states that the above-described tariff sheets are being filed to reflect changes to short-term capacity releases on Great Lakes' system, as provided by the Commission in Order No. 577, 70 FERC ¶ 61,359 (1995).

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, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before May 10, 1995. 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 Commission's Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11326 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2609 New York]

International Paper Company and Curtis/Palmer Hydroelectric Company L.P.; Notice of Intent to File an Application For a New License

May 3, 1995.

Take notice that International Paper Company and Curtis/Palmer Hydroelectric Company L.P., the existing co-licensees for the Curtis/Palmer Falls Hydroelectric Project No. 2609, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2609 was issued effective May 1, 1980, and expires April 30, 2000.

The project is located on the Hudson River in Warren and Saratoga Counties, New York. The principal works of the Curtis/Palmer Falls Project include two dam and reservoir developments (No. 1 & 2): (No. 1) Curtis with a concrete gravity dam about 25 feet high and 743 feet long with spillway, flashboards and sluice gate; a 390-acre reservoir at elevation 548.8 ft USGS; and a powerhouse with an installed capacity of 10.8 MW: (No. 2) Palmer Falls with a concrete arch dam 37 feet high and 486 feet long with spillways, flashboards and minimum flow gate; a 28-acre reservoir at elev 522.9 ft USGS; a forebay and powerhouse with an installed capacity of 48 MW: Both developments have transmission line connections and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensees at International Paper Company, Hudson River Mill, 15 Pine Street, Corinth, New York 12822.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 1998.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11327 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–262–000]

Kern River Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective on June 1, 1995:

Second Revised Sheet No. 106
First Revised Sheet No. 815
First Revised Sheet No. 817
First Revised Sheet No. 826
First Revised Sheet No. 827

Kern River states that the revised tariff sheets make certain minor changes to Kern River's capacity release program. More specifically, the revised tariff sheets will apply to Kern River's firm transportation Rate Schedule SH–1 the tariff changes filed by Kern River as to its other firm transportation rate schedules in Docket No. RP95–236–000, pertaining to posting and bidding

procedures and procedures concerning Prearranged Bidders. In addition, the revised tariff sheets will make the changes in Kern River's tariff, with respect to all firm transportation rate schedules, that are necessary to comply with the Commission's Order No. 577.

Kern River states that copies of the filing were served upon Kern River's jurisdictional customers and all affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 285.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11328 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

Louisiana Gas System Inc. and Conoco Inc., Complainants, vs. Panhandle Eastern Corporation and Centana Energy Corporation, et al., Respondents; Notice of Complaint and Motion for Cease and Desist Order

[Docket No. CP95–349–000]

May 3, 1995.

Take notice that on April 24, 1995, Louisiana Gas System Inc. (LGS), P.O. Box 2197 (CH–1128), Houston, Texas 77252, and Conoco Inc. (Conoco), (jointly Complainants), 600 North Dairy Ashford, Houston, Texas 77079, filed a complaint with the Commission in Docket No. CP95–349–000, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, against Panhandle Eastern Corporation (PECO) and Centana Energy Corporation (CECO), *et al.*,[1] (jointly Respondents), alleging efforts to circumvent the Commission's authority under Section 7 of the Natural Gas Act (NGA) through the use of ''unregulated'' affiliates.

Complainants allege that PECO, through its regulated and unregulated subsidiaries, intends to construct and operate a 70-mile large diameter, high-pressure natural gas pipeline from its storage/marketing hub at Spindletop, Jefferson County, Texas,[2] to Gillis, Beauregard Parish, Louisiana, where the proposed pipeline would interconnect with existing interstate pipeline affiliates' facilities. Complainants state that as part of this project, CECO has recently filed for and received approval from the State of Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division to construct and operate an ''intrastate'' pipeline.

CECO's proposed ''intrastate'' pipeline would begin at Trunkline Gas Company's (Trunkline is a PECO interstate subsidiary) proposed Sabine River Crossing at the Texas-Louisiana border. According to the Complainants, CECO's proposed 24-inch diameter ''intrastate'' pipeline would then proceed 35.30 miles in a northeasterly direction to interconnections with Trunkline and Texas Eastern Transmission Corporation (Texas Eastern is also a PECO interstate subsidiary).[3] The 35.30-mile Louisiana portion of this pipeline system would complete a chain of affiliated interstate and ''intrastate'' pipelines from southern Texas to eastern Louisiana and beyond. The Louisiana portion of this proposed pipeline would have a 1,200 psig Maximum Allowable Operating Pressure (MAOP) and a capacity of 450 MMcf of natural gas per day.

Complainants allege that PECO and CECO are constructing the above pipeline with the intent of looping Texas Eastern's interstate mainline system. A map submitted in the complaint filing herein indicates that the combined Centana-Texas to Trunkline to Centana-Louisiana to Texas Eastern's system parallels the existing Texas Eastern mainline, and in fact, shares its right-of-way. Complainants state that the obvious intent is to expand Texas Eastern's mainline without seeking Commission certificate approval. Furthermore, Complainants allege that Centana-Louisiana admits that its system serves as a bridge between Texas Eastern on its western end and Texas Eastern on its eastern end. Complainants also allege that all of the entities to this transaction are affiliated and shares corporate directors, officers, and addresses.

Complainants, therefore, request that the Commission issue an immediate cease and desist order and direct a show cause order to the Respondents to explain why the proposed facilities do not require NGA certification, and further, that the matter be set for a full evidentiary hearing.

Any person desiring to be heard or to make a protest with reference to LGS and Conoco's complaint should file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions, together with the answer(s) of Respondents to the motion and to the Complaint, should be filed on or before May 31, 1995. Any person desiring 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.

Louis D. Cashell,

Secretary.

[FR Doc. 95–11329 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[1] Among these parties are Centana Louisiana Pipeline (Centana Louisiana), a CECO subsidiary which operates as a Louisiana intrastate pipeline, and Centana Intrastate Pipeline Company (Centana Texas), a CECO subsidiary which operates as a Texas intrastate pipeline.

[2] Complainants state that they have not been able to obtain Texas Railroad Commission filings, if any exist, that would describe the details of the proposed Texas portion of the project.

[3] The delivery capacities of the Trunkline and Texas Eastern interconnections in Louisiana would be 250 MMcf and 350 MMcf of natural gas per day, respectively.

[Docket No. ER95–269–000]

Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc.; Notice of Filing

May 3, 1995.

Take notice on March 20, 1995, Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc. (Montana-Dakota) tendered for filing an amendment to its original filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol 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 May 15, 1995. 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. 95–11330 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–47–016]

National Fuel Gas Supply Corp.; Notice Of Compliance Filing

May 3, 1995.

Take notice that on April 26, 1995, National Fuel Gas Supply Corporation (National) notified the Commission that on April 13, 1995, it made the following Billing Adjustment to its former RQ and CD customers, in accordance with Section 20(f) of the General Terms and Conditions of National's FERC Gas Tariff.

Under Section 20, National is required to make any Billing Adjustments caused by the reallocation of take-or-pay (TOP) charges under the winter requirement quantity allocation method within sixty days of a final Commission order. National states that this Billing Adjustment reflects charges or refunds caused by the reallocation of TOP charges from Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation, Tennessee Gas Pipeline Company and CNG Transmission Corporation.

National states that copies of the letter and the attached worksheets were sent to each of National's former RQ and CD customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11331 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–260–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Fourth Revised Sheet No. 24, to be effective June 1, 1995.

Natural states that the filing is submitted pursuant to Section 21 of the General Terms and Conditions of Natural's FERC Gas Tariff, Sixth Revised Volume No. 1 (Section 21), as a fourth semiannual limited rate filing under Section 4 of the Natural Gas Act and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission) promulgated thereunder. The rate adjustments filed for are designed to recover Account No. 858 stranded costs incurred by Natural under contracts for transportation capacity on other pipelines. Costs for any Account No. 858 contracts specifically excluded under Section 21 are not reflected in the filing.

Natural requested specific waivers of Section 21 and the Commission's Regulations, including the requirements of Section 154.63, to the extent necessary to permit the tariff sheet to become effective June 1, 1995.

Natural states that copies of the filing are being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11332 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–373–000]

Natural Gas Pipeline Company of America—Texas and Texas Eastern Transmission Corp.; Notice of Application

May 3, 1995.

Take notice that on April 28, 1995, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77251–1642, jointly referred to as Applicants, filed in Docket No. CP95–373–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and §§ 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) Regulations thereunder, for permission to abandon certain natural gas exchange agreements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they propose to abandon (1) An exchange agreement performed under Natural's Rate Schedule X–40 and Texas Eastern's Rate Schedule X–67, which were authorized in Natural's Docket No. CP73–289, as amended and Texas Eastern's Docket No. CP73–297, as amended; (2) an exchange service performed under Natural's Rate Schedule X–82 and Texas Eastern's Rate Schedule X–84, which were authorized in Natural's Docket No. CP77–135, as amended, and Texas Eastern's Docket No. CP77–260, as amended; and (3) an exchange service performed under Natural's Rate Schedule X–89 and Texas Eastern's Rate Schedule X–85, which were authorized jointly in Docket No. CP77–568, as amended.

Applicants further state that under the first arrangement, dated November 17, 1972, Natural made available up to 15,000 Mcf of natural gas per day to Texas Eastern in Lavaca, Harris, and Polk Counties, Texas and Texas Eastern redelivered equivalent volumes of natural gas to Natural in Brazoria, Kenedy, and Wharton Counties, Texas.

Applicants indicate that under the second arrangement, Natural made available up to 7,000 Mcf of natural gas per day to Texas Eastern in Colorado, Goliad, and DeWitt Counties, Texas and Texas Eastern made available equivalent quantities of natural gas to Natural in Brazoria, Kenedy, and Wharton Counties, Texas.

Applicants state that under the third arrangement, Natural made available up to 40,000 Mcf of natural gas per day to Texas Eastern for exchange in

Vermillion Block 262, West Cameron Block 286 and East Cameron Block 312, all offshore Louisiana from production that Natural purchased in Vermillion Block 262, West Cameron Block 437 and East Cameron Block 312, all offshore Louisiana. It is indicated that Texas Eastern made equivalent quantities of natural gas available to Natural via offshore laterals of Natural's or to Stingray Pipeline Company (Stingray) for Natural's account in West Cameron Blocks 537, 543, 565, and 593 offshore Louisiana from production that Texas Eastern purchased in West Cameron Blocks 522, 537, 551, 552, 560, and 593, all offshore Louisiana and High Island Blocks A–289 and A–290, both offshore Texas. It is further indicated that the arrangement was balanced in Jefferson, Kenedy, and Wharton Counties, Texas and in Vermillion and Point Coupee Parishes, Louisiana.

Applicants state that the abandonment authorization requested herein would relieve Natural and Texas Eastern of their certificate obligations to perform exchange services which they no longer require.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition 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 protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition 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 Practices and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, and if the Commission its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motive believes that a formal hearing is required, further notice of such hearing will be duly given.

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

Lois D. Cashell,

Secretary.

[FR Doc. 95–11333 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–185–003]

Northern Natural Gas Co.; Notice of Proposed Changes In FERC Gas Tariff

May 3, 1995.

Take notice that on May 1, 1995, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, effective April 1, 1995 and September 1, 1995:

Substitute First Revised Sheet No. 101
Second Revised Sheet No. 101
Substitute First Revised Sheet No. 116
Substitute Second Revised Sheet No. 221
Substitute First Revised Sheet No. 226
Substitute First Revised Sheet No. 257

Northern is filing in compliance with the Commission's Order issued March 30, 1995 in Docket Nos. RP95–185–000 and RP95–185–001, and to request clarification on certain tariff provisions.

Northern further states that copies of the filing have been mailed to each of its customers, interested State Commissions and other parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11334 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–264–000]

Southern Natural Gas Co.; Notice Of GSR Revised Tariff Sheets

May 3, 1995.

Take notice that on April 28, 1995, Southern Natural Gas Company (Southern), submitted for filing to become part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, to reflect a slight increase in its May 1, 1995, FT and FT–NN GSR surcharge:

Seventeenth Revised Sheet No. 15
Seventeenth Revised Sheet No. 17

Southern states that copies of the filing were served upon Southern's intervening customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 10, 1995. 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 Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11335 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–10–001]

Texas Eastern Transmission Corp.; Notice of Compliance Filing

May 3, 1995.

Take notice that on April 13, 1995, pursuant to § 154.62 of the Commission's Regulations and in compliance with the Commission's March 17, 1995, order in Docket No. GT95–10–000, Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing executed Section 7(c) service contracts, listed on Appendix A of the filing, between Texas Eastern, as pipeline, and its Customers under its firm Rate Schedules FTS, FTS–2, FTS–4, FTS–5, FTS–7, FTS–8, CTS and SS.

Texas Eastern requests that the Commission waive all necessary rules and regulations to permit the contracts listed on Appendix A of the filing to become effective on the first day of the primary term as stated in each contract.

Texas Eastern states that a copy of the transmittal letter and the attached contracts are being sent to the listed customers on the Appendix.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11336 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

Texas Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

[Docket No. RP95–265–000]

May 3, 1995.

Take notice that on April 28, 1995, Texas Gas Transmission Corporation (Texas Gas), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with an effective date of June 1, 1995:

Ninth Revised Sheet No. 10
Sixth Revised Sheet No. 11
First Revised Sheet No. 11A
Eleventh Revised Sheet No. 12

Texas Gas states that the revised tariff sheets are being filed pursuant to Section 33.3 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1, to recover ninety percent (90%) of its Gas Supply Realignment costs from its firm transportation customers and ten percent (10%) of its Gas Supply Realignment Costs from its IT customers. The GSR costs, including applicable interest, proposed to be recovered by Texas Gas's sixth GSR recovery filing total $2,137,196.

Texas Gas states that copies of the revised tariff sheets are being mailed to Texas Gas's affected jurisdictional customers those appearing on the applicable service lists, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11337 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–3–43–000]

Williams Natural Gas Co.; Notice Of Proposed Changes In FERC Gas Tariff

May 3, 1995.

Take notice that on April 28, 1995, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sixth Revised Sheet Nos. 6 and 6A. The proposed effective date of these tariff sheets is June 1, 1995.

WNG states that the purpose of this filing is to reflect revised fuel and loss reimbursement percentages effective June 1, 1995 by eliminating the under or over recovery component applicable to October through December 1993.

WNG states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the docket referenced above and on all of WNG's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a part to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11338 Filed 5–8–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–S204–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740, please refer to EPA ICR #1602.02

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Maximum Achievable Control Technology (MACT) Standards Development Under Title III (Section 112) of the Clean Air Act Regulatory Development Program (EPA ICR #1602.02). This is a renewal of an already existing information collection.

Abstract: Respondents are owners or operators of facilities included on the list of source categories for which EPA plans to initiate development of national emission standards for hazardous air pollutants (NESHAP) under Section 112(d) of the amended Clean Air Act within the next 3 years, as well as a limited number of source categories for which NESHAP development studies are currently underway. Depending on the number of facilities in an individual source category, respondents would be required to complete one of two surveys. In those source categories with 400 or fewer facilities, respondents would complete a survey for maximum achievable control technology (MACT) standards development. This survey is designed to obtain facility-specific information on process types, emissions, controls, and factors affecting costs to ensure that the EPA Office of Air Quality Planning and Standards (OAQPS) has sufficient information to make subcategory distinction and MACT floor decisions for each NESHAP. In those source categories with more than 400 facilities,

respondents would complete a screening survey. EPA would use the results of the screening survey to develop a sample design that would be applied to individual ICR's for the MACT standards development survey.

''*Burden Statement:* The public reporting burden for this collection of information is estimated to average 8.5 hours per response for completing the screening survey and 85 hours for completing the MACT standards development survey. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and review the collection of information. Reporters would complete and submit the surveys once. EPA would choose a new set of 6,903 respondents each year.

Respondents: Owners or operators of facilities which emit hazardous air pollutants.

Estimated Annual No. of Respondents: 2,190 MACT Survey Respondents; 4,713 Screening Survey Respondents.

Estimated No of Responses per Respondent: 1.

Estimated Total Annual Burden: 226,210 hours.

Frequency of Collection: One time.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing burden, (please refer to EPA ICR #1602.02 and OMB #2060–0239) to:

Sandy Farmer, EPA ICR # 1602.02, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M St., S.W., Washington, D.C. 20460

and

Cris Wolz, OMB # 2060–0239. Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., N.W., Washington, D.C. 20530.

Dated: May 3, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–11393 Filed 5–8–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5204–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740. Please refer to the EPA ICR No.

SUPPLEMENTAL INFORMATION:

OMB Responses to Agency PRA Clearance Requests

OMB Approvals

EPA ICR No. 1365.04; Asbestos-Containing Materials in Schools Rule and Asbestos Model Accreditation Plan Rule (MAP); was approved 03/17/95; OMB No. 2070–0091; expires 03/31/98.

EPA ICR No. 0794.06; Notification of Substantial Risk of Injury to Health and Environment under Section 8(E) of the Toxic Substances Control Act (TSCA); was approved 03/29/95; OMB No. 2070–0046; expires 06/30/95.

EPA ICR No. 1603.02; Lead-Based Paint Abatement and Repair and Maintenance Study in Baltimore; was approved 03/27/95; OMB No. 2070–0123; expires 01/31/97.

EPA ICR No. 1704.02; Alternate Threshold for Low Annual Reportable Amounts; was approved 03/17/95; OMB No. 2070–0143; expires 09/30/96.

EPA ICR No. 1360.04; Technical and Financial Requirements State Program Approval Procedures, Underground Storage Tanks; was approved 03/31/95; OMB No. 2050–0068; expires 03/31/98.

EPA ICR No. 1153.05; NESHAP for Benzene Equipment Leaks, Information Requirements—61–V; was approved 03/31/95; OMB No. 2060–0068; expires 03/31/98.

EPA ICR No. 1590.02; California Pilot Test Program: Vehicle Credit Program; was approved 04/03/95; OMB No. 2060–0229; expires 04/30/98.

EPA ICR No. 1626.03 National Emissions Reduction Program, Amendment; was approved 03/28/95; OMB No. 2060–0256; expires 05/31/96.

EPA ICR No. 1712.01; NESHAP for Shipbuilding and Ship Repair, Surface Coating—63–II; was approved 03/24/95; OMB No. 2060–0330; expires 03/31/98.

EPA ICR No. 1735.01; AGSTAR Program; was approved 03/31/95; OMB No. 2060–0329; expires 03/31/98.

EPA ICR No. 1633.08; Revisions to Permits Rule under Title IV of Clean Air Act Concerning Reduced Utilization Plans and Allowance Surrender; was approved 03/29/95; OMB No. 2060–0258; expires 01/31/96.

EPA ICR No. 1733.01. 1994 Detailed Questionnaire for Transportation Equipment Cleaning Industry; was approved 03/21/95; OMB No. 2040–0179; expires 03/31/98.

EPA ICR No. 1058.05; NSPS (Subpart E) for Municipal Incinerators; was approved 03/28/95; OMB No. 2060–0040; expires 03/31/98.

EPA ICR No. 1743.01; Application for Motor Vehicle Emission Certification of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines, Revisions to the Federal Test Procedures (FIP); was approved 04/30/95; OMB No. 2060–0332; expires 04/30/98.

EPA ICR 1736.01; Natural gas Star Program; was approved 03/31/95; OMB No. 2060–0328; expires 03/31/98.

OMB Disapprovals

EPA ICR No. 1686.01; NESHAP for the Secondary Lead Smelter Industry Reporting and Recordkeeping Requirements—Part 63, Subpart X; was disapproved 03/10/95.

EPA ICR No. 0783.31; Application for Motor Vehicle Emission Certification and Fuel Economy Labeling, Small Nonload Engine (Proposed Rule); was disapproved 03/29/95.

OMB Extensions of Expiration Dates

EPA ICR No. 1189.04; Identification, Listing and Rulemaking Petitions; OMB No. 2050–0053; expiration date extended to 07/31/95.

EPA ICR No. 1668.01; Oil Pollution Prevention National Survey; OMB No. 2050–0134; expiration date extended to 06/30/95.

EPA ICR No. 0107.04; Source Compliance and State Action Reporting; OMB No. 2060–0096; expiration date extended to 07/31/95.

EPA ICR No. 0012.08; Motor Vehicle Exclusions Determination, Marine Engine Exclusion Determination; OMB No. 2060–0124; expiration date extended to 07/31/95.

EPA ICR No. 0167.04; Verification of Test Parameters and Parts List for Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Engines; OMB No. 2060–0094; expiration date extended to 10/31/95.

EPA/OMB Withdrawal

EPA ICR No. 1734.01; Use and Exposure Information Voluntary Project; was withdrawn from OMB by EPA.

Dated: May 3, 1995.

Joe Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–11394 Filed 5–8–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 95–967]

Petition for Declaratory Ruling

AGENCY: Federal Communications Commission.

ACTION: Public Notice.

SUMMARY: The Commission requests comment on a Petition for Declaratory Ruling filed by In-Flight Phone Corp (In-Flight). The petition asks that the Commission consider In-Flight's pioneer's preference request, which originally was filed in ET Docket No. 92–100, in ET Docket No. 94–32.

DATES: Comments are due May 19, 1995. Reply comments are due May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas P. Derenge, (202) 776–1621, Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION:

Comment Sought on In-Flight Phone Corp. Petition for Declaratory Ruling

April 28, 1995.

On March 16, 1995, In-Flight Phone Corp. (In-Flight) filed a Petition for Declaratory Ruling requesting that its pioneer's preference (PP) Request filed in the Narrowband Personal Communications Services proceeding, ET Docket No. 92–100, now be considered in ET Docket No. 94–32, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use. Specifically, In-Flight requests that the Commission rule that: (1) Its PP Request was filed by the deadline applicable to permit consideration in ET Docket No. 94–32, in which the *Second Notice of Proposed Rulemaking* (*Second NPRM*) proposes that the 4660–4685 MHz band be allocated to a General Wireless Communications Service (GWCS); and (2) that the request will be considered in that docket.

In-Flight filed its PP Request in ET Docket No. 94–100 on October 30, 1992, seeking a preference in the 901–902 MHz and 940–941 MHz bands for a live ground-to-air audio news, information, and entertainment service for airline passengers. However, because the rules adopted in ET Docket No. 94–100 were not related to In-Flight's proposal, its PP Request has not been acted upon by the Commission.

On May 4, 1994, the Commission released a *Notice of Inquiry* (*NOI*) in ET Docket No. 94–32, seeking information on potential applications of 50 megahertz of transferred Federal Government spectrum. On November 8, 1994, a *Notice of Proposed Rulemaking* (*NPRM*) was released proposing the allocation of the spectrum, and a *First Report and Order and Second Notice of Proposed Rulemaking* was released on February 17, 1995. The *Second NPRM* proposed that the 4660–4685 MHz band be allocated for a GWCS.

In-Flight argues that is PP Request should be considered in ET Docket No. 94–32 because the proposed service rules would allow it to apply for a license to provide its service in the 4660–4685 MHz band. In-Flight claims that the service for which the preference is sought is identical in all relevant respects to the service it would provide as a GWCS licensee. Finally, In-Flight requests that the Commission issued the requested ruling well in advance of the August 10, 1995 statutory deadline for issuing final rules in ET Docket No. 94–32, so that the Commission will have sufficient time to decide whether to award a pioneer's preference to In-Flight.

We herein request comment on In-Flight's Petition for Declaratory Ruling. Comments are due May 19, 1995, and reply comments are due May 31, 1995. We note that In-Flight's PP Request has been formally opposed. Accordingly, the PP Request constitutes a restricted Commission proceeding in which *ex parte* presentations are prohibited: *see* 47 CFR 1.1208(c).

The Petition for Declaratory Ruling and related materials are available for inspection in the Office of Engineering and Technology, Suite 480, 2000 M Street N.W., Washington, DC during regular business hours M–F 8:00 AM to 5:00 PM. This material may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20036, (202) 857–3800. For further information, contact Thomas Derenge in the Office of Engineering and Technology, (202) 739–0703.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–11285 Filed 5–8–95; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 2069]

Petition for Reconsideration of Actions in Rulemaking Proceedings

May 2, 1995.

Petition for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to this petition must be filed May 24, 1995. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Eligibility for the Specialized Mobile Radio Services and Radio Services in the 220–222 MHz Land Mobile Band and Use of Radio Dispatch Communications. (GEN Docket No. 94–90)

Number of Petition Filed: 1

Subject: Allocation of the 219–220 MHz Band for Use by the Amateur Radio Service. (ET Docket No. 94–40)

Number of Petition Filed: 1

Subject: Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems. (PR Docket No. 93–61)

Number of Petitions Filed: 20.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–11283 Filed 5–8–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

The Chase Manhattan Corporation; Application to Engage in Nonbanking Activities

The Chase Manhattan Corporation, New York, New York (Applicant); has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to acquire U.S. Trust Corporation's wholly-owned direct subsidiary, Mutual Funds Services Company, Boston, Massachusetts (MF Services), and thereby engage in providing administrative services to mutual funds; and to acquire U.S. Trust Corporation's wholly-owned direct subsidiary U.S. Trust Company of Wyoming, Cody, Wyoming (UST-WY), and thereby engage in serving as an investment advisor pursuant to § 225.25(b)(4)(ii) of the Board's Regulation Y. Applicant states that the proposed administrative services include, but are not limited to, with respect to any investment company customer, computing the investment company's net asset value and performance data, coordinating communications and activities between

its investment advisor and other service providers, accounting and recordkeeping, disbursing payments for the investment company's expenses, providing office space for the investment company, and preparing and filing tax and regulatory reports for the investment company. Applicant states that the proposed investment advisory activities include serving as the nominal administrator for closed-end investment companies established pursuant to Wyoming law. All of these activities are to be conducted throughout the United States.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with prior Board approval, engage in any activity which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the ''closely related to banking'' test if it is demonstrated that banks have generally provided the proposed activity, that banks generally provide services that are operationally or functionally similar to the proposed activity so as to equip them particularly well to provide the proposed activity, or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). The Board also may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (January 5, 1984).

The Board previously has determined by order that providing administrative services to mutual funds and closed-end investment companies, when conducted within the limitations established by the Board in its previous orders, are closely related to banking. *State Street Boston Corporation*, 81 Federal Reserve Bulletin 297 (1995), *Mellon Bank Corporation*, 79 Federal Reserve Bulletin 626 (1993). In addition, the Board previously has determined by regulation that investment advisory activities, when conducted within the limitations established by the Board in its regulations and in related interpretations and orders, are closely related to banking for purposes of section 4(c)(8) of the BHC Act. *See* 12 CFR 225.25(b)(4). Applicant maintains that it will conduct all of the proposed activities in conformity with the conditions and limitations established by the Board by regulation or in prior cases.

In order to satisfy the proper incident to banking test, section 4(c)(8) of the BHC Act requires the Board to find that the performance of the activities by Applicant can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Applicant believes that the proposed activities will benefit the public by promoting competition and lowering costs. Applicant also believes that approval of this application will allow Applicant to provide a wider range of services and added convenience to its customers. Applicant believes that the proposed activities will not result in any unsound banking practices or other adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 23, 1995. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, May 3, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-11347 Filed 5-8-95; 8:45 am]

BILLING CODE 6210-01-F

First National Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 2, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First National Corporation, Folkston, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Folkston, Georgia, in organization.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Central Bancompany, Inc., Jefferson City, Missouri; to acquire 100 percent of the voting shares of Jeffries Insurance Agency, Inc., Buckner, Missouri, and thereby indirectly acquire at least 80 of the voting shares of First State Bank of Missouri, Buckner, Missouri.

Board of Governors of the Federal Reserve System, May 3, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-11348 Filed 5-8-95; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 23, 1995.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to engage *de novo* through its subsidiary, Norwest Ventures, Inc., Des Moine, Iowa, in a joint venture with Conerstone Mortgage, Ho-Ho-Kus, New Jersey, and engage in the residential mortgage lending business, including activities such as prequalification, mortgage loan origination and processing and closing loans, pursuant § 225.25(b)(1) of the Board's Regulation Y. The georgraphic scope of this activity is Paramus, New Jersey, and the surrounding area.

Board of Governors of the Federal Reserve System, May 3, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-11349 Filed 5-8-95; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–538]

Cooperative Agreement for the Hepatitis B Coalition Notice of Availability of Funds for Fiscal Year 1995

Introduction

The Centers for Disease Control and Prevention (CDC), National Immunization Program (NIP), announces the availability of cooperative agreement funds in fiscal year (FY) 1995 to assist the Hepatitis B Coalition in promoting hepatitis B prevention activities. Approximately $150,000 is available in FY 1995 to fund one cooperative agreement award. It is expected the award will begin on or about September 1, 1995, for a 12-month budget period within a project period of up to five years. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds. The funding estimate may vary and is subject to change.

The purpose of this cooperative agreement will be to improve: (1) Provider knowledge about hepatitis B prevention through the development and dissemination of information and educational materials, and the implementation of promotional activities for health care professionals; (2) community awareness of the need for hepatitis B screening and vaccination through the development and dissemination of information and educational materials, and the implementation of promotional activities for specific target audiences within the general population; and (3) communication and facilitate partnerships between State and local health departments, private provider organizations, hospitals, voluntary groups, and other health care coalitions to increase awareness about hepatitis B prevention activities. By strategically focusing resources through this cooperative agreement, efforts to reach national hepatitis B vaccination coverage levels of 70% by 1996 and 90% by 1998 will be greatly enhanced.

CDC will provide technical assistance in the development of programs by providing scientific collaboration for appropriate aspects of the activities, including information on disease impact, vaccination coverage levels, and prevention strategies; and assisting in reporting and validating relevant hepatitis B information made available to Federal, State, local health agencies, health care providers, and volunteer organizations.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION**.)

Authority

This program is authorized under the Public Health Service Act, Section 317(k)(3) [42 U.S.C. 247b(k)(3)], as amended.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Assistance will be provided only to the Hepatitis B Coalition for this project. No other applications will be solicited. The Program Announcement and application kit have been sent to the Hepatitis B Coalition.

The Hepatitis B Coalition is the most appropriate entity to conduct work under this cooperative agreement because:

1. The Hepatitis B Coalition represents an established collaboration among professional, voluntary, and public and private sector organizations with a history of combining resources, sharing information, developing and

distributing educational materials, and supporting activities that advocate preventing hepatitis B virus (HBV) infection through vaccination, education, testing, and treatment.

The Coalition's information and educational efforts are disease specific and its mission is to improve hepatitis B vaccination coverage levels and reduce the incidence of HBV infection. These activities are national in scope and are not limited to local or regional entities.

2. This Coalition is the only such organization whose primary objective is to provide hepatitis B information and education to health care providers to improve their immunization practices, and to the public to increase awareness and knowledge of the disease. The Coalition has also demonstrated success in reaching Southeast Asian communities, a high risk group that has not received culturally appropriate education, outreach, and testing/vaccination services from other health care providers. In addition, the Coalition has developed and tested effective bilingual educational materials for Asian/Pacific Islanders based on their cultural, religious, and political beliefs.

3. The Coalition has a demonstrated history of regular written communications such as newsletters or ''Dear Colleague'' letters. It has sponsored and promoted regularly scheduled local, regional, and national meetings of its individual members to share information, transfer skills, and promote initiatives pertaining to the prevention of HBV infection. It successfully motivates other organizations to participate in Coalition activities.

4. Through emphasis on public and provider education concerning hepatitis B prevention issues, the Coalition has demonstrated leadership in building relationships with national organizations, private and public sector non-profit health care organizations, professional health associations, volunteer groups, advocacy groups, minority organizations, and government entities.

No other organization devoted to addressing the wide-ranging needs for education and professional development on hepatitis B prevention exists that has the experience and demonstrated program successes, the national reach, and the organizational structure to provide to those audiences who will benefit the most, the information and education required to improve vaccination coverage levels and reduce disease incidence. The past performance and ongoing success of this Coalition make it uniquely qualified for this project.

Executive Order 12372

This applicant is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this project is 93.185.

Where To Obtain Additional Information

If you are interested in obtaining additional information about this project, please reference Announcement Number 538, and contact Lisa Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., MS E–13, Atlanta, GA 30305, telephone (404) 842–6796.

A copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: May 3, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–11351 Filed 5–8–95; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

[FDA 225–94–6001]

Memorandum of Understanding Between the Food and Drug Administration and the National Institute of Standards and Technology

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between FDA and the National Institute of Standards and Technology (NIST). The purpose of the MOU is to collaborate in a program to develop standard reference materials (SRM's) for a variety of biomaterials.

DATES: The agreement became effective February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Sandy Cordes, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3516.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this memorandum of understanding.

Dated: May 2, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

Memorandum of Understanding Between the National Institute of Standards and Technology and the Food and Drug Administration, November 10, 1993

This memorandum of understanding (MOU) between the U.S. Department of Commerce, National Instituite of Standards and Technology (NIST) and the U.S. Department of Health and Human Services, Food and Drug Administration (FDA) has been implemented to facilitate the development of Standard Reference Materials (SRMs) for materials used in medical implant applications. These materials are commonly referred to as biomaterials.

Background

The National Institute of Standards and Technology has, as one of its long-standing programs, the development of and marketing of standard reference materials required for precision metrology in a variety of applications. The Food and Drug Administration is responsible for the regulation of medical devices made from biomaterials. For many of these biomaterials, it has been determined that subtle variations in chemical composition, trace element content, crystalline structure or morphology, homogeneity, surface topology and chemistry, and other material characteristics can significantly alter the response of living tissue (i.e. the body) to a material, either as an implant or by external contact. Thus the availability of well-characterized reference materials for use in generating baseline data on the biological performance of a biomaterial, is essential.

Overview

The parties to this MOU will collaborate in a program to develop (SRMs) for a variety of biomaterials. This collaboration will enable NIST to enhance its activities in the biomedical area and increase the utility of its SRM Program by addressing many critical measurement needs in the assessment of biomaterials and medical devices. The SRM Program at NIST will gain marketable SRMs for biomaterials, an area in which NIST has had no previous products. At the same time,

FDA will be assuring the availability of well-characterized and uniform reference materials for the comparative evaluation of new materials and devices. Evaluation of biological performance data based on comparison to previously-used and successful products will be both facilitated and improved.

Program Description

1. Selection of Materials—Candidate materials for SRM development will be selected by mutual agreement between FDA and NIST. The goal is to provide more realistic calibration standards for the determination of physical, chemical, electrical, and biological characteristics and/or properties of biomaterials. Criteria for selection will include magnitude of the current or potential utilization of the material in biomedical applications, documented or reasonably foreseeable variability in response from ''off-the-shelf'' materials, criticality of the medical application, cost of developing and potential market for the SRM, and others mutually agreeable to both parties. At the time of selection, the properties and characteristics to be controlled and measured will be identified for each candidate SRM, as will be the proposed unit size for distribution.

1.a An initial listing of candidate materials proposed at the time of the initial agreement is given in Appendix A. Materials 1 & 2 were developed as a collaborative research iniative between FDA and the American Dental Association (ADA) at both the FDA and NIST laboratories. Material 1 has been provided to NIST for consideration as an SRM. Material 2 which is currently being synthesized will be provided on or about September 1993. No development work has been done on materials 3–8.

2. Production of Materials—SRMs will be developed by any of several laboratories, including NIST, FDA, NIH, commercial materials suppliers, device manufacturers, academic institutions, and others. A Material Safety Data Sheet (MSDS) will be required from the supplier of all component materials and precursor/catalyst/ancillary materials used in the production of SRMs developed under this MOU.

3. Certification—NIST will determine and specify what testing must be performed and be the sole reviewer of the adequacy of data used in the qualification of SRMs developed under this MOU. NIST reserves the right to refuse distribution of materials if the data are inadequate. All SRMs developed under this program will be supplied with NIST certification for the properties/characteristics deemed critical to the application.

4. Packaging—NIST will determine for each SRM the appropriate source of packaging, either in-house or contract. Contract packagers will seal the entire shipment in appropriate packages for shipment to NIST.

5. Replenishment—NIST agrees to assume the responsibility for replenishment of stocks for SRMs for which the market is at a level that is financially beneficial to the Standard Reference Materials Program.

6. Program Funding—FDA does not commit to providing any funding or equipment to NIST or any selected SRM producer, or to providing any laboratory effort in the development, characterization, or production of SRMs being developed under this program.

Costs and Pricing

1. Initially, FDA will provide 900 grams of hydroxyapatite (material 1, Appendix A) and 1000 grams of β-Tricalcium Phosphate (material 2, Appendix A) to NIST for use as an SRM. No compensation to FDA is required for this initial supply of material. Monies collected from the sale of the SRMs, which is over and above the cost to produce, characterize and package the materials will be used for additional SRM development.

2. NIST will have final authority over all matters pertaining to pricing policy and for setting the price of individual SRMs.

General

1. SRMs developed in whole or in part by FDA prior to or under this MOU, which remain unsold and are deemed by NIST, to be technologically obsolete or otherwise no longer acceptable as SRMs, may be removed from the NIST inventory without liability for reimbursement to FDA by NIST. If FDA desires such products returned to FDA, NIST will do so at FDA's expense after removal of SRM certification.

2. The official representatives of the respective organizations will be:

FDA: Director Division of Mechanics and Materials Science Office of Science and Technology Center for Devices and Radiological Health

NIST: Chief Standard Reference Materials Program Office of Measurement Services

Effective Dates

1. This MOU will become effective 30 days after being signed by the appropriate authorities at both NIST and FDA. It will remain in effect until terminated.

2. Either NIST or FDA may unilaterally terminate this MOU by providing the other party written notice. It will become ineffective 60 days after such notice is delivered.

Approval/Acceptance

Signed:
D. Bruce Burlington, M.D.
Director, FDA/CDRH
Date: November 19, 1993

Approved:
Peter L.M. Heydemann, PhD.
Director, NIST/Technology Services
Date: January 14, 1994

Concur:
Thomas E. Gills
Chief, NIST/SRMP
Date: January 14, 1994

Appendix A

Purpose:

Development of a series of Calcium-Phosphorous based SRMs for use in determining the composition of mixtures of calcium phosphate based biomaterials or biomaterial coatings.

Proposed Calcium Phosphate Reference Biomaterials

1. $Ca_3(PO_4)_3OH$	Hydroxyapatite	Ca/P=1.67
2. $Ca_3(PO_4)_2$	Tricalcium Phosphate (β)	Ca/P=1.50
3. $Ca_3(PO_4)_2$	Tricalcium Phosphate (amorphous)	CA/P=1.50
4. $Ca_4(PO_4)_2O$	Tetracalcium Phosphate	CA/P=2.0
5. $Ca_3(PO_4)_2$	Tricalcium Phosphate (α)	CA/P=1.50
6. $Ca_2P_2O_7$	Calcium Pyrophosphate (α β γ)	CA/P=1.0
7. CaO	Calcium Oxide	NA
8. $Ca_{10}(PO_4)_5F_2$	Fluorapatite	CA/P=1.67

[FR Doc. 95–11415 Filed 5–8–95; 8:45 am]

BILLING CODE 4160–01–F

[FDA–225–94–6000]

Memorandum of Understanding Between the Food and Drug Administration, the Uniformed Services University of the Health Sciences, and the National Naval Medical Center

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between FDA, the Uniformed Services University of the Health Sciences, and the National Naval Medical Center. The purpose of the MOU is to establish an agreement in support of a clinical investigation program study entitled ''Prevention of Photochemical Retinal Injuries During Extracapsular Cataract Surgery.''

DATES: The agreement became effective August 19, 1993.

FOR FURTHER INFORMATION CONTACT: Sandy Cordes, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3516.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this memorandum of understanding.

Dated: May 2, 1995.

William B. Schultz,

Deputy Commission for Policy.

Memorandum of Understanding Between Uniformed Services University of the Health Sciences and Food and Drug Administration and the National Naval Medical Center, Bethesda, Maryland

I. General

A. The National Naval Medical Center, Bethesda, Maryland, herein referred to as the Naval Activity, has established this agreement for the purpose of conducting clinical investigation in support of education and training and patient care. This program requires collaboration with Uniformed Services University of the Health Sciences, Bethesda, Maryland and the Food and Drug Administration, Rockville, Maryland.

B. It is mutually beneficial to the Naval Activity and to the Uniformed Services University of the Health Sciences and the Food and Drug Administration to allow physicians, dentists, and other support personnel to participate in Navy patient care and research to enhance the quality of patient care and to contribute to their education and training. This agreement is in support of a Clinical Investigation Program study entitled ''PREVENTION OF PHOTOCHEMICAL RETINAL INJURIES DURING EXTRACAPSULAR CATARACT SURGERY.''

II. Understanding

A. Insofar as the Commander deems it appropriate and consonant with this command's basic mission, the Naval Activity will:

1. Provide that all research to be conducted at the Naval Activity will be reviewed and approved in accordance with applicable National Naval Medical Center, Health Sciences Education and Training Command, Chief, Bureau of Medicine and Surgery, Secretary of the Navy, and Department of Defense instructions.
2. Appoint personnel, as deemed appropriate, to participate in clinical investigation in accordance with Federal Personnel Manual (FPM), chapter 213 (appendix C), chapter 53; FPM Supplement 990–1 (subchapter IV) and Navy Civilian Manpower Management Instruction (CMMI) 213 (appendix C).
3. Ensure the credentialing of those physicians, dentists, and scientists, who would be participating in direct patient management.
4. Require that all data accrued/generated at the Naval Activity becomes the property of the Department of the Navy. Upon execution of this Memorandum of Understanding, data may be exchanged between the participating institutions. Any materials compiled or published by the Naval Activity staff, relative to their clinical experience received at the Naval Activity, must clearly state that opinions or assertions contained herein are those of the writer and are not to be construed as official or reflecting the views and opinions of the Department of the Navy.
5. Permit upon request the inspection of appropriate clinical facilities and other research areas by agencies charged with the responsibility for the accreditation of the institution and proper management of said protocols.
6. Determine the efficacy of certain interventions to be effective in decreasing the incidence of photochemical retinal injuries during routine extracapsular cataract surgery.
7. Recruit for study 960 NNMC cataract patients.

B. Uniformed Services University of the Health Sciences will:

1. Provide the names of the physicians, dentists, and scientists who will participate in the research program entitled ''Prevention of Photochemical Retinal Injuries During Extracapsular Cataract Surgery''.
2. Provide instruction, supervision, control, and evaluation of their participants in this research effort.
3. Assist on the clinical trial planning, data management, statistical analysis and interpretations using computing equipment available at USUHS.

C. Food and Drug Administration will:

1. Provide the names of the scientists who will participate in the research program entitled ''Prevention of Photochemical Retinal Injuries During Extracapsular Cataract Surgery''.
2. Provide instruction, supervision, control, and evaluation of their participants in this research effort.
3. Provide optical radiation metrology for the operating microscope, and perform scientific analysis of the data.

III. Liability

Insomuch as National Naval Medical Center, Bethesda and the Food and Drug Administration and the Uniformed Services University of the Health Sciences are instrumentalities of the United States, all claims arising hereunder will be handled in accordance with the Federal Tort Claims Act and all federal health care providers acting within the scope of this Memorandum of Understanding will be covered by the Gonzales Act and the Federal Employees Liability Reform and Tort Compensation Act.

IV.

All inventions conceived or reduced to practice under this Memorandum of Understanding by a government employee shall be reported to the Patent Counsel for each Agency of each government employee. Upon receipt of a disclosure, counsel shall confer, determine who shall prepare the application and decide, subject to review by higher authority, upon a division of royalties. This division shall fairly reflect relative contributions of each agency's employees, the risks and costs incurred, and the ability to proceed with testing and development, including licensing.

V. Reviews

A. This agreement will continue in effect until the termination date as indicated on the DD Form 1144, or until it is canceled or terminated.

B. This agreement will be reviewed annually on the anniversary date and may be modified, cancelled, or renegotiated upon 90 days notice by either party, or earlier by mutual consent. Changes in funding responsibility will be accomplished in accordance with the guidelines of NAVCOMPT Manual, paragraphs 075002 and 075022.

VI. Amendment

It is agreed that the changes to this Memorandum of Understanding, except for dates, must be forwarded to the Naval Health Sciences Education and Training Command, National Naval Medical Center, Bethesda, Maryland 20889–5022 in the form of an amendment signed by authorized agents of the institutions which hold final approval authority. If this Memorandum of Understanding is of the type that must have final approval by the Naval Health Science Education and Training Command, proposed changes are not to be effected without the written approval of the Naval Health Sciences Education and Training Command.

VII. Effective Period

The effective period of this memorandum of understanding shall be from 29 July 1992 to 28 July 1996 and may be renewed without change, except for dates, on a year to year basis upon mutual written agreement of all parties.

VIII. Termination

Termination may be effected by either participating institution upon written notice when deposited in the United States mail and directed to the party, notice being given at the address set forth below.

D. M. Lichtman
RADM, MC, USN
Commander
National Naval Medical Center
Bethesda, Maryland 20889–5000
Date August 19, 1993
(Original signature August 6, 1992)
D. Bruce Burlington, M.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration
Rockville, Maryland 20857
Date August 19, 1993

[FR Doc. 95–11416 Filed 5–8–95; 8:45 am]
BILLING CODE 4160–01–F

Health Resources and Services Administration

Final Review Criteria for Cooperative Agreements for Basic/Core Area Health Education Centers Programs and Model State-Supported Area Health Education Centers Programs for Fiscal Year 1995

The Health Resources and Services Administration (HRSA) announces the final review criteria for fiscal year (FY) 1995 Cooperative Agreements for Basic/Core Area Health Education Centers (AHEC) Programs authorized under section 746(a)(1) and Model State-Supported Area Health Education Centers Programs authorized under section 746(a)(3), title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Public Law 102–408, dated October 13, 1992.

Purpose and Eligibility

In general, an area health education centers program shall be a cooperative program of one or more allopathic or osteopathic medical schools and one or more public or nonprofit private regional area health education centers.

Section 746(a)(1) of the PHS Act authorizes Federal assistance to schools of allopathic or osteopathic medicine which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education centers programs.

To be eligible to receive support for an area health education centers cooperative agreement, the applicant must be a public or nonprofit private accredited school of allopathic or osteopathic medicine or consortium of such schools, or the parent institution on behalf of such school(s).

Section 746(a)(3) authorizes Federal assistance to any school of allopathic or osteopathic medicine that is operating an area health education centers program and that is not receiving financial assistance under section 746(a)(1), title VII of the PHS Act.

The statutory authority for the Model State-Supported AHEC Program contains explicit language regarding activities and agreements between the medical and osteopathic schools which develop AHEC programs and the free-standing, community-based area health education centers which provide training sites and resources for the activities. To accomplish these specific tasks, a system of subcontracts is developed between the health professions schools and the independent AHEC centers in the communities. The principal objective of the legislation for the Model State-Supported AHEC Program is to encourage State coordination and support for AHEC activities.

Review Criteria

The program announcement, published in the **Federal Register** at 59 FR 67303 on December 29, 1994, proposed two additional review criteria for this program. No comments were received during the 30 day comment period. Therefore, the review criteria remain as proposed and are included as the last two criteria in the list below. These review criteria apply to the Basic/Core AHEC Programs, section 746(a)(1) and the Model State-Supported AHEC Programs, section 746(a)(3).

The review of applications will take into consideration the following criteria:

1. The degree to which the proposed project adequately provides for the program requirements set forth in sections 746(a)(1) and 746(a)(3);
2. The capability of the applicant to carry out the proposed project activities in a cost-efficient manner;
3. The extent of the need of the area to be served by the proposed area health education center;
4. The potential of the proposed AHEC program and participating centers to continue on a self-sustaining basis; and
5. The extent to which the proposed project adequately responds to AHEC Program performance measures and outcome indicators.

Additional Information

If additional programmatic information is needed, please contact: Louis Coccodrilli, M.P.H., Acting Chief, AHEC and Special Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9A–25, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6950, FAX: (301) 443–8890.

The Cooperative Agreement for Basic/Core Area Health Education Centers Programs is listed at 93.824 and the Model State-Supported Area Health Education Centers Programs is listed at 93.107 in the Catalog of Federal Domestic Assistance. These programs are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100) or the Public Health System Reporting Requirements.

Dated: May 1, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–11287 Filed 5–8–95; 8:45 am]
BILLING CODE 4160–15–P

Public Health Service

Statement of Organization, Functions, and Delegations of Authority; Office of the Assistant Secretary for Health

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 60 FR 18846, April 13, 1995) is amended to reflect changes in the Office of Management and Budget, Office of the Assistant Secretary for Health.

Office of the Assistant Secretary for Health

Under *Chapter HA, Office of the Assistant Secretary for Health, Section HA–20, Functions,* after the title and statement for the *Office of Management and Budget (HAU), Administrative Services Center (HAU1)* at the end of the statement add:

Carries out the authorities of the PHS Claims Officer under the Federal Claims Collection Act, the Federal Tort Claims Act, and the Military Personnel and Civilian Employees' Claims Act.

Under the Division of Property Management (HAU17) at the end of the statement add:

Administers logistics activities of the PHS to assure a coordinated effort toward achieving the goals and objectives established by the Assistant Secretary for Health.

Under the title Office of Resource Management (HAU4) revise item (10) as follows: (10) monitors financial programs and provides policy and direction for the contract, grant, loan, debt management, and logistics programs of the PHS to assure a coordinated effort toward achieving the goals and objectives established by the Assistant Secretary for Health;

Under the title Division of Grants and Contracts (HAU42) delete the statement and substitute the following:

Division of Grants and Contracts (HAU42)

In the areas of contracts, grants, loans, debt management and logistics, the Director of the Division of Grants and Contracts: serves as the principal advisor within PHS for developing policies, guidelines, and procedures; provides leadership and direction for the optimum utilization of contracts, grants, and loans, as well as the debt management and logistics programs of PHS; reviews and evaluates the effectiveness of established policy and procedures and recommends improvements; provides liaison for PHS with the Office of the Secretary, other Government agencies, and the private sector.

Under the title and statement for the Office of Organization and Management Systems (HAU2), after the title for the Division of Systems Management and Improvement (HAU), delete ''forms, and'' in item #4 and delete ''(a) PHS forms;'' in item (6) and restate the remaining items as (a) through (f) in item (6).

Under Chapter HA, Section HA–30, Delegations of Authority, add the following:

All delegations and redelegations of authority to officers and employees of the OASH which were in effect immediately prior to the effective date of this changes will be continued in effect in them or their successors, pending further redelegations, provided they are consistent with these changes.

Dated: April 30, 1995.

Anthony L. Itteilag,

Deputy Assistant Secretary for Health (Management and Budget).

[FR Doc. 95–11358 Filed 5–8–95; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research

[Docket No. N–95–3919; FR–3913–N–01]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for expedited review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) working days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410, telephone no. (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for expedited processing, and information collection package with respect to the Youth Apprenticeship Program Participant Information Form. HUD is requesting a 7-day OMB review of this information collection.

The Youth Apprenticeship Program (YAP) is funded under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for 1994. The program provides funding to eight public housing authorities (PHAs) that have previously been awarded grants under the HOPE VI program. The purpose of YAP is to provide training, apprenticeship, and employment for youth living in qualified public and assisted housing through the collaborative efforts of Youth Corps and joint labor management organizations. Of the $10 million appropriated to YAP in fiscal year 1994, $250,000 was set aside by Congress to be used for an evaluation of the program.

The planned evaluation for this program has two principal components—(1) Site specific process evaluation; and (2) participant tracking. The first component will involve interviews with Housing Authority, Youth Corps, and apprenticeship organizations at each of the sites to collect initial performance and planning information. The second component, participant tracking, would use the Youth Apprenticeship Program Participation Information Form to collect information about individuals at four phases of the program:

1. Beginning of Youth Corps component.

2. End of Youth Corps/Pre-employment training.

3. Beginning of apprenticeship.

4. Annually during apprenticeship.

A final evaluation of YAP is planned in three to five years using the data collected from the reporting forms as well as additional on-site visits.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35):

(1) the title of the information collection proposal;

(2) the office of the agency to collect the information;

(3) the description of the need for the information and its proposed use;

(4) the agency form number, if applicable;

(5) what members of the public will be affected by the proposal;

(6) how frequently information submission will be required;

(7) an estimate of the total number of hours needed to prepare the information submission including numbers of respondents, frequency of response, and hours of response;

(8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 21, 1995.

Lawrence L. Thompson,

General Deputy Assistant Secretary, Office of Policy Development and Research.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Information Collection Associated with the Youth Apprenticeship Program.

Office: Office of Policy Development and Research.

Description of the Need for Information and its Proposed Use: This information collection is required in connection with the Youth Apprenticeship Program (YAP). The YAP is providing funding to eight public housing authorities (PHAs) that were previously awarded grants under the HOPE VI program. The purpose of YAP is to provide training, apprenticeship, and employment for youth living in qualified public and assisted housing through the collaborative efforts of Youth Corps and joint labor management organizations. This information request would be used for local management and national evaluation purposes. It would require grantees to collect information about individuals at four phases of the program:

1. Beginning of Youth Corps component.

2. End of Youth Corps/Pre-employment training.

3. Beginning of apprenticeship.

4. Annually during apprenticeship.

A final evaluation of YAP is planned in three to five years using the data collected from the reporting forms as well as additional on-site visits.

Form Number: None.

Respondents: Participants and managers in the Youth Apprenticeship Program.

Frequency of Submission: 5 times.

Reporting Burden:

Form	Respondents	No. of respondents	Time to complete	Frequency	Burden hours
Survey	Participants and managers in YAP.	366.7	30 min	5 times over 3 years	920 (184 per submit).

Status: New.

Contact: Todd M. Richardson, HUD, (202) 708–0574, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Part A—Justification

Introduction

The Youth Apprenticeship Program (YAP) is funded under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for 1994. The Youth Apprenticeship Program is providing funding to eight public housing authorities (PHAs) that have been awarded grants under the HOPE VI program. The purpose of YAP is to provide training, apprenticeship, and employment for youth living in qualified public and assisted housing through the collaborative efforts of Youth Corps and joint labor management organizations. Of the $10 million appropriated to YAP in fiscal year 1994, $250,000 was set aside by Congress to be used for an evaluation of the program.

The planned evaluation for this program has two principal components—(1) site specific process evaluation; and (2) participant tracking. The first component will involve interviews with Housing Authority, Youth Corps, and apprenticeship organizations at each of the sites to collect initial performance and planning information. The second component, participant tracking, would require grantees to collect information about individuals at four phases of the program:

1. Beginning of Youth Corps component.

2. End of Youth Corps/Pre-employment training.

3. Beginning of apprenticeship.

4. Annually during apprenticeship.

A final evaluation of YAP is planned in three to five years using the data collected from the reporting forms as well as additional on-site visits. This request for OMB approval focuses on the second component, which would use the Youth Apprenticeship Program Participant Information Form.

A1.0 Circumstances That Make the Collection of Information Necessary

The Youth Apprenticeship program is a unique program that brings together housing authorities, the Youth Corps, and labor management organizations to provide public housing youth the skills and experience believed to be necessary for long-term employment success. Under this program an agreement must be executed by the PHA, an established Youth Corps, a local labor union and a multiemployer association.

Youth Corps, an organization certified by the National Association of Service and Conservation Corps, provides participants with 6- to 12-month structured adult-supervised work and learning experiences and promotes the development of life and employment skills. The labor management organizations, made up of employers and their employees who are represented by a collective bargaining agent, will operate or administer an apprenticeship and/or job training program. The youth participants live in subsidized housing at or near a distressed HOPE VI public housing site. This program brings together job skills, job experience, and job connections into a single program.

The Youth Apprenticeship Program Participation Information Form will provide the tracking information on participant progress during the youth corps and apprenticeship that are vital to identifying the outcomes of this program.

A2.0 How and By Whom the Data Will Be Used

A2.1 Purpose of the Data Collection

The purpose of the data collection is to allow HUD and the grantees to track participant progress in the Youth Apprenticeship Program. The Youth Apprenticeship Program Participation Information Form will provide the ongoing information needed to assess the impacts of the program on the participants.

A2.2 Consequences If the Information Was Not Collected

Congress has appropriated $250,000 specifically for the evaluation of this $10 million demonstration program. YAP represents a unique opportunity to bring together the organizations that house low-income individuals (PHAs), the organizations that provide job training (Youth Corps), skilled trade unions, and employers. If this tracking information is not collected, this opportunity to assess the impact of a job training to job opportunity program for individuals from extremely distressed neighborhoods will be lost.

A3.0 Use of Improved Information Technologies

Improved information technology has been incorporated wherever feasible to

reduce the data collection burden. HUD is currently developing software so that grantees in the YAP program could collect this tracking information directly on computer. The software is also intended to provide useful participant progress information for the grantees.

A4.0 Efforts to Identify Duplication

HUD's Multi-Family Tenant Characteristics (MTCS) database will be used to observe household change for participants in this program. However, specific data about the participants and their progress in the program would only be available through the Youth Apprenticeship Program Participation Information Form

A5.0 Why Similar Already-Available Data Cannot Be Used

There are no similar already-available data about the participants of this program.

A6.0 Effort to Minimize the Burden for Small Entities

HUD is developing software to ease the data collection burden on the Youth Corps grantees. HUD will also provide technical assistance to the grantees to ease the burden of data collection start-up.

A7.0 Consequences of Less Frequent Data Collection

Data are planned to be collected at four different phases of the YAP program:

1. Beginning of Youth Corps component.

2. End of Youth Corps/Pre-employment training.

3. Beginning of apprenticeship.

4. Annually during apprenticeship.

The first phase, the beginning of the youth corps, is the critical baseline data needed from which to measure all interventions. The second phase, immediately following the youth corps component, identifies the youth corps activities and participant progress. The third phase, the beginning of the apprenticeship, collects basic data about the intended apprenticeship. Finally, the fourth phase will capture participant progress each year during the apprenticeship and note the circumstances a participant leaves the program. Less frequent data collection would lose important parts of the story. Each phase of the data collection is targeted to the points in time the program makes a major change.

A8.0 Circumstances Requiring Deviation from Guidelines in 5 CFR 1320.6

No deviation from the Guidelines in 5 CFR 1320.6 will be required for this data collection.

A9.0 Consultants Outside of the Agency

HUD requested comment on a draft of the reporting form from: the National Association of Service & Conservation Corps; Reno, Cavanaugh & Hornig; the Bureau of Apprenticeship and Training, U.S. Department of Labor; seven of the grantees. Comments were received from:

—the Bureau of Apprenticeship and Training, U.S. Department of Labor;
—Atlanta Youth Corps;
—Housing Authority of the City of Los Angeles;
—Seattle Housing Authority;
—Housing Authority of the City of Atlanta; and
—Civic Works—Baltimore's Youth Service Corps.

HUD considered the comments of each of these organizations and revisions were made reflecting most of their comments.

A10.0 Arrangements and Assurances Regarding Confidentiality

As part of the technical assistance component of this data collection effort, HUD will train the organizations collecting the data on maintaining confidentiality. These data, however, will be available to the program managers to assess individual participant progress. For all other purposes, data will only be presented in an aggregate form to assure the confidentiality of individual participants.

A11.0 Sensitive Questions

Some of the categories under ''Barriers to employment or higher paying jobs'' may be sensitive for some respondents. The question, however, provides important baseline information on factors believed to have an impact on individuals ability to obtain a job or improve their job situation. Individuals can choose not to report an item they find too personal.

A12.0 Estimated Costs to the Federal Government

The costs for this data collection are included in (1) the grants to the Housing Authorities (approximately $3,000 each), (2) the software development, and (3) the technical assistance. The estimated cost to the Federal Government is approximately $174,000.

A13.0 Respondent Burden

Each of the eight grantees will have approximately 50 participants in the program. Different phases of the form will have to be completed approximately 6 times for each participant throughout the program. The form should take approximately 30 minutes to administer. Each phase is likely to lose some participants for one reason or another. For estimation purposes, we will use a 5 percent loss at each phase.

Phase 1=400 participants @ 30 minutes=200 hours
Phase 2=400 participants @ 30 minutes=200 hours
Phase 3=380 participants @ 30 minutes=190 hours
Phase 4.1=380 participants @ 30 minutes=190 hours
Phase 4.2=360 participants @ 30 minutes=180 hours

The total respondent burden for this request is estimated to be 920 hours.

A14.0 Reasons for Change in Burden

Not applicable.

A15.0 Tabulation Plans, Statistical Analysis, Study Schedule and Publication

Baseline data from phase 1 will be aggregated and tabulated as part of the process and planning assessment conducted during the Youth Corps phase of the YAP. A report will be produced based on this analysis. During each phase, the grantees will have modules built into their data collection software that will allow them to look at different cross sections of their participants and over time assess individual and aggregate performance. HUD will collect and analyze the national data at each phase. After 3 to 5 years, HUD plans to use the data along with site visits to conduct an in depth evaluation on the preliminary success of the program.

Part B—Sampling and Response

The purpose of the Youth Apprenticeship Program Participation Information Form is to track all program participants over time to determine the impact of the Youth Apprenticeship Program on each participant.

B1.0 Potential Respondent Universe

All participants in the Youth Apprenticeship Program at the eight housing authorities.

B2.0 Statistical Methods

B2.1 Stratification and Sampling Plans

No stratification or sampling plan is necessary, all participants will be included.

B3.0 Methods to Maximize Response Rates

The form will be administered by the organizations managing the program. In order to achieve a high response rate, the form will be filled out in one-on-one discussion between the grantee and the participant. Because (1) participants are required to be in the office for the YAP program and (2) the information required is similar to many job applications, grantees should have little difficulty gaining cooperation from the participants.

B4.0 Results of Pre-Testing

No pre-testing was conducted. However, numerous practitioners provided comment.

B5.0 Statistical Consultations and Information Collection Agents

B5.1 Consultation on the Statistical Aspects of the Design

B5.2 Information Collection Agents

All information for this form will be collected by the YAP grantees. Instructions and technical assistance will be provided by HUD or a contractor it designates.

BILLING CODE 4210–62–M

Youth Apprenticeship Program **U.S. Department of Housing and Urban Development** OMB Approval Number (expires ??/??/95)
Office of Public and Indian Housing

COMPLETE THIS SECTION EACH TIME THE FORM IS COMPLETED

Date Form Completed (mm/dd/yy): _____
Phase: ☐ 1-Intro ☐ 2-End Corps ☐ 3-Appr Intro ☐ 4-Appr Ann

Name of PHA:	PHA Contact Person (Last, First):	Phone:

Last Name of Participant	First Name	Middle	Date of Birth m/d/y	Sex (M/F)	Social Security Number

Street Address	Apt

City	State	Zip Code	Phone	Emergency Contact Person	Contact phone

Participants's Approximate Total Income in Last 12 Months

$ _____

Participant's Source(s) of Income Last 12 Months (check all that apply)
☐ Wage ☐ SSI
☐ Unemployment Benefit ☐ AFDC
☐ General Assistance ☐ child support
☐ Own Business ☐ stipend
☐ other _____

Number of Own Children: _____
Number of children that live with participant: _____

Number of Total Persons in Household: _____
Number of persons in household that work: _____
Is participant head of household: ☐ Yes ☐ No

Non-cash benefits received last 12 months (check all that apply)
☐ Food Stamps ☐ Medicaid
☐ Other _____

Is the participant covered by Health Insurance: ☐Yes ☐No
Who is covered? ☐ self ☐ self and own children
☐ self and other family members

PHASE 1: TO BE COMPLETED AT TIME OF ENROLLMENT IN YOUTH CORP PHASE OF PROGRAM

Date Participant First Entered Youth Corps (mm/dd/yy): Was participant in youth corps before YAP? ☐ Yes ☐ No

Name of Youth Corps:	Youth Corps Contact Person (Last, First):	Phone:

How did participant learn of program: ☐ Newspaper ☐ Flyer ☐ Friend/Neighbor ☐ Family ☐ meeting ☐ other _____

Does the participant have any previous work experience? ☐ Yes ☐ No

Current Employment Status: ☐ Employed, Full Time ☐ Employed, Part Time
☐ Not employed - looking for work
☐ Not employed - not looking for work

Race - mark all that apply
☐ White ☐ Asian/Pacific Islander
☐ Black ☐ Hispanic
☐ American Ind/Alaska Native
☐ Other

If employed, current hourly wage rate: $ _____

If employed, number of months employed in current job:
_____ months

Lives in: ☐ Public Housing ☐ Other subsidized housing
Year moved into subsidized housing _____

If employed, number of hours, on average, working during a week:
_____ Hours

Education - Highest grade completed (mark only 1)
☐ less than 9th grade
☐ 9th to 12th grade, no diploma
☐ High School graduate
☐ GED
☐ some college
☐ Associates Degree
☐ Bachelors Degree or above

Highest hourly wage ever earned:
$ _____

If ever employed, longest period of time held a job:
_____ months

Other Education
☐ vocational or job training program
☐ other _____
☐ none

Number of weeks unemployed during the prior 26 weeks:
_____

Unemployment compensation status:
☐ Claimant ☐ Exhausted ☐ No

Currently enrolled and attending school
☐ Yes ☐ No

If Yes, attending
☐ Full Time ☐ Part Time

Barriers to employment or higher paying job (indicate all that apply): ☐ Pregnant ☐ Homeless ☐ Lack of training or job skills

☐ Limited English Language Proficiency ☐ Ex-offender ☐ Lack of child or dependent care ☐ Lack of transportation ☐ Substance Abuse

☐ Lack of money for expenses ☐ Physical Disability ☐ Mental Disability ☐ Other (specify) _____

PHASE 2: POST YOUTH CORPS PARTICIPATION INFORMATION - TO BE COMPLETED AT END OF YOUTH CORPS AND OTHER TRAINING

Date Youth Corp component completed (mm/dd/yy): (If applicable) Date pre-apprentice training completed (mm/dd/yy):

Primary Youth Corps Activities of Participant (check all that apply)

- ☐ cut and improve trails, plant trees, other nature/landscaping related activities
- ☐ restore recreational facilities or other activities relating to repair of community facilities
- ☐ disaster assistance
- ☐ housing rehabilitation
- ☐ recycling
- ☐ direct service to children, elderly, or other vulnerable population
- ☐ staff for community events (blood drives, parades,...)
- ☐ staff assistance for a community organization
- ☐ other

How many projects has this participant worked on as part of their youth corps participation? _____

Youth Corps Stipend
Start:$ _____ per week End:$ _____ per week

Total Number of Months in Youth Corps Program: _____

Average number of hours per week: _____
Percent of time spent in class: _____%
Percent of time spent working on-site: _____%

Program Outcome

- ☐ Graduated from Youth Corps
- ☐ Left voluntarily
- ☐ Failed to complete related classroom instruction course(s)
- ☐ Was asked to leave
- ☐ Left because essential service was unavailable:(specify) _____
- ☐ Other _____

Date participant left program (mm/yy): _____

Other Training Received During Youth Corps or Before Apprenticeship

Mark the type of training the participant received during the time they have been in the program:

Academic	completed?	Job Skills	completed?	Life Skills	completed?
☐ Math	☐ yes ☐ no	☐ Carpentry	☐ yes ☐ no	☐ Sex Education/Family Planning	☐ yes ☐ no
☐ Reading	☐ yes ☐ no	☐ Plumbing	☐ yes ☐ no	☐ Parenting Skills	☐ yes ☐ no
☐ Language	☐ yes ☐ no	☐ Electrical	☐ yes ☐ no	☐ Leadership Skills	☐ yes ☐ no
		☐ Landscaping	☐ yes ☐ no	☐ Job Interview Skills	☐ yes ☐ no
☐ Attended High School		☐ Maintenance	☐ yes ☐ no	☐ Job Search Skills	☐ yes ☐ no
☐ received diploma		☐ Management	☐ yes ☐ no	☐ Job Retention Skills	☐ yes ☐ no
☐ GED training		☐ Finance	☐ yes ☐ no	☐ Financial/Budgeting Skills	☐ yes ☐ no
☐ received GED		☐ Computers	☐ yes ☐ no	☐ Conflict Resolution Skills	☐ yes ☐ no
☐ Post-secondary courses		☐ Secretarial	☐ yes ☐ no		
☐ Other _____		☐ Other_____		☐ Other _____	

Were any assessment tools used to indicate change in individual's academic skills? ☐ Yes ☐ No
If yes, was any improvement shown? ☐ yes ☐ no

Explain _____

Supportive Services Received

- ☐ Alcohol/Substance Abuse Counseling
- ☐ Case Management/Counseling
- ☐ Transportation
- ☐ Mentoring
- ☐ Health Services
- ☐ Child Care/Dependent Care
- ☐ Other _____

PHASE 3: TO BE COMPLETED AT BEGINNING OF APPRENTICESHIP

Date Apprenticeship Began (mm/dd/yy):_____

Labor Organization Name	Contact (Last, First)	Management Org. Name	Contact (Last, First)

Professional Mentor (Last, First)	Professional Mentor Trade(s)	Phone	

Type(s) of trades to be taught:

- ☐ Carpentry
- ☐ Plumbing
- ☐ Electrical
- ☐ Landscaping
- ☐ General Maintenance
- ☐ Asbestos Removal
- ☐ Other _____
- ☐ Management
- ☐ Finance
- ☐ Computer Repair
- ☐ Computer Programming
- ☐ Secretarial
- ☐ Lead Based Paint Removal

What is the highest wage possible for this apprenticeship?
$ _____ per _____

What is the Beginning Pay?
$ _____ per _____

What is the length of the apprenticeship (in months)?
_____

PHASE 4: TO BE COMPLETED ANNUALLY DURING APPRENTICESHIP UNTIL Participant COMPLETES PROGRAM

Is the participant still in the apprenticeship program? ☐ Yes ☐ No

If Still In Apprenticeship Program

Type(s) of trades learned/practiced in the past 12 months:

☐ Carpentry
☐ Plumbing
☐ Electrical
☐ Landscaping
☐ General Maintenance
☐ Asbestos Removal
☐ Management
☐ Finance
☐ Computer Repair
☐ Computer Programming
☐ Secretarial
☐ Lead Based Paint Removal

☐ Other _____

Did the participant demonstrate skill improvement compared with the previous year? ☐ Yes ☐ No

If yes, which trades did they show improvement?

☐ Carpentry
☐ Plumbing
☐ Electrical
☐ Landscaping
☐ General Maintenance
☐ Asbestos Removal
☐ Management
☐ Finance
☐ Computer Repair
☐ Computer Programming
☐ Secretarial
☐ Lead Based Paint Removal

☐ Other _____

What is the Current Pay? $ _____ per _____

Average hours worked per week?

_____

During the past 52 weeks, how many weeks was the participant without work/unemployed?

_____ weeks

What supportive service in the last year has the participant received?

☐ None
☐ Alcohol/Substance Abuse Counseling
☐ Case Management/Counseling
☐ Transportation
☐ Health Services
☐ Child Care/Dependent Care
☐ Other_____

Overall Level of Participation in apprenticeship:

☐ High, participated in most functions
☐ Medium, participated in some functions
☐ Low, participated in few functions

Current Status

☐ Acceptably progressing
☐ On probation

If No Longer In Apprenticeship Program

Reason for leaving:

☐ Graduated from Apprenticeship program
Achieved journeyman status? ☐ Yes ☐ No
☐ Left voluntarily
☐ Failed to complete related classroom instruction course(s)
☐ Was asked to leave: (reason)

_____

☐ Left because essential service was unavailable:(specify)

_____

☐ Other _____

Date of termination (mm/yy): _____

Total Number of Months in Apprenticeship: _____

Type(s) of trades learned/practiced during overall apprenticeship:

☐ Carpentry
☐ Plumbing
☐ Electrical
☐ Landscaping
☐ General Maintenance
☐ Asbestos Removal
☐ Management
☐ Finance
☐ Computer Repair
☐ Computer Programming
☐ Secretarial
☐ Lead Based Paint Removal

☐ Other _____

Overall Level of Participation in apprenticeship:

☐ High, participated in most functions
☐ Medium, participated in some functions
☐ Low, participated in few functions

What is the participant's current employment status:

☐ Employed ☐ Unemployed ☐ Unknown/Other

If employed, in what type of job is the participant employed?

☐ construction laborer ☐ skilled construction trade ☐ construction management

☐ property maintenance ☐ other (specify): _____

If not employed, the reason why:

☐ continuing education ☐ health

☐ lack of transportation ☐ other (specify): _____

[FR Doc. 95–11314 Filed 5–8–95; 8:45 am]
BILLING CODE 4210–62–C

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–3876; FR–3817–N–02; Docket No. N–95–3877; FR 3855–N–02; and Docket No. N–95–3888; FR–3886–N–03]

Youthbuild: Notice of Funds Availability for Youthbuild Programs Fiscal Year 1995: Notice of Extension of Application Deadline; NOFA for the John Heinz Neighborhood Development Program: Notice of Extension of Application Deadline; and Homeownership of Single Family Homes Program (HOPE 3); Notice of Fund Availability: Notice of Extension of Application Deadline, Need to Resubmit Applications, and Change in Submission Location for Applicants in Oklahoma

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of changes in deadlines and submission location for certain NOFA applications in Oklahoma.

SUMMARY: This notice sets forth a list of NOFAs published by HUD's Office of Community Planning and Development that have imminent application submission deadlines and may be affected by the destruction of HUD's Oklahoma State Office in Oklahoma City, Oklahoma. This notice extends the application due dates for these NOFAs and specifies a new submission location for one of the NOFAs. Applicants that have already submitted an application under the HOPE 3 NOFA to HUD's Office in Oklahoma City should resubmit a copy of their application to the Fort Worth Office, as provided in this notice.

DATES: See Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: Please contact the person listed in the individual NOFA for which an application is to be submitted (see specific publication information under **SUPPLEMENTARY INFORMATION**). For applicants in Oklahoma, contact the following HUD staff in the Fort Worth, Texas Office for assistance: *for the John Heinz NOFA*, contact Kayla Lynd, John Heinz Coordinator, phone (817) 885–5880; and *for the HOPE 3 Program*, contact Will Williamson, HOPE 3 Coordinator, phone (817) 885–5887. For general information about this notice, contact Salvatore Sclafani, Program Analyst, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7208, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1283; or (202) 708–2565 (TDD). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: Due to the destruction of the HUD Office in Oklahoma City, Oklahoma, on April 19, 1995, the Department is announcing new requirements for the submission of applications from applicants in Oklahoma under certain Notices of Funding Availability (NOFAs) previously published in the **Federal Register**. In addition, any applicant under the HOPE 3 NOFA that has already submitted an application to the Oklahoma City office is directed to resubmit its application to HUD's Fort Worth Office, as indicated below in this notice. Photocopies of all of the documentation and materials as originally submitted to the Oklahoma City Office will be acceptable, as long as the applicant also provides proof of submission (e.g., postal or Federal Express receipt). Completed applications may not be submitted by fax.

Although applicants under the Youthbuild NOFA (60 FR 9726, February 21, 1995) and the NOFA for the John Heinz Neighborhood Development Program (60 FR 10438, February 24, 1995) are required to send their applications to HUD Headquarters in Washington, D.C., they have not had the opportunity to be assisted in the completion of their submissions by their State Office in Oklahoma City. In addition, the Department is announcing that applications for the HOPE 3 NOFA that were to be submitted to the Oklahoma City Office should be redirected to the Ft. Worth, Texas Office of the Department. In the case of the HOPE 3 NOFA, persons within Oklahoma that had requested applications or were previous grantees have also been advised directly of the change in location for submission of the applications.

Applicants in Oklahoma who have questions on the preparation of their applications may contact the following HUD staff in the Fort Worth, Texas Office for assistance: for the John Heinz NOFA, contact Kayla Lynd, John Heinz Coordinator, phone (817) 885–5880; and for the HOPE 3 Program, contact Will Williamson, HOPE 3 Coordinator, phone (817) 885–5887. Applicants in Oklahoma who have questions on the preparation of their application for the Youthbuild NOFA may contact Ron Herbert, Youthbuild Coordinator, phone (202) 709–3484.

Accordingly, this notice lists those NOFAs in which the application requirements have been changed as a result of the Oklahoma City tragedy. Changes in the applicable requirements are specified under the heading identifying the affected NOFA. Unless revised by this notice, all other information and requirements applicable to a particular NOFA before the changes announced in this notice remains as previously published.

1. Youthbuild: Notice of Funds Availability for Youthbuild Programs Fiscal Year 1995.

[Docket No. N–95–3876; FR 3817–N–01; published February 21, 1995, at 60 FR 9726]

Application Due Date: May 22, 1995, 4:30 Eastern Time (only for submissions from applicants within Oklahoma; all other applicants remain subject to the original May 8, 1995, deadline)

Submit Application to: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, ATTN: Youthbuild

2. NOFA for the John Heinz Neighborhood Development Program

[Docket No. N–95–3877; FR 3855–N–01; published February 24, 1995, at 60 FR 10438]

Application Due Date: May 26, 1995, 4:30 Eastern Time (only for submissions from applicants within Oklahoma; all other applicants remain subject to the original May 12, 1995, deadline)

Submit Application to: Processing and Control Branch Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, Attn: John Heinz Program

Correction of Deficient Applications

If an application lacks certain technical items or contains a technical error, HUD will notify the applicant that it has 7 calendar days instead of 14 calendar days from the date of notification to cure the technical deficiency.

3. Homeownership of Single Family Homes Program (HOPE 3); Notice of Fund Availability

[Docket No. N–95–3888; FR–3886–N–01, published February 24, 1995, at 60 FR 10446]

Application Due Date: May 8, 1995, 4:30 Central Time (only for submissions from applicants within Oklahoma; all other applicants remain subject to the original April 25, 1995, deadline)

Submit Application to (only applicants within Oklahoma): HUD Texas State Office, of Community Planning and Development, P.O. Box 2905, Fort Worth, TX 76113–2905, ATTN: Will Williamson

Dated: May 4, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 95–11520 Filed 5–5–95; 2:42 pm]

BILLING CODE 4210–29

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–1990–01; N64–92–001P]

Notice of Intent To Prepare an Environmental Impact Statement for the Mule Canyon Project Mining Plan of Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Santa Fe Pacific Gold Corporation Mule Canyon Project Plan of Operations for mining in Lander County, Nevada and notice of scoping period and public meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) as amended, and to 43 CFR Part 3809, the Surface Management Regulations, the Bureau of Land Management (BLM), will be directing the preparation of an Environmental Impact Statement for the proposed development of a new mill facility, tailings impoundment, heap leach facility, five open pits, and ancillary facilities in Lander County, Nevada. The environmental impact statement will be prepared by third party contractor and funded by the proponent, Santa Fe Pacific Gold Corporation. The BLM invites comments and suggestions on the scope of the analysis.

DATES: Scoping meetings will be held on May 24, 1995, from 7–9 p.m. at the Battle Mountain District BLM Office conference room, 50 Bastian Road, in Battle Mountain, Nevada; and on May 25, 1995, from 7–9 p.m. at the Senior Citizens Center, Crescent Valley, Nevada. The purpose of these meetings is to identify issues to be addressed in the EIS, and to encourage public participation in the NEPA process. Representatives of the BLM and Santa Fe Pacific Gold Corporation will be summarizing the Plan of Operations and the anticipated environmental impacts resulting from the project and will be accepting comments from the audience. Additional briefing meetings will be held as appropriate. Written comments on the Plan of Operations and the scope of the EIS will be accepted until close of business, June 26, 1995.

ADDRESSES: Scoping comments may be sent to: USDI–BLM, District Manager, P.O. Box 1420, 50 Bastian Road, Battle Mountain, Nevada, 89820, Attn.: Dave Davis, Mule Canyon Project Manager.

FOR FURTHER INFORMATION CONTACT: Dave Davis, Mule Canyon Project Manager, (702) 635–4000.

SUPPLEMENTARY INFORMATION: Santa Fe Pacific Gold Corporation has recently submitted a proposal to develop a mining facility on the north end of the Shoshone Mountain Range, in Lander County, Nevada, approximately 14 miles east-southeast of Battle Mountain. The proposed mining development will involve the development of five open pits, a heap leach pad, a tailings storage facility, four holding ponds, several solution ponds, milling, processing, and other ancillary facilities. There are currently two disposal plans for over/interburden storage. The no backfill plan entails the construction of 12 overburden facilities (total disturbance 504 acres). The backfill disposal plan entails construction of fourteen facilities, including the backfilling of the Main Pit area (total disturbance 521 acres). Total maximum disturbance under either scenario is expected to be near 2,870 acres. A fence surrounding the project will enclose approximately 6,606 acres.

The BLM has determined through internal scoping that the following issues may be potentially significant and as such will be the focus of the EIS: Minor dewatering associated with mining, water quality and pit water quality after closure, socio-economic impacts to the region, air quality, impacts to range and wildlife resources, cultural and Native American Religious Concerns, reclamation, and cumulative impacts. Additional significant issues to be addressed may arise during the scoping process. Federal, State, and local government agencies and other individuals who may be interested or affected by the BLM's decision on this plan of operations are invited to participate in the scoping process.

Dated: May 1, 1995.

Michael C. Mitchel,

Acting District Manager.

[FR Doc. 95–11391 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–HC–M

[UT–920–95–1320–01]

Utah and Colorado: Uinta Southwestern Utah Regional Coal Team Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of regional coal team meeting.

SUMMARY: In accordance with the responsibilities outlined in the Federal Coal Management Regulations (43 CFR Part 3400), the Regional Coal Team (RCT) for the decertified Uinta Southwestern Utah Federal Coal Production Region will hold a meeting to discuss and make recommendations concerning coal leasing and development in the Region. The RCT will review pending coal lease applications under the ''Leasing by Application'' (LBA) program and discuss any additional coal-related activities appropriate at this time. Members of the public, coal companies, and interested agencies are invited to make comments at the meeting.

SUPPLEMENTARY INFORMATION: A total of six coal lease applications are pending in the region, including five in Utah, and one in Western Colorado. The RCT will be reviewing the applications, and, where appropriate, making recommendations to the BLM concerning processing the applications. Pending applications in the Region include:

State	Applicant	Coal field	Est. acreage
Utah	Coastal States Energy	Wasatch Plateau	2,020
	Sage Point Coal Co	Book Cliffs	1,104
	PacifiCorp Electric Oper	Wasatch Plateau	7,865
	Genwal Coal Co	Wasatch Plateau	4,052
	Cyprus Western Coal	Book Cliffs	2,300
Colorado	Mountain Coal [1]	Paonia/Summerset	2,276

[1] Tract scheduled for sale in Denver, Colorado, May 15, 1995.

DATES: The Regional Coal Team meeting will be June 8, 1995, at 1:00 p.m.

ADDRESSES: The meeting will be held at the Bureau of Land Management, Utah State Office, Conference Room, No. 302, 324 South State Street, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Uinta Southwestern Utah Coal Project Manager, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah, 84145–0155 (Telephone 801–539–4038).

Dated: May 2, 1995.

G. William Lamb,

Associate State Director, Utah.

[FR Doc. 95–11397 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–DQ–M

Bureau of Reclamation

Draft Environmental Impact Report/ Environmental Impact Statement on the Western Suisun Marsh Salinity Control Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation.

SUMMARY: The Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) are canceling plans to continue work under the National Environmental Policy Act and the California Environmental Quality Act on the environmental impact report/ environmental impacts statement (EIR/ EIS) for the Western Suisun Marsh Salinity Control Project (Project), Plan of Protection for the Suisun Marsh, Phases III and IV. The EIR/EIS is being cancelled because it is unlikely that additional large-scale facilities are necessary for controlling salinity in the Suisun Marsh due to the provisions in the December 1994 draft Delta water quality control plan.

FOR FURTHER INFORMATION CONTACT: Mr. Will Keck, Mid-Pacific Region, Bureau of Reclamation, Attention: MP–401, 2800 Cottage Way, Sacramento, CA 95825–1898; telephone: (916) 979–2321; or Mr. Dwight P. Russell, Environmental Services Office, California Department of Water Resources, 3251 S Street, Sacramento, CA 95816–7017; telephone: (916) 227–7529.

SUPPLEMENTARY INFORMATION: The notice of intent was published in 55 FR 47481, Nov. 13, 1990. The Project was aimed at lowering channel water salinity in the western portion of the Suisun Marsh. The construction of several ditches and culverts were being studied as part of the proposed action. With the release in December 1994 of the draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, and DWR's estimate of resulting salinity conditions in the Suisun Marsh, it is unlikely that additional large-scale facilities will be necessary for salinity control in the Suisun Marsh. DWR and Reclamation will evaluate if additional actions are needed for meeting western Suisun Marsh channel water salinity standards after the Suisun Marsh Ecological Work Group completes evaluating the basis for Suisun Marsh standards and recommends new standards.

Dated: April 17, 1995.

Dan M. Fults,

Acting Regional Director.

[FR Doc. 95–11350 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–94–P

Fish and Wildlife Service

Availability of Environmental Assessments/Habitat Conservation Plans and Receipt of Applications for Incidental Take Permits for Construction of Single-Family Residences Within Travis County, TX

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Bette Craddock Pressler (Applicant) has applied to the Fish and Wildlife Service (Service) for incidental take permits pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permits, which are for a period of 5 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction on one single-family residence on each lot within Travis County, Texas. The Applicant has been assigned the following permit numbers: Lot number 6—PRT–800439, Lot number 5—PRT–800438, Lot number 4—PRT–800440, Lot number 3—PRT–800441, Lot number 1—PRT–800442, and Lot number 2—PRT–800443.

The Service has prepared the Environmental Assessments/Habitat Conservation Plans (EA/HCP's) for the incidental take applications. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and EA/HCP should be received by June 8, 1995.

ADDRESSES: Persons wishing to review the application(s) may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87102. Persons wishing to review the individual EA/HCP(s) may obtain a copy by contacting Joseph E. Johnston or Alma Barrera, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Hartland Bank Building, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (9:00 to 4:30). Written data or comments concerning the application(s) and EA/HCP(s) should be submitted to the Acting Field Supervisors, Ecological Services Field Office, Austin, Texas (see **ADDRESSES** above). Please refer to applicable Permit Numbers when submitting comments.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Johnston or Alma Barrera at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Bette Craddock Pressler plans to construct single-family residences on Lots 1–6 on Red Bud Trail, West Lake Hills, Austin, Travis County, Texas. This action will eliminate less than one-half acre of land and indirectly impact less than one additional acres of golden-cheeked warbler habitat per residence. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing $1,500 for each residence in the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because selling or not developing the subject property with

federally listed species present was not economically feasible.

John E. Cross,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–11352 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–55–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–167 (Sub–No. 1145X)]

Consolidated Rail Corporation—Abandonment Exemption—Philadelphia, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Consolidated Rail Corporation (Conrail) of the 1.64-mile ''City Branch'', between milepost 0.66 at the east side of Broad Street, and milepost 2.3 at the east side of 30th Street, in Philadelphia, Philadelphia County, PA. The exemption is subject to trail use, public use, historic preservation, and labor protective conditions.

DATES: The exemption will be effective May 26, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Statements of intent to file an OFA under 49 CFR 1152.27(c)(2), requests for a notice of interim trail use/rail banking under 49 CFR 1152.29, petitions to stay, requests for a public use condition under 49 CFR 1152.28, and petitions to reopen must be filed by May 22, 1995.

ADDRESSES: An original and 10 copies of all pleadings, referring to Docket No. AB–167 (Sub-No. 1145X), must be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of all pleadings must be served on John J. Paylor, Consolidated Rail Corporation, 2001 Market Street, 16A, Philadelphia, PA 19101.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the decision, write to, call or pick up in person from Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing-impaired is available through TDD services at (202) 927–5721.]

Decided: May 1, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–11363 Filed 5–8–95; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA No. 132P]

Controlled Substances: Proposed 1995 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration.

ACTION: Notice of proposed revised aggregate production quotas for 1995.

SUMMARY: This notice proposes revised 1995 aggregate production quotas for controlled substances in Schedules I and II, as required under the Controlled Substances Act of 1970.

DATES: Comments or objections should be received on or before June 8, 1995.

ADDRESSES: Send comments or objections to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attn: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug & Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the DEA pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

The Administrator, in turn, has redelegated this function to the Deputy Administrator of the DEA by § 0.104 of Title 28 of the Code of Federal Regulations.

On October 20, 1994, a notice of the 1995 established aggregate production quotas was published in the **Federal Register** (59 FR 52991). The notice stipulated that the Deputy Administrator of the DEA would adjust the quotas in early 1995 as provided for in Title 21, Code of Federal Regulations, § 1303.23(c). These aggregate production quotas represent those amounts of controlled substances that may be produced in the United States in 1995 and do not include amounts which may be imported for use in industrial processes.

The proposed revisions are based on a review of 1994 year-end inventories, 1994 disposition data submitted by quota applicants, estimates of the medical needs of the United States submitted to the DEA by the Food and Drug Administration and other information available to the DEA.

Therefore, under the authority vested in the Attorney General by section 306 of the CSA of 1970 (21 U.S.C. 826), delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator by § 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator of the DEA hereby proposes the following changes in the 1995 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous acid or base.

Basic class	Previously established 1995 aggregate production quotas	Proposed revised 1995 aggregate production quotas
Schedule I:		
Acetylmethadol	2	7
Alphacetymethadol	0	5
Aminorex	2	7
Bufotenine	10	10
Cathinone	4	9
Difenoxin	14,000	14,000

Basic class	Previously established 1995 aggregate production quotas	Proposed revised 1995 aggregate production quotas
Dihydromorphine	0	5
2,5-Dimethylamphetamine	15,650,000	15,650,000
Dimethylamphetamine	2	7
Ethylamine analog of Phencyclidine	0	5
N-Ethylamphetamine	4	9
Lysergic acid diethylamide	41	56
Mescaline	2	7
Methaqualone	2	7
Methcathinone	9	14
4-Methoxyamphetamine	12	17
4-Methylaminorex	2	2
3,4-Methylenedioxyamphetamine	12	17
3,4-Methylenedioxy-N-ethylamphetamine	2	27
3,4-Methylenedioxymethamphetamine	12	17
3-Methylfentanyl	12	14
Normethadone	0	5
Normorphine	2	7
Tetrahydrocannabinols	35,000	35,000
Thiophene Analog of Phencyclidine	10	10
Schedule II:		
Alfentanil	7,000	7,000
Amobarbital	5	15
Amphetamine	1,026,100	1,026,100
Cocaine	550,000	550,000
Codeine (for sale)	67,312,000	67,312,000
Codeine (for conversion)	16,181,000	16,181,000
Desoxyephedrine	900,000	1,154,000
(1,138,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product and 16,000 grams for methamphetamine)		
Dextropropoxyphene	124,012,000	124,012,000
Dihydrocodeine	202,000	100,000
Diphenoxylate	688,000	346,000
Ecgonine (for conversion)	650,000	650,000
Ethylmorphine	0	10
Fentanyl	76,000	52,000
Hydrocodone	8,474,000	8,474,000
Hydromorphone	404,000	404,000
Isomethadone	0	10
Levo-alpha-acetylmethadol	200,000	200,000
Levorphanol	8,000	8,000
Meperidine	8,637,000	9,521,000
Methadone	3,779,000	3,779,000
Methadone (for conv)	364,000	364,000
Methadone Intermediate (for sale)	300,000	0
Methadone Int. (for conv)	4,393,000	4,393,000
Methylphenidate	8,886,000	10,410,000
Morphine (for sale)	7,612,000	7,612,000
Morphine (for conv)	78,105,000	78,105,000
Noroxymorphone (for sale)	21,000	21,000
Noroxymorphone (for conv)	3,500,000	3,500,000
Opium	1,118,000	1,304,000
Oxycodone (for sale)	3,613,00	4,254,000
Oxycodone (for conv)	23,000	25,500
Oxymorphone	9,200	10,200
Pentobarbital	15,706,000	15,706,000
Phencyclidine	52	72
Phenylacetone (for conv)	3,528,000	3,528,000
1-Phenylcyclohexylamine	0	10
1-Piperidinocyclohexanecarbonitrile	0	10
Secobarbital	480,000	322,000
Sufentanil	1,600	1,600
Thebaine	9,383,000	9,383,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above mentioned substances without filing comments or objections regarding the others. If a person believes that one or more of these issues warrant a hearing, the individual should so state and summarize the reasons for this belief.

In the event that comments or objections to this proposal raise one or more issues which the Deputy Administrator finds warrant a hearing, the Deputy Administrator shall order a public hearing by notice in the **Federal**

Register, summarizing the issues to be heard and setting the time for the hearing.

The Office of Management and budget has determined that notice of aggregate production quotas are not subject to centralized review under Executive Order 12866.

Rules establishing aggregate production quotas for controlled substances in Schedules I and II are required by statute, fulfill United States obligations under the Single Convention on Narcotic Drugs, 1961, and other international treaties, and are essential to a criminal law enforcement function of the United States. Without the periodic establishment and adjustment of aggregate production quotas, pharmaceutical manufacturers in the United States could not lawfully produce a wide variety of medically necessary pharmaceutical drugs.

These actions have been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that this matter raises no Federalism implications which would warrant the preparation of a Federalism Assessment.

The Deputy Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment and revision of annual production quotas for Schedules I and II controlled substances is mandated by law and by the international obligations of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: May 3, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–11370 Filed 5–8–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Surveys of the Federal Family and Medical Leave Act

AGENCY: Office of the Secretary, Labor.

SUMMARY: The Director, Office of Information Resources Management Policy, invites comments on the following proposed expedited review information collection request as required by the Paperwork Reduction Act of 1980, as amended.

DATES: This expedited review is being requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 26, 1995.

ADDRESSES: Written comments should be addressed to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, 725 17th St., NW., Room 10235, New Executive Office Building, Wash., DC 20503. Requests for copies of the proposed information collection request should be addressed to Kenneth A. Mills, Department of Labor, 200 Constitution Ave., NW Room N–1301, Wash., DC 20210.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Mills, (202) 219–5095. Individuals who use a telecommunications device for the deaf (TTY/TDY) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested persons 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 the agency's ability to performs its statutory obligations.

The Director, Office of Information Resource Management Policy, publishes this notice simultaneously with the submission of this request to OMB. This notice contains the following information:

Type of Review: EXPEDITED

Title: Commission on Leave Survey of Businesses on the Impact of the Federal Family and Medical Leave Act (and an embedded study of employees)

Frequency of Response: One-time

Affected Public: Individuals or households; Business or other for-profit

Survey	Respond-ents	Average time per response	Total hours
Employer	1,200	65 minutes	1,300
Case Studies	6	4 hours	24
Employee	400	10 minutes	67

Total Annual Burden Hours: 1,391

Respondents obligation to reply: Voluntary

Description: Title III of the Federal Family and Medical Leave Act of 1993 FMLA) established a bipartisan Commission on Leave (the Commission) to conduct a comprehensive study and to submit a report to Congress on mandatory and voluntary policies relating to family leave and temporary medical leave.

The Commission is to conduct a comprehensive study and to report its findings to Congress not later than two years after the date the Commission first met which was held on November 10, 1993.

The Commission plans to survey a random sample of employers who are covered and not covered by the provisions of the FMLA and a sample of employees who are covered and not covered by the provisions of the FMLA and who have taken family and medical leave. The data collected will be used primarily for reporting to the Congress in the Final report due November 1995.

Type of Review: EXPEDITED

Title: Commission on Leave Survey of Employee on the Impact of the Federal Family and Medical Leave Act

Frequency of Response: One-time

Affected Public: Individuals or households

Survey	Respond-ents	Average time per response	Total hours
Employee Leave Takers	260	10 minutes	43.3
Employee Leave Needers	2,600	5 minutes	216.6

Total Annual Burden Hours: 260

Respondents obligation to reply: Voluntary

Description: Title III of the Federal Family and Medical Leave Act of 1993 FMLA) established a bipartisan Commission on Leave (the Commission) to conduct a comprehensive study and to submit a report to Congress on mandatory and voluntary policies relating to family leave and temporary medical leave. The Commission is to conduct a comprehensive study and to report its findings to Congress not later than two years after the date the Commission first met which was held on November 10, 1993.

The Commission plans to survey a random sample of employers who are covered and not covered by the provisions of the FMLA and who have taken family and medical leave. The data collected will be used primarily for reporting to the Congress in the Final report due November 1995.

Dated: Signed at Washington, D.C. this 2nd day of May 1995.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 95–11412 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of April, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,785; The American Tobacco Co., Chester, VA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–30,853; C & S Supply Co., Kermit, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–30,816; Whitestone Products, Inc., Piscataway, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,767; Fairchild Fasteners USA, Fairchild Industry, City of Industry, CA

The investigation revealed that criterion (2) and (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–30,748; Halbar Enterprises, Falmouth, ME

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–30,805; I. Appel Corp., Formit Rogers Div., McMinnville, TN

A certification was issued covering all workers separated on or after February 22, 1994.

TA–W–30,817; I. Appel Corp., Formit Rogers Div., Lafayette, TN

A certification was issued covering all workers separated on or after March 2, 1994.

TA–W–30,742; Advanced Imaging Technology, Inc., Toms River, NJ

A certification was issued covering all workers separated on or after February 3, 1994.

TA–W–30,927; Midessa Drilling Co., Midland, TX

A certification was issued covering all workers separated on or after February 2, 1995.

TA–W–30,830; Modoc Lumber Co., Klamath Falls, OR

A certification was issued covering all workers separated on or after March 7, 1994.

TA–W–30,747; Kay Lunn Sportswear, Inc., Palestine, TX

A certification was issued covering all workers separated on or after February 2, 1994.

TA–W–30,745; Therma. Laminates Corp., Stevenson, WA

A certification was issued covering all workers separated on or after January 22, 1994.

TA–W–30,794; Western Cabinet & Mill Work, Inc., Woodinville, WA

A certification was issued covering all workers separated on or after February 22, 1994.

TA–W–30,776; M–I Drilling Fluids Co., Anchorage, AK

A certification was issued covering all workers separated on or after January 31, 1994.

TA–W–30,774; Cleveland Twist Drilling Co., Cranston, RI

A certification was issued covering all workers separated on or after February 13, 1994.

TA–W–30,899, TA–W–30,900; Al Tech Speciality Steel Corp., Dunkirk, NY, Watervliet, NY

A certification was issued covering all workers separated on or after February 7, 1994.

TA–W–30,769; A & B; Chevron Pipe Line Co., Crane, TX & Operating at Various Locations in the State of TX and New Mexico

A certification was issued covering all workers separated on or after February 14, 1994.

TA–W–30,854; Reed Travel Group, Airline Div., Oakbrook, IL

A certification was issued covering all workers separated on or after March 13, 1994.

TA–W–30,942; Progroup, Inc (Duckster Apparel), Jasper, GA

A certification was issued covering all workers separated on or after April 12, 1994.

TA–W–30,778; General Cable Corp., Formerly Carol-Woonsock Div., Woonsocket, RI

A certification was issued covering all workers separated on or after February 15, 1995.

TA–W–30,858; Teledyne Fluid Systems, Palisades Park, NJ

A certification was issued covering all workers separated on or after March 9, 1994.

TA–W–30,832; Scotty's Fashions, Lewistown, PA

A certification was issued covering all workers separated on or after March 7, 1994.

TA–W–30,842; Kresgeville Manufacturing, Inc., Kresgeville, PA

A certification was issued covering all workers separated on or after March 8, 1994.

TA–W–30,777; Goody Products (ACE Comb), Booneville, AR

A certification was issued covering all workers separated on or after February 15, 1994.

TA–W–30,839; Dillon Manufacturing Co., Inc., Mayfield, KY

A certification was issued covering all workers separated on or after March 8, 1994.

TA–W–30,872; United Merchants & Manufacturers, Inc., Buffalo Mill, Buffalo, SC

A certification was issued covering all workers separated on or after March 19, 1994.

TA–W–30,904; Alliant Techsystems, Inc., Kenvil, NJ

A certification was issued covering all workers separated on or after March 30, 1994.

TA–W–30,807 & A; Saba Petroleum Co., Irvine, CA & Saba Energy of Texas, Edmond, OK & Operating at Various Locations in the Following States B; CA, C; CO, D; MI, E; OK, F; TX

A certification was issued covering all workers separated on or after January 27, 1994.

TA–W–30,821; Brenda's Sportswear, Rock Island, TN

A certification was issued covering all workers separated on or after February 8, 1994.

TA–W–30,905; Mitchell Energy Corp., Exploration & Production Div., Midland, TX

A certification was issued covering all workers separated on or after March 27, 1994.

TA–W–30,834; Sonat Exploration Co., Houston, TX

A certification was issued covering all workers separated on or after February 22, 1994.

TA–W–30,836; American Oil & Gas Amarillo, TX

TA–W–30,837; American Oil & Gas Processing Div., Pampa, TX

TA–W–30,837A; American Oil and Gas Gathering Div., Pampa, TX

A certification was issued covering all workers separated on or after March 7, 1994.

TA–W–30,823; The Leslie Fay Co., Inc., Dress Div. Which Includes Andy Fashions, Downing Garment, Glen Lyon Garment, Kingston Fashions, Pittston Fashions, Throop Fashions and Ricky Fashions at Route 315, Wilkes-Barre, PA and

TA–W–30,824; The Hanover Facility, Hanover Industrial Estates, Wilkes-Barre, Luzerne County, PA

TA–W–30,824A; the Laflin Boro Facility, Wilkes Barre, Luzerne County, PA

TA–W–30,824B; Julie Fashions II—Sports Div., Tuscarora, PA

A certification was issued covering all workers of the above mentioned companies separated on or after March 1, 1994.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of April 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased;

(C) that the increase in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

NAFTA–TAA–00392; General Mills, Inc., CFTO-South Chicago Plant, Chicago, IL

The investigation revealed that criteria (3) and (4) were not met. There was no shift of production from the subject plant to Mexico or Canada during the period under investigation. A survey of major customers of General Mills revealed that customers which imported ready-to-eat breakfast cereal from Canada or Mexico relied on imports for a very minor proportion of their total needs for this product line.

NAFTA–TAA–0038964; General Electric Co., Murfreesboro, TN

The investigation revealed that criteria (3) and (4) were not met. There was no shift of production from the subject facility to Mexico or Canada during the period under investigation. Major customers of the subject firm who were surveyed regarding their purchases of appliance motors all reported that they did not import the product in question of Mexico or Canada.

NAFTA–TAA–00391; Raytheon Engineers & Constructors, Inc., Richland, WA

The investigation revealed that the workers of Raytheon Engineers & Constructors, Inc., Richland, WA do not produce an article within the meaning of of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–00402; Johnson Controls Battery Group, Inc., Garland, TX

The investigation revealed that criteria (3) and (4) were not met. The investigation revealed that Johnson Controls decided to close the Garland Texas plant due to the Loss of a major customer.

NAFTA–TAA–00401; Stewart Warner Instruments Corp., Automotive Gauges & Aftermarket, El Paso, TX

The investigation disclosed that workers at the El Paso, TX facility provided support services related to the overseas production of gauges. The provision of services supporting production that occurs outside the US cannot be used as the basis for certification under the terms of the Trade Act of 1974, as amended.

NAFTA–TAA–00403; Trans World Airlines, Inc., Kansas City Overhaul Base, Kansas City, MO

The investigation revealed that the workers of the subject firm do not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–00383; Goody Products, Inc., Ace Comb Co., Booneville, AR

The investigation revealed that criteria (3) and (4) were not met. A survey of major customers revealed that customers did not import hair accessories from Canada or Mexico.

NAFTA–TAA–00405; Paragon Trade Brands, Inc., City of Industry, CA

The investigation revealed that criteria (3) and (4) were not met. Surveys conducted with major customers revealed that they do not import articles like or directly competitive with disposable baby diapers.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–00420; ITT Automotive Body Systems Div., Roscommon, MI

A certification was issued covering all workers of at ITT Automotive, Body Systems Div., Roscommon, MI separated on or after March 23, 1994.

NAFTA–TAA–00398; Hancock Lumber, Inc., Diamond Pacific Milling & Dry Kilns, Inc., Salem, OR

A certification was issued covering all workers at Hancock Lumber Inc., Diamond Pacific Miling & Dry Kilns, Inc., Salem, OR separated on or after March 16, 1994.

NAFTA–TAA–00400; Takata Fabrication Corp., Piqua, OH

A certification was issued covering all workers at Takata Fabrication Corp., Piqua, Oh separated on or after March 20, 1994.

NAFTA–TAA–00399; Teledyne Fluid Systems, Div. of Teledyne Industries, Inc., Palisades, NJ

A certification was issued covering all workers at Teledyne Fluid Systems, Div. of Teledyne Industries, Inc., Palisades, NJ separated on or after March 16, 1994.

NAFTA–TAA–00390; Universal Medical Instrument Corp., Ballston Spa, NY

A certification was issued covering all workers of Universal Midical Instrument Corp., Ballston Spa, NY separated on or after March 10, 1994.

NAFTA–TAA–00396; Voyager Emblems, Inc., Sanborn, NY

A certification was issued covering all workers of Voyager Emblems, Inc., Sanborn, NY separated on or after March 16, 1994.

NAFTA–TAA–00404; Dobie Industries, Inc., Edgecombe Manufacturing Tarboro, NC

NAFTA–TAA–00404A; Dobie Industries, Inc., Wilson Apparel Co., Inc., Wilson, NC

A certification was issued covering all workers of Dobie Industries, Inc., Edgecombe Manufacturing and Wilson Apparel Co., Inc., Tarboro, NC and Wilson, NC separated on or after March 20, 1994.

I hereby certify that the aforementioned determinations were issued during the months of April, 1995. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Cosntitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 2, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11413 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of: ARCO Oil and Gas Company:

TA–W–29,431 Atlantic Richfield Company, Dallas, Texas
TA–W–29,431A ARCO Natural Gas Marketing, Dallas, Texas a/k/a Vastar Marketing, Inc.
TA–W–29,431B ARCO Natural Gas Marketing, Houston, Texas a/k/a Vastar Marketing, Inc.
TA–W–29,432 ARCO Oil and Gas Company a/k/a Atlantic Richfield Company, ARCO Permian, Midland, Texas and operating in the following States:
TA–W–29,432A Colorado
TA–W–29,432B Kansas
TA–W–29,432C Michigan
TA–W–29,432D New Mexico
TA–W–29,432E Oklahoma
TA–W–29,432F Texas
TA–W–29,432G Wyoming
TA–W–29,433 Atlantic Richfield Company, Houston, Texas and operating in the following States:
TA–W–29,433A Arkansas
TA–W–29,433B Alabama
TA–W–29,433C Louisiana
TA–W–29,43D Texas, ARCO Western Energy
TA–W–29,434 Bakersfield, California
TA–W–29,434A California, except Bakersfield
TA–W–29,435 ARCO Exploration and Production Technology, Plano, Texas

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of the subject firm on April 13, 1994. The notice was published in the **Federal Register** on May 11, 1994 (59 FR 24483).

The Certification was amended on June 20, 1994 to include workers in other locations of ARCO Permian and for ARCO Western Energy. The Certification was subsequently on August 22, 1994 to include all workers of ARCO Natural Gas Marketing in Dallas, Texas and Houston, Texas. The Certification was amended again on April 13, 1995 to show that ARCO Natural Gas Marketing has changed its name to Vastar Gas Marketing, Inc.

At the request of the State Agency, the Department has again reviewed its Certification for workers of the subject firm. New information shows that the workers of ARCO Permian have had their wages reported to a separate unemployment insurance (UI) tax account under the name of Atlantic Richfield Company.

Accordingly the Department is amending its certification to reflect the proper worker group.

The amended notice applicable to TA–W–29,431 through TA–W–29,435 is hereby issued as follows:

All workers of ARCO Oil and Gas Company at the following locations: Atlantic Richfield company, Dallas, Texas (TA–W–29,431); ARCO Natural Gas Marketing, a/k/a Vastar Marketing, Inc., Dallas, Texas and Houston, Texas; ARCO Oil and Gas Company, a/k/a Atlantic Richfield Company, ARCO Permian, Midland, Texas (TA–W–29,432) and operating in the following states: Colorado, Kansas, Michigan, New Mexico, Oklahoma, Texas and Wyoming; Atlantic Richfield Company, Houston, Texas (TA–W–29,433) and operating in the following states: Arkansas, Alabama, Louisiana and Texas; ARCO Western Energy, Bakersfield, California (TA–W–29,434) and California except Bakersfield and ARCO Exploration and Production Technology, Plano, Texas (TA–W–29,435) who became totally or partially separated from employment on or after February 21, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27 day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustments Assistance.

[FR Doc. 95–11401 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–29,522]

Bull HN Information Systems, Inc.; a/k/a Wang Laboratories, Inc., Billerica, Massachusetts and Various Field Offices in the Following States; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–29,522A ALA
TA–W–29,522B ARK
TA–W–29,522C ARIZ
TA–W–29,522D CAL
TA–W–29,522E COLO
TA–W–29,522F CON
TA–W–29,522G FLA
TA–W–29,522H GA
TA–W–29,522I IA
TA–W–29,522J ILL
TA–W–29,522K IND
TA–W–29,522L KS
TA–W–29,522M KY
TA–W–29,522N LA
TA–W–29,522O MASS
TA–W–29,522P MD
TA–W–29,522Q ME
TA–W–29,522R MI
TA–W–29,522S MN
TA–W–29,522T MO
TA–W–29,522U MS
TA–W–29,522V N.C.
TA–W–29,522W N.D.
TA–W–29,522X NE
TA–W–29,522Y N.H.
TA–W–29,522Z N.J.
TA–W–29,522AA N.M.
TA–W–29,522AB NEV
TA–W–29,522AC NEW YORK
TA–W–29,522AD OHIO
TA–W–29,522AE OKLA
TA–W–29,522AF OREGON
TA–W–29,522AG PENNA
TA–W–29,522AH P. RICO
TA–W–29,522AI R.I.
TA–W–29,522AJ S.C.
TA–W–29,522AK TN
TA–W–29,522AL TEXAS
TA–W–29,522AM UTAH
TA–W–29,522AN VA
TA–W–29,522AO VT
TA–W–29,522AP WA
TA–W–29,522AQ WI

Bull HN Information Systems, Inc. a/k/a Wang Laboratories, Inc.

TA–W–29,522ZA Lawrence, Massachusetts
TA–W–29,522ZB Brighton, Massachusetts

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on August 19, 1994, applicable to all workers of Bull HN Information Systems, Inc., engaged in employment related to the production of computers in Billerica, Lawrence, and Brighton, Massachusetts. The notice was published in the **Federal Register** on September 2, 1994 (59 FR 45712).

The certification was subsequently amended October 17, 1994, to include various field offices. The amended notice was published in the **Federal Register** October 25, 1994 (59 FR 53673).

The Department has been notified by the company that on January 31, 1995, Bull HN Information Systems sold its Customer Services and Administrative Services to Wang. Bull HN employees working in these organizations transferred to Wang as part of that sale.

The intent of the Department's certification is to include all workers of Bull HN Information Systems, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–29,522 is hereby issued as follows:

All workers of Bull HN Information Systems, Inc., a/k/a Wang Laboratories, Inc., Billerica, Massachusetts; Lawrence, Massachusetts, and Brighton, Massachusetts and at various field offices in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Washington, and Wisconsin engaged in employment related to the production of computers who became totally or partially separated from employment on or after February 4, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11398 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–29,776]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the Matter of: Harbour Casuals, Incorporated, Plains, PA and TA–W–29,776A Roxanne of Pennsylvania, Wilkes-Barre, PA; TA–W–29, 776B Tamac Manufacturing, Tamaqua, PA.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 8, 1994, applicable to all workers of the subject firm engaged in employment related to the production of ladies' sportswear and swimwear at Harbour Casuals, Inc., Plains, Pennsylvania. The certification notice was published in the **Federal Register** on June 24, 1994 (59 FR 32716).

The certification was subsequently amended on December 5, 1994 to include the workers of Roxanne of Pennsylvania whose production was integrated with Harbour Casuals.

At the request of the Hazleton-Wyoming Valley District Council of the International Ladies' Garment Workers Union (ILGWU), the Department reviewed the subject certification to determine whether the workers of Tamac Manufacturing in Tamaqua, Pennsylvania should be included.

The findings show that Harbour Casuals, Roxanne of Pennsylvania and Tamac Manufacturing have a common ownership and production at Tamac Manufacturing is integrated with that of Harbour Casuals. Tamac Manufacturing experienced decreased production in 1994 compared to 1993 and will cease all production of ladies' sportswear in May, 1995. Worker separations have occurred in 1994 and 1995.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports of ladies' sportswear and swimsuits. Accordingly, the Department is amending the certification to include workers at Tamac Manufacturing in Tamaqua, Pennsylvania.

The amended notice applicable to TA–W–29,776 is hereby issued as follows:

All workers of Harbour Casuals, Inc., in Plains, Pennsylvania; Roxanne of Pennsylvania in Wilkes-Barre, Pennsylvania and Tamac Manufacturing in Tamaqua, Pennsylvania who became totally or partially separated from employment on or after April 11, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11402 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,846]

Kresgeville Manufacturing, Inc., Kresgeville, Pennsylvania; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 20, 1995 in response to a worker petition which was filed on behalf of workers at Kresgeville Manufacturing, Incorporated, Kresgeville, Pennsylvania.

All workers of the subject firm are covered under existing certification (TA–W–30,842). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 26th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11407 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,627]

New Dimensions, Ltd., Providence, Rhode Island and Rosecraft, Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–30,627A Providence, Rhode Island
TA–W–30,627B Woonsocket, Rhode Island

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of New Dimensions, Ltd., in Providence, Rhode Island. The notice was issued on March 3, 1995 and published in the **Federal Register** on March 22, 1995 (60 FR 15163).

At the request of the company, the Department reviewed the certification for workers producing costume jewelry at New Dimensions. The findings show that both New Dimensions and Rosecraft have the same owners and both produce costume jewelry and were in the same building in Providence, Rhode Island.

The intent of the Department's certification is to include all workers of New Dimensions and Rosecraft, Inc., in Providence, Rhode Island and Woonsocket, Rhode Island.

Accordingly, the Department is amending its certification to include workers at Rosecraft, Inc.

The amended notice applicable to TA–W–30,627 is hereby issued as follows:

All workers of New Dimensions, Ltd., Providence, Rhode Island and Rosecraft, Inc., Providence, Rhode Island and Woonsocket, Rhode Island who became totally or partially separated from employment on or after December 21, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11399 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,755]

Philips Components, Mineral Wells Facility, a/k/a Philips Electronics North America, Mineral Wells, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of the subject firm in Mineral Wells, Texas. The notice was issued on March 14, 1995 and published in the **Federal Register** on March 27, 1995 (60 FR 15791).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings from the company show that the workers unemployment insurance (UI) taxes were paid under the name of Philips Electronics North America.

Accordingly, the department is amending the certification to show the correct worker group.

The amended notice applicable to TA–W–30,755 is hereby issued as follows:

All workers of Philips Components, Mineral Wells Facility also known as Philips Electronics North America, Mineral Wells, Texas who became totally or partially separated from employment on or after February 10, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11400 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,592]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

Santa Fe Minerals, Inc. a/k/a Santa Fe International Dallas, Texas.

Santa Fe Minerals, Inc. a/k/a Santa Fe International Operating in the Gulf of Mexico and at Various Locations in the Following States:

Arkansas TA–W–30,592A
Louisiana TA–W–30,592B
Oklahoma TA–W–30,592C
California TA–W–30,592D
Texas exc Dallas TA–W–30,592E

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of the subject firm on February 17, 1995. The notice was published in the **Federal Register** on March 10, 1995 (60 FR 13177).

The Certification was amended on March 27, 1995 to include workers in the states of California and Texas.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings show that Santa Fe Minerals, Inc., is a subsidiary of Santa Fe International and that unemployment isssurance (UI) taxes were paid under the name of Santa Fe International.

Accordingly, the Department is amended the certification to properly reflect this matter.

The amended notice applicable to TA–W–30,592 is hereby issued as follows:

All workers of Santa Fe Minerals, Inc., also known as Santa Fe International, Dallas, Texas and operating in the Gulf of Mexico and at various locations in the states of Arkansas, Louisiana, Oklahoma, California and Texas, except Dallas who had become totally or partially separated from employment on or after December 13, 1993 are eligible at apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–11408 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 19, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 19, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Tinsley & Son Drilling Corp. (Wkrs) ..	Odessa, TX	04/24/95	04/05/95	30,933	Oil and Gas.
General Electric Co (IUE)	Rome, GA	04/24/95	03/30/95	30,934	Medium Transformers.
Travelers Insurance Co (Wkrs)	Naperville, IL	04/24/95	04/04/95	30,935	Medical Insurance.
Continental Airlines, Inc (Wkrs)	Denver, CO	04/24/95	10/31/94	30,936	Airline Services.
Kingston Oil Corp (Co)	Winfield, TN	04/24/95	04/05/95	30,937	Crude Oil and Natural Gas.
Ametek Inc., US Gauge Div. (IAMAW).	Sellersville, PA	04/24/95	04/05/95	30,938	Aerospace Cockpit Instrumentation.
Dowty Aerospace Yakima (Co)	Yakima, WA	04/24/95	04/12/95	30,939	Hydraulic Actuators, Valves, etc.
Louisa Manufacturing (ILGWU)	Louisa, VA	04/24/95	04/07/95	30,940	Girl's Dresses.
Miller Brewing Co (Wrks)	Fulton, NY	04/24/95	04/06/95	30,941	Beer.
ProGroup, Inc. (Co)	Jasper, GA	04/24/95	04/12/95	30,942	Knit Shirts, Outerwear, and Headwear.
MK Rail (Wkrs)	Boise, ID	04/24/95	04/07/95	30,943	Rebuild Locomotives.
DonnKenny Apparel, Inc (Wkrs)	Elkton, VA	04/24/95	04/10/95	30,944	Ladies' Sleepshirts and Pajamas.
Graphic Vinyl Products, Inc. (Co)	Newark, NJ	04/24/95	03/21/95	30,945	Vinyl Desk Folders.
Burlington Industries, Inc. (Wrks)	New York, NY	04/24/95	03/21/95	30,946	Finished Knitted Fabric.
Brown Shoe Co. (Wrks)	St. Louis, MO	04/24/95	04/11/95	30,947	Ladies' Dress Shoes.
Briggs & Stratton Corp (UPIU)	Wauwatosa, WI	04/24/95	04/11/95	30,948	Automotive Locks and Keys.
Heritage Springfield, Inc. (Co.)	Holyoke, MA	04/24/95	04/10/95	30,949	Photo Albums.
IBM Corp., SSD Division (Wrks)	San Jose, CA	04/24/95	04/12/95	30,950	Computer Main Frame Peripherals.
Interkal, Inc. (UBC)	Kalamazoo, MI	04/24/95	04/11/95	30,951	Telescopic Spectator Seating.
Louisiana Pacific Corp (Wrks)	Libby, MT	04/24/95	04/10/95	30,952	Dimensional Lumber.
Strattec Security Corp (UPIU)	Glendale, WI	04/24/95	04/11/95	30,953	Automotove Locks and Keys.
Elkhorn Operating Co (Wkrs)	Tulsa, OK	04/24/95	03/31/95	30,954	Natural Gas.
Trinity Industries (USWA)	Brownsville, PA	04/24/95	04/11/95	30,955	River Barges.
Zenith Distributing Corp./Midstates (Co).	Lenexa, KS	04/24/95	04/11/95	30,956	Televisions.
Zenith Distributing Corp. of NY (Co) .	Uniondale, NY	04/24/95	04/11/95	30,957	Televisions.
Zenith Distributing Corp./S. Calif. (Co).	Santa Fe Springs, CA	04/24/95	04/11/95	30,958	Televisions.
Zenith Distributing Corp. of IL (Co) ...	Glenview, IL	04/24/95	04/11/95	30,959	Televisions.
Zenith Electronics Corp. (Co)	Glenview, IL	04/24/95	04/11/95	30,960	Televisions.
Zenith Distributing Corp./Midstates (Co).	Plano, TX	04/24/95	04/11/95	30,961	Televisions.
Zenith Distributing Corp. of NE (Co) .	Lexington, MA	04/24/95	04/11/95	30,962	Televisions.
Opti-Ray, Inc. (Wkrs)	Farmingdale, NY	04/24/95	04/14/95	30,963	Sunglasses.
Marconi Technologies Inc. (Wkrs)	Lancaster, PA	04/24/95	04/13/95	30,964	Electronic Assemblies.
Marion Mfg, Inc. (ILGWU)	Marion, AL	04/24/95	04/11/95	30,965	Ladies Dress Coats and Suits.

[FR Doc. 95–11406 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

Advisory Council on Unemployment Compensation; Notice of Meeting

Summary: The Advisory Council on Unemployment Compensation (ACUC) was established in accordance with the provisions of the Federal Advisory Committee Act on January 24, 1992 (57 FR 4007, Feb. 3, 1992). Public Law 102–164, the Emergency Unemployment Compensation Act of 1991, mandated the establishment of the Council to evaluate the overall unemployment insurance program, including the purpose, goals, counter-cyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and other aspects of the program, and to make recommendations for improvement.

Time and Place: The meeting will be held from 8:30 a.m. to 12:30 p.m. on May 31 and from 8:30 a.m. to 12 p.m. and 1 p.m. to 3 p.m. on June 1 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C.

Agenda

The agenda for the meeting is as follows:

(1) The role of State governments and the Federal government in the administration of the UI system;

(2) The taxable wage base and FUTA tax rate;

(3) Appeals and nonmonetary determinations; and,

(4) The UI data system.

Public Participation

The meeting will be open to the public. Seating will be available to the public on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities in need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the meeting.

For Additional Information Contact: Esther R. Johnson, DFO, Advisory Council on Unemployment Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–4231, Washington, D.C. 20210. (202) 219–7831. (This is not a toll-free number.)

Signed at Washington, D.C., this 3rd day of May 1995.

Doug Ross,

Assistant Secretary of Labor.

[FR Doc. 95–11411 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

Advisory Council on Unemployment Compensation; Notice of Hearings

Summary: The Advisory Council on Unemployment Compensation (ACUC) was established in accordance with the provisions of the Federal Advisory Committee Act on January 24, 1992 (57 FR 4007, Feb. 3, 1992). Public Law 102–164, the Emergency Unemployment Compensation Act of 1991, mandated the establishment of the Council to evaluate the overall unemployment insurance program, including the purpose, goals, counter-cyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and other aspects of the program, and to make recommendations for improvement.

Time and Place: The hearings will be held from 1:30 p.m. to 4:30 p.m. on May 31 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C.

Public Participation

The hearings will be open to the public. Seating will be available to the public on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities in need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the hearing.

Submitting Written Statements

Individuals or organizations wishing to submit written statements should send fifteen (15) copies to Esther R. Johnson, DFO, Advisory Council on Unemployment Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–4231, Washington, D.C. 20210. Statements must be received not later than May 22, 1995.

Presenting Oral Statements

Individuals or organizations wishing to present oral statements should send a written request to Ellen S. Calhoun, Advisory Council on Unemployment Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–4206, Washington, D.C. 20210. Requests for presenting oral statements should indicate a daytime phone number. Time slots will be assigned on a first-come, first-served basis. All such requests must be received not later than May 22, 1995.

For Additional Information Contact: Esther R. Johnson, DFO, Advisory Council on Unemployment Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–4231, Washington, D.C. 20210. (202) 219–7831. (This is not a toll-free number.)

Signed at Washington, D.C., this 3rd day of May 1995.

Doug Ross,

Assistant Secretary of Labor.

[FR Doc. 95–11410 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00291]

Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Mitel, Inc., Mitel Telecommunications Systems, Inc., Mt. Laurel, New Jersey; and in the following states: NAFTA—00291a New York, NAFTA—00291b Illinois

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on January 6, 1995, applicable to all workers of Mitel Telecommunications Systems, Inc., of Mitel, Inc., in Mt. Laurel, New Jersey.

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that some worker separations occurred in New York and in Illinois. Accordingly, the Department is amending the certification to include all workers at the subject firm in Mt. Laurel, New Jersey and in the states of New York and Illinois.

The intent of the Department's certification is to include all workers who were adversely affected at Mitel Telecommunications Systems, Inc., of Mitel Inc. in Mt. Laurel, New Jersey and in the states of New York and Illinois.

The amended notice applicable to NAFTA—00291 is hereby issued as follows:

''All workers of Mitel Telecommunications Systems, Inc., of Mitel, Inc. in Mt. Laurel, New Jersey and in the states of New York and Illinois who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C., this 26th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment, Assistance.

[FR Doc. 95–11405 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health: Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Maritime advisory committee for Occupational Safety and Health (MACOSH); notice of meeting.

SUMMARY: Notice is hereby given that the Maritime Advisory Committee for Occupational Safety and Health, established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor on matters relating to occupational safety and health programs, policies, and standards in the maritime industries of the United States will meet June 1 and 2, 1995 at the BWI Airport Marriott, 1743 West Nursery Road, Baltimore, MD.

ADDRESSES: Any written comments in response to this notice should be sent to the following address: OSHA, Office of Maritime Standards, Room N–3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Phone (202) 219–7234, fax (202) 291–7477.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Liberatore, Office of Maritime Standards, OSHA, (202) 219–7234.

SUPPLEMENTARY INFORMATION: The second meeting of the Marine Advisory Committee on Occupational Safety and Health will be held June 1, 1995, from 9:00 to 5:00, and June 2, from 9:00 to 1:00 at the BWI Airport Marriott, 1743 West Nursery Road, Baltimore, MD. At this second meeting, the Committee will discuss maritime standard development issues and training and outreach initiatives.

All interested persons are invited to attend the public meetings of MACOSH, including this second one at the time and place indicated above. Seating will be available to the public on a first-come first-served basis. Individuals with disabilities wishing to attend should contact Theda Kenney at 202–219–8061, no later than May 19, 1995, to obtain appropriate accommodations.

MACOSH will meet as a whole and also in small focus groups. Written data, views or comments for consideration by the Committee may be submitted, preferably with 20 copies, to Larry Liberatore at the address provided above. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Members of the general public may request an opportunity to make oral presentations at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants unless these questions have been specifically approved by the chairperson. Anyone wishing to make an oral presentation should notify Larry Liberatore before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chair of the Advisory Committee.

Signed at Washington, D.C. this 4th day of May 1995.

Joseph A. Dear,

Asistant Secretary of Labor.

[FR Doc. 95–11409 Filed 5–8–95; 8:45 am]

BILLING CODE 4510–26–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 94–4A]

Cable Compulsory License: Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of filings, request for comments.

SUMMARY: The Copyright Office is publishing a list of stations that sent us affidavits claiming that they legally qualify for specialty station status. Specialty station status means a commercial broadcast television station qualifies as a specialty station under former distant signal carriage rules of the Federal Communications Commission (FCC) for purposes of administering section 111 of title 17, United States Code. Any party objecting to a listed station's claim should send the objection and the reasons for it to the Copyright Office.

DATES: Comments must be received by June 8, 1995. The effective date of the annotated list will coincide with the beginning of the accounting period that starts after the final list is published in the **Federal Register**.

ADDRESSES: By Mail: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. By Hand: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM 407.

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

SUPPLEMENTARY INFORMATION: The Copyright Office is compiling a new specialty station list of television broadcast stations that qualify as specialty stations under the former distant signal carriage rules of the Federal Communications Commission (47 CFR 76.5(kk)(1981)). We published a Notice of Inquiry asking qualifying stations to submit sworn affidavits to the Office stating that the programming of their stations satisfies the FCC's former requirements for specialty station status [1] by March 27, 1995. 60 FR 4639 (January 24, 1995). The number of filings received indicated that many stations had not seen the **Federal Register** notice. To assure the new list is complete, we extended the deadline to April 24, 1995. 60 FR 18426 (April 11, 1995).

Background

The FCC did not consider the specialty station status of distant signals carried by cable systems after it deleted its distant signal carriage rules.[2] However, specialty station status is still relevant for administration of section 111 of the Copyright Act of 1976, because specialty stations may be carried as distant signals by cable television systems at a significantly lower rate than the 3.75% rate that is usually incurred by a system when it carries non-permitted signals.

The Office created its first specialty station list in 1990, and stated that it would compile a new list at approximately three year intervals. Ninety stations filed affidavits this year claiming specialty station status. These stations are listed below. We ask that any party who objects to another party's claim to specialty station status submit specific and factual comments as to which station(s) they object to, and why. The Office will publish a final annotated list of specialty stations that includes references to objections to stations' claims. Cable systems considering carriage of stations as specialty stations may then verify the station's status and program carriage before making a final decision.

Copyright Office licensing examiners will refer to the final annotated specialty station list in examining cable systems' claims on their Statements of Account that particular stations are specialty stations. If a cable system claims specialty station status for a station not on the final annotated list, the examiner will check to see if the station has filed an affidavit since publication of the list. Although the Office does not officially place stations filing affidavits after publication of the final list on this list, it will accept these affidavits for the record.

Specialty Station List: Call Letters and Cities of License

CBAFT	Moncton, New Brunswick, Canada
CBEFT	Windsor, Ontario, Canada
CBFT	Montreal, Quebec, Canada
CBGAT	Matane, Quebec, Canada
CBKFT	Regina, Saskatchewan, Canada
CBLFT	Toronto, Ontario, Canada

[1] The FCC defined a specialty station as ''a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of weekly prime-time hours.'' 47 CFR 76.5(kk)(1976).

[2] *See Malrite T.V. of New York v. FCC*, 652 F2d 1140 (2d cir. 1981), *cert. den.*, 454 U.S. 1143 (1982).

CBOFT	Ottawa, Ontario, Canada
CBST	Sept-Iles, Quebec, Canada
CBUFT	Vancouver, British Colombia, Canada
CBVT	Quebec City, Quebec, Canada
CBWFT	Winnipeg, Manitoba, Canada
CBXFT	Edmonton, Alberta, Canada
CFCM	Quebec City, Quebec, Canada
CFER	Rimouski, Quebec, Canada
CFTM	Montreal, Quebec, Canada
CHEM	Trois-Rivieres, Quebec, Canada
CHLT	Sherbrooke, Quebec, Canada
CJPM	Chicoutimi, Quebec, Canada
CKRN	Rouyn, Quebec, Canada
CKRS	Jonquiere, Quebec, Canada
CKRT	Riviere-Du-Loup, Quebec, Canada
CKSH	Sherbrooke, Quebec, Canada
CKTM	Trois-Rivieres, Quebec, Canada
KCHF	Santa Fe, New Mexico
KCSO	Modesto, California
KDTV	San Francisco, California
KFCB	Concord, California
KFTV	Fresno, California
KLUZ	Albuquerque, New Mexico
KLXV	San Jose, California
KMEX	Los Angeles, California
KMPX	Decatur, Texas
KMSG	Sanger, California
KNSO	Merced, California
KNXT	Visalia, California
KSBI	Oklahoma City, Oklahoma
KSTS	San Jose, California
KTFH	Conroe, Texas
KTMD	Galveston, Texas
KTSF	San Francisco, California
KTVW	Phoenix, Arizona
KUVN	Garland, Texas
KVDA	San Antonio, Texas
KVEA	Corona, California
KWEX	San Antonio, Texas
KWHY	Los Angeles, California
KXLN	Rosenberg, Texas
W09BI	Tallahassee, Florida
W17AB	Tallahassee, Florida
W64BW	Arlington, Virginia
W65BX	Springfield, Massachusetts
W69AY	Gainesville, Florida
WACX	Leesburg, Florida
WBUY	Memphis, Tennessee
WCFC	Chicago, Illinois
WCLF	Clearwater, Florida
WCTD	Miami, Florida
WECN	Naranjito, Puerto Rico
WEFC	Roanoke, Virginia
WEJC	Lexington, North Carolina
WELF	Lookout Mountain, Georgia
WFCT	Bradenton, Florida
WFGC	Palm Beach, Florida
WGBO	Joliet, Illinois
WHBR	Pensacola, Florida/Mobile, Alabama
WHTN	Murfreesboro, Tennessee
WIRS	Yauco, Puerto Rico
WKAQ	San Juan, Puerto Rico
WKBS	Altoona, Pennsylvania
WLCN	Madisonville, Kentucky
WLFG	Grundy, Virginia
WLTV	Miami, Florida
WLYJ	Clarksburg, West Virginia
WMCF	Montgomery, Alabama
WMBC	Newton, New Jersey
WMPV	Mobile, Alabama
WNJU	Linden, New Jersey
WOCD	Amsterdam, Pennsylvania
WPCB	Greenburg, Pennsylvania
WPGD	Nashville, Tennessee
WPMC	Jellico, Tennessee
WRXY	Tice, Florida
WSCV	Ft. Lauderdale, Florida
WSFJ	Newark, Ohio
WSNS	Chicago, Illinois
WSWS	Opelika, Alabama
WTGI	Wilmington, Deleware
WTGL	Cocoa, Florida
WTLK	Rome, Georgia
WTWS	New London, Connecticut
WXTV	Secaucus, New Jersey

Dated: May 3, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95–11396 Filed 5–8–95; 8:45 am]

BILLING CODE 1410–31–P

NUCLEAR REGULATORY COMMISSION

Call for Nominations for Nuclear Safety Research Review Committee

AGENCY: Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is inviting nominations of qualified candidates to consider for appointment to fill three anticipated vacancies on its Nuclear Safety Research Review Committee (NSRRC). Nominations will be accepted till June 16, 1995.

ADDRESSES: Submit nominations to: Ms. Jude Himmelberg, Office of Personnel, U.S. Nuclear Regulatory Commission, Washington DC 20555.

FOR FURTHER INFORMATION CONTACT: Mr. George Sege. Designated Federal Officer for the NSRRC, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–6593.

SUPPLEMENTARY INFORMATION: The Committee advises the Director of the NRC's Office of Nuclear Research—and through him the Commission—on the quality and conduct of NRC research activities and makes recommendations concerning the overall management and direction of the nuclear safety research program.

The 12-member Committee is composed of senior experts in nuclear engineering or science capable of providing technical advice on the broad range of topics that are the subject of nuclear safety research for nuclear power plants and other facilities. Maintaining balance and diversity of experience, knowledge, and judgment is an important consideration in the selection of members. Committee members serve a two-year term and may be reappointed for up to two additional two-year terms.

Over the next two years, the Committee will be examining such issues as the quality of nuclear safety research relative to the needs of the users of the research products, the long-range direction of the nuclear safety research programs, the peer review process of research products and the capability of individuals and facilities where nuclear safety research is conducted.

In order to maintain a good balance of capabilities on the Committee, candidates should have expertise in nuclear engineering and nuclear safety, with emphasis on demonstrated capabilities in major portions of one of the following two areas.

- Advanced instrumentation and controls and human factors, including human-system interfaces.
- Broad experience in design and operation of nuclear power plants, nuclear engineering, and research related to nuclear power plants.

Selection for membership will be based on demonstrated capability and professional accomplishment in the indicated area of specialization, in the conduct or management of scientific or engineering research and in applying research to nuclear safety issues.

Nominations for membership must include a résumé describing the educational and professional qualifications of the nominee and the nominee's current address and daytime telephone number. Nominees must be U.S. citizens and be able to devote about 80 hours per year to Committee business.

Dated at Rockville, MD, this 2nd day of May 1995.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95–11364 Filed 5–8–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155]

Consumers Power Co.; Receipt of Decommissioning Plan and Decommissioning Environmental Report and Opportunity for Public Comments; Big Rock Point Nuclear Plant

By letters dated February 27, 1995, the Consumers Power Company (CPCo or the licensee) submitted a proposed Decommissioning Plan supported by an Environmental Report and Decommissioning Cost Study which describe the future decommissioning of the Big Rock Point nuclear plant (BRP or the plant). The plant received a provisional operating license on August 30, 1962, and first went critical on September 23, 1962. Facility Operating License No. DPR–6 was subsequently issued on May 1, 1964. The licensee plans to continue plant operations until the expiration of the current operating license on May 31, 2000. The plant is located on the east shore of Lake Michigan about four miles northeast of Charlevoix, Michigan.

The licensee chose its decommissioning alternative from the alternatives provided in the NRC NUREG–0586, ''Final Generic Environmental Impact Statement.'' These alternatives included DECON (immediate dismantlement), SAFSTOR (a period of safe storage followed by dismantlement), and ENTOMB (entombment). Consumers Power Company selected the SAFSTOR alternative with a 27-year safe storage period. The primary consideration in selecting the extended 27-year safe storage period is the current lack of an available low level waste repository. Following the safe storage period, the plant will be dismantled and the site will be restored to a ''green field'' condition.

The Decommissioning Plan provides a summary of the plan followed by a discussion of decommissioning alternatives and a facility description that identifies and dispositions plant structures, systems, and components. Subsequent sections of the Decommissioning Plan provide the facility radiological status, waste management plan, decommissioning safety analysis, cost estimate and funding plan, and administration.

A decommissioning trust fund has been established for the Big Rock Point Nuclear Plant since 1987. The estimated cost for decommissioning the Big Rock Point Nuclear plan utilizing the SAFSTOR alternative, with a 27-year safe storage period, is approximately $290.1 million in 1994 constant dollars. These costs include preparation for decommissioning, the 27-year safe storage period, plant decontamination and dismantlement, and final site restoration.

Pursuant to 10 CFR 50.82(e), the U.S. Nuclear Regulatory Commission (NRC) is providing this notice to interested persons prior to approval of the Decommissioning Plan. The Decommissioning Plan does not contain any requests for amendments to the BRP Operating License. Therefore, an opportunity for a formal hearing under 10 CFR part 2 of Commission regulations is not being offered by this notice. Hearing opportunities for any license amendments needed in connection with the proposed Decommissioning Plan will be noticed separately.

Interested persons may submit written comments on the Decommissioning Plan or Environmental Report. The scope of any written comments should be limited to the contents of the Decommissioning Plan, Environmental Report, or Decommissioning Cost Study.

The staff will review and consider all written comments that are received before taking final action on the proposed Decommissioning Plan. Written comments should be submitted within 30 days of the publication date of this notice and addressed to: Richard F. Dudley, mail Stop OWFN 11–B–20, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition, the NRC will hold a public meeting in Charlevoix, Michigan to describe the NRC decommissioning review process for the Big Rock Point decommissioning plan and to receive public comments on the decommissioning plan. The licensee will present a summary report of the decommissioning plan at the meeting. There will also be a question and answer period to address any public concerns related to the Big Rock Point decommissioning plan and its review by the NRC. The meeting will be held on Thursday, May 11, 1995, at 7 pm in the Charlevoix Township Hall (Stroud Hall), 12491 Waller Road, Charlevoix, Michigan.

Copies of the Decommissioning Plan, Environmental Report and Decommissioning Cost Study have been available since early March 1995 at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room located at the North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Dated at Rockville, MD, this 1st day of May 1995.

For the U.S. Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–11365 Filed 5–8–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–139]

The University of Washington, (The University of Washington Research Reactor); Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application dated August 2, 1994, the University of Washington (the licensee) requested authorization to dismantle the University of Washington Research Reactor, Facility License No. R–73, located on the licensee's campus in Seattle, Washington, and to dispose of the component parts, in accordance with the decommissioning plan submitted as part of the application. A ''Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License'' was published in the **Federal Register** on September 2, 1994, (59 FR 45738). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the application with respect to the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts as stated in the licensee's decommissioning plan will be consistent with the regulations in 10 CFR Ch. I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis of these findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action. Based on that Assessment, the Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared, (60 FR 21224, dated May 1, 1995).

Accordingly, after the State of Washington provides the funds for decommissioning, the licensee is hereby ordered to dismantle the University of Washington Research Reactor facility covered by Facility License No. R–73, as

amended, and dispose of the component parts in accordance with its decommissioning plan and the Commission's rules and regulations.

After completion of the dismantling and disposal of component parts, the licensee will submit a report on the radiation survey it has performed to confirm that radiation and surface contamination levels in the facility area satisfy the values specified in the decommissioning plan and in the Commission's guidance. Following an inspection by the representatives of the Commission to verify the radiation and contamination levels in the facility, consideration will be given to issuance of a further order terminating Facility License No. R–73.

For further details with respect to this action, see (1) the licensee's application for authorization to dismantle the facility, dispose of component parts, and terminate Facility License No. R–73, dated August 2, 1994; (2) the Commission's Safety Evaluation; and (3) the Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW, Washington, DC. Copies of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Project Support.

Dated at Rockville, MD, this 1st day of May 1995.

For the Nuclear Regulatory Commission.

B. D. Liaw,

Acting Director, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–11366 Filed 5–8–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–21038; 812–9536]

1784 Funds and The First National Bank of Boston; Notice of Application

May 3, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: 1784 Funds (the ''Trust'') and The First National Bank of Boston (''FNBB'').

RELEVANT SECTIONS OF THE ACT: Order requested under section 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order permitting all the current and future series of the Trust and any future management investment company or series thereof which is advised by FNBB or any entity controlling, controlled by, or under common control (as defined in section 2(a)(9) of the Act) with FNBB (a ''Related Adviser'') to deposit uninvested cash balances into one or more joint accounts (the ''Accounts'') to be used to enter into short-term repurchase agreements.

FILING DATE: The application was filed on March 16, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 30, 1995, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. 1784 Funds, SEI Financial Services Company, Wayne, Pennsylvania 19087; The First National Bank of Boston, 100 Federal Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel at (202) 942–0564, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is a registered, open-end management investment company organized in series form. FNBB provides or arranges for the provision of investment advisory, custodial and accounting services for all of the series of the Trust. The Trust and all existing and future series thereof, and any future management investment companies and series thereof to which FNBB or any Related Adviser thereof serves as investment adviser, are referred to hereinafter as the ''Portfolios.'' FNBB and any Related Adviser that serves as investment adviser to any of the Portfolios are collectively referred to hereinafter as the ''Adviser.''

2. Each Portfolio has, or may be expected to have, from time to time cash balances held by its custodian or a sub-custodian bank (the ''Custodian''), which otherwise would not be invested in portfolio securities by the Adviser at the end of the trading day. Ordinarily, the Adviser would invest such cash in short-term investments authorized by the Portfolio's investment policies to provide liquidity and to earn additional income for the portfolio. The Adviser proposes to establish one or more new Accounts for the investment of some or all of the excess cash of the Portfolios in repurchase agreements.

3. Under the proposed arrangement, each repurchase transaction would be entered into by the Adviser calling one of the previously approved counterparties of repurchase agreements, indicating the size and duration of the desired repurchase transaction, and negotiating the rate of interest. Master repurchase agreements with the approved counterparties will establish minimum collateral levels, the securities eligible to be held as collateral, and the maximum term of a transaction. To facilitate repurchase transactions and to help obtain more attractive rates, the Custodian may enter into third-party arrangements for custody of assets and collateral securities with other qualified banks. The term of a repurchase transaction would typically be overnight (or over a holiday or weekend) and in no event more than seven days.

4. After the Adviser has agreed to one or more repurchase transactions, the Custodian would be notified and, prior to releasing funds, would be required to verify that eligible collateral securities of sufficient value had been received. These securities would be either wired to the account of the Custodian (or third-party custodian) at the appropriate Federal Reserve Bank or physically transferred to a segregated account of the Custodian (or third-party custodian). The Portfolios will not enter into repurchase agreements with the Adviser or any of its affiliated persons (within the meaning of section 2(a)(3) of the Act).

5. Transactions in the Account will be reported to the Portfolio's Custodian through a trade authorization that will authorize the Custodian to settle the transaction on a joint basis and will state each Portfolio's portion of the investment. The Custodian will reconcile the Account with the trading authorizations on a daily basis. At least

monthly, the assets held in the Account will be reconciled to the Custodian's movement and control records and, in addition, the Custodian will reconcile each Portfolio's security ownership records.

6. FNBB, as the Adviser to the Portfolios, believes that engaging in repurchase agreements through the Account, as contrasted with separate transactions, could increase returns on these types of investments by as much as .05% (on an annualized basis) because of reduced transaction costs and the ability of the Adviser to negotiate more favorable interest rates.

Applicants' Legal Conclusions

1. Section 17(d) of the Act makes it unlawful for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to effect any transaction in which the registered investment company is a joint or a joint and several participant with such person in contravention of rules and regulations prescribed by the SEC. Rule 17d–1(a) under the Act provides that an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, shall not participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which the registered investment company is a participant unless the SEC has issued an order approving the arrangement.

2. Each Portfolio, by participating in the proposed Account, and the Adviser, by managing the proposed Account, could be deemed to be joint participants in a transaction within the meaning of section 17(d), and the proposed Account could be deemed to constitute a joint enterprise or other type of joint arrangement within the meaning of rule 17d–1. Furthermore, under the definition of ''affiliated person'' set forth in section 2(a)(3), each Portfolio and Adviser could be deemed an affiliated person of any other Portfolio or Adviser.

3. Each Portfolio will participate in the Account on the same basis as every other Portfolio and in conformity with its fundamental investment objectives, policies and restrictions. The Adviser will have no monetary participation in the Account, but will be responsible for investment amounts in the Account, establishing accounting and control procedures, and ensuring the equal treatment of each participating Portfolio.

4. On the basis of information considered by the Board of Trustees (''Board''), the Board members have satisfied themselves that the proposed method of operating the Account would not result in any conflict of interest among any of the Portfolios, or between a Portfolio and the Adviser. The Board also has considered that there does not appear to be any basis upon which to predict greater benefits to one Portfolio than to another, because the daily uninvested cash balance of any one Portfolio on any given day is neither a function of the size of the Portfolio nor the particular securities in which it invests. Such daily cash balances rather are a function of other factors, such as portfolio management decisions, security holder purchases and redemptions, or the timing of settlement of trades. Although the Adviser would gain some benefit through administrative convenience and some possible reduction in clerical costs, the primary beneficiaries would be the Portfolios and their security holders.

5. The Board also has determined that it would be desirable to permit participation by future Portfolios without the necessity of applying for an amendment to the requested order. Future Portfolios would be required to participate in the Account on the same terms and conditions as the existing Portfolios.

6. Rule 17d–1(b) under the Act provides that, in passing upon applications under rule 17d–1, the SEC will consider whether each party's participation in the proposed joint arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants believe that, for the reasons set forth above and in light of the conditions set forth below, the criteria for issuance of an order under rule 17d–1 are met.

Applicants' Conditions

Applicants agree that any order granting the requested relief may be made subject to the following conditions:

1. The Account will be established as one or more separate cash accounts on behalf of the Portfolios with the Custodian. The Portfolios could deposit daily all or a portion of their uninvested net cash balances into the Account. The Account will not be distinguishable from any other accounts maintained by a Portfolio with the Custodian except that monies from the various Portfolios will be deposited in the Account on a commingled basis. The Account will not have any separate existence with the indicia of a separate legal entity. The sole function of the Account will be to provide a convenient way of aggregating individual transactions which will otherwise require daily management and investment by each Portfolio of its cash balances.

2. Cash in the Account will be invested solely in repurchase agreements, ''collateralized fully'' as defined in rule 2a–7 under the Act and satisfying the uniform standards set by the Portfolios for such investments.

3. All repurchase agreements entered into by the Portfolios through the Account will be valued on an amortized cost basis. Each Portfolio relying upon rule 2a–7 under the Act for valuation of its net assets of amortized cost will use the average maturity of the repurchase agreements purchased by the Portfolios participating in the account for the purpose of computing the Portfolio's average portfolio maturity with respect to the portion of its assets held in such account on that day.

4. In order to assure that there will be no opportunity for one Portfolio to use any part of the balance of the Account credited to another Portfolio, no Portfolio will be allowed to create a negative balance in the Account for any reason, although each Portfolio will be permitted to draw down its *pro rata* share of the entire balance at any time. Each Portfolio's decision to invest through the Account will be solely at the Portfolio's option, and no Portfolio will be obligated to invest through, or to maintain any minimum balance in, the Account. In addition, each Portfolio will retain the sole rights of ownership of any of its assets, including interest payable on such assets, invested in the Account. Each Portfolio's investment in the Account will be documented daily on the books of the Portfolio as well as on the Custodian's books.

5. Each Portfolio will participate in the income earned or accrued in the Account, including all investments held by such Account, on the basis of the percentage of the total amount in such Account on any day represented by its share of such Account.

6. The Adviser will administer, manage and invest the cash balance in the Account in accordance with and as part of its duties under the existing or any future investment advisory contracts with each Portfolio, and will not collect any additional or separate fee for the administration of the Account.

7. Portfolios and the Adviser will enter into an agreement to govern the arrangements in accordance with the foregoing representations.

8. The administration of the Account will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

9. The Board of the Trust, on behalf of each Portfolio participating in the Account, will evaluate the Account

arrangements annually and will authorize the continued participation in the Account only if it determines that there is a reasonable likelihood that such continued participation will benefit the Portfolio and its security holders.

10. Substantially all repurchase transactions will have an overnight, over-the-weekend or over a holiday maturity, and in no event would a transaction have a maturity of more than seven days.

11. All joint repurchase transactions will be effected in accordance with Investment Company Act Release No. 13005 (Feb. 2, 1983) and with other existing and future positions taken by the SEC or its staff by rule, interpretive release, no action letter, any release adopting any new rule, or any release adopting any amendments to any existing rule.

12. Any investment made through the Account will satisfy the investment policies or criteria of all Portfolios participating in that investment.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11359 Filed 5–8–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–95–008]

Lower Mississippi River Waterway Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Lower Mississippi River Waterway Safety Advisory Committee will meet to discuss various navigation safety matters affecting the Lower Mississippi River area. The meeting will be open to the public.

DATES: The meeting will be held from 9 a.m. to approximately 11 a.m. on Tuesday, June 13, 1995.

ADDRESSES: The meeting will be held in the 11th floor conference room of the Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: LTJG Dave Seris, USCG, Recording Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), Room 1211, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone (504) 589–2353.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 *et seq*. The meeting is open to the public. Members of the public may be present written or oral statements at the meeting. The agenda for the meeting consists of the following items:

(1) Presentation of the minutes from the February 7, 1995 full Committee meeting.

(2) Subcommittee Reports.

(3) 46 CFR part 5, Marine Investigation Regulations—Personnel Action.

Dated: April 24, 1995.

R.C. North,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 95–11299 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

[CGD08–95–007]

Lower Mississippi River Waterway Safety Advisory Committee, Gaming Vessel Subcommittee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Lower Mississippi River Waterway Safety Advisory Committee's Gaming Vessel Subcommittee will meet to discuss navigation safety matters affecting the Lower Mississippi River area. The meeting will be open to the public.

DATES: The meeting will be held from 10 a.m. to approximately 11 a.m. on Wednesday, June 7, 1995.

ADDRESSES: The meeting will be held in room 1830 of the World Trade Center, 2 Canal Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: LTJG Dave Seris, USCG, Recording Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), Room 1211, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone (504) 589–2353.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 et seq. The meeting is open to the public. Members of the public may present written or oral statements at the meeting. The agenda for the meeting consists of the following items:

(1) Introduction of new members.

(2) Discussion on the present and future operation of Gaming Vessels on the Lower Mississippi River.

(3) Presentation of any additional new items for consideration of the Committee.

Dated: April 24, 1995.

R.C. North,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 95–11298 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Acceptance of Noise Exposure Maps for Meadows field, Bakersfield, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Kern County, California for Meadows Field under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law: 96–193) and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Bahman H. Tash, Airport Planner, AWP–611.5 Planning Section, Western-Pacific Region, Federal Aviation Administration, Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007. Street Address: 15000 Aviation Boulevard, Room 3012, Hawthorne, California 90261, Telephone: (310) 297–1508.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Meadows Field are in compliance with applicable requirements of Part 150, effective April 14, 1995. Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Kern County, California. The specific maps under consideration are the 1993 and 1998 Noise Exposure Maps (Figure 9 and 10, respectively) located in page 3–22 and 4–8 in the submission. The FAA has determined that these maps for Meadows Field are in compliance with applicable requirements. This determination is effective on April 14, 1995. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of the program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review and acceptance of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the consultation required by statute has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, 800 Independence Avenue, SW., Room 617, Washington, D.C. 20591

Federal Aviation Administration, Western-Pacific Region, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261

Mr. David Price III, Director, Kern County Department of Airports, 1401 Skyway Drive, Suite 200, Bakersfield, California 93308–1697

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on April 14, 1995.

Herman C. Bliss,

Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 95–11274 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Free Flight Task Force; Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for the first meeting of a Free Flight Task Force to be held at 9 a.m. on Wednesday, May 17, and Thursday, May 18, 1995. The meeting will take place at Virginia's Center for Innovative Technology, 2214 Rock Hill Road, Herndon, Virginia, in the auditorium.

The meeting will open with a plenary session during which the following will be discussed: The FAA request for RTCA's assistance in developing consensus on Free Flight Implementation; how the task force will be organized; and review of working group responsibilities and milestones. Attendees will be invited to participate in one of the following three working groups: Procedures and Expected Benefits; System Architecture and Technology; Transition Strategy, Cost/Benefit Assessments, and Implementation Schedule.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone) or (202) 833–9434 (fax).

Members of the public may present a written statement to the task force at any time.

Exceptional circumstances, such as the need to accomplish this task in a relatively short time and the difficulty in locating adequate conference space, exist in this instance to permit public notice of this meeting in less than 15 days.

Issued in Washington, D.C., on May 3, 1995.

Ronald E. Morgan,

Director, System Architecture and Program Evaluation.

[FR Doc. 95–11318 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

Flight Service Station at Glennallen, Alaska; Notice of Change in Facility Operation

Notice is hereby given that on March 31, 1995, the Gulkana Flight Service Station at Glennallen, Alaska, closed. Services to the general aviation public formerly provided by this facility are now provided by the Automated Flight Service Station at Kenai, Alaska. This information will be reflected in the FAA Organization Statement the next time it is reissued. Sec. 313(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Anchorage, Alaska on March 15, 1995.

Robert N. Lewis,

Acting Regional Administrator, Alaskan Region.

[FR Doc. 95–11278 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Discretionary Cooperative Agreement To Accelerate the Development, Evaluation, and Deployment of Collision Avoidance Systems

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

ACTION: Announcement of Discretionary Cooperative Agreement to Accelerate the Development, Evaluation, and Deployment of Collision Avoidance Systems.

SUMMARY: NHTSA announces this discretionary cooperative agreement program to support collision avoidance system research studies and solicits applications for projects under this program.

DATES: Applications must be received on or before July 7, 1995.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Richard Bellamy, 400 Seventh Street, SW., Room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–95–R–07301 and identify the program area for which the application is submitted. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

FOR FURTHER INFORMATION CONTACT: Richard Bellamy, Office of Contracts and Procurement, at (202) 366–8902 for general administrative questions. Programmatic questions relating to this cooperative agreement program should be directed to John J. Ference, Office of Crash Avoidance Research (NRD–51), National Highway Traffic Safety Administrative, 400 Seventh Street, SW., Room 6220, Washington, DC 20590; phone: (202) 366–0168.

SUPPLEMENTARY INFORMATION:

Background and Objectives

The NHTSA has the responsibility to devise strategies to reduce the number of motor vehicle collisions and to save lives and reduce injuries and property damage through the prevention and reduction in severity of motor vehicle collisions. The NHTSA Office of Crash Avoidance Research conducts and manages research intended to analyze driver-vehicle interaction, identify specific vehicle designs, components, or parameters associated with driver performance errors and resulting collisions, and develop and evaluate vehicle-based collision avoidance countermeasure concepts and devices.

The importance of NHTSA's role in the field of Intelligent Transportation Systems (ITS) was noted in a September 12, 1991 report of the Senate Committee on Appropriations accompanying the Department of Transportation appropriations bills for Fiscal Year 1992 (102–148; page 120):

> The Committee believes that assessing the capabilities of the technology being developed to improve safety and to assist in its development and application should be a priority for NHTSA research. The early implementation of collision avoidance systems including such technology as radar warning/braking, blind spot monitoring, driver performance monitoring, infrared imaging for night vision enhancement, and adaptive cruise control will yield a major payoff in the long term because of the cumulative effect that accrues as more vehicles are equipped. It is also important for NHTSA to work in partnership with technology developers and States to develop innovative demonstrations of safety systems.

In accordance with NHTSA research priorities and the program direction outlined above, the purpose of this cooperative agreement program is to accelerate the development, evaluation, and development of collision avoidance enabling technologies, products, and systems and to expand the knowledge base of collision avoidance as a result of the studies conducted.

Applicants should identify the program area(s) which their proposed research projects would address. Program areas of current interest include:

(a) Development and validation of procedures, methodologies and techniques for measuring and evaluating collision avoidance/warning system performance and determining which collision avoidance/warning functions and operating characteristics should be industry standards, and

(b) Application of advanced technologies, including integration of information available from other collision avoidance systems, to improve driver vision during nighttime and inclement weather.

These program areas have been identified as the focus for this solicitation. However, proposals in other program areas which applicants believe will accelerate the development and deployment of effective collision avoidance systems will also be consider.

NHTSA Involvement

The NHTSA Office of Crash Avoidance Research will be involved in all activities undertaken as part of this cooperative agreement program and will:

1. Provide, on an as-available basis, one professional staff person, to be designated as the Contracting Officer's Technical Representative (COTR), to participate in the planning and management of the cooperative agreement, and to coordinate activities between the organization and NHTSA;

2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR. This shall include collision data from state and national accident databases, and human factors data that may be of use in supporting research efforts;

3. Provide liaison with other government agencies and organizations as appropriate; and

4. Help expand the knowledge base of collision avoidance systems and enabling technologies by publishing nonproprietary information developed at Government expense in the scientific literature, thus making it available to all organizations involved in research and product development in this area.

Period of Support

The research and development effort described in this notice may be supported through the award of a cooperative agreement. NHTSA reserves the right to make multiple cooperative agreement awards for the effort described in this notice depending on the merits of the applications received and the amount of Federal funding available.

Contingent on the availability of funds and satisfactory performance, cooperative agreement(s) will be awarded to eligible organization(s) for project periods of up to 3 years. It is currently intended that no cooperative agreement awarded as a result of this notice shall exceed $500,000 per year.

Eligibility Requirements

To be eligible to participate in this cooperative agreement program, an applicant must be a commercial organization (small or large), a non-profit organization or an educational institution. Regardless of the type of organization applying for Federal funding assistance, no fee or profit will be allowed.

Application Procedure

Each application must submit one original and two copies of its application package to: National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Richard Bellamy, 400 Seventh Street, SW., Room 5301, Washington, DC 20590. Only complete application packages received on or before July 7, 1995 shall be considered. Submission of three additional copies will expedite processing, but is not required. The applicant shall specifically identify any information in the application for which confidentiality is asserted, in accordance with the procedures of 49 CFR part 512, Confidential Business Information.

Application Contents

The application package must be submitted with OMB Standard Form 424 (Rev. 4–88), including 424A and 424B), with the required information filled in and the certified assurances included. While the Form 424–A deals with budget information, and Section B identifies budget categories, the available space does not permit a level of detail which is sufficient for a

meaningful evaluation of proposed costs. A supplemental sheet should be provided which presents a detailed breakdown of all proposed costs, as well as the costs which the applicant proposes to contribute in support of this effort, or any additional financial commitment made by other sources.

Applicants shall include a program narrative statement which addresses the following:

1. A description of the research to be pursued which addresses:

a. the objectives, goals, anticipated outcomes, and development efforts that will be undertaken as part of the proposed research effort;

b. the impact the proposed research effort will have on fostering the competitiveness of the United States ITS industry in national and international markets;

c. the potential of the proposed research effort accomplishments to make a significant contribution to the deployment of collision avoidance systems and the potential for improving the rate of deployment of proven collision avoidance technology;

d. the major tasks and sub tasks to be undertaken as part of the proposed research effort identified and described in the form of a statement of work. The program narrative and statement of work should be described in sufficient detail to demonstrate proficiency in technical areas relevant to the proposed project and an understanding of the purpose and unique problems represented by the research objectives of this cooperative agreement program.

2. The proposed program director and other key personnel identified for participation in the proposed research effort, including a description of their qualifications and their respective organizational responsibilities.

3. A description of the test facilities and equipment currently available or to be obtained for use in the conduct of the proposed research effort.

4. A description of the applicant's previous experience or on-going research program that is related to this proposed research effort.

5. Detailed narrative descriptions which include:

a. A detailed task schedule, Gantt, or PERT chart showing the duration, relationship and sequencing of proposed tasks, sub tasks, project milestones, project deliverables and all planned oral presentations.

b. A management plan that demonstrates the ability to direct and coordinate the project tasks and manage administrative activities.

c. A budget for the proposed research effort, including the cost-sharing contribution proposed by the applicant, as well as any additional financial commitments made by other sources. The budget detail shall include all cost components of the project, including applicable overhead rates. Labor categories, hourly labor rates, and projected labor hours for each labor category by major task and sub task should be included, as well as all materials, computer time, test facility fees, etc.

d. A detailed description of deliverables that will be provided to NHTSA during the project and upon completion of the research effort. All written reports delivered to NHTSA should be suitable for public release.

6. A detailed statement of any technical assistance which the applicant may require of NHTSA in order to successfully complete the proposed research effort.

Application Review Process and Criteria

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application contains all the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. The applicant's understanding of the purpose and unique problems represented by the research objectives of this cooperative agreement program as evidenced in the description of their proposed project. The impact the proposed research effort will have on fostering the competitiveness of the United States ITS industry in national and international markets will also be evaluated. Specific attention shall be placed upon the applicant's stated proposed research effort as described in its program narrative and statement of work.

2. The potential of the proposed research effort accomplishments to make a significant contribution to the deployment of collision avoidance systems and the potential for improving the rate of deployment of proven collision avoidance technology will be a primary consideration.

3. The technical and financial merit of the proposed research effort, including the feasibility of approach, practicality, planned methodology, and anticipated results. Financial merit will be estimated by the cost of the cooperative agreement to be borne by NHTSA compared to the resources that would be contributed by the applicant and other sources relative to the potential of the proposed research effort accomplishments to make a significant contribution to the deployment of collision avoidance systems and the potential for improving the rate of deployment of proven collision avoidance technology.

4. The adequacy and availability of relevant test facilities and equipment identified to accomplish the proposed research effort.

5. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical, and support staff.

Terms and Conditions of the Award

1. If applicable, the protection of the rights and welfare of human subjects in NHTSA-sponsored experiments is established in NHTSA Orders 700–1 and 700–3. Any recipient must satisfy the requirements and guidelines of the NHTSA Orders 700 series prior to award of the cooperative agreement. It is not anticipated that non-human subjects will be used in any testing performed under this cooperative agreement. A copy of the NHTSA Orders 700 series may be obtained from the administrative information contact designated in this notice.

2. Prior to award, the recipient must comply with the certification requirements of 49 CFR Part 20—Department of Transportation New Restrictions on Lobbying and 49 CFR Part 29—Department of Transportation Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

3. Cooperative agreement(s) will be negotiated to include provisions appropriate to organizational conflicts of interest and rights in data (e.g., patent rights, copyright). At the time of negotiation, applicants may be required to disclose all actual or apparent conflicts of interest.

4. During the effective period of the cooperative agreement(s) awarded as a result of this notice, the agreement(s) shall be subject to NHTSA's General Provisions for Assistance Agreements, the cost principles of OMB Circular A–21, A–122, or FAR 31.2, as applicable to the recipient, and the requirements of 49 CFR Part 20 and Part 29. The agreement(s) shall also be subject to the general administrative requirements of 49 CFR Part 19—Department of Transportation Uniform Administrative Requirements for Grants and

Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

5. Reporting Requirements:

a. *Written Research Reports:* The recipient shall submit bimonthly research reports due 15 days after each reporting period. The recipient shall also submit an annual report for each year of performance due 30 days after each reporting year, and a final research report due 30 days following completion of the research effort. An unbound original and five copies of all written research reports shall be submitted to the COTR.

b. *Oral Briefings:* The recipient shall conduct a kickoff briefing within 30 days after award and two semiannual oral presentations of research results during each year of performance. For planning purposes, assume that all presentations will be held in the Nassif Building at U.S. Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, DC. An unbound original and ten copies of all briefing materials shall be submitted to the COTR five working days prior to each oral presentation.

Issued on: May 4, 1995.

William A. Leasure, Jr.,

Acting Associate Administrator for Research and Development.

[FR Doc. 95–11388 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–033; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1993 Moto Guzzi Daytona Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1993 Moto Guzzi Daytona motorcycles are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1993 Moto Guzzi Daytona motorcycle that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is June 8, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors, Inc. of Kingsville, Maryland (''J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether 1993 Moto Guzzi Daytona motorcycles are eligible for importation into the United States. The vehicle which J.K. believes is substantially similar is the 1993 Moto Guzzi Daytona that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1993 Moto Guzzi Daytona to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that the non-U.S. certified 1993 Moto Guzzi Daytona, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1993 Moto Guzzi Daytona is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 106 Brake Hoses, 111 Rearview Mirrors, 116 Brake Fluid, 119 New Pneumatic Tires for Vehicles other than Passenger Cars, 120 Tire Selection and Rims for Motor Vehicles other than Passenger Cars, 122 Motorcycle Brake Systems, 123 Motorcycle Controls and Displays, and 205 Glazing Materials.

Petitioner also contends that the non-U.S. certified 1993 Moto Guzzi Daytona is capable of being readily modified to meet the following standards in the manner indicated:

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: (a) By installing U.S.-model headlamps and front sidemarker lights; (b) by installing U.S.-model taillamp assemblies that incorporate rear sidemarker lights.

Standard No. 115 *Vehicle Identification Number:* By installing a vehicle identification plate.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 4, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–11389 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–034; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1985 Alfa Romeo GTV Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1985 Alfa Romeo GTV passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1985 Alfa Romeo GTV that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is June 8, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors, Inc. of Kingsville, Maryland (''J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether 1985 Alfa Romeo GTV passenger cars are eligible for importation into the United States. The vehicle which J.K. believes is substantially similar is the 1985 Alfa Romeo GTV that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1985 Alfa Romeo GTV to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that the non-U.S. certified 1985 Alfa Romeo GTV, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1985 Alfa Romeo GTV is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . . .*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials.*

Petition also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp lenses which incorporate rear sidemarkers.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: Installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 Vehicle Identification Number: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 Power Window Systems: Installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 Occupant Crash Protection: Installation of a seat belt warning buzzer. The petitioner states that the vehicle has shoulder harnesses at all outboard seating positions and lap belts in the center seating position.

Standard No. 214 Side Impact Protection: Installation of reinforcing beams

Standard No. 301 Fuel System Integrity: Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1985 Alfa Romeo GTV must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581.

Interested persons are invited to submit comments on the petition

described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 4, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–11390 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

[Treasury Directive 15–57]

Delegation of Authority to the Director, United States Secret Service, Under 31 U.S.C. 333, Misuse of Treasury Name or Symbol

May 1, 1995.

1. *Purpose.* This Directive delegates to the Director, United States Secret Service, criminal investigatory authority and civil penalty enforcement authority under 31 U.S.C. 333 relating to misuse of the name or symbol of the Department of the Treasury or any Treasury component or employee thereof as specified below.

2. *Delegation.* By virtue of the authority vested in the Secretary of the Treasury by 31 U.S.C. 333, and the authority delegated to the Under Secretary (Enforcement) by Treasury Order (TO) 101–05, there is hereby delegated to the Director, United States Secret Service, the authority to investigate criminal violations of, and to assess civil penalties under, section 333.

3. *Exception.* The authority delegated to the Director, United States Secret Service, by this Directive does not extend to violations of section 333 involving the misuse of the name or symbol of the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, or the Internal Revenue Service or any employee thereof; or the misuse of the name or symbol of the Department of the Treasury or the Secretary or any Treasury employee in connection with activities within the jurisdiction of those bureaus. See Treasury Directives (TD) 15–13, 15–31, and 15–43.

4. *Civil Penalty Authority.* The Director, United States Secret Service, will assess, mitigate and collect civil penalties in accordance with guidelines issued by the Office of the Under Secretary (Enforcement).

5. *Redelegation.* The authority delegated by this Directive may be redelegated.

6. *Authorities.*

a. TO 101–05, ''Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury.''

b. 31 U.S.C. 333.

7. *References.*

a. TD 15–13, ''Delegation of Authority to the Director, Alcohol, Tobacco and Firearms, Under 31 U.S.C. 333, Misuse of Treasury Name or Symbol.''

b. TD 15–31, ''Delegation of Authority to the Commissioner, United States Customs Service, Under 31 U.S.C. 333, Misuse of Treasury Name or Symbol.''

c. TD 15–43, ''Delegation of Authority to the Commissioner, Internal Revenue Service, Under 31 U.S.C. 333, Misuse of Treasury Name or Symbol.''

8. *Expiration Date.* This Directive expires three years from the date of issuance unless cancelled or superseded by that date.

9. *Office of Primary Interest.* Office of the Under Secretary (Enforcement).

Ronald K. Noble,

Under Secretary (Enforcement).

[FR Doc. 95–11377 Filed 5–8–95; 8:45 am]

BILLING CODE 4810–25–P

Internal Revenue Service

[Delegation Order No. 245]

Delegation of Authority

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Delegation of Authority.

SUMMARY: Authority to execute written agreements relating to federal tax matters resolved pursuant to the Internal Revenue Service and Resolution Trust Corporation Inter-Agency Agreement, dated December 10, 1992.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Teri A. Frank, CC, room 3539, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 622–3360 (not a toll-free call).

Authority To Sign Resolution Trust Corporation Closing Agreements

The authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121–1(a); Treasury Order No. 150–7; Treasury Order No. 150–9; and Treasury Order No. 150–10, to execute closing agreements relating to federal tax matters which are the subject of the Internal Revenue Service and Resolution Trust Corporation Inter-Agency Agreement (Agreement), dated December 10, 1992, is delegated as follows:

1. The District Directors; Regional Directors of Appeals; Assistant Regional Directors of Appeals; Chiefs and Associate Chiefs of Appeals; and Appeals Team Chiefs with respect to their team cases, are hereby authorized in cases under their jurisdiction (including cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to federal tax years resolved pursuant to the Agreement, including future tax years to which the Agreement applies.

2. The Regional Directors of Appeals; Assistant Regional Directors of Appeals; Chiefs and Associate Chiefs of Appeals are hereby authorized, upon the request of the Chief Counsel or his/her delegate, in cases docketed before the United States Tax Court other than those referred to in paragraph 1, to enter into and approve a written agreement with any person relating to federal tax years resolved pursuant to the Agreement, including future tax years to which the Agreement applies.

3. The authority delegated in this Order may not be redelegated, except that District Directors may redelegate the authority contained in paragraph 1 of this Order but not below the Chief, Quality Review Staff/Section.

4. To the extent that authority previously exercised consistent with this Order may require ratification, it is hereby affirmed and ratified.

5. The authority contained in this Order supplements the authority contained in Delegation Order No. 97 (as revised).

Dated: April 13, 1995.

Stuart L. Brown,

Chief Counsel.

Dated: April 29, 1995.

Michael P. Dolan,

Deputy Commissioner.

[FR Doc. 95–11403 Filed 5–8–95; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting

The Department of Veterans Affairs gives notice under Pub. L. 92–463 that a subcommittee meeting of the Advisory Committee on Women Veterans will be held on June 8, 1995, at 1785 Massachusetts Ave., N.W., Washington, DC. The purpose of the subcommittee meeting is to review the Phase 1 results of the Study of Reproductive Health Outcomes Among Women Vietnam Veterans.

The subcommittee will convene on June 8 from 10:00 a.m. to 4:00 p.m. and all sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Antoinette Workeman, Committee Coordinator, Department of Veterans Affairs (phone 202/606–5402) prior to June 8, 1995.

Dated: May 1, 1995.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 11312 Filed 5–8–95; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 89

Tueday, May 9, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD FOR INTERNATIONAL BROADCASTING

DATE AND TIME: May 12, 1995, at 1:15 p.m.

PLACE: American Council of Life Insurance, 1001 Pennsylvania Avenue, N.W., 5th Floor, The Executive Board Room, Washington, D.C. 20004.

OPEN MEETING: The members of the Board for International Broadcasting (BIB) will meet in open session from 1:15 P.M. to about 2:45 P.M. to discuss the following matters: 1) approval of the minutes of the most recent BIB open meeting; 2) the Chairman's report; 3) RFE/RL, Inc., President's report; 4) reports by other RFE/RL, Inc., executives or BIB staff members, as necessary, concerning the move to Prague or other current topics; 5) new business; and 6) set the date of the next meeting.

CLOSED MEETING: The open session of the BIB meeting will be followed by a closed meeting of the Board of Directors of RFE/RL, Inc., a nonprofit private corporation.

CONTRACT PERSON FOR MORE INFORMATION: Patricia Sowick, Program Officer, Board for International Broadcasting, Suite 400, 1201 Connecticut Avenue, N.W., Washington, D.C. 20036. (Tel: 202–254–8040).

Dated: May 5, 1995.

Richard W. McBride,

Executive Director.

[FR Doc. 95–11534 Filed 5–5–95; 8:45 am]

BILLING CODE 6155–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, May 15, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, 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: May 5, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–11560 Filed 5–5–95; 3:34 pm]

BILLING CODE 6210–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Wednesday, May 3, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Recommendations regarding an administrative enforcement proceeding.

Matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Ms. Susan F. Krause, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency) and Chairman Ricki Tigert Helfer, that Corporation business required its consideration on the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington DC.

Dated: May 3, 1995.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 95–11484 Filed 5–5–95; 1:03 pm]

BILLING CODE 6714–0–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, May 16, 1995.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5745C—''Most Wanted'' Safety Recommendations Program Status Report and Suggested Modifications

6558—Highway/Railroad Grade Crossing Accident Report: Collision of Amtrak Train No. 88 with Rountree Transport and Rigging, Inc., Vehicle on CSX Transportation, Inc., Railroad, near Intercession City, Florida, November 30, 1993

NEWS MEDIA CONTACT: Telephone: (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: May 5, 1995.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 95–11565 Filed 5–5–95; 3:34 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 8, 15, 22, and 29, 1995.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 8

Thursday, May 11

10:00 a.m.
Briefing on Business Process Reengineering for Materials Licensing Area (Public Meeting)
(Contact: Pat Rathbun, 301–415–7178)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, May 12

10:00 a.m.
Briefing by DOE on HLW Licensing Support System (LSS) (Public Meeting)

Week of May 15—Tentative

Friday, May 19

10:00 a.m.
Briefing on Site Decommissioning Management Plan (SDMP) Program and Policy Issues (Public Meeting)
(Contact: Mike Weber, 301–415–7298)

Week of May 22—Tentative

Wednesday, May 24

10:00 a.m.
Briefing on Part 1 Recommendations for National Performance Review Phase II (Public Meeting)
(Contact: Jack Roe, 301–415–1354)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Thursday, May 25

10:00 a.m.
Briefing on Operator Licensing and Recertification Programs (Public Meeting)

Friday, May 26

10:00 a.m.
Briefing on Steam Generator Issues (Public Meeting)
(Contact: Brian Sheron, 301–415–2722)

Week of May 29—Tentative

Thursday, June 1

10:00 a.m.
Briefing on Electricity Forecast from Energy Information Administration (EIA) Annual Energy Outlook (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

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.

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 (301–415–1963).

In addition, distribution of this meeting notice over the internet system will also become available in the near future. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

Dated: May 5, 1995.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 95–11533 Filed 5–5–95; 3:04 pm]

BILLING CODE 7590–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on May 1, 1995, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for June 5, 1995, in Austin, Texas. The members will consider (1) a final funding request for the Chicago, Illinois, Processing & Distribution Center, and (2) research and development funding for electronic commerce services. The members will also be briefed on the acquisition of leased postal facilities.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Mackie, Pace, and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and section 7.3(i) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information, the premature disclosure of which would significantly frustrate proposed procurement actions.

The Board further determined that the pubic interest does not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(9)(B) of Title 5, United States Code; and section 7.3(i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 95–11544 Filed 5–5–95; 3:55 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 8, 1995.

A closed meeting will be held on Tuesday, May 9, 1995, at 10:00 a.m. An open meeting will be held on Wednesday, May 10, 1995, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 9, 1995, at 10:00 a.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, May 10, 1995, at 10:00 a.m., will be:

Consideration of whether to adopt: (i) Rule 434 and amendments to existing rules and forms under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940 in order to facilitate prospectus delivery under the T+3 securities transaction settlement cycle effective June 7, 1995 and otherwise streamline the registration process; (ii) amendments to Rule 15c6–1 under the Exchange Act with respect to settlement of firm commitment underwritten offerings; and (iii) revisions to Rule 15c2–8 under the Exchange Act to reflect the provisions of Rule 434 and new means of disseminating prospectus information. For further information, contact Anita Klein or Joseph Babits at (202) 942–2900.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: May 4, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–11441 Filed 5–5–95; 9:50 am]

BILLING CODE 8010–01–M

Federal Register

Tuesday
May 9, 1995

Part II

Environmental Protection Agency

40 CFR Part 82

Stratospheric Ozone Protection; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–5199–7]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of partial stay and reconsideration.

SUMMARY: This action promulgates a partial stay of a provision of the refrigerant recycling regulations previously promulgated under section 608 of the Clean Air Act that restricts the sale of class I or class II refrigerants contained in appliances without fully assembled refrigerant circuits. On January 27, 1995, EPA partially stayed the effectiveness of 40 CFR 82.154(m), including the applicable compliance date, only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, for three months. That stay was promulgated pursuant to Clean Air Act section 307(d)(7)(B), which provides the Administrator authority to stay for three months the effectiveness of a rule during reconsideration.

This document extends the partial stay of the effectiveness of 40 CFR 82.154(m), including the applicable compliance date, pursuant to Clean Air Act section 301(a)(1). The partial stay will be in effect until such time as EPA takes final action on its reconsideration (including any appropriate regulatory action) of the rules in question.

EFFECTIVE DATE: April 27, 1995.

ADDRESSES: Comments and materials supporting this rulemaking are contained in Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M–1500. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Deborah Ottinger, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street, SW., Washington, DC 20460, (202) 233–9200. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Background
II. Rules to be Stayed and Reconsidered
III. Issuance of a Three-Month Stay
IV. Additional Temporary Stay
V. Comments Received
VI. Response to Comments
VII. Authority for Stay
VIII. Effective Date
IX. Supporting Analyses

I. Background

On December 16, 1994, Hamilton Home Products, a distributor of pre-charged split air-conditioning systems, petitioned the United States Environmental Protection Agency (EPA) to reconsider the amendment to the Refrigerant Recycling Rule promulgated on October 28, 1994, (59 FR 55912, November 9, 1994), particularly the sales restriction provision under 40 CFR 82.154(m) as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits. On January 6, 1995, Hamilton Home Products filed a petition in the United States Court of Appeals for the District of Columbia Circuit seeking review of this Refrigerant Recycling Rule (*Hamilton Home Products* v. *U.S. Envtl. Protection Agency,* D.C. Cir. No 95–1019) EPA has issued a temporary administrative stay of § 82.154(m) as it relates to appliances without fully assembled refrigerant circuits, and has initiated reconsideration of this provision (60 FR 14608, March 17, 1995).

II. Rules to be Stayed and Reconsidered

Final regulations published on May 14, 1993 (58 FR 28660), established a recycling program for ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. The regulations required technicians to observe practices that minimize release of refrigerant to the environment and to be certified as knowledgeable of these requirements (40 CFR 82.154, 82.156, 82.161). Moreover, to ensure that persons handling refrigerant are certified technicians, § 82.154(n) (now (m) by amendment) prohibited the sale of refrigerant unless the buyer was a certified technician or another exception applied. One exception was for refrigerant contained in an appliance. This exception was intended to permit uncertified individuals to purchase appliances, such as household refrigerators, whose installation would involve very little risk of refrigerant release (58 FR 28697).

On August 15, 1994, EPA proposed an amendment to the technician certification provisions of the rule to clarify the scope of the activities that may only be performed by a certified technician (59 FR 41968). During the comment period on the proposed rule, EPA became aware that it also needed to clarify the exception for pre-charged appliances from the sales restriction in light of the other amendments. It was not clear whether pre-charged split systems should be considered appliances, which are excepted, or components, which are not. Although sold as a package, a pre-charged split system is not a fully assembled appliance.

For the reasons given in the final rule (59 FR 55921), EPA revised the relevant paragraphs of § 82.154(n) to read ''Effective November 14, 1994, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance for use as a refrigerant to any person unless: * * * (6) The refrigerant is contained in an appliance, and after January 9, 1995, the refrigerant is contained in an appliance with a fully assembled refrigerant circuit * * *.''

After promulgation of the October 28, 1994, rule and within the 60-day judicial review period, Hamilton Home Products (Hamilton) objected to the rule and submitted information to EPA regarding the effects of the sales restriction on pre-charged split systems. Hamilton claims that it was impracticable to raise the objection during the comment period due to lack of notice. While EPA believes its final rule is a logical outgrowth of the notice, the notice itself did not specifically address pre-charged split systems.

Hamilton's petition for reconsideration states that the Quick Connect assembly used in Hamilton's products, which are sold to homeowners, ''enable[s] homeowners to have the installation completed with no refrigerant loss.'' In addition, Hamilton states that consumers who buy split systems themselves, rather than through a contractor, realize significant savings even if the consumer hires a contractor to assemble the refrigerant circuit. Finally, Hamilton argues that loss of the split-system market would represent an extreme economic burden on the company.

EPA has completed a preliminary review of Hamilton's information and is now reconsidering the sales restriction provisions in light of this new information. Hamilton's information indicates that the risk of release of refrigerant during the assembly of quick-connect split systems, and therefore the benefit of restricting sale of split

systems, may be small. At the same time, the cost to consumers and to distributors such as Hamilton of restricting sale of split systems may be significant.

III. Issuance of Administrative Stay

On January 27, 1995, EPA issued an immediately effective three-month administrative stay of the effectiveness of § 82.154(m), including all applicable compliance dates, as this provision applies to refrigerant contained in appliances without fully assembled refrigerant circuits (published in the **Federal Register** on February 7, 1995 at 60 FR 7386). This stay did not affect refrigerant contained in pre-charged parts or bulk containers.[1] EPA is reconsidering this rule, as discussed above and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action. If the reconsideration results in restrictions on the sale of class I and class II refrigerants that are stricter than the existing rule, EPA will propose an adequate compliance period from the date of final action on reconsideration. EPA will seek to ensure that the affected parties are not unduly prejudiced by the Agency's reconsideration.

IV. Additional Temporary Stay

EPA will not be able to complete the reconsideration (including any appropriate regulatory action) of the rules stayed by the Administrator within the three-month period expressly provided in section 307(d)(7)(B). While EPA is reconsidering the rules in question as expeditiously as practicable, EPA will not be able to issue a proposed action, seek public comment, and take final action before the temporary stay expires on April 27, 1995. Therefore, EPA believes it is appropriate to extend temporarily the stay of the effectiveness of the sales restriction as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits and the applicable compliance date. EPA is extending the stay from April 27, 1995, only until EPA completes final rulemaking upon reconsideration and that rule becomes effective.

V. Comments Received

EPA received over 60 comments on the proposed stay, both supporting and opposing the stay. In general, commenters who supported the stay argued that the stay would allow EPA to follow full notice and comment procedures before taking further action on the sales restriction as it applies to pre-charged split systems, that the risk of refrigerant release associated with purchase of pre-charged split systems by non-certified persons is small, that distributors, manufacturers, and retailers of pre-charged split systems would be economically harmed by failure to extend the stay, and that consumers realize significant savings by being able to buy pre-charged split systems from home product centers rather than through contractors.

Commenters who opposed the stay argued that the stay would result in significant refrigerant releases, that the stay was unfair and inconsistent with the rest of the section 608 refrigerant recycling program, that the stay would harm contractors' income, and that the cost to consumers of the sales restriction was small.

Several commenters who supported the stay cited EPA's need to pursue notice and comment rulemaking in order to reconsider the sales restriction. One commenter supported extending the stay only until Hamilton was able to clear its shelves of inventory accumulated before the rule promulgating the restriction on sale of split systems was published on November 9, 1994.

Many commenters who supported the stay argued that it was not likely to lead to refrigerant releases. Some stated that purchasers of pre-charged split systems would hire certified technicians to perform the part of the installation that involves violation of the refrigerant circuit. These commenters noted that hiring a certified technician for this task is still required by law and is often necessary to preserve the warranty on the equipment. Commenters also indicated that the risk of environmental damage was small no matter who performed the installation. Several commenters characterized connection of quick-connect fittings as being as ''simple as connecting a garden hose'' and described these connections as free of leaks.

In addition, Hamilton argued that the charge size of its split systems is small, and that the refrigerant is R–22, which is less harmful to the ozone layer than some other refrigerants. Moreover, Hamilton stated that split systems eliminated emissions from hooking up gauges and hoses, charging, soldering, brazing, and transporting refrigerant containers. Hamilton also stated that use of its split systems eliminated the risk of charging the wrong refrigerant into the air conditioner.

Several commenters noted that their businesses would be harmed by the reimposition of the sales restriction. These commenters included distributors, parts manufacturers and suppliers, and ''home center'' stores. Hamilton Home Products stated that reimposing the sales restriction any time before Labor Day would place Hamilton in an even worse economic situation than was the case when the restriction went into effect on January 9, because Hamilton has invested heavily in split systems in order to stay in business during this air-conditioning season. If the sales restriction were imposed on April 27, Hamilton and the Home Centers would be left with an inventory in excess of $6 million that could not be sold. Hamilton would also lose the value of investments it has made in sales training and advertising in the event of reimposition of the sales restriction. Although Hamilton sells other products besides pre-charged split systems (such as furnaces, humidifiers, and air cleaners), Hamilton claims that it would not be able to sell these other products unless it can also sell pre-charged split systems, because consumers like to be able to purchase ''total'' HVAC systems.

Commenters favoring the stay also stated that consumers save money by being able to buy air conditioners through home products stores, rather than through contractors. According to Hamilton, contractors often ''bundle'' equipment and installation, increasing the price of equipment in order to increase their profit margins. Thus, consumers who purchase their own equipment pay less than consumers who purchase their equipment through a contractor, even if the former subsequently hire a contractor to install the equipment. Moreover, many consumers choose to perform the non-refrigerant part of the installation themselves, saving more money. Hamilton claimed that homeowners purchasing Hamilton split systems save hundreds and often more than a thousand dollars. In support of these statements, Hamilton cited examples of customers who saved between $2,000 and $3,000 over the price quoted by major national and regional contractors.

Hamilton argued that contractors overstate the dangers of release from split systems because they wish to

[1] EPA considers a ''part'' to be any component or set of components that makes up less than an appliance. For example, this includes line sets, evaporators, or condensers that are not sold as part of a set from which one can construct a complete split system or other appliance. On the other hand, EPA considers a ''pre-charged split system'' to be a set of parts or components, at least one of which is pre-charged, from which one can assemble a complete split system. This may include a pre-charged condenser, pre-charged evaporator, and pre-charged line set, or simply a pre-charged condenser sold along with an evaporator and line set containing only nitrogen.

eliminate competition from Hamilton. Hamilton concluded that reinstating the sales restriction would protect against a non-existent and at worst de minimis risk at great expense.

Commenters who opposed the stay argued that the stay would result in refrigerant release because uncertified individuals would ultimately install most pre-charged split systems purchased directly by consumers, and special skills and equipment are needed to properly install these systems. These commenters disputed the claim that uncertified purchasers of split systems would hire certified technicians to perform the part of the installation that involves violation of the refrigerant circuit. First, according to the commenters, many such purchasers would buy equipment from home products stores precisely in order to avoid paying a third party for installation. Second, it would be relatively easy to violate the requirement to hire a certified technician without fear of detection. Commenters also stated that certified technicians would be reluctant to install pre-charged split systems purchased by homeowners because they could not operate on the wages of an installer and would not want to become involved in warranty disputes between the purchaser and the manufacturer. Certified technicians therefore either would refuse to do the work or would charge high prices for it, discouraging consumers from hiring them.

Several commenters opposing the stay stated that both quick-connect and other types of pre-charged split systems are difficult to install properly, and that if these systems are not installed properly, they tend to leak. These commenters noted that the quick-connect fittings must be tightened to a pre-set value in order to remain leak-free. If the fittings are under-tightened (for instance because the installer fails to properly oil the threads) or over-tightened, they will leak. According to the commenters, other parts of the split system can also release refrigerant if improperly installed; for instance, tubing may be kinked and parts of fittings or line sets may be removed to fit into the available space. If these parts are pre-charged or are charged without being leak-checked and repaired, they will release refrigerant. One commenter stated that mechanical fittings should be leak tested after installation, and that consumers do not have the equipment to perform such leak tests.

Commenters noted that other types of pre-charged split systems, in which only the condenser is pre-charged with refrigerant, are even more difficult to install. In these systems, components must be soldered or brazed together, leak tested and, if necessary, repaired, and evacuated. In addition, the charge must be checked and, if necessary, adjusted. These tasks require a range of equipment that the consumer is not likely to possess.

A number of contractors who opposed the stay stated that they frequently repaired split systems with quick-connect or other mechanical (as opposed to brazed or soldered) fittings. One commenter stated that in his experience, 25% of mechanical fittings fail within the first year of installation. Another commenter noted that he receives several calls in the summer to service ''do-it-yourselfer'' units that have leaked, sometimes releasing the entire charge.

Some commenters stated that pre-charged split systems using quick-connect fittings are no longer manufactured by many manufacturers of air-conditioning and refrigeration equipment because such systems tend to leak even when installed properly, or are difficult to service.

Two commenters stated that EPA should consider the fate of the refrigerant in the air conditioners being replaced by pre-charged, split systems. They stated that uncertified persons probably would not know that this refrigerant should be recovered, and if they did, they would not know how to remove it. As a result, this refrigerant would be vented to the atmosphere.

Numerous commenters argued that it was inconsistent and unfair to permit uncertified consumers to purchase pre-charged split systems while requiring technicians and contractors to become certified and acquire recovery and recycling equipment in order to remain in business. These commenters noted that technicians and contractors had invested thousands of dollars and considerable time to meet these requirements. They also stated that consumers who have little or no experience installing air-conditioning and refrigeration equipment are far more likely to release refrigerant than certified technicians. By perpetuating the stay, the commenters argued, EPA would be restricting its regulations to the group of individuals who least need to be regulated.

In addition, commenters noted that continued suspension of the restriction on sale of pre-charged split systems would be inconsistent with the restriction on sale of small cans of R–12 and other bulk containers of refrigerant, whose use involves approximately the same risk of refrigerant release.

Commenters also stated that the stay would give uncertified contractors a supply of equipment with which they could continue operating and would harm legitimate contractors' income. Other commenters expressed the opinion that Hamilton would not be so harmed by the restriction as it claims because it markets other types of split systems (besides quick-connects) to technicians. Some commenters stated the cost to consumers of the stay would be small, because competition among contractors restrains prices. Another commenter stated that any initial savings to the consumer would be negated either by higher contractor installation charges or by the need for subsequent service and repairs.

Several commenters proposed options that they believed would permit consumers to continue purchasing split systems while eliminating the risk of refrigerant release. Two commenters suggested that uncertified persons be permitted to buy split systems charged with nitrogen rather than refrigerant. Another commenter recommended that consumers be allowed to purchase split systems, but that certified technicians be required to accept delivery. EPA will consider these options in its reconsideration of the sales restriction.

VI. Response to Comments

EPA is concerned about the risks of refrigerant release from split systems identified by commenters who opposed the stay, and EPA intends to fully investigate these risks during its reconsideration of the restriction on sale of pre-charged split systems. However, EPA is temporarily extending the stay because (1) EPA has not yet had an opportunity to reconsider whether the adverse environmental impact of permitting sale of pre-charged split systems to uncertified technicians justifies the economic impact of restricting their sale; (2) the economic impact of immediate reimposition of the sales restriction on Hamilton Home Products and other distributors would potentially be severe and possibly irrevocable; and (3) potential environmental impacts are limited by the temporary nature of the stay, by the small size of the market affected, by the small charge size of residential split systems, and by the type of refrigerant in residential split systems.

EPA agrees with Hamilton and other commenters who supported the stay that EPA should not reimpose the sales restriction before EPA has had an opportunity to conduct more research and take further comment regarding both the environmental and economic impact of a restriction on sale of pre-

charged split systems. The comments on the stay have suggested a number of avenues for research, but have not definitively resolved any issues. EPA considers it necessary to obtain more extensive information before making its decision.

During the next few months, therefore, EPA plans to seek additional information regarding several issues. Specifically, EPA will be investigating the extent to which warranty and legal concerns are likely to encourage purchasers of pre-charged split systems to hire certified technicians to install their systems, the percentage of ''quick-connect'' pre-charged split systems that release refrigerant during or after installation, and the percentage of pre-charged split systems that are sold as replacements for existing air conditioners (whose charge should be removed by a certified technician). EPA will also attempt to compare the risk of refrigerant release from assembly of pre-charged split systems to the risk of refrigerant release from other activities for which technician certification is required. In addition, EPA will be investigating what fraction of Hamilton's air-conditioning and overall sales are accounted for by quick-connect, pre-charged split systems, and what prices consumers typically pay for air conditioners purchased through contractors as opposed to home centers. EPA is considering using its authority under section 114 of the Clean Air Act to secure information needed to carry out provisions of the Act in order to obtain this information and/or related information.

In addition to gathering more information, EPA will be investigating whether regulatory options that lie between permitting unrestricted sale of split systems to uncertified persons and totally banning sale of split systems to uncertified persons might address any environmental risk at less cost to consumers than a total ban on sale of split systems to uncertified persons.

EPA agrees with Hamilton that the economic consequences to Hamilton of reimposing the sales restriction at this time would be severe. Hamilton noted that it had approximately $5 million worth of equipment (including split systems, furnaces, air cleaners, and humidifiers) in inventory from last season. In addition, Hamilton stated that in order to stay in business during this air-conditioning season, it has invested in an additional $3 million in split systems. Immediate reimposition of the sales restriction would therefore leave Hamilton and its ''home center'' customers with several million dollars worth of inventory, much of which could not be sold. (Hamilton states that home centers are the only market for Hamilton and its supplier.) In addition, Hamilton would lose investments in training and advertising, and would have to pay freight costs for returned split systems. EPA believes that these losses, which would be virtually certain were EPA to reimpose the sales restriction immediately and which could potentially put Hamilton out of business permanently, are not justified given that EPA has not had an opportunity to finish its reconsideration of the risk of refrigerant release from split systems purchased by uncertified individuals.

Moreover, although EPA has not finished its reconsideration of this risk, EPA has reason to believe that any environmental impact from the stay will be limited. First, the stay is temporary. EPA expects to complete its reconsideration and rulemaking expeditiously, before the end of the year. If EPA finds that the risk of refrigerant release from split systems purchased by uncertified individuals justifies it, EPA will reimpose the restriction on sale of split systems to uncertified individuals at that time. Second, the market for pre-charged residential split systems[2] sold directly to consumers is currently small, and is not likely to change significantly during the brief period when the stay will be in effect. In its comments, Hamilton stated that it is the only distributor of pre-charged split systems to home centers in the U.S., and information submitted by Hamilton indicates that it sells less than 10,000 pre-charged split systems per year. This represents less than 0.2 percent of the 4.8 million residential air-conditioners and heat pumps sold in the U.S. last year.[3] Third, residential split systems typically contain between four and six pounds of refrigerant, a relatively small quantity. Fourth, this refrigerant is R–22, which is less destructive to stratospheric ozone than some other refrigerants. Taken together, these considerations indicate that the environmental impact from the stay would be limited, and is not sufficiently certain to outweigh the known economic harms.

Therefore, through this action, EPA is extending the stay of § 82.154(m) and the applicable compliance date, for appliances without fully assembled refrigerant circuits only, until EPA completes reconsideration of these regulations. This stay will expire when the final action regarding § 82.154(m) and the compliance date, with respect to refrigerant contained in appliances without fully assembled refrigerant circuits, are completed and effective.

[2] EPA recognizes that pre-charged split systems are also sold for non residential refrigeration and air-conditioning applications. However, based on comments received to date, EPA believes that the majority of split systems sold to uncertified persons are residential split air-conditioning systems.

[3] Estimated total sales of residential air conditioners drawn from ''Execs Predict: 1995 Won't Repeat 94's Records,'' The Air Conditioning, Heating, and Refrigeration News, January 9, 1995.

VII. Authority for Stay

The stay of the rule and associated compliance period announced by this notice are being undertaken pursuant to sections 608 and 307 of the Clean Air Act.

VIII. Effective Date

This action will be effective starting April 27, 1995, and will continue until EPA takes final action on its reconsideration of these provisions. This expedited effective date is necessary to prevent the restriction on sale of pre-charged split systems from being reimposed when the administrative stay expires on April 27, before EPA has an opportunity to complete its reconsideration. Providing for a 30-day delay in effectiveness after publication would be impracticable and contrary to the public interest. Because the stay relieves a regulatory burden through extension of the current stay, there is no need to provide time for education and compliance. Moreover, allowing the stay to lapse for a period of 30 days would briefly reinstate the sales restriction in an economically disruptive and harmful manner with extremely small and uncertain environmental benefit. Given the lack of burden upon affected parties and the need to make the stay effective April 27, 1995, EPA finds good cause for expediting the effective date of this rule. EPA believes that this is consistent with 5 U.S.C. 553 (d)(i) and (3).

IX. Summary of Supporting Analyses

A. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–602, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

This stay relieves a regulatory burden through extension of the current stay. Thus, the stay will not have an impact on the regulated community. An examination of the impacts of the section 608 rule as a whole on small entities was discussed in the final rule (58 FR 28660). That final rule assessed the impact the rule may have on small entities. A separate regulatory impact analysis accompanied the final rule and is contained in Docket A–92–01. I certify that this partial stay of the refrigerant recycling rule will not have any additional negative economic impacts on any small entities.

B. Unfunded Mandate Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires EPA to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing any small governments that may be significantly or uniquely affected by the rule. Section 205 requires that regulatory alternatives be considered before promulgating a rule for which a budgetary impact statement is prepared. The Agency must select the least costly, most cost-effective, or least burdensome alternative that achieves the rule's objectives, unless there is an explanation why this alternative is not selected or this alternative is inconsistent with law.

This stay relieves a regulatory burden; therefore, it is not expected to result in the expenditure of any additional funds by state, local, or tribal governments, or by the private sector. Because this stay is not estimated to result in the expenditure of any additional funds by state, local, and tribal governments, or by the private sector, the Agency has neither prepared a budgetary impact statement nor addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Small governments will not be affected at all by this rule; therefore, the Agency is not required to develop a plan with regard to small governments.

List of Subjects in 40 CFR Part 82

Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: April 24, 1995.

Carol M. Browner,

Administrator.

Part 82, chapter I, title 40, of the Code of Federal Regulations, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.154 is amended by revising paragraph (m)(9) to read as follows:

§ 82.154 Prohibitions.

* * * * *

(m) * * *

(9) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.154(m), only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, is stayed from April 27, 1995, until EPA takes final action on its reconsideration of these provisions. EPA will publish any such final action in the **Federal Register**.

* * * * *

[FR Doc. 95–10617 Filed 5–8–95; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Tuesday
May 9, 1995

Part III

Department of Transportation

Federal Transit Administration

Innovative Financing Initiative: Administrative Policies and Procedures Facilitating Use of Innovative Finance Techniques in Federally-Assisted Projects: Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Innovative Financing Initiative: Administrative Policies and Procedures Facilitating Use of Innovative Finance Techniques in Federally-Assisted Transit Project

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: This Notice describes innovative financing methods and asset management tools which may be used in connection with projects receiving assistance from the Federal Transit Administration (FTA) in order to facilitate financing, leverage Federal, State and local funds, and otherwise increase the effectiveness of transit capital projects.

FOR FURTHER INFORMATION CONTACT: Janette Sadik-Khan, Associate Administrator for Budget and Policy, (202) 366–4050, or Paul Marx, (202) 366–1675, Room 9310, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) encourages more efficient management and enhancement of our Nation's public transit infrastructure through the creation of public/private investment partnerships. In addition Executive Order 12893, ''Principles for Federal Infrastructure Investments,'' signed by the President on January 26, 1994, directs each executive department ''to ensure efficient management of infrastructure * * *'' and ''to encourage private sector investment, which is a key objective of our efforts to promote innovative financing.'' Underlying this guidance is the notion that market-oriented financing and management techniques can be effective tools for meeting our Nation's needs for infrastructure investment. To further these directives, on September 12, 1994, FTA published a Notice regarding its Innovative Financing Initiative in the **Federal Register** (59 FR 46878) in which FTA requested information from its grantees about their use of innovative financing techniques in local transit projects.

This Notice combines in a single document current innovative financing methods and assets management tools and indicates, where appropriate, changes in administrative practice or policy guidance that may facilitate their use. Grantees and others in the transit community may find it useful to have in one publication a summary of the permissible financing and management techniques under FTA's grant programs. Grantees should, however, refer to the appropriate FTA regulations, circulars, reports, and publications that explain these techniques in greater detail, or contact their FTA Regional Office for further guidance and assistance.

The discussion below is divided into two broad categories, Innovative Finance Techniques and Asset Management Tools.

FTA Innovative Finance Techniques

This section describes innovative financing techniques which may be used in connection with Federal transit assistance. In general, the techniques can be used with new projects financed with the FTA Urbanized Area Formula Program (49 U.S.C. 5307, formerly Section 9 of this Federal Transit Act, as amended) funds, as well as with Title 23, United States Code (e.g., Surface Transportation Program (STP) and Congestion Mitigation and Air Quality program (CMAQ)) funds transferred to be used for transit projects. In most cases, the techniques can also be used with funds from the Capital Program (49 U.S.C. 5309, formerly Section 3), as well as Nonurbanized Area Formula program (49 U.S.C. 5311, formerly Section 18), and Elderly and Persons and Disabilities Program (49 U.S.C. 5310, formerly Section 16) funds. Many of the procedures can also be used with respect to assets previously acquired with Federal transit assistance. For clarity, each technique is described separately. Grantees should take note that two or more techniques may be combined in the same project to generate additional savings or to further enhance private financing.

FTA generally supports use of innovative financing concepts that enhance the effectiveness of public transit investment by either generating increased investment or by reducing overall project costs. The following techniques and provisions of Federal transit laws are illustrative of the types of innovation that FTA will support. The list is not exclusive; grantees interested in pursuing techniques not listed here should contact their FTA Regional Office. FTA will evaluate proposals on a case-by-case basis, and where appropriate make further changes in administrative procedures, or if necessary, revise its rules and regulations to make such changes.

- *Leasing.* FTA funds may be used to lease, rather than purchase, transit equipment and facilities. Urbanized Area Formula Program (49 U.S.C. 5307, formerly Section 9) funds may be used to cover the costs of new an pre-existing leases, so long as leasing is more cost effective than a direct purchase. FTA regulations at 49 CFR part 639 prescribe how leasing of transit equipment may be eligible. Moreover, FTA permits on a case-by-case basis, using slightly different criteria, such leasing under the Capital Program (49 U.S.C. 5309, formerly Section 3), Nonurbanized Area Formula Program (49 U.S.C. 5311, formerly Section 18), and Elderly and Persons with Disabilities Program (49 U.S.C. 5310, formerly Section 16).
- *Certificates of Participation (COPs).* Certificates of Participation (COPs) are a type of leasing arrangement in which bonds are issued to finance the purchase of transit assets. Typically, the public transit agency (lessee) enters into a lease with a trustee or non-profit entity (lessor) for the assets it wishes to acquire. The lessor then transfers its rights to receive the lease payments made by the transit agency to the bond holders. The cash paid by the bond holders is used to purchase the assets that will be leased by the transit agency. The transit agency makes lease payments from local revenue sources and FTA grants. Title to the assets is held by the trustee for the security interest of the bond holders during the life of the transaction (usually 7 to 12 years). Use of this technique may allow transit agencies to use future reserves of local and federal revenues to accelerate equipment purchases. Although historically FTA recipients have engaged in COPs transactions solely for the purchase of vehicles, this technique may also be used to acquire facilities. Approximately six of these have taken place with federally funded equipment. Further guidance on the use of COPs can be found in FTA Report No. FTA–MA–90–7005–93–1 (''How to Evaluate Opportunities for Cross Border Leasing and COPs,'' November 1993).
- *Joint Development.* Under 49 U.S.C. 5309(a)(5) and (f) and 49 U.S.C. 5309(a)(7) (formerly Sections 3(a)(1)(D) and 3(a)(1)(F)), Capital Program funds can be used for a variety of joint development activities, so long as they are physically or functionally related to a transit project and they enhance the effectiveness of the transit project. Further, consistent with the additional flexibility in funding and decisionmaking afforded by ISTEA, FTA has recently interpreted the Capital Program (49 U.S.C. 5309) and the Federal Transit laws (49 U.S.C. 5301 *et seq.*) to allow such joint development projects under the Urbanized Area Formula Program (49 U.S.C. 5307, formerly Section 9), as well as the STP (23 U.S.C. 133) and the CMAQ Program (23 U.S.C. 149) when these funds are

transferred to FTA for a transit project. Similarly, by this Notice, FTA is also alerting its grantees to the fact that assets previously acquired with FTA funds may be used for such joint development purposes. For example, land now used for station parking and no longer needed for transit purposes may be converted to use in a transit-related development project.

Certain cross-cutting Federal requirements will apply to the activities supported by Federal transit funds; however, such requirements would not apply to the commercial project itself, since Federal funds cannot be used for the construction of commercial revenue-producing facilities. FTA program funds may be used for the overall planning of a transit project, including the commercial revenue-producing facilities, so long as such commercial facilities are part of an overall transit-related project.

• *Use of Proceeds from Sale of Assets in Joint Development Projects.* To facilitate joint development activities, FTA permits the sale of real property and property rights acquired with FTA assistance, in the following instances.

Real property that is no longer needed for transit purposes may be sold and the proceeds may then be used to purchase other real property for a transit-supportive development. If the real property is leased, the proceeds are considered program income and may be used for any transit purpose.

• Air rights over transit facilities constructed with Federal funds may be sold to developers and the proceeds retained as program income for future use in mass transit, rather than returned to the Treasury.

• *Cross Border Leases.* A cross border lease is a mechanism which permits investors in a foreign country to own assets in the United States, lease them to an American entity, and receive tax benefits under the laws of their own country. FTA will permit the encumbrance of federally funded assets under a cross border lease so long as the grantee maintains continuing control and use of the asset in mass transit, and the benefits of the transaction outweigh the risks to the grantee. Grantees should provide FTA with the details of the transaction for review on a case-by-case basis. FTA's policy on Cross Border Leases is contained in FTA Circular 7020.1 (''Cross Border Leasing Guidelines''). Further guidance on cross border leases is available in FTA Report No. FTA–MA–90–7005–93–1, cited previously.

• *Capital Cost of Contracting.* FTA permits grantees to count a portion of the costs of a contract with a private operator for transit service operations as a capital cost eligible for FTA capital program funding. This policy is described in more detail in FTA Circular 7010.1 (''Capital Cost of Contracting''). This policy generally applies to contracting for providing transit services where the use of facilities and equipment is provided as a part of a transit service contract.

• *Innovative Procurement Approaches.* FTA encourages grantees to use a wide variety of innovative procurement techniques. These can include multi-year rolling stock procurements, forming consortia to facilitate efficiencies of scale in rolling stock procurements, or using design-build (''turnkey'') as a method of infrastructure project delivery. Grantees can also consider use of vendor-financing in procurements, such as ''super-turnkey,'' in which the contract calls for borrowing by the design-build contractor, with the costs, including interest, paid off over time using Federal grant funds. Further information on this form of procurement is available in FTA Report No. FTA–MA–08–7001–92–1, ''Turnkey Procurement: Opportunities and Issues.''

• *State Transit Finance Support.* FTA encourages States and local governments to develop the capability to provide support for transit finance initiatives. Where State law permits, FTA capital funds can be used to support transit-related State finance entities, such as transportation banks. Such finance entities could provide a range of financing options, including cross border leases, certificates of participation, joint procurements, and the like, that may not otherwise be available to the smaller transit agencies. While FTA capital program funds can be used to cover the initial capitalization, they cannot be used to cover the ongoing operating costs of such a program.

• *Revoling Loan Funds.* By this Notice, FTA announces that Federal grant funds may be used to support State or local revolving loan funds established in accordance with appropriate State laws. These funds would be available to provide direct loans for transit projects, or to acquire equipment and facilities and lease them to providers of public transportation in their States. Payments to retire the loans or service the leases, including accrued interest, would be used to fund other transit projects. Such a revolving loan fund could be used in combination with pooled procurements, State or locally issued bonds, joint development, and other techniques to generate income for transit investment or to reduce the overall cost of transit capital investment. As with the State Transit Finance entities, FTA funds can be used to cover the initial capitalization, but they cannot be used to cover the ongoing operating costs of such a program.

• *Deferred Local Match.* FTA permits grantees to defer the payment of the local share of transit projects. Under this policy, grantees may, with prior approval from FTA, draw down 100 percent of the first 80 percent of project cost of former section 3 (49 U.S.C. 5309), 8 (49 U.S.C. 5303), 9 (49 U.S.C. 5307), 16 (49 U.S.C. 5310), 18 (49 U.S.C. 5311) and 26 (49 U.S.C. 5320) projects, covering the local share of the costs at the end of the project. *See,* ''Policy Statement on Local Share Issues,'' 57 FR 30880, July 10, 1992.

• *Transfer of Federal Interest.* In order to facilitate the implementation of certain innovative financing transactions involving the lease or encumbrance of an asset, FTA will permit the concentration of the Federal interest in a portion of assets acquired with Federal funds, leaving the remaining portion unencumbered by any Federal interest. For example, where a fleet of 100 vehicles is acquired with Federal funds with a local share of 20 percent, the Federal interest may be concentrated in 80 of those vehicles, leaving the remaining 20—the local share—of the vehicles without any Federal interest. Moreover, this separation of Federal and local interests allows the grantee to explore other financing techniques, such as using the local share for COPs or cross border leases to leverage additional funds, or using short-term lending, or debt subordination, where arbitrage issues could be involved. For example, the portion of a fleet or facility without Federal interest could be mortgaged, and the proceeds used to earn interest or act as credit enhancement on a bond issue supporting a major investment, thus generating savings for the transit authority.

• *Like Kind Exchange.* FTA permits the transfer of the remaining Federal interest in an asset to be transferred to a new asset in order to facilitate the early replacement of such assets. For example, under the FTA Like Kind Exchange policy (described in more detail in 57 FR 39328, August 28, 1992), buses which have reached only one-half their expected useful life may be sold and the proceeds may be used to pay part of the cost of like-kind replacement vehicles, so long as the remaining Federal interest in the vehicles which are sold is applied to the new vehicles. In such cases, the proceeds of the sale

of the vehicles does not have to be returned to the Federal government.

• *Incidental Non-Transit Use.* FTA-funded facilities may also be used for limited non-transit purposes. For example, FTA funds may be used for acquisition of a Compressed Natural Gas fueling facility which will be used both by the transit operator's vehicles as well as other public vehicles. In such a case, FTA will participate in the capital costs of the facility proportionate to the needs for transit operations, including any designed-in reserve capacity necessary to assure reliable transit service. However, non-transit use should be incidental, i.e., not detract from or interfere with the mass transit use of the facility. FTA will determine what use is incidental on a case-by-case basis. It should be noted that 49 CFR parts 604 and 605 prohibit the use of FTA-funded facilities for charter and schoolbus purposes.

FTA Asset Management Tools

• *Transfer of Federally-Assisted Assets.* 49 U.S.C. 5334(g) allows existing, federally supported assets to be transferred for another public use when they are no longer required for transit purposes. For example, if a bus garage is no longer needed for transit purposes, it may be transferred to local municipal ownership for use in support of general public services. This new provision may also have application in support of innovative financing techniques, for example, by permitting transfer of ownership of assets acquired with Federal funds to local public use in return for other local support for transit. These transfers are subject to very specific statutory conditions and must be approved in advance in writing by FTA.

• *Coordinated Urban and Rural Services.* Assets acquired with FTA funds may be used for any purpose which is eligible for FTA funding. Thus, assets acquired with Urbanized Formula Program funds (49 U.S.C. 5307, formerly Section 9) or Capital Program (49 U.S.C. 5309, formerly Section 3) funds may be used in a rural setting together with assets acquired under the Nonurbanized Area Formula Program (49 U.S.C. 5311, formerly Section 18), as part of a coordinated rural/urban system. Likewise, assets acquired for service in non-urbanized areas can be used in urbanized areas as part of such a coordinated rural/urban system.

• *Corridor Preservation/Advance Right of Way Acquisition.* In limited circumstances, FTA program funds can be used to acquire and preserve existing transportation corridors and rights of way for future use in transit fixed guideway projects, or existing corridors and rights of way acquired with local funds can be used as local match for FTA grants. Indeed, should there be an increase in the market value of an existing corridor or right of way acquired with local funds only before the use of that property for a transit project, the property would be accepted as a local match for an FTA grant at its increased value. Acquisitions of existing corridors and rights of way with FTA funds are subject to two important constraints: (1) The FTA/Federal Highway Administration (FHWA) requirement for completion of a Major Investment Study before a major investment project can be programmed for construction funding; and (2) the prohibition on advance land acquisition that would prejudice the ultimate decisions on mode and alignment for any transportation project prior to completion of the National Environmental Policy Act (NEPA) studies for that project.

The preceding are example only. FTA welcomes all ideas and projects that have the potential to leverage existing or planned infrastructure investment, or that will help to reduce public transportation costs over time. Grantees interested in pursuing these and other options should refer to the appropriate FTA regulations or publications referenced in this Notice or contact their FTA regional office to discuss their plans in more detail.

FTA will continue to make full use of its regulatory and statutory flexibility in fostering innovative financing proposals for transit. However, in all cases, projects must comply with all other statutory and regulatory requirements such as the NEPA, Civil Rights Acts, Americans with Disabilities Act, the Clean Air Act, and the Administrative Procedures Act.

Issued on: May 2, 1995.

Gordon J. Linton,

Administrator.

[FR Doc. 95–11241 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–57–M

Federal Register

Tuesday
May 9, 1995

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 10

Amendments to the List of Migratory Birds; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

RIN 1018–AB72

Proposed Amendments to the List of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to amend the List of Migratory Birds contained in 50 CFR 10.13. The Service proposes to add 20 species, remove 1 species, and revise the English (common) and/or scientific names of 23 previously listed species as necessary to conform with the most recent taxonomy and nomenclature. After consideration of comments received on this proposed rule a final rule containing a full, up-to-date List of Migratory Birds will be prepared and published.

DATES: Comments must be submitted on or before July 10, 1995.

ADDRESSES: Comments may be mailed to Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act (16 U.S.C. 703–711) (MBTA) expressly protects any migratory bird included in the terms of the Convention for the Protection of Migratory Birds, August 16, 1916, United States—Great Britain (on behalf of Canada), 39 Stat. 1702, T.S. No. 628; the Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936, United States—Mexico, as amended, 50 Stat. 1311, T.S. No. 912; the Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, March 4, 1972, United States—Japan, 25 U.S.T. 3329, T.I.A.S. No. 7990 (16 U.S.C. 703); and the Convention Between the United States of America and the Union of Soviet Socialist Republics [=Russia] Concerning the Conservation of Migratory Birds and Their Environment, November 26, 1976, 92 Stat. 3110, T.I.A.S. 9073 (16 U.S.C. 703, 712).

The Service regulates most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds under the terms of the MBTA. Regulations implementing the MBTA, which are found principally in Title 50 Code of Federal Regulations (CFR), Parts 10, 20, and 21, may be applied to any bird covered by one of the four treaties (16 U.S.C. 703, 712).

A list of birds protected under the Canadian, Mexican, Japanese, and Russian treaties is currently contained in 50 CFR 10.13, which was last revised on April 5, 1985 (50 FR 13708).

The treaties with Canada and Mexico indicate, by scientific names of families or groups or by the English names of species or groups of species, which birds were intended to be protected by the respective treaties. As a result of increased knowledge of bird taxonomy, many of the names that appear in the Canadian and Mexican treaties are now obsolete. Information on currently accepted scientific terminology for the groups of birds protected by each of these treaties was provided in the previous final rule (50 FR 13708).

The Japanese and Russian treaties listed individual species of birds to be protected. For 35 species, the scientific (generic or specific) name currently recognized by the American Ornithologists' Union differs from that which appears in the treaties. The following cross-reference provides a linkage between the scientific names used in the List of Migratory Birds and those that appear in the appendices to the Japanese and Russian treaties. The first name is the modern equivalent recognized by the American Ornithologists' Union (AOU) (and adopted in 50 CFR 10.13 or this proposed rule) and the second name is that which appears in one or another of the treaties. This does not revise the appendices to either the Japanese or the Russian treaty (indicated by J or R). EXAMPLE—*Chen canagica,* the Emperor Goose, is listed as *Anser canagicus* in the Japanese treaty and as *Philacte canagica* in the Russian treaty. The latter two names are considered to be synonyms of *Chen canagicus.*

Accipiter gularis (Asiatic Sparrow Hawk) was listed as *Accipiter virgatus* (J & R);

Actitis hypoleucos (Common Sandpiper) was listed as *Tringa hypoleucos* (J & R);

Anas americana (American Wigeon) was listed as *Mareca americana* (J);

Anas clypeata (Northern Shoveler) was listed as *Spatula clypeata* (J);

Anas penelope (Eurasian Wigeon) was listed as *Mareca penelope* (J);

Anthus rubescens (Water Pipit) was listed as *Anthus spinoletta* (J & R);

Branta bernicla (Brant) incorporates *Branta nigricans* (R);

Calidris alba (Sanderling) was listed as *Crocethia alba* (J);

Calidris subminuta (Long-toed Stint) was listed as part of *Calidris minutilla* (J);

Carduelis flammea (Common Redpoll) was listed as *Acanthis flammea* (J);

Carduelis hornemanni (Hoary Redpoll) was included as part of *Carduelis flammea* (J), and was listed as *Acanthis hornemanni* (R);

Charadrius morinellus (Eurasian Dotterel) was listed as *Eudromias morinellus* (J & R);

Chen canagica (Emperor Goose) was listed as *Anser canagicus* (J), and *Philacte canagica* (R);

Chen caerulescens (Snow Goose) was listed as *Anser caerulescens* (J);

Cyclorrhynchus psittaculus (Parakeet Auklet) was listed as *Aethia psittacula* (J);

Cygnus columbianus (Tundra Swan) incorporates *Cygnus bewickii* (R);

Egretta sacra (Pacific Reef Heron) was listed as *Demigretta sacra* (J);

Fratercula cirrhata (Tufted Pufin) was listed as *Lunda cirrhata* (J & R);

Gallinago gallinago (Common Snipe) was listed as *Capella* (=*Gallinago*) gallinago (R);

Gallinago megala (Swinhoe's Snipe) was listed as *Capella (=Gallinago) megala* (R);

Gallinago stenura (Pin-tailed Snipe) was listed as *Capella (=Gallinago) stenura* (R);

Heterosceles brevipes (Gray-tailed Tattler) was included as part of *Tringa incana [=incanus]* (J);

Heterosceles incanus (Wandering Tatter) was listed as *Tringa incana* (J);

Hirundo pyrrhonota (Cliff Swallow) was listed as *Petrochelidon pyrrhonota* (R);

Luscinia calliope (Siberian Rubythroat) was listed as *Erithacus calliope* (J);

Melanitta fusca (White-winged Scoter) incorporates *Melanitta deglandi* (J);

Mergellus albellus (Smew) was listed as *Mergus albellus* (J & R);

Milvus migrans (Black Kite) was listed as *Milvus korschun* (=*migrans*)(R);

Motacilla lugens (Black-backed Wagtail) was included as part of *Motacilla alba* (J & R);

Numenius borealis (Eskimo Curlew) was included as part of *Numenius minutus* (J);

Nycticorax goisagi (Japanese Night-Heron) was listed as *Gorsachius goisagi* (J);

Nycticorax melanolophus (Malay Night-Heron) was listed as *Gorsachius melanolophus* (J);
Phalaropus lobatus (Northern Phalarope) was listed as *Lobipes lobatus* (R);
Pterodroma hypoleuca (Bonin Petrel) was listed as *Pterodroma leucoptera* (=*hypoleuca*) (R);
Tachycineta bicolor (Tree Swallow) was listed as *Iridoprocne bicolor* (R);
Turdus obscurus (Eyebrowed Thrush) was listed as *Turdus pallidus* (=*obscurus*) (R);

The amendments proposed here are necessary to:

(i) Add species protected under the Japanese and Russian treaties that are not currently listed;

(ii) Bring the list into conformity with the English (common) and scientific names given in the 6th Edition of the AOU's *Check-list of North American Birds* (1983), as revised;

(iii) Add species that are of regular occurrence in the United States that were not included on the last list; and

(iv) Remove species that are no longer considered to be taxonomically valid.

Since the last publication of the List of Migratory Birds (50 FR 13708), the AOU has published five supplements to the 6th (1983) edition of the *Check-list of North American Birds.* These supplements (*Auk* 102: 680–686, 1985; 104: 591–596, 1987; 106: 532–538, 1989; 108: 750–754, 1991; 110: 675–682, 1993) represent decisions by the AOU's Committee on Classification and Nomenclature regarding the validity of certain distributional records that would add species to the list of North American birds and on systematic and/or nomenclatural proposals that affect the English (common) or scientific names of species in the 6th Edition of the *Check-list.* Decisions published in the supplements will be incorporated into the next edition of the *Check-list.*

Twenty species are proposed to be added to the list of protected birds.

Two species would be added because of recent distributional records that indicate they are a part of the avifauna of the United States on a regular basis:

Sandpiper, Green, *Tringa ochropus;* and
Turtle-Dove, Oriental, *Streptopelia orientalis.*

Two species would be added because they are included in the Appendix of the Russian treaty and in the Annex to the Japanese treaty, respectively (failure to include these species in the current list is considered an oversight):

Duck, Spot-billed, *Anas poecilorhyncha;* and
Gull, Black-tailed, *Larus crassirostris.*

One species would be added because it is a regular member of the U.S. avifauna and belongs to a taxonomic group (subfamily Sylviinae, formerly family Sylviidae) covered by the Canadian and Mexican conventions:

Millerbird, *Acrocephalus familiaris.*

Fifteen species would be added on the basis of recent taxonomic changes; what had been considered a single species is now regarded as two or more species. There would be no change in protection because of the change of listing. EXAMPLE—what was formerly considered to be the Arctic Loon, *Gavia arctica,* is now considered to be two species, the Arctic Loon, *Gavia arctica,* and the Pacific Loon, *Gavia pacifica,* both of which would be listed:

Coot, Hawaiian, *Fulica alai* (formerly included in *F. americana,* American Coot);
Flycatcher, Cordilleran, *Empidonax occidentalis* (formerly included in *E. difficilis,* Western [=Pacific-slope] Flycatcher);
Golden-Plover, Pacific, *Pluvialis fulva* (formerly included in P. *dominica,* Lesser [=American] Golden Plover);
Gnatcatcher, California, *Polioptila californica* (formerly included in *P. melanura,* Black-tailed Gnatcatcher);
Grebe, Clark's, *Aechmophorus clarkii* (formerly included in *A. occidentalis,* Western Grebe);
Kamao, *Myadestes myadestinus* (formerly included in *Phaeornis* [=*Myadestes*] *obscurus,* Hawaiian Thrush [=Omao]);
Loon, Pacific, *Gavia pacifica* (formerly included in *G. arctica,* Arctic Loon);
Olomao, *Myadestes lanaiensis* (formerly included in *Phaeornis* [=*Myadestes*] *obscurus,* Hawaiian Thrush [=Omao]);
Petrel, White-necked, *Pterodroma cervicalis* (formerly included in *P. externa,* White-necked [=Juan Fernandez] Petrel);
Rosy-Finch, Black, *Leucosticte atrata* (formerly included in *L. arctoa,* Rosy Finch);
Rosy-Finch, Brown-capped, *Leucosticte australis* (formerly included in *L. arctoa,* Rosy Finch);
Rosy-Finch, Gray-crowned, *Leucosticte tephrocotis* (formerly included in *L. arctoa,* Rosy Finch);
Sapsucker, Red-naped, S*phyrapicus nuchalis* (formerly included in *S. varius,* Yellow-bellied Sapsucker);
Towhee, California, *Pipilo crissalis* (formerly included in *P. fuscus,* Brown Towhee); and
Vireo, Yellow-green, *Vireo flavoviridis* (formerly included in *V. olivaceus,* Red-eyed Vireo).

One species would be removed because of questions about its taxonomic validity in reference to North American taxa:

Finch, Rosy, *Leucosticte arctoa.*

Finally, the English (common) and/or scientific (generic or specific) names of 23 species would be revised to conform with the most recent nomenclature. EXAMPLE—The English name of the Common Barn-Owl, *Tyto alba,* would be changed to Barn Owl. None of these strictly nomenclatural revisions would affect the protection afforded any species:

Barn-Owl, Common, would be changed to Owl, Barn;
Bittern, Chinese, would be changed to Bittern, Yellow;
Caracara, Crested, *Polyborus plancus,* would be changed to *Caracara plancus;*
Cormorant, Olivaceous, *Phalacrocorax olivaceus,* would be changed to Cormorant, Neotropic, *Phalacrocorax brasilianus;*
Curlew, Least, would be changed to Curlew, Little;
Egret, Plumed, *Egretta intermedia,* would be changed to Egret, Intermediate, *Mesophoyx intermedia;*
Flycatcher, Western, would be changed to Flycatcher, Pacific-slope;
Gannet, Northern, *Sula bassanus,* would be changed to *Morus bassanus;*
Golden-Plover, Lesser, would be changed to Golden-Plover, American;
Goose, Hawaiian, *Nesochen sandvicensis,* would be changed to *Branta sandvicensis;*
Hawk-Owl, Northern, would be changed to Owl, Northern Hawk;
Heron, Green-backed, *Butorides striatus* would be changed to Heron, Green, *Butorides virescens;*
Kite, Black-shouldered, *Elanus caeruleus,* would be changed to Kite, White-tailed, *Elanus leucurus;*
Night-Heron, Yellow-crowned, *Nycticorax violaceus,* would be changed to *Nyctanassa violacea;*
Owl, Burrowing, *Athene cunicularia,* would be changed to *Speotyto cunicularia;*
Pauraque, Common, would be changed to Pauraque;
Petrel, White-necked, *Pterodroma externa,* would be changed to Petrel, Juan Fernandez;
Pipit, Water, *Anthus spinoletta,* would be changed to Pipit, American, *Anthus rubescens;*
Storm-Petrel, Sooty, would be changed to Storm-Petrel, Tristram's;
Thrush, Eye-browed, would be changed to Thrush, Eyebrowed;
Thrush, Hawaiian, *Phaeornis obscurus,* would be changed to Omao, *Myadestes obscurus;*

Thrush, Small Kauai, *Phaeornis palmeri,* would be changed to Puaiohi, *Myadestes palmeri;* and, Towhee, Brown, would be changed to Towhee, Canyon.

In total, the proposed amendments would involve 44 species and result in a net addition of 19 species to the list. The names of the species that are proposed to be added, removed, or revised are arranged in the same way as in the current List of Migratory Birds, that is, alphabetical by English (common) name under their respective group names (e.g., Flycatcher, Cordilleran).

Note: Corresponding amendments to the Taxonomic Listing will be incorporated into the Final Rule, as appropriate).

After consideration of comments received on this proposed rule, a final decision document containing a full, up-to-date List of Migratory Birds will be prepared and published.

Statement of Effects

Because the proposed revision of the List of Migratory Birds merely redescribes the birds already protected by the Federal treaties with Canada, Mexico, Japan, and Russia, the Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Executive Order (E.O.) 12866 and Paperwork Reduction Act

This document was not subject to Office of Management and Budget review under E.O. 12866. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

Based on the fact that these regulations merely redescribe the birds already protected by the Federal treaties with Canada, Mexico, Japan, and Russia, the Service has determined that revision of the List of Migratory Birds in 50 CFR 10.13 is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on such regulation is not required.

Endangered Species Act Consideration

A number of species appearing on the List of Migratory Birds are also designated as Endangered or Threatened under provisions of the Endangered Species Act (16 U.S.C. 1531–1544). No legal complications arise from the dual listing inasmuch as the two lists are developed by separate authorities and for different purposes.

Primary Authors

The primary author of this proposed rule is John L. Trapp, U.S. Fish and Wildlife Service.

Public Comments Invited

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding this proposal to the location identified in the address section above. Comments must be received on or before July 10, 1995. Following review and consideration of the comments, the Service will issue a final rule on these proposed amendments to the List of Migratory Birds.

List of Subjects in 50 CFR Part 10

Exports, Birds, Imports, Law enforcement officers, Wildlife.

Proposed Regulations Promulgation

Accordingly, the Service hereby proposes to amend part 10, subpart B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 10—[AMENDED]

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

Authority: 18 U.S.C. 42; 16 U.S.C. 703–712; 16 U.S.C. 668a–d; 19 U.S.C. 1202; 16 U.S.C. 1531–1544; 16 U.S.C. 1361–1389, 1401–1407; 16 U.S.C. 742a–742j–l; 16 U.S.C. 3371–3378.

2. Amend § 10.13 by revising the last sentence of the introductory text to read as follows:

§ 10.13 List of Migratory Birds.

* * * Taxonomy and nomenclature follows the American Ornithologists' Union's *Check-list of North American Birds* (6th Edition, 1983, as revised through 1993).

* * * * *

3. Amend § 10.13 by adding, and removing certain entries and subheadings in the Alphabetical Listing as indicated in the table below:

Remove	Add (alphabetically)
REMOVE Barn-Owl, Common, *Tyto alba*	ADD Barn-Owl (see Owl, Barn)
Under ''Bittern:'' REMOVE entry	Under ''Bittern:'' ADD alphabetically entries
Chinese, Ixobrychus sinensis	Chinese (see Yellow)
	Yellow, *Ixobrychus sinensis*
REMOVE Caracara, Crested, *Polyborus plancus*	ADD Caracara, Crested, *Caracara plancus*
	Under ''Coot:'' ADD alphabetically entry
	Hawaiian, *Fulica alai*
Under ''Cormorant:'' REMOVE entry	Under ''Cormorant:'' ADD alphabetically entries
Olivaceous, *Phalacrocorax olivaceus*	Olivaceous (see Neotropic)
	Neotropic, *Phalacrocorax brasilianus*
Under ''Curlew (see Whimbrel):'' REMOVE entry	Under ''Curlew (See Whimbrel:'' ADD alphabetically entries
Least, *Numenius nimutus*	Least (see Little)
	Little, *Numenius minutus*
	Under ''DUCKS:'' ADD alphabetically entry
	Spot-billed Duck, *Anas poecilorhyncha*
Under ''Egret:'' REMOVE entry	Under ''Egret:'' ADD alphabetically entries
Plumed, *Egretta intermedia*	Intermediate, *Mesophoyx intermedia*
	Plumed (see Intermediate)
Under ''Finch:'' REMOVE entry	
Rosy, *Leucosticte arctoa*	
Under ''Flycatcher:'' REMOVE entry	Under ''Flycatcher:'' ADD alphabetically entries
Western, *Empidonax difficilis*	Cordilleran, *Empidonax occidentalis*
	Pacific-slope, *Empidonax difficilis*
	Western (see Cordilleran and Pacific-slope)

Remove	Add (alphabetically)
REMOVE Gannet, Northern, *Sula bassanus*	ADD Gannet, Northern, *Morus bassanus*
	Under ''Gnatcatcher:'' ADD alphabetically entry
	California, *Polioptila californica*
REMOVE Golden-Plover, Lesser, *Pluvialis dominica*	ADD Golden-Plover:
	Under ''Golden-Plover:'' ADD alphabetically entries
	American, *Pluvialis dominica*
	Lesser (see American and Pacific)
	Pacific, *Pluvialis fulva*
Under ''Goose:'' REMOVE entry	Under ''Goose:'' ADD alphabetically entries
Hawaiian, *Nesochen sandvicensis*	Hawaiian, *Branta sandvicensis*
	Under ''Grebe:'' ADD alphabetically entry
	Clark's, *Aechmophorus clarkii*
	Under ''Gull:'' ADD alphabetically entry
	Black-tailed, *Larus crassirostris*
REMOVE Hawk-Owl, Northern, Surnia ulula	ADD Hawk-Owl (see Owl, Northern Hawk)
Under ''Heron:'' REMOVE entry	Under ''Heron:'' ADD alphabetically entries
Green-backed, *Butorides striatus*	Green, *Butorides virescens*
	Green-backed (see Green)
	ADD Kamao, *Myadestes myadestinus* (formerly included wiith Hawaiian Thrush [= Omao], *Phaeornis obscurus*)
Under ''Kite:'' REMOVE entry	Under ''Kite:'' ADD alphabetically entries
Black-shouldered, *Elanus caeruleus*	Black-shouldered (see White-tailed)
	White-tailed, *Elanus leucurus*
	Under ''Loon:'' ADD alphabetically entry
	Pacific, *Gavia pacifica*
	ADD Millerbird, *Acrocephalus familiaris*
Under ''Night-Heron:'' REMOVE entry	Under ''Night-Heron:'' ADD alphabetically entry
Yellow-crowned, *Nycticorax violaceus*	Yellow-crowned, *Nyctanassa violacea*
	ADD Olomao, *Myadestes lanaiensis* (formerly included with Hawaiian Thrush [= Omao], *Phaeornis obscurus*)
	ADD Omao, *Myadestes obscurus* (formerly Hawaiian Thrush, *Phaeornis obscurus*)
Under ''Owl:'' REMOVE entries	Under ''Owl:'' ADD alphabetically entries
Barn (see Barn-Owl)	Barn, *Tyto alba*
Burrowing, *Athene cunicularia*	Burrowing, *Speotyto cunicularia*
Hawk (see Hawk-Owl)	Northern Hawk, *Surnia ulula*
REMOVE Pauraque, Common, *Nyctidromus albicollis*	ADD Pauraque, *Nyctidromus albicollis*
Under ''Petrel:'' REMOVE entry	Under ''Petrel:'' ADD alphabetically entries
White-necked, *Pterodroma externa*	Juan Fernandez, *Pterodroma externa*
	White-necked, *Pterodroma cervicalis*
Under ''Pipit:'' REMOVE entry	Under ''Pipit:'' ADD alphabetically entries
Water, *Anthus spinoletta*	American, *anthus rubescens*
	Water (see American)
	ADD Puaiohi, *Myadestes palmeri* (formerly Small Kauai Thrush, *Phaeornis palmeri*)
	ADD Rosy-Finch:
	Under ''Rosy-Finch:'' ADD alphabetically entries
	Black, *Leucosticte atrata*
	Brown-capped, *Leucosticte australis*
	Gray-crowned, *Leucosticte tephrocotis*
	Under ''Sandpiper:'' ADD alphabetically entry
	Green, *Tringa ochropus*
	Under ''Sapsucker:'' ADD alphabetically entry
	Red-naped, *Sphyrapicus nuchalis*
Under ''Storm-Petrel:'' REMOVE entry	Under ''Storm-Petrel:'' ADD alphabetically entries
Sooty, *Oceanodroma tristrami*	Sooty (see Tristram's)
	Tristram's, *Oceanodroma tristrami*
Under ''Thrush:'' REMOVE entries	Under ''Thrush:'' ADD alphabetically entries
Eye-browed, *Turdus obscurus*	Eyebrowed, *Turdus obscurus*
Hawaiian, *Phaeornis obscurus*	Hawaiian (see Kamao, Olomao, and Omao)
Small Kauai *Phaeornis palmeri*	Small Kauai (see Puaiohi)
Under ''Towhee:'' REMOVE	Under ''Tohwee:'' ADD alphabetically entries
Brown, *Pipilo fuscus*	Brown (see California and Canyon)
	California, *Pipilo crissalis*
	Canyon, *Pipilo fuscus*
	Add Turtle-Dove, Oriental, *Streptopelia orientalis*
	Under ''Vireo:'' ADD alphabetically entry
	Yellow-green, *Vireo flavoviridis*

Dated: March 18, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–11174 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–55–P

Federal Register

Tuesday
May 9, 1995

Part V

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescission proposals, totaling $132.0 million.

The proposed rescissions affect the Departments of Justice and Transportation, and the National Aeronautics and Space Administration.

William J. Clinton

THE WHITE HOUSE,
May 2, 1995.

BILLING CODE 3110–01–M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Rescission No.	ITEM	Budgetary Resources
	Department of Justice:	
	Federal Prison System	
R95-26	Salaries and expenses	28,037
	Department of Transportation:	
	Federal Aviation Administration	
R95-27	Grants-in-aid for airports (Airport and airway trust fund).	94,000
	National Aeronautics and Space Administration:	
R95-28	Space flight, control, and data communications	10,000
	Total, rescissions	132,037

R95-26

DEPARTMENT OF JUSTICE

Federal Prison System

Salaries and expenses

Of the funds made available under this heading in Public Law 103-317, $28,037,000 are rescinded.

Rescission Proposal No. R95-26

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Justice	New budget authority..... $ 2,356,404,000 (P. L. 103-317)
BUREAU: Federal Prison System	Other budgetary resources.. $ 12,131,800
Appropriations title and symbol: Salaries and expenses 1551060	Total budgetary resources... $ 2,368,535,800
	Amount proposed for rescission..... $ 28,037,000
OMB identification code: 15-1060-0-1-753	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation provides for the custody and care of an average of 100,527 offenders and for the maintenance and operation of 94 penal institutions, six regional offices, three staff training centers, and a central office located in Washington, D.C. The appropriation also finances the boarding of sentenced Federal prisoners in State and local jails and therapeutic, community residential, and other facilities for short periods of time.

Of the funds proposed for rescission, $16 million is available as a result of a substantial delay in acquiring the Ft. Devens, Massachusetts, property for conversion into a Federal prison complex. The balance of $12 million primarily stems from a lower-than-anticipated average daily population at the privately managed facility in Eloy, Arizona, following start-up problems experienced by the private contractor.

ESTIMATED PROGRAM EFFECT: This proposed rescission would not affect the Department's ability to accomplish its mission.

OUTLAY EFFECT: (in thousands of dollars):

1995 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
2,279,634	2,255,803	-23,831	-2,804	-1,402	—	—	—

R95-27

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Grants-in-aid for airports
(Airport and airway trust fund)

Of the available contract authority balances under this heading,

$94,000,000 are rescinded.

Rescission Proposal No. R95-27

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... $ 2,161,000,000 (P. L. 100-223)
BUREAU: Federal Aviation Administration	Other budgetary resources.. $ 1,383,229,000
Appropriations title and symbol: Grants-in-aid for airports (Airport and airway trust fund) 69X8106	Total budgetary resources... $ 3,544,229,000
	Amount proposed for rescission..... $ 94,000,000
OMB identification code: 69-8106-0-7-402	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	**Type of budget authority:** ☐ Appropriation ☒ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds airport development projects, such as runways and taxiways. The contract authority proposed for rescission is over and above the obligation limitation imposed upon this account by the FY 1995 appropriations act. Therefore, these funds are not available to be spent in FY 1995.

This proposal reflects an increase of $94 million to the $2 billion rescission included in the Senate-passed version of H.R. 1158.

ESTIMATED PROGRAM EFFECT: This proposed rescission would not affect the Department's ability to accomplish its mission.

OUTLAY EFFECT: (in thousands of dollars):

1995 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
1,785,000	1,785,000	—	—	—	—	—	—

R95-28

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Space flight, control, and data communciations

Of the available balances under this heading, $10,000,000 are rescinded.

Rescission Proposal No. R95-28

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: National Aeronautics and Space Administration	New budget authority..... $ _____
BUREAU:	Other budgetary resources.. $ 43,448,844
Appropriations title and symbol: Space flight, control, and data communications 80X0105	Total budgetary resources... $ 43,448,844
	Amount proposed for rescission..... $ 10,000,000
OMB identification code: 80-0105-0-1-252	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation provides for production, operations, and support activities for the Space Transportation System, which includes the Space Shuttle and expendable launch vehicles; and for tracking, telemetry, command, and data acquisition support of all NASA flight projects.

This proposed rescission would reduce unobligated balances of budgetary resources that were made available for the replacement orbiter for the Challenger.

ESTIMATED PROGRAM EFFECT: This proposed rescission would not affect NASA's ability to accomplish its mission.

OUTLAY EFFECT: (in thousands of dollars):

1995 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
1,614,485	1,614,485	—	—	—	—	—	—

[FR Doc. 95–11271 Filed 5–8–95; 8:45 am]
BILLING CODE 3110–01–C

Federal Register

Tuesday
May 9, 1995

Part VI

Department of Health and Human Services

Administration for Children and Families

National Center on Child Abuse and Neglect and the Children's Bureau Discretionary Funds Program; Availability for Fiscal Year 1995 and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Fiscal Year (FY) 1995 National Center on Child Abuse and Neglect and the Children's Bureau Discretionary Funds Program; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Announcement of the availability of funds and request for applications to conduct child abuse research or training projects as authorized by the Child Abuse Prevention and Treatment Act, as amended and child welfare research, demonstration or training projects as authorized by Titles IV–B and E, of the Social Security Act, as amended.

SUMMARY: The National Center on Child Abuse and Neglect (NCCAN), and the Children's Bureau (CB), within the Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) announce the availability for Fiscal Year 1995 funding.

Funds from NCCAN are for research on the causes, prevention, identification, treatment and cultural distinctions of child abuse and neglect; for research on appropriate, effective and culturally sensitive investigative, administrative and judicial procedures with respect to cases of child abuse; and for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect.

Child Welfare Research and Demonstration funds provide financial support to State and local governments and other nonprofit institutions, agencies, and organizations engaged in research or demonstrations in the field of child welfare to study problems related to child welfare, foster care and related issues. Child Welfare Training provides discretionary grants to accredited public or other nonprofit institutions of higher learning to develop and improve educational and training programs and to assist child welfare agencies to upgrade skills and qualifications of staff.

This announcement contains forms and instructions for submitting an application.

DATES: The closing date for submissions of applications is July 10, 1995. Applications must be either received by or hand-delivered no later than the deadline date.

ADDRESSES: Mail applications to: FY 1995 NCCAN/CB Discretionary Funds Program, Department of Health and Human Services, ACF/Division of Discretionary Grants, 6th floor, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: NCCAN/CB–95–1, Alece Morgan, Acting.

Hand deliver applications during the normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date to: Administration for Children and Families, Division of Discretionary Grants, 6th Floor, ACF Guard Station, 901 D Street SW., Washington, DC 20047, Attn: NCCAN/CB–95–1, Alece Morgan, Acting.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center, Technical Assistance Team at 1–800–351–2293, is available to answer questions regarding application requirements and to refer you to the appropriate contact person in ACYF for programmatic questions.

SUPPLEMENTARY INFORMATION: If you are going to submit an application, send a post card with the following information: The name, address, and telephone number of the contact person; the name of the organization; and the priority area(s) in which you may submit an application, within two (2) weeks of the receipt of this announcement to: Administration on Children, Youth and Families, Operations Center, 3030 Clarendon Blvd., Suite 240, Arlington, VA 22201.

This information will be used to determine the number of expert reviewers needed and to update the mailing list of persons to whom program announcements are sent.

This program announcement consists of three parts. Part I provides information on NCCAN and the Children's Bureau; the statutory funding authorities applicable to this announcement; and general information on the application procedures.

Part II describes the review process, additional requirements for NCCAN and Children's Bureau grant applicants, the criteria for the review and evaluation of applications, and the programmatic priorities under which applications are being solicited.

Part III provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow Part III. Please copy as single-sided forms and use in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

Outline of Announcement

Part I. Introduction
A. National Center on Child Abuse and Neglect
B. Children's Bureau, Child Welfare
Part II. The Review Process and Priority Areas
A. Eligible Applicants
B. Review Process and Funding Decisions
C. Evaluation Criteria
1. Criteria for Research Projects
2. Criteria for Demonstration and Training Projects
D. Available Funds
E. Structure of Priority Area Descriptions
F. Research, Demonstration and Training Priorities
1. Child Abuse and Neglect Research and Training Priorities
1.01R National Data Archive for Child Abuse and Neglect
1.02R Consortium for Longitudinal Studies of Child Maltreatment Projects
1.03T Training and Technical Assistance for Community-Based Family Resource Programs
2. Children's Bureau Child Welfare Research, Demonstration and Training Priorities
2.01R Assessing the Quality of Out-of-Home Care in the Child Welfare System
2.02R How Decisions to Change the Case Plan Goal Are Initiated
2.03D Involving Parents in Service Design
2.04T Foster Care Review Systems
2.05T Professional Education for Public Child Welfare Practitioners
2.06T The Child Welfare Fellows Program: Tenured Faculty Development
2.07T Innovative Training for Exemplary Practice
Part III. Instructions for the Development and Submission of Applications
A. Required Notification of the State Single Point of Contact (NCCAN only)
B. Deadline for Submission of Applications
C. Instructions for Preparing the Application and Completing Application Forms
1. SF424, page 1, Application Cover Sheet
2. SF424A, Budget Information-Non-Construction Programs
3. Project Summary Description
4. Program Narrative Statement
5. Assurances/Certifications
D. Checklist for a Complete Application
E. The Application Package

Part I—Introduction

A. National Center on Child Abuse and Neglect

In 1974, the Child Abuse Prevention and Treatment Act (the Act) established the NCCAN in the Department of Health and Human Services. It is located organizationally within the Administration on Children, Youth and

Families (ACYF) in the Administration for Children and Families (ACF).

The National Center on Child Abuse and Neglect conducts activities designed to assist and enhance national, State and community efforts to prevent, identify and treat child abuse and neglect. These activities include: Conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; and providing grants to eligible States for developing, strengthening and carrying out child abuse and neglect prevention and treatment programs and programs relating to the investigation and prosecution of child abuse cases. In addition, the legislatively mandated Advisory Board on Child Abuse and Neglect and the Inter-Agency Task Force on Child Abuse and Neglect produce periodic reports regarding child abuse and neglect activities.

The NCCAN portion of this announcement identifies two research priorities and one training priority for FY 1995. NCCAN solicits applications under the authority of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) as amended. The Act was most recently reauthorized through September 1995 and was further amended through the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (Pub. L. 102–295, 5/28/92), the Juvenile Justice and Delinquency Act Amendments of 1992, and Title IV of the Human Services Amendments of 1994.

Due to the limited amount of discretionary funds available for this fiscal year, NCCAN is publishing its final priority areas for FY 1995 only at this time. Pending reauthorization of the legislation at the end of this fiscal year, NCCAN will consider publication of other research and demonstration topics for FY 1996 in a subsequent announcement. The priority areas were developed in accordance with needs identified in a study done by the National Research Council in 1993 (published by the National Academy of Sciences, supported by NCCAN grant 90–CA–1483). The two research priority areas chosen were selected after a review and analysis of comments received in response to a notice by NCCAN soliciting those comments. That notice was published on October 25, 1994 in the **Federal Register** (59 FR 53652). A 60-day period was provided to allow the public to comment on the proposed areas. NCCAN received 81 written responses from a variety of sources, including the following: The U.S. Department of Health and Human Services Public Health Service/Indian Health Service; State and County Departments of Social Welfare, Health and Human Services; a State Child Death Review Board Administrator and a County Medical Examiner; a State Department of Corrections; a State Children's Trust Fund program; community-based prevention and treatment programs; hospitals and children's medical centers; health associations; community mental health centers and an agency specializing in services to children with disabilities; universities; the National Court Appointed Special Adovcates (CASA) Association, American Bar Association Center on Children and the Law, and local non-profit organizations; an Indian Business Council; corporations; a doctoral candidate and other individuals.

The largest number of written responses came from universities, followed by State and County Departments of Social Welfare, Health and Human Services. The comments were generally supportive of the notice of proposed priorities including projects identified for continued funding, the four research and demonstration priorities, and the working groups and symposia topics. Specific comments were also submitted on the National Data Archive on Child Abuse and Neglect and the Consortium for Longitudinal Studies of Child Maltreatment, each of the four research and demonstration priority areas, work groups, symposia topics, and recommendations on additional priority areas.

The largest group of written comments were in response to the two research priority areas on child abuse and neglect with a focus on the impact of community-based family support and family preservation programs on child abuse and neglect (37 responses) and model development for centers for excellence in research (25 responses). A number of written comments were also received in response to the two demonstration priorities on models on neglect (17 responses) and Guardian ad Litem model demonstration (11 responses). To the extent feasible, NCCAN is addressing the public comments in preparing both Fiscal Year 1995 and 1996 priority areas and work groups and symposia plans. Comments intended to further clarify and focus the priorities will be incorporated into the revised descriptions.

In the case of the priority on model development for centers for excellence in research, a number of respondents questioned this approach and made other suggestions such as partnerships with other agencies. NCCAN intends to pursue these suggestions prior to the next announcement. Specific comments were also received in support of the graduate research and medical research fellowships which were included under this priority area.

Other comments indicated the need to acknowledge the role that parental substance abuse may play in cases of child abuse and neglect and to support research and demonstration priorities on Shaken Baby Syndrome. NCCAN will, when appropriate, reiterate the need to focus on parental substance abuse as an issue and plans to provide several substance abuse-focused products for use by the field that will result from the experiences and findings of projects already funded through the Emergency Child Abuse and Neglect Prevention Services program. NCCAN is considering plans to include Shaken Baby Syndrome in the future prevention symposium.

A few comments were also received in support of the Hawaii Healthy Start model and the Healthy Families of America initiative for the prevention of child abuse and neglect. NCCAN is funding an evaluation of the Hawaii Healthy Start program and upon completion of the study will distribute the findings to the field.

Several responses suggested reinstating the previously funded priority area on field initiated research on child abuse and neglect. NCCAN recognizes the importance of innovative research from the field and will take such comments into consideration when developing subsequent announcements.

Information on prior research and demonstration projects supported by NCCAN as well as on other studies on child maltreatment are available through the Clearinghouse on Child Abuse and Neglect Information, P.O. Box 1182, Washington, DC 20013, (1–800–FYI–3366). The Clearinghouse is also a member of the Consortium of Clearinghouses and can provide information on the other Clearinghouses and Resource Centers referred to in this announcement.

B. Children's Bureau, Child Welfare

The Children's Bureau plans, manages, coordinates and supports child welfare services programs. It administers the Foster Care and Adoption Assistance Program, the Child Welfare Services Program, the Independent Living Program, the Child Welfare Research, Demonstration and Training Program, the Adoption Opportunities Program, the Temporary

Child Care and Crisis Nurseries Program, the Abandoned Infants Assistance Program and the recently enacted Family Preservation and Family Support Program.

The Children's Bureau's programs are designed to promote the welfare of all children, including those disabled, homeless, dependent, abused or neglected children and their families. The programs aid in preventing and remedying the neglect, abuse and exploitation of children. The programs also encourage the strengthening of the family unit to help prevent the unnecessary separation of children from their families, and reunify families, where possible, when separation has occurred.

Part II—The Review Process and Priority Areas

This Part describes the screening and review processes, the criteria for the evaluation of applications, and the programmatic priorities under which applications are being solicited.

A. Eligible Applicants

Before applications are reviewed, each application will be screened to determine whether the applicant organization is eligible 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. In addition, inadequate preparation or omission of essential components of the application or failure to comply with format specifications as described in Part III C will result in the application being withdrawn from further consideration.

Applications will be screened for categorical appropriateness. If applications are found to be inappropriate for the priority area in which they were submitted, applicants will be contacted for verbal approval of redirection to a more appropriate priority area. Redirection does not affect decision-making in the competitive process which follows the initial screening.

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Since eligibility varies among priority areas depending on statutory provisions, it is critical that applicants carefully consider the ''Eligible Applicants'' section under each specific priority area.

Only agencies and organizations, not individuals, are eligible to apply under any of the priority areas. On all applications developed jointly by more than one agency or organization, the application must identify only one organization as the lead organization and official applicant. The lead organization must meet the criteria for an ''Eligible Applicant''. The other participating agencies and organizations can be included as co-participants, subgrantees, or subcontractors.

For-profit organizations are eligible to participate as subgrantees or subcontractors with eligible non-profit organizations under all of the priority areas.

Any non-profit agency which has not previously received Federal support must submit proof of non-profit status with its grant application. The non-profit agency can accomplish this by: making reference to its listing in the most recent Internal Revenue Service list of tax-exempt organizations or by submitting a copy of its letter from the IRS under IRS Code Section 501(c)(3). The ACYF cannot fund a non-profit applicant without acceptable proof of its non-profit status.

B. Review Process and Funding Decisions

Applications within the page limitations as set forth in Part III section C, No. 4, will be reviewed and scored competitively against the published evaluation criteria (see Part II C of this announcement) by experts in the field, generally persons from outside the Federal government. The results of this review are the primary consideration in making funding decisions.

The NCCAN, Children's Bureau and ACYF reserve 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. The NCCAN, Children's Bureau or ACYF also may solicit comments from ACF 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 NCCAN, Children's Bureau and ACYF in making funding decisions.

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, NCCAN, Children's Bureau and ACYF may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Criteria

There are two sets of evaluation criteria: Research applications will be evaluated against one set; demonstration and training applications will be evaluated against another set. A panel of at least three reviewers will evaluate each application to determine the strengths and weaknesses of each proposal in terms of the appropriate evaluation criteria listed below. They will also provide written comments and assign numerical scores for each application. The point value following each criterion heading indicates the maximum numerical score that each section may be given in the review process. These section scores will be summed for each application to yield a total evaluation score.

1. Criteria for Research Projects

The following research priority areas will be evaluated against the following evaluation criteria:

1.01R National Data Archive for Child Abuse and Neglect
1.02R Consortium for Longitudinal Studies of Child Maltreatment Projects
2.01R Assessing the Quality of Out-of-Home Care in the Child Welfare System
2.02R How Decisions to Change the Case Plan Goal Are Initiated

Competing applications will be evaluated according to the following criteria:

(a) Objectives (maximum of 5 points)

The extent to which the application concisely states the specific objectives of the project and describes what the research project is intended to accomplish. Also, how well the research issue(s) are addressed, the specific theory driven question(s) are answered (if applicable), and the hypothesis(es) to be tested (if applicable) are formulated will be evaluated.

(b) Background and Significance (maximum of 19 points)

The extent to which the application effectively discusses the current state of knowledge relative to the issue or area that is addressed, and provides a review of the literature, including previous work of the author(s) of the proposal. (A list of references must be included with the application.) The results of any pilot tests are described. The application indicates how the proposed research will build on the current knowledge base and contribute to policy, practice and future research.

(c) Approach (maximum of 51 points)

The extent to which the application delineates how the terms used in the study will be defined and used, identifies variables and data sources, and discusses the selection, adaptation or development of instruments to be used, including information on reliability and validity. The extent to which application outlines the design features and the procedures for data collection, processing, analysis and interpretation. As applicable, it will include a sampling plan for the selection of site(s) and subjects. The sample sizes must be sufficiently large for both statistical power and significance.

The extent to which the application describes the characteristics of the target population, and details recruitment procedures for the study subjects. It describes and addresses the rationale for the gender and ethnic composition and subject recruitment procedures of the proposed study sample. For intervention studies, the theory base, ecological setting, and level of intervention are described. The application discusses any potential difficulties in the proposed procedures, provides realistic estimates of attrition and discusses statistically appropriate ways of adjusting the sample.

The extent to which the application reflects sensitivity to ethical issues that may arise, such as potential deception, delayed or diminished treatment for control groups placed on waiting lists, provision for treatment and removal from the project if a potentially dangerous behavior is exhibited, plans for stopping an intervention that proves harmful or unsuccessful, or lag in debriefing the subject. The extent to which the applicant addresses procedures for the protection of human subjects, confidentiality of data and consent procedures. A Protection of Human Subjects Assurance must be included with the application for research on child abuse and neglect, in addition to the other required assurances.

The extent to which the application indicates that the data will be collected utilizing approaches, measures, and instruments that are culturally sensitive and/or presents thoughtful explanations for using those whose cultural sensitivity may not yet have been empirically determined.

The extent to which the application indicates that the data will be analyzed utilizing approaches that are appropriate to the scientific objectives of the study and how the proposed analyses reflect appropriate examinations of gender and ethnic issues.

The extent to which the application includes plans to prepare data sets according to sound data processing and documentation practices to ensure the potential of these data sets for subsequent use by other researchers. The application for NCCAN funds provides for these data sets to be made available at the conclusion of the project to the National Data Archive on Child Abuse and Neglect. Child welfare research participation in the Data Archive is optional. The extent to which the application indicates that the final report will be prepared in the suggested format that ensures its ease for dissemination and utilization and proposes strategies for dissemination of findings in a manner that will be of use to researchers and practitioners in the field.

The extent to which the application outlines a sound and workable plan of action and details how the proposed work will be accomplished. The activities to be carried out are listed in chronological order, showing a reasonable schedule of accomplishments and target dates. The application includes an adequate staffing plan that lists key staff and consultants along with their responsibilities on the project, and that allocates a sufficient amount of time for each person to these activities. The application delineates how the research team will be assembled and the use of any advisory panels. It also lists each organization, agency, or other key groups that will work on the project, along with a description of their activities and training plans. The application indicates the ability to gain access to necessary information, data and clients. A sound administrative framework for maintaining quality control over the implementation and operation of the study is detailed. The author(s) of the application and his/her role in the proposed project is/are identified. The proposed project costs are reasonable, and the funds are appropriately allocated across component areas and are sufficient to accomplish the objectives.

(d) Staff Background and Organization's Experience (maximum of 25 points)

The extent to which the application describes the background, experience, training and qualifications of the key staff and consultants, including work on related research and similar projects. The extent to which it describes the personnel resources available for sampling, experimental design, statistical analysis and field work. Key personnel have a working knowledge of the proposed research and are geographically accessible. (The curriculum vitae for each key person must be included with the application.) The adequacy of the available facilities and organizational experience related to the tasks of the proposed project are detailed. (A two page organizational capability statement must be included with the application.) Any collaborative efforts with other organizations, including the nature of their contribution to the project, are described. (Letters of commitment for key staff and for collaborative efforts, where appropriate, must be included with the application.)

The extent to which the application demonstrates the ability of the staff and organization to effectively and efficiently administer a project of the size, complexity and scope proposed. It further reflects the capacity to coordinate activities with other agencies for the successful accomplishment of project objectives. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

2. Criteria for Demonstration and Training Projects

The following demonstration and training priority areas will be evaluated using the evaluation criteria below:

1.03T Training and Technical Assistance for Community-Based Family Resource Programs
2.03D Involving Parents in Service Design
2.04T Foster Care Review Systems
2.05T Professional Education for Public Child Welfare Practitioners
2.06T The Child Welfare Fellows Program: Tenured Faculty Development
2.07T Innovative Training for Exemplary Practice

Competing applications will be evaluated according to the following criteria:

(a) Objectives and Need for Assistance (maximum of 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 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 may be attached.

(b) Results or Benefits Expected (maximum of 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 proposal, 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.

(c) Approach (maximum of 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. It lists the activities to be carried out 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.

(d) Staff Background and Organization's Experience (maximum of 25 points)

The extent to which 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 underway by the applicant with Federal assistance.

D. Available Funds

Under this announcement, approximately $1.4 million is available for new NCCAN grants for FY 1995. The size of the actual awards will vary. For the Children's Bureau, $3 million is available for FY 1995. 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 project periods which are shorter than the maximum periods specified in the various priority areas. Non-Federal share contributions may exceed the minimum amounts specified in the various priority areas when the applicant is able to do so.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon proof of satisfactory performance and the availability of funds from future appropriations.

E. Structure of Priority Area Descriptions

Each 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 ACYF, NCCAN, Children's Bureau and/or others, and State models are noted, where applicable. Some priority areas specify individuals to contact for more information.
- *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 describes specific information on the proposed project. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, should also be addressed in this section. Applicants should note that non-responsiveness to the requirements will result in a low evaluation score by the panel of expert panel reviewers. Applicants should be certain they clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly.
- *Project Duration:* This section specifies the maximum allowable length of time for 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, where applicable, either through cash or in-kind match, that is required in relation to the maximum Federal funds requested for the project.
- *Anticipated Number of Projects To Be Funded:* This section specifies the number of projects that ACYF anticipates it will fund in the priority area.
- *CFDA Number:* Catalog of Federal Domestic Assistance Number is the number required on the SF 424, (item 10).

F. Research, Demonstration and Training Priorities

F.1. Child Abuse and Neglect Research and Training Priorities

1.01R National Data Archive for Child Abuse and Neglect

Eligible Applicants: Public or private nonprofit agencies, organizations, and institutions of higher learning.

Purpose: To support a national data archive on child abuse and neglect to continue the processing and housing of high quality data sets and related activities that facilitate the use of archived data.

Background Information: In this priority area, ACF seeks to ensure funding for one of the components of a research infrastructure identified as critical in the report of the Panel on Research on Child Abuse and Neglect of the National Research Council for the support of research on the prevention, identification and treatment of child abuse and neglect. Since September 30, 1988, NCCAN has provided funding for the National Data Archive on Child Abuse and Neglect. The Archive is located at Cornell University, Family

Life Development Center, G20 MVR Hall, Ithaca, New York 14853–4401 (telephone 607–255–7794). This is a centralized facility for the acquisition, preservation, and dissemination of machine-readable data sets relevant to the study of child maltreatment. The Archive currently holds 19 data sets and has produced a document that has been widely disseminated to the field on ''The Preparation of Data Sets for Analysis and Dissemination: Technical Guidelines for Machine-Readable Data.'' Both information on the data sets and the manual can be obtained from the Archive.

It is expected that the successful applicant will continue and build on these activities. While a major function is to process, house, and preserve quality data sets from studies on child abuse and neglect, an archive also plays a critical role in setting standards and establishing good practices for documentation of data sets. Establishing such procedures enables data to be more readily available and easily shared with other researchers and provides the additional capacity for further and secondary analysis.

All investigators regardless of their funding sources are encouraged to house data sets with the National Data Archive. As of FY 1994, all research grantees funded by NCCAN are required to prepare data sets according to sound data processing and documentation practices and to house these data sets with the National Data Archive at the conclusion of the projects. Archive staff are expected, therefore, to be available and provide technical support on data entry, processing, data analysis, and documentation. Plans should also include the housing of data sets from related national surveys such as those conducted by the National Center for Health Statistics of the Department, the national incidence studies, the National Child Abuse and Neglect Data System (NCANDS), and housing of the database on measures for use in child abuse and neglect.

A centralized archive can facilitate collaboration among researchers for knowledge building and encourage new researchers to enter the field. An archive should also provide training and technical assistance opportunities for new researchers or postdoctoral candidates through the conduct of summer training institutes which bring a small number of researchers together to work on these data sets. Support for secondary analysis of various data sets in the archive can be provided through these training institutes as well as through small grants to researchers to work with these data sets. Support may be provided for graduate research or postdoctoral research fellows to work in residence with archive staff on research related to the holdings. Workshops and training sessions can also be held at major national conferences.

Dissemination is a major function of an archive. This includes providing innovative tools such as CD–ROM and a range of ready-to-use formats that make archived data sets more easily accessible to the research community; publishing information on projects of the archive and new acquisitions; preparation of technical guidelines outlining data processing standards and user guides to archive holdings; and development and maintenance of electronic mail services to facilitate networking and information exchange among researchers in the field of child abuse and neglect, including their access to a database on measures appropriate for researchers in this field.

Requirements for Project Design: In order to compete successfully under this priority area, the applicant should:

- Demonstrate an understanding of the issues and problems associated with a national data archive on child abuse and neglect.
- Demonstrate an awareness of current activities being undertaken on this component and how the approach being proposed would build on this work.
- Propose an approach that is comprehensive and reflects cultural sensitivity to the issues being addressed.
- Describe the approach that would be employed for the specific functions being addressed, including training and technical assistance, and demonstrate sufficient resources and the appropriate facilities to undertake the project.
- Demonstrate an ability to gain access to necessary information, data sets, and data bases, as applicable and plans for addressing any ethical issues that may arise in the use of these data sets.
- Describe strategies for the dissemination of the products that would be of use to other researchers and practitioners in the field.
- Provide all required assurances and certifications, including a Protection of Human Subjects Assurance as specified in the policy described on the HHS Form 596.
- Provide assurances that at least one key staff person will attend a three-day annual spring meeting in Washington, DC.

Project Duration: The length of the project must not exceed 60 months.

Federal Share of Project Costs: The maximum Federal share of the project is not to exceed $250,000 per 12-month budget period.

Matching Requirements: There is no matching requirement.

Anticipated Number of Projects to be Funded: It is anticipated that one project will be funded at the maximum funding level.

Catalog of Federal Domestic Assistance Number (CFDA): 93.670, Child Abuse and Neglect Prevention and Treatment.

1.02R. Consortium for Longitudinal Studies of Child Maltreatment Projects

Eligible Applicants: Currently funded Consortium for Longitudinal Studies of Child Maltreatment projects initially funded for implementation in 1990 and 1991.

Purpose: To support a second implementation phase of the Consortium for Longitudinal Studies of Child Maltreatment for conducting and coordinating prospective studies of young children at risk of or who have already been maltreated. These studies are expected to contribute to the knowledge of the etiology and consequences and provide new insights into the prevention, identification and treatment of child maltreatment.

Background Information: In FY 1989, the NCCAN funded two successful applicants in response to the priority area for the Consortium for Longitudinal Studies of Child Maltreatment. The University of North Carolina at Chapel Hill and the Juvenile Protective Association in Chicago received a planning grant award for the central grantee and satellite grantee respectively. This planning grant was for a year to collaborate to develop a feasible plan for a longitudinal study. This was successfully accomplished. As stated in the original announcement, upon completion of this planning year, a central grantee and up to three satellites would be funded for a five-year period and possibly longer pending statutory authority and the availability of funds. It went on to state that additional satellite projects may be funded in the future.

In FY 1990 and FY 1991, NCCAN awarded five-year grants to the University of North Carolina at Chapel Hill and the Juvenile Protective Association for the implementation of the Consortium for Longitudinal Studies of Child Maltreatment. The University of North Carolina received the award for the central grantee and for two satellite sites (in North Carolina and Seattle) and the Juvenile Protective Association received the award for a satellite grantee (in Chicago) thus implementing the proposed plan for the Consortium

coordinating center and three satellite sites.

In FY 1990, the San Diego State University Foundation received a grant in response to the priority area on Psychological Impact of Child Maltreatment and by FY 1991 had signed an agreement to participate as a satellite site in the Consortium.

In FY 1991, the University of Maryland at Baltimore received a grant in response to the priority area on Field Initiated Research for Child Abuse and Neglect and agreed as part of their application to coordinate with the Consortium for Longitudinal Studies. The University of Maryland at Baltimore also signed an agreement to participate as a satellite site in the Consortium.

The Consortium currently consists of the coordinating center and five satellite sites. The collaborative effort is multi-disciplinary in the composition of its members and has taken the name of the LONGSCAN Consortium. In this priority area, NCCAN seeks to address the needs identified by the NRC report for collaborative studies in the longitudinal developmental framework and theory based longitudinal research to examine the antecedents and consequences of child abuse and neglect.

LONGSCAN is a consortium of prospective studies designed to examine the life course of young children who are at risk of maltreatment or who have already been maltreated. The total projected sample size is about 1,500 children who are recruited at age four or younger. Baseline data is collected through child and primary caretaker interviews on all children in each of the studies at age four. Teacher assessments on each child are collected at subsequent follow-ups, after the child enters school. The studies use common data collection instruments and a common developmental perspective so that applied analyses of data as well as comparisons among sites and site-specific analyses can be accomplished. To date the specific common measurement batteries have been selected for ages four, six and eight. Tracking is carried out annually. Each site is responsible for selecting and maintaining a sample to follow at the designated data points for up to twenty years. The study duration of twenty years has been selected for conceptual reasons only and the actual duration of the effort will be contingent upon the availability of financial support.

The Principal Investigators have signed and abide by a Governance Agreement that describes the operating structure of the Executive Board and seven Committees (Publication, Measures, Human Subjects, Communication, Field Procedures and Tracking, Data Handling and Analysis, Funding and Development) and policies related to ownership, local analysis and authorship. The Executive Board and Committees meet twice a year and use the Internet in between to discuss issues that arise and to reach agreement on the most appropriate procedures and actions to take.

Samples of children for the five sites vary by their level of risk and exposure to maltreatment. The studies include children identified at birth as ''at risk'', children identified in pediatric clinics during their first year of life as ''at risk'', children reported to child protective services agencies, children in treatment because of their maltreatment, children who have been removed from their families and placed in foster care following their maltreatment. Each site is also collecting data in addition to the common measures. For example, one site has recruited children in their first year of life and has a special focus on use of videotaped observations of parent-child interactions as a means of assessing attachment and bonding. Two sites are obtaining information on the role of the fathers in caring for the children.

During the first five years of implementation, the sites will have completed recruitment of their samples; collected site-specific data; selected, piloted and trained on administering measures for the age four and six year old follow-ups; three sites have been scheduled for the eight year old follow-up and training on use of the computer-assisted interviewing system developed for age eight; developed procedures and conducted annual contact interviews with the samples; developed forms and conducted CPS record reviews.

During the first five years of implementation, the coordinating center will have provided for coordination of measurement selection and development; production of instruments and operational manuals and training for site staff; development of the data entry system and training of site staff in entry and analysis; receipt and checks for the data; development and maintenance of datasets; and conducting analyses of pooled data.

Three sites will have completed the baseline data collection on the four year olds. Consortium members have written papers and presented individually and on panels at various national professional conferences.

NCCAN seeks to fund a second phase of the Consortium for Longitudinal Studies to enable a complete set of baseline measures at age four and a six year old follow-up for all children in the samples. There is a four year range in the ages of the children in the studies so that additionally at least three of the five sites will complete the age eight follow-up. It is also expected that the pre-adolescent common measurement battery will be developed and used in a twelve year old or younger follow-up in at least one of the sites. This will provide for data analyses and findings for baseline and one follow-up of the samples and preliminary analyses for the next developmental transition into early adolescence.

Requirements for Project Design: In order to compete successfully under this priority area, the applicant should:

- Demonstrate an understanding of the issues and problems associated with being a coordinating center with satellite sites, or with being a satellite site, and participating in the Consortium for Longitudinal Studies of Child Maltreatment.
- Describe activities undertaken during the first implementation phase and how the approach being proposed for the second five-year effort would build on this work; describe the study samples(s) and how attrition of the study samples(s) will be addressed; explain how the issues of research definitions of child abuse and neglect have been and will be addressed.
- Propose an approach that is comprehensive and developmentally appropriate and reflects cultural sensitivity to the issues being addressed.
- Describe the approach that would be employed for the specific functions of a coordinating center with satellite sites, or of a satellite site, being addressed and demonstrate sufficient resources and the appropriate facilities for carrying out the project, as applicable.
- Demonstrate an ability to gain access to necessary information.
- Delineate data processing and documentation procedures, and indicate how aggregate or single site data analysis will be addressed by either the coordinating center or by satellite sites, as applicable.
- Describe plans for individual site data analyses for the satellite sites or plans for site-specific comparisons among sites and pooled data analyses, for the coordinating center.
- Describe plans for providing Consortium datasets to the National Data Archive on Child Abuse and Neglect in order to ensure the potential of these data sets for use by other researchers. A manual describing such practices, *The Preparation of Data Sets for Analysis and Dissemination: Technical Standards for Machine-Readable Data,* can be obtained free of

cost from the National Data Archive on Child Abuse and Neglect located at Cornell University, Family Life Development Center, G20 MVR Hall, Ithaca, New York 14853–4401 (telephone: 607–255–7794).

• Provide information on articles, papers and presentations on the projects to date as well as those planned; describe the strategies for the dissemination of the products, interim findings as appropriate and reports that would be of use to other researchers and practitioners in the field.

• Provide all required assurances and certification, including Protection of Human Subjects Assurances, as specified in the policy described on the HHS Form 596.

Discuss how the issues of informed consent have been and will be addressed for the child, primary caregiver, teacher and record reviews; describe use of the Certificate of Confidentiality and how any legal and ethical issues that may arise will be addressed.

• Provide assurances that at least one key staff person would attend a three-day annual spring meeting of research grantees in Washington, DC; and plan for two meetings of the Consortium Executive Board and Committees with one meeting to be held in Washington, DC.

Project Duration: The length of the project must not exceed 60 months.

Federal Share of Project Costs: The maximum Federal share of each of the three satellite sites is not to exceed $250,000 per 12-month budget period. The maximum Federal share of the coordinating center with satellite sites is $750,000 per 12-month budget period. Each project, including the satellite sites of the coordinating center, is expected to submit an individual application in response to this priority area. The coordinating center with satellite sites are to submit a combined budget, detailed for each project.

Matching Requirements: There is no matching requirement.

Anticipated Number of Projects to be Funded: We anticipate that a coordinating center and five satellite sites will be funded up to the maximum funding level.

CFDA Number: 93.670, Child Abuse and Neglect Prevention and Treatment

1.03T. Training and Technical Assistance for Community-Based Family Resource Programs

Eligible Applicants: Public or private nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

Purpose: The purpose of this Cooperative Agreement is to provide financial support for training and technical assistance (T/TA) to promote the purposes of the Community-Based Family Resource Program (CBFRP). This T/TA is intended to build the capacity of States and CBFRP lead agency staff to: (1) Facilitate and assist efforts of State, local, Tribal, public and private agencies in the interdisciplinary, coordinated planning, development, and implementation of a continuum of child-centered, family-focused, neighborhood-based family support services—including the coordinated implementation and delivery of those services; and (2) encourage public and private partnerships in the establishment and expansion of family resource programs.

Expected outcomes include State CBFRP lead agencies that have the capacity to conduct multi-disciplinary, integrated and coordinated: (1) Needs assessments, (2) policy development, (3) service delivery, and (4) program evaluations. This project is expected to train State agencies and facilitate effective interagency cooperation and collaboration that involves all stakeholders, including families, and promote public-private partnerships. This should be achieved through delivering on-site training, technical assistance, and consultation to all appropriate stakeholder groups. Training and technical assistance needs will be identified by State CBFRP lead agency staff in collaboration with ACYF Central and Regional Office personnel, and coordinated with other ongoing national training and technical assistance.

Background: Title IV of the Human Services Amendments of 1994, signed into law on May 18, 1994, established a new Title II of the Child Abuse Prevention and Treatment Act entitled Community-Based Family Resource Programs. The purpose of the CBFRP is to assist States to develop and implement, or expand and enhance, a comprehensive, Statewide system of community-based family resource services through innovative funding mechanisms and collaboration with existing education, vocational rehabilitation, health, mental health, employment and training, child welfare, and other social services agencies within the State.

Under the CBFRP, grants are to be made to States for the purposes of:

(1) Establishing and expanding Statewide networks of community-based family resource programs, including funds for the initial costs of providing specific family resource services, that ensure family involvement in the design and operation of family resource programs that are responsive to the unique and diverse strengths of children and families;

(2) Promoting child abuse and neglect prevention activities;

(3) Promoting the establishment and operation of State trust funds or other mechanisms for integrating child and family services funding streams in order to provide flexible funding for the development of community-based family resource programs;

(4) Establishing or expanding community-based collaboration to foster the development of a continuum of preventive services for children and families which are family-centered and culturally competent;

(5) Encouraging public and private partnerships in the establishment and expansion of family resource programs; and

(6) Increasing and promoting interagency coordination among State agencies.

In redefining its relationship with State, local, public and private agencies and organizations, the Federal government is forging new partnerships based on coordination, collaboration, cooperation, and communication. Subpart 2 of Title IV–B of the Social Security Act (1993), entitled Family Preservation and Support, and Title II of the Child Abuse Prevention and Treatment Act (1994), authorizing the Community-Based Family Resource Programs, are two recent pieces of legislation that demonstrate this collaborative principle. Inherent in the implementation of both pieces of legislation is the necessity for Federal, State, local, public, and private agencies and organizations to participate together in the planning of programs and services.

In light of the practical need to increase interagency and interdisciplinary coordinated planning, development and implementation, and to involve all stakeholders, including customers, in the process, State agencies may need to develop new skills. More expansive and more cooperative ways of thinking are necessary to maximize programmatic potential and achieve legislatively-mandated goals. The training and technical assistance required to change attitudes and create a climate for new partnerships at Federal, State and local levels is a significant challenge.

NCCAN intends to support one training project through a Cooperative Agreement. (A Cooperative Agreement

is Federal financial aid in which substantial Federal involvement is anticipated. The respective responsibilities of Federal staff and project staff are negotiated prior to award.)

Requirements for Project Design: Applicants must describe their capabilities, related experience, and their plans for building the capacity of Federal, State, and local public and private agencies to increase interagency and interdisciplinary coordination and collaboration in the development and implementation of a continuum of child-centered, family-focused, neighborhood-based family support services, and to involve all stakeholders, including customers, in the total process. This must include a plan for assisting States in the building of partnerships between State agencies and local public and private agencies including child welfare agencies, child protective services, education agencies and programs, and the broad array of health services. In order to successfully compete under this priority area, the application must:

- Provide documentation of the applicant's experience in providing training and technical assistance, in identifying T/TA needs and developing or participating in the development of a plan to meet those needs, and in recruiting, assigning, and deploying staff with appropriate experience in the delivery of T/TA. The application must also provide information about the applicant's expertise in designing training, developing training materials, and organizing and conducting training sessions.
- Provide documentation of the experience of the applicant in areas directly relevant to the purposes of this Training and Technical Assistance Cooperative Agreement, including the applicant's capability, experience, and capacity-building strategies for increasing interagency and interdisciplinary coordination and collaboration between the State CBFRP lead agency and among all stakeholders, including families, at State and local levels. Include a description of staff with appropriate expertise who would provide training and technical assistance to the target recipients.
- Provide a training and technical assistance plan that will increase the capacity of State CBFRP lead agencies to promote communication, coordination, cooperation and collaboration among agencies within States and communities, and that will result in maximum utilization of existing resources, coordinated referral systems, standardized eligibility and intake procedures, and ease of access for customers and referring professionals.
- Provide a plan for promoting interagency collaboration and implementation of new procedures for blending funding streams, for collaborative long-range planning of family support services and service delivery options, and for management improvement strategies that facilitate interagency coordination (i.e., re-evaluating current case referral and intake procedures, establishing eligibility criteria that accommodate other-agency referrals that might otherwise cause duplication of programs, designing case management procedures that include interdisciplinary/interagency participation, and streamline record-keeping practices and accessibility without compromising client confidentiality).
- Provide a plan for assisting State CBFRP lead agencies to improve their cultural competence, including promoting the ability of all participating agencies to serve all families effectively, make culturally appropriate placements, recruit and employ minority staff, deliver culturally relevant support services, assess the factors contributing to the over-representation of minority families in need of support services, and develop strategies to improve outcomes for minority families and children.
- Provide a plan for identifying, documenting, and disseminating information about innovative and/or exemplary family support services, including innovative and well-coordinated interagency delivery systems.
- Demonstrate the capacity to articulate a child-focused, family-centered approach to the delivery of family support services, with linkages that reinforce and complement the State's Family Preservation and Family Support program, and with an emphasis that focuses on the prevention of child abuse and neglect.
- Describe a strategy for identifying, documenting and developing innovative and/or exemplary resources such as training curricula and manuals, especially in the area of interagency coordination and collaboration, and for assisting the Regional Offices in adapting such resources to meet specific needs in their States.
- Provide a plan for assisting State CBFRP lead agencies to develop outcome measures at the child, family, and program levels, and to engage in ongoing evaluation of the CBFRP with particular emphasis on customer input and satisfaction, and the efficacy of interagency efforts.
- Provide assurances that the project will coordinate and collaborate with the training and technical assistance providers funded by NCCAN and CB.
- Provide a timeline and budget for implementing this agreement, and include any proposed cost to agencies or customers if it is anticipated there might be reason to assess such costs.
- Agree to enter into a Cooperative Agreement which will require the grantee to submit to the National Center for Child Abuse and Neglect Federal Project Officer, for review and approval: Workplans, including as appropriate, meetings and other activities involving Federal staff in the HHS Central Office and Regional Offices; lists of topics to be covered in training and technical assistance; topics, times and places for conferences; selection and assignment of appropriate staff for the delivery of training or technical assistance; topics for any collection of original data; and draft reports, conference agendas and other materials prior to their finalization and dissemination by the grantee.
- All applications for this priority area are expected to have an evaluation component. It is recommended that approximately 10 percent of the proposed budget be set aside for evaluation efforts. An external evaluator may be hired or an internal evaluation may be designed. As appropriate to the activities being proposed and project length, either a process or outcome evaluation may be designed. Goals and objectives should be stated in specific measurable form to document change, improvement, or effectiveness.

Project Duration: The length of the project must not exceed 17 months.

Federal Share of Project Costs: The maximum Federal share of this project is not to exceed $400,000 for the 17-month budget period.

Matching Requirements: 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 $400,000 in Federal funds must include a match of at least $133,333 (25% total project cost).

Anticipated Number of Projects to be Funded: It is anticipated that one project will be funded under this announcement.

CFDA Number: 93.670, Child Abuse and Neglect Prevention and Treatment

F.2 Children's Bureau Child Welfare Research, Demonstration and Training Priorities

2.01R. Assessing The Quality of Out-Of-Home Care in the Child Welfare System.

Eligible Applicants: Any State, public or nonprofit organization or agency, including institutions of higher education, State, local and community-based social services agencies, colleges and universities are encouraged to submit applications.

Purpose: To conduct research which identifies the factors related to high quality foster family homes, including relative foster family homes, and/or non-treatment group homes for children in the child welfare system.

Background Information: The numbers of children in out-of-home care in the child welfare system have increased each year since 1983, and particularly between 1988 and 1992. In 1993 it is estimated that almost 440,000 children are under State care, primarily in foster family homes. Many foster family homes are licensed or certified by the State, but relative homes which are not receiving foster care funding from the State may not be certified or licensed. The licensing of group homes is variable depending on the auspices of the group home and on the State. Pre-service and on going training is usually provided to foster families but training is limited and uneven for group home staff.

There is no system for evaluation of the quality of care provided in either foster family homes or non-treatment group homes so that it is not possible to relate the quality or content of the training to the quality of care provided by the foster family or group home. In addition, children served range in age from birth to age 18, and may evidence a very wide range of medical, physical, social, emotional and behavioral problems. Obviously, the needs of the children vary widely.

Requirements for Project Design: In order to successfully compete under this priority area, the application should:

- Describe and define the subgroup to be studied, e.g. age range, type of placement, other characteristics of interest, and justify this selection.
- Describe, based upon a review of the literature, how the project would fill a critical gap in information needed to improve policy, practice, and/or management in foster homes and/or non-treatment group homes used by the child welfare system.
- Describe the overall research design that would be employed including sampling procedures; types of data to be collected; procedures for data collection; instruments and measurements to be utilized, adapted or developed, including assessments of their reliability and validity; and plans for data analysis. Where possible, standardized instruments should be used or adapted.
- Discuss the scientific merit of the design selected including its strengths and weaknesses as well as the identification of alternative designs which were considered but rejected and the reasons for rejecting them.
- Indicate the ability to gain access to necessary information, data, provider agencies and clients. Letters of commitment from all cooperating agencies should be included.
- Discuss the possible utilization of the findings, including the perspectives of responsible State agencies, provider agencies, monitoring and licensing systems and child advocacy groups. Describe plans to work with these or other appropriate groups to utilize the findings of this research and provide suggestions for next steps in program and research.
- Describe the reports that would be developed under the project, including the types of information that would be presented, and the steps, including submission for publication to a referred journal, that would be undertaken to disseminate and promote the utilization of project findings.
- Provide assurances that the principal investigator would attend a four day annual meeting of grantees in Washington, DC.
- Grant recipients will be expected to follow an NCCAN-suggested format in the preparation of final program reports in order to achieve broader dissemination and successful utilization of findings by policymakers, practitioners, and researchers, and copies of final reports and other products shall be provided to the Clearinghouse.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The maximum Federal share is not to exceed $200,000 per 12-month budget period.

Matching Requirement: There is no matching requirement.

Anticipated Number of Projects to be Funded: It is anticipated that 2 projects will be funded.

CFDA: 93.608 Child Welfare Research and Demonstration; Section 426 of the Social Security Act, as amended.

2.02R. How Decisions to Change the Case Plan Goal are Initiated

Eligible Applicants: Any State, public or nonprofit organization or agency, including institutions of higher education, State, local and community-based social services agencies, colleges and universities are encouraged to submit applications.

Purpose: To conduct research that identifies the factors which delay or facilitate decisions to change the case plan goal for children in out-of-home placement in the child welfare system. Of particular interest for this priority area is the decision to change the case goal of ''return home'' to the goal of ''adoption'' or other permanent plan.

Background Information: Current child welfare policy and practice emphasize that children develop best in a permanent family home. Family preservation and/or support services should be provided to prevent out-of-home placement, and if placement occurs, reasonable efforts must be made to return the child home. If these reasonable efforts are unable to rehabilitate the parent(s), or if the parent is otherwise not available (dead, in prison for a long term, mentally ill or incapacitated) then the goal of return home is not appropriate. In these cases the agency must move to change the goal and direct its efforts toward an alternative permanent plan for the child. Goals may include adoption, placement with relatives, long-term foster care with a specific family, or independent living.

Review of State foster care programs indicate that many agencies persist in having a goal of return home for extended periods of time after it appears clear that the child will not return home. Public Law 96–272, the Adoption Assistance and Child Welfare Act of 1980 requires that the case plan goal must be established by the time of the six month case review, and the case disposition should be approved by the court at the time of the eighteen month dispositional hearing.

The Voluntary Cooperative Information System (VCIS) does not provide information on case goals sufficient to permit any analysis. However, it does indicate that while up to 40% of the children will return home in less than one year, the rest will be in care for more extended periods, and some 10% to 15% will remain in care for five or more years. Further, in 1989, it is estimated that 50% of the children nationally experienced from 2 to 5 placements, and almost 7% had more than 6 placements. These extreme lengths of time in placement and numbers of placements indicate that there are serious problems in case planning and case management for a significant minority of children.

Requirements for Project Design: In order to successfully compete under this priority area, the application should:

- Describe, based upon a review of the literature, how the project would fill a critical gap in information needed to improve policy, practice, management and/or evaluation in child welfare programs.
- Describe the overall research design that would be employed including sampling procedures; types of data to be collected; procedures for data collection; instruments and measurements to be utilized, adapted or developed, including assessments of their reliability, validity; and plans for data analysis. Designs involving qualitative data collection may be proposed.
- Propose a research design that would identify the initial decision maker(s) and the incentives and disincentives which influence the worker, supervisor, agency administrator and other participants; degree of dissonance between formal and informal rules; presence of mythology relating to acceptance of such changes; assessment of difficulties related to court review, legal counsel, State law and other system factors insofar as these impinge on the initiation of the goal change decision; and related issues, such as worker turnover, and staff training. Address the issue within the context of ongoing services and real case decisions. Simulated decisions may be proposed only as a preliminary step.
- Discuss the scientific merit of the design selected including its strengths and weaknesses as well as the identification of alternative designs which were considered but rejected and the reasons for rejecting them.
- Indicate the ability to gain access to necessary information, data, staff and clients. Letters of commitment from cooperating agencies must be included.
- Describe the reports that would be developed under the project, including the types of information that would be presented, and the steps, including submission for publication to a referred journal, that would be undertaken to disseminate and promote the utilization of project findings.
- Provide assurances that the principal investigator would attend a four day annual meeting of grantees in Washington, DC.
- Grant recipients will be expected to follow an NCCAN-suggested format in the preparation of final program reports in order to achieve broader dissemination and successful utilization of findings by policymakers, practitioners, and researchers, and copies of final reports and other products shall be provided to the Clearinghouse.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The maximum Federal share is not to exceed $200,000 per 12-month budget period.

Matching Requirement: There is no matching requirement.

Anticipated Number of Projects to be Funded: It is anticipated that 2 projects will be funded.

CFDA: 93.608 Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended.

2.03D Involving Parents In Service Design

Eligible Applicants: Public and private child welfare agencies.

Purpose: To demonstrate effective ways to involve parents in agency program planning and decision-making to improve the acceptability, accessibility and quality of child welfare services.

Background Information: The child protection and child welfare system is generally viewed by parents involved in it as an adversary. A report of suspected abuse or neglect triggers an investigation and the parent is vulnerable to possible criminal and/or civil charges; to being the recipient of mandated services and/or to the loss of the children either temporarily, or permanently if the allegations are founded. A voluntary request by parents for help may result in the request being re-classified as involuntary so that services can be provided. Many of the agency policies and ways of operating are perceived by parents as negative and coercive and they frequently complain about a lack of understanding of or appreciation for their cultural values which may differ significantly from the values represented by the agency. For example, agency location, office hours, availability of interpreters, transportation for visits to a child in out-of-home care, and similar factors may make it difficult for a parent to keep appointments or to meet the requirements of the case plan. In addition, misunderstandings about family behavior norms may be interpreted as failure to cooperate.

Agency staff who seek to work with the parents to provide education, counseling, support and family preservation services recognize the negative impact of the system. Some workers develop approaches which are positive, stressing acceptance of the family, and recognizing that all families have strengths and that programs designed to assist families must build on those strengths.

Requirements for Project Design: In order to successfully compete under this priority area, the application should:

- Describe, based upon a review of the literature, specifically how the project would involve client parents to fill a critical gap in information needed to shape service delivery through improvement of policy, practice and management in child welfare programs to make them more supportive and less threatening to parents receiving their services.
- Describe the overall demonstration design to be employed. Applicants may propose to involve clients and community representatives in a variety of ways including: To serve on agency boards; to set up special panels of parents; to conduct focus groups; and/or to implement other approaches to assist the agency to review and revise agency policy and practice. The proposed approach must be simple and low cost in order to be feasible under current conditions when agencies have few additional resources.
- Describe the overall evaluation plan, including a description of the types of data to be collected, procedures for data collection, analytical strategy and dissemination plan. Applicants may propose an evaluation using a before and after design, a comparison between two sites, or other appropriate evaluation design.
- Provide assurances from the cooperating agencies regarding their commitment to be involved in the development of the demonstration, and intent to continue the pattern of parent involvement following the completion of the project.
- Provide assurances that the principal investigator would attend a four day annual meeting of grantees in Washington, DC.
- Grant recipients will be expected to follow an NCCAN-suggested format in the preparation of final program reports in order to achieve broader dissemination and successful utilization of findings by policymakers, practitioners, and researchers, and copies of final reports and other products shall be provided to the Clearinghouse.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The maximum Federal share is not to exceed $75,000 per 12 month budget period, 15% of which must be used for the program evaluation.

Matching Requirement: The applicant must provide at least 10 percent of the total approved cost of the project. The

total approved cost is the sum of the ACYF share and the non-Federal share. The non-Federal share may be in cash or in-kind contributions. Therefore, a project requesting $225,000 in Federal funds must include a match of at least $25,000 over the three years. (The non-Federal share for the initial 12 month budget period is $8,333.)

Anticipated Number of Projects to be Funded: It is anticipated that 2 projects will be funded.

CFDA Number: 93.608 Child Welfare Research and Demonstration; Section 426 of the Social Security Act, as amended.

2.04T Foster Care Review Systems

Eligible Applicants: Any State, local, public or private nonprofit agency or organization, including accredited colleges and universities.

Purpose: The purpose of this Priority Area is to provide training and technical assistance to State child welfare agencies and to review board members to enhance the accountability and efficiency of States' out-of-home care systems in overseeing the quality and appropriateness of care for children in the State foster care system. At a minimum the models must include citizen review boards or other forms of case review systems selected by the states, such as, administrative or other forms of non-judicial review systems.

Background Information: In 1993, it was estimated that approximately 440,000 children in the child welfare system were in out-of-home care. Children who are placed in care have been exposed to serious family dysfunction and have experienced physical and/or psychological injury. Out-of-home placement can create additional problems/risks for children who are already at high risk for psychological and behavioral disturbances, developmental delays and academic and social difficulties. Children who remain unnecessarily long in foster care represent a loss in both human and financial terms.

Every child in foster care has a right to a permanent, loving stable family relationship either through reunification with a biological family, adoption or placement in kinship or guardianship care. Every child welfare system has a goal of permanency planning for children in their care.

Child welfare agencies have been experiencing increasing foster care caseloads consisting of more complex familial problems, especially substance abuse issues. This situation has severely tested the ability of child welfare systems to keep track of the children in their care, especially in terms of length of time in care and appropriateness of placement setting.

One way to assist child welfare systems in monitoring the cases in out-of-home care is the use of foster care review boards. The use of foster care review boards began in the 1970s. In 1974, South Carolina became the first State to enact legislation establishing a statewide foster care review system including a foster care citizen review board. In 1977, New Jersey, recognizing South Carolina's success in reducing the number of children remaining unnecessarily long in care, passed legislation requiring administrative and judicial review of children in out-of-home placement. By 1979, Delaware and Maryland had passed legislation requiring the establishment of review boards.

The Federal government's approach to increase states' accountability for the children in out-of-home care was the passage of Public Law 96–272, the Adoption Assistance and Child Welfare Act of 1980. This legislation required a review of each child in care every six months by either an administrative or court review. The purpose of the review is to determine the appropriateness and continuing necessity for the out-of-home placement, the extent of compliance with the case plan and the extent of progress made in alleviating the causes of the placement. The review also helps project a date by which the child can return home, be placed for adoption or be placed in another permanent setting. Reviews have also been used to identify systemic issues which are a barrier to meeting the child's best interest. Anecdotal reports have indicated that the establishment of foster care review systems has increased the child welfare system's accountability and management of cases in foster care beyond what it was in the 1970s.

Requirements for Project Design: The applicant should provide State child welfare agencies and foster care review board members with the necessary information, methods and techniques to develop, expand, improve or strengthen foster care review systems. The training and technical assistance provided should be designed to assist the review boards to achieve the following:

- Objective standards in determining case goal(s), appropriateness of placement and time in care;
- An integral role for the review board which establishes a partnership with the court and child welfare agency in decision-making on case goals and recommendations;
- Authority to access the necessary information regarding the case and appropriate services and to serve as an advisor to the court;
- Timelines which include both the frequency of reviews and the capacity to set firm goals and timetables for cases;
- Knowledge of agency operations, staff resources, availability of services, service needs of the client families and the ability to make recommendations that are practical and achievable;
- Enhanced ability to use knowledge acquired through the review process to influence the outcomes for children; and
- Enhanced knowledge to improve case assessment skills and systems assessment.

The applicant will help develop the capacity of State child welfare agencies to establish, expand or improve foster care review systems. Applicants must describe their capabilities and plans to provide training and technical assistance to the State child welfare agencies and review board members. The application should:

- Describe the applicant's knowledge about the issues and problems involved in establishing, expanding and improving citizen review boards as well as other review systems selected by the State, such as, administrative reviews, or other forms of non-judicial reviews, particularly in bringing about more accountability and efficiency to the process; and a description of the strengths and weaknesses of various models.
- Describe a plan for providing training and technical assistance to State agencies and interested parties to establish, develop and/or improve the competency of the foster care review boards which will result in improved case outcomes for children in foster care.
- Describe the applicant's experience in providing training and technical assistance to State agencies which are responsible for operating a variety of foster care review boards, including a procedure to evaluate the consultation provided.
- Describe the applicant's experience in providing training and technical assistance to foster care review board members, including a procedure to evaluate the consultation provided.
- Describe a strategy such that the training and technical assistance provided will result in sensitizing the review boards to cultural diversity and developing skills that the review board members can use in serving client populations that are economically, racially and culturally diverse.
- Describe a plan to ensure that the training and technical assistance is

provided by a racially and culturally diverse staff.

- Describe a plan to establish linkages and partnerships among the foster care review system, the state child welfare agency and the court in order to strengthen communication and coordinated service delivery to children in out-of-home placement. Identify issues around which the relationships can be built.
- Describe an approach that the foster care review system could use to educate the community about programs and procedural issues affecting the child welfare system including, but not limited to, insufficient preventive and supportive family services; insufficient casework staff; obsolete State legal codes; needed improvements in the court and agency relationships; and the identification of State/county/city service needs and resource deficits.
- Describe a plan to develop and disseminate nationally, informational materials on topical issues related to foster care review systems.
- Provide an assurance that key grantee staff will meet with their Federal project officer and other ACYF staff in Washington, D.C. within sixty days after receiving the award.
- Provide an assurance that at least one key staff member would attend an annual four day meeting of the Children's Bureau grantees in Washington, D.C.
- Outline a plan for interaction with ACF for implementation under a cooperative agreement including, as appropriate, Headquarters and Regional Office staff. (A cooperative agreement is Federal Assistance in which substantial Federal involvement is anticipated. The respective responsibilities of Federal staff and the awardee are negotiated prior to award.)

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The Federal share of the project is $1,000,000 over three years. The first and second 12 month budget period will be funded for $300,000 each and the third 12 month budget year will be funded for $400,000.

Matching Requirements: The applicant must provide at least 10 percent of the total approved cost of the project. The total approved cost is the sum of the ACYF share and the non-Federal share. The non-Federal share may be in cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $1,000,000 in Federal funds must include a match of at least $111,112 over the three years. (The non-Federal share for the initial 12 month budget period is $33,333.)

Anticipated Number of Projects to be Funded: It is anticipated that one project will be funded as a cooperative agreement.

Length of Applications: The maximum length of the application shall not exceed 60 pages including appendices.

CFDA Number: 93.658 Foster Care Title IV–E: Section 476 of the Social Security Act, as amended.

2.05T Professional Education for Public Child Welfare Practitioners

Eligible Applicants: Institutions of higher education with accredited social work education programs or other bachelor or graduate level programs leading to a degree relevant to work in child welfare. Given limited funds and in order to generate and financially support the widest possible variety of issues and approaches, priority will be given to applicants which have not been funded under this priority area in FY 92 and FY 93 or the Interdisciplinary Training Programs for Child Welfare priority area in FY 91 and FY 92. However, previously funded applicants under this priority area will not be precluded from receiving a grant.

Purpose: To develop and/or strengthen the training of future and current public child welfare agency staff by offering traineeships and through the provision of competency-based child welfare training with a particular emphasis on imparting critical knowledge and developing skills which are responsive to the problems confronting public child welfare agency clients. Trainees will be enrolled as bachelor's or master's level students at institutions with accredited social work programs.

Background Information: This priority area was originally developed for the FY 92 Child Welfare Services Training Program Announcement and was included again in the FY 93 Announcement. The priority area emerged out of a generally recognized need to enhance social work education's ability to effectively prepare students for the realities of contemporary public child welfare agency practice and to invigorate the workforce of the public agency.

The Children's Bureau has funded a total of 39 social work education programs to conduct projects in this priority area. In many instances, these projects have prompted an expansion, reorientation, or renewed emphasis of the social work education program's mission to include public service. In virtually all instances, these projects have fostered the development and strengthening of partnerships between schools and departments of social work and public agencies by linking faculty and agency staff to generate sets of competencies, and collaborate in instruction and field work. These projects have also been asked to attract and serve a more diverse pool of students under the assumption that their eventual work in public child welfare will help contribute to a more culturally sensitive practice.

In response to the Children's Bureau's request, these professional education grants have gone beyond awarding traineeships. Grantees have been asked to focus on curriculum reform involving the development of specific child welfare courses and the inclusion of child welfare oriented content in courses across the various sequences of the undergraduate and graduate social work curricula. It is believed that an expanded treatment of child welfare will strengthen BSW and MSW graduates' abilities to assess and respond to the multiple and interconnected needs of the children and families being served by publicly administered and publicly supported agencies. Grantees have also been asked to focus on increasing the numbers of field placements in public child welfare agencies and improving the quality of the supervision of those placements. It is believed that greater exposure to public child welfare as a viable employment option, and the benefit of a quality placement experience, increases the likelihood that social work students will seek employment in public agencies.

As a result of funding 39 projects through this initiative there is a great deal of momentum and activity throughout the nation at the present time. The funding of a Cooperative Agreement between the Children's Bureau and Florida International University and the funding of 11 interdisciplinary child welfare training grants also built interest in the subject and mobilized involvement. It is important to help sustain the heightened attention and efforts around building partnerships and a quality workforce by again providing support for professional education projects in this year's announcement.

In order to be responsive to a number of unique issues and factors in professional education for public child welfare practice this priority area is being subdivided into three subcategories:

2.05TA Professional Education for New Entry Level Agency Staff (Awarding the BSW degree)

2.05TB Professional Education for Existing Agency Staff (Awarding the BSW and/or MSW Degree)

2.05TC Professional Education for New Advanced Level Agency Staff (Awarding the MSW Degree)

Applicants must identify which subcategory their application is in response to. An institution may submit only one application under this priority area.

Requirements for Project Design: In order to compete successfully under this priority area, the applicant should:

- Demonstrate knowledge and understanding of the work that has transpired throughout the country around this professional education initiative and indicate how the proposed project either builds on what has transpired and/or seeks to add an innovative dimension.
- Describe past and/or current collaborative efforts between the educational program and the public (State/local/Tribal) agency. Specify how this project will be used to build on an existing partnership or initiate a partnership agenda.
- Describe curriculum revision that has taken place or reforms that are planned as a result of this project to strengthen and expand child welfare content. Curriculum reform should involve required courses across the sequences and not just the development of child welfare related electives. Explain how faculty curriculum committees will be involved in this process and provide evidence to confirm commitment to curriculum reform.
- Include a plan for evaluation which, at a minimum, discusses the competency-based aspects of the child welfare content, making sure to explain how student acquisition of competencies will be assessed. Applicants are especially encouraged to think about ways of integrating field experiences and classroom instruction to determine attainment of competencies.
- Present a plan for offering traineeships with the grant funds and the criteria to be used in awarding traineeships. A minimum of two-thirds of the funds shall be used for traineeships. Describe who the students would be (undergraduate or graduate level or both); how many are expected to be trained over the life of the project; the criteria for the selection of students as trainees; how the trainees would be recruited to promote the inclusion of persons from communities whose children are over-represented in the child welfare system; and the strategy which would be used to insure that students work in public child welfare after graduation.
- Include a plan for a follow-up of students to determine their subsequent employment in public child welfare agencies.
- Describe the final report and/or other products, such as curricula or training modules, that would be developed under the project. Identify relevant audiences for each proposed product and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.
- Provide assurances that at least one key staff person from the university and one key staff person from the public child welfare agency would jointly attend a one-day annual meeting in the HHS Regional Office shortly after the award of the grant as well as a four day annual meeting in Washington, DC.
- Describe the social work education program's current access to title IV–E training funds. If they are currently being accessed explain how this grant will be used to enhance and/or expand activity in this area. If title IV–E training funds are currently not being accessed, provide a plan on how those funds will be actively sought during the life of this grant.

Project Duration: The length of the project must not exceed 24 months.

Federal Share of Project Costs: The maximum Federal share is not to exceed $75,000 per 12-month budget period. A traineeship must not exceed $7,500 per student per budget year.

Matching or Cost Sharing Requirement: No matching funds are required for the portion of the budget which pays for traineeships. Grantees must provide at least 25 percent of the total cost of grant activities other than traineeships. The total approved cost of these activities is the sum of the ACYF 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 a cash contribution. Therefore, a project requesting $20,000 in Federal funds for non-traineeship activities over the 24 month time span of the project (based on $10,000 non-traineeship activities per budget period) must include a match of at least $6,666.66 (25 percent of the total cost for these activities). Because this is a training grant, indirect costs for these projects shall not exceed 8 percent.

Anticipated Number of Projects to be Funded: It is anticipated that a total of approximately 15 to 24 projects will be awarded, five to eight under each subpriority area 2.05TA, 2.05TB, and 2.05TC.

CFDA Number: 93.648 Child Welfare Services Training Program Grants: Section 426 of the Social Security Act, as amended.

2.06T The Child Welfare Fellows Program: Tenured Faculty Development

Eligible Applicants: Institutions of higher education with accredited social work education programs or other bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: This priority area is designed to promote the integration of the applied and theoretical knowledge base of tenured faculty in social work education programs at the BSW and MSW levels regarding contemporary public child welfare practice, and strengthen their abilities to train students for work in the field of child welfare from a more informed perspective.

Background Information: There is anecdotal evidence from the field, as well as from projects funded by the Child Welfare Services Training Program in the past several years, which suggests that schools and departments of social work are paying more attention to the recruitment and hiring of new junior faculty with child welfare backgrounds. Moreover, there is a cadre of tenured faculty whose teaching, research and service would be enhanced from greater involvement with public child welfare. It is believed that enriching and expanding the child welfare content knowledge of tenured faculty in social work education programs would result in the more effective preparation of students for positions in public child welfare agencies.

This priority area would fund a three year cooperative agreement between the Children's Bureau and an education program which would administer the Child Welfare Fellows Program. During the first year of the cooperative agreement, the successful applicant would establish relationships and work with various relevant organizations and constituencies (the Council on Social Work Education, the National Association of Deans and Directors of Social Work, the Association of Baccalaureate Program Directors of Social Work, National Association of Public Child Welfare Administrators) to create visibility, interest, status and support for the effort, and to design and

implement a competitive process for selecting and managing a group of fellows from a pool of applicants.

During the second year of the cooperative agreement, the selected group of tenured faculty from across the country would receive faculty development grants which would provide them with release time from classroom instruction and allow them to perform a range of tasks in their local public or Tribal child welfare agency. Faculty chosen as Fellows would be expected to use the faculty development grant to update their own knowledge, strengthen their pedagogy, and conduct public welfare research. They are expected to use the agency experience to revise instructional content for the courses they teach by making stronger connections between theoretical frameworks and real world situations and circumstances. They are also expected to advance the school-agency partnership agenda by providing more effective research and service to the public agency. During the summer of the second year, an institute would be held which would bring all the Fellows together and have them assess and analyze their experiences, exchange ideas and insights, and hear from and work with current experts in the child welfare field.

Finally, during the second year, a second and larger cohort of faculty would be chosen to participate as Fellows in the third year of the cooperative agreement. A summer institute would also be held for this group during the third year.

Requirements for Project Design: In order to successfully compete under this priority area the applicant should:

- Demonstrate knowledge and understanding of the issues involved in designing and implementing a Child Welfare Fellows Program and present an overall approach to administering this initiative.
- Describe a plan for year one focusing on strategies for outreach and enlisting support including identifying key organizations for collaboration and the kinds of activities that would be conducted in order to accomplish outreach and obtain support. The formation of an Advisory Board should be considered.
- Describe strategies for recruiting and criteria for selecting applicants for participation as Child Welfare Fellows, making sure to present both the advantages and disadvantages of different strategies and the rationale for choosing the strategies that have been selected.
- Include a plan for evaluation which, at a minimum, discusses proposed outcomes for faculty participating in the program for both the public agency and the social work education program.
- Propose the size of the fellows group for the second and third years of the project and provide a justification for the size chosen.
- Provide a detailed design plan for the Summer Institute consisting of proposed length, topics, presenters, formats, and a mock agenda.
- Propose a plan for establishing cost-sharing relationships with education programs which will be sponsoring faculty to participate as Fellows.
- Provide assurances that at least one key staff person from the project would jointly attend a four day annual meeting in Washington, DC.
- Describe the final report and/or other products that will be developed under the project. Identify relevant audiences for each proposed product and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.
- Agree to enter into a Cooperative Agreement with the Children's Bureau. (A Cooperative Agreement is Federal Assistance in which substantial Federal involvement is anticipated. The respective responsibilities of Federal staff and the awardee are negotiated prior to award.)

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The maximum federal share is not to exceed $75,000 during the first 12-month budget period. In the second 12-month budget period the maximum federal share is not to exceed $175,000, and in the third 12-month budget period the maximum federal share is not to exceed $250,000. For the total three year project the maximum Federal share is $500,000.

Matching or Cost Sharing Requirement: Grantees must provide at least 25 percent of the total cost of grant activities. The total approved cost of these activities is the sum of the ACYF 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 a cash contribution. Therefore, a project requesting a total of $500,000 in Federal funds for all 3 budget periods must include a total match of $166,666.66 (25 percent of the total project cost of $666,666.66.) Because this is a training grant, indirect cost for this project shall not exceed 8 percent.

Anticipated Number of Projects to be Funded: It is anticipated that one project will be funded.

CFDA: 93.648 Child Welfare Services Training Program Grants: Section 426 of the Social Security Act, as amended.

2.07T Innovative Training for Exemplary Practice

Eligible Applicants: Institutions of higher education with accredited social work education programs or other bachelor or graduate level programs leading to a degree relevant to work in child welfare.

Purpose: This priority area encourages the development of training packages for in-service education to improve practice in critical areas of child welfare. It also seeks to build on and expand the scope of partnerships between social work education programs and public child welfare agencies.

Background Information: Child welfare practice is undergoing profound transformations. The case management aspect of the work performed by child welfare direct service staff is being transformed by demands inherent in the emergence of managed care as well as in wrap-around and integrative service projects. A more relevant repertoire of clinical interventions for child welfare workers is necessitated by the pervasiveness of substance abuse among families being served, heightened levels of domestic and community violence, and increasing numbers of infants coming into substitute care. In order to maintain quality practice in the face of these and other challenges child welfare workers need training to acquire new knowledge and new sets of skills.

A number of schools and departments of social work throughout the country already have effective working relationships with public human service agencies to provide child welfare staff training and development. Other social work education programs are in the process of forging agreements to render training. This priority area builds on these efforts. Grantees will be expected to collaborate with the State IV-B/IV-E agency, the local public child welfare agency, or a Tribal or consortium of Tribal child welfare programs, on the design and implementation of innovative in-service training packages for direct service staff. Training packages for exemplary practice should be competency-based and should incorporate stages of awareness and understanding through skill acquisition.

It is envisioned that grant activity funded under this priority area will also have a beneficial impact on professional education. Faculty involved in the creation of these training packages will be expected to make changes in course

content and in instruction based upon their work in this project.

Applicants may submit an application to develop a training package to address any one of the following topics of critical importance:

- Working with families contending with domestic and/or community violence.
- Working with families contending with substance abuse.
- Refining and targeting family preservation services.
- Working with relatives as foster parents.

An institution can submit more than one application under this priority area, but each application can only address one of the above topics.

Applications to develop training packages on topics other than those listed above will not be accepted.

Requirements for Project Design: In order to successfully compete under this priority area the applicant should:

- Identify the current status of training and identify existing training resources in the topic. Clarify how the proposed package is innovative and how it will contribute to exemplary practice.
- Document the need for the particular training, specify and distinguish among different levels of competencies workers will attain, delineate the training design process, provide a detailed outline of the content to be covered, and describe training formats to be utilized.
- Describe the nature and longevity of the relationship between the social work education program and the child welfare agency making sure to demonstrate the basis for a positive and productive collaboration around the development of the training package.
- Demonstrate the capacity of both the educational program and agency to develop and deliver the training, by emphasizing the qualifications of the professionals from each institution who will be working together on the project.
- Describe a plan for how faculty involved in the development of the training package will use the experience to infuse the knowledge and content into their own teaching and courses. Also, describe how faculty will work with other faculty members on an individual basis, as well as through academic program mechanisms such as curriculum committees, to promote broader-based infusion.
- Provide assurances that at least one key staff person from the university and one key staff person from the public child welfare agency would jointly attend a one-day annual meeting in the HHS Regional Office shortly after the award as well as a four day annual meeting in Washington, DC.
- Include a plan for evaluation which incorporates pilot testing procedures as well as assessing the competency-based and practice oriented outcomes of the training package.
- Describe the final report and/or other training products, such as training curriculum, video tapes, software packages, etc. to be developed under the project.
- Identify relevant audiences for each proposed product and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

Project Duration: The length of the project must not exceed 24 months.

Federal Share of Project Costs: The maximum federal share is not to exceed $60,000 per 12-month budget period.

Matching or Cost Sharing Requirement: Grantees must provide at least 25 percent of the total cost of grant activities. The total approved cost of these activities is the sum of the ACYF 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 a cash contribution. Therefore, a project requesting a total of $120,000 in Federal funds for both budget periods must include a total match of $40,000 (25 percent of the total project cost of $160,000). Because this is a training grant, indirect costs for these projects shall not exceed 8 percent.

Anticipated Number of Projects to be Funded: It is anticipated that approximately seven to ten projects will be funded.

CFDA Number: 93.648 Child Welfare Services Training Program Grants: Section 426 of the Social Security Act, as amended.

Part III—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 as single-sided 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 II.

A. Required Notification of the State Single Point of Contact (NCCAN Only)

All applications for research or training projects submitted to NCCAN are covered under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and title 45 Code of Federal Regulations (CFR) Part 100, Intergovernmental Review of Department of Health and Human Services Programs and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. Therefore, the applicant should contact his or her State Single Point of Contact (SPOC) directly to determine what materials, if any, the SPOC requires. Contact information for each State's SPOC is found at the end of this section. Children's Bureau applicants are exempt from this requirement.

All States and territories, except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia, Washington, American Samoa and Palau, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC).

Applicants from these 19 jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

It is imperative that the applicant submit all required materials to the SPOC and indicate the date of this submittal (or the date of contact, if no submittal is required) on the Standard Form (SF) 424, item 16a. Under 45 CFR 100.8(a)(2), SPOCs have 60 days from the grant application deadline to comment on applications for financial assistance under this program. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in a delay in grant award.

The 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. It is helpful in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application SF 424. When comments are submitted directly to ACYF, they

should be addressed to the application mailing address located in the front section of this announcement.

B. Deadline for Submission of Applications

The closing date for submission of applications under this program announcement is July 10, 1995. Applications must be either received by mail or hand-delivered no later than the deadline date. (Applicants are cautioned that postmarks *will not* be considered as a methodology for meeting this deadline.) Applications receipt point: FY 1995 NCCAN/CB Discretionary Funds Program, Department of Health and Human Services, ACF/Division of Discretionary Grants, 6th floor, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: NCCAN/CB–95–1.

Hand delivered applications are accepted during the normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: Administration for Children and Families, Division of Discretionary Grants, 6th Floor, ACF Guard Station, 901 D Street SW., Washington, DC 20047.

An application will be considered as meeting the deadline if it is received on or before the deadline date at the address or receipt point specified in this program announcement. Applicants are responsible for mailing applications well in advance, when using all mail services or commercial carriers (such as UPS, Federal Express, etc.), to ensure that the applications are received on or before the deadline date.

Applications which do not meet the above criteria are considered late applications and will not be considered or reviewed in the current competition. The ACYF will send a letter to this effect to each late applicant.

The ACYF reserves the right to extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; if there is widespread disruption of the mail; or if ACYF determines a deadline extension to be in the best interest of the Government. However, ACYF will not waive or extend the deadline for any applicant unless the deadline is waived or extended for all applicants.

C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, 424A, 424B, 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. Make single-sided copies and use them.

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. An application 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 NCCAN 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 the 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 which is assigned to the program under which assistance is requested and its title. For example, CFDA number 93.670 for the Child Abuse, Prevention and Treatment Act, as amended.

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.''

Item 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 II, Sections E and F, and the specific priority area description.

Item 15f Enter the estimated amount of 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 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 III. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 10, 1995.

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 17 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 itemized budget justification for each line item is required. 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, including Federally recognized Indian Tribes, ''equipment'' is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. For all other applicants, the threshold for equipment is $500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR Part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.''

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 8, 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. Applicants who anticipate procurements that will exceed $5,000 (non-governmental entities) or $25,000 (governmental entities) and are requesting an award without competition should include sole source justification in the proposal which at a minimum should include the basis for contractor's selection, justification for lack of competition when competitive bids or offers are not obtained and basis for award cost or price. (Note: Previous or past experience with a contractor is not sufficient justification for sole source.)

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.

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.'' In-kind contributions are defined in 45 CFR 74.2 and 45 CFR 92.3. In-kind contributions are ''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 ACYF 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.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. These key words will be used for computerized information retrieval. Key words should be selected from commonly used research and practice terminology. For assistance in choosing

key words, applicants are referred to the Clearinghouse on Child Abuse and Neglect Information, P.O. Box 1182, Washington, DC 20013, (1–800–FYI–3366).

4. Program Narrative Statement

The Program Narrative Statement should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II. The narrative should also provide information concerning how the application meets the evaluation criteria (see Part II, Section C) using the appropriate headings for research or demonstration and training applications. Inclusion and discussion of the evaluation criteria is important since the reviewers will rate the application against the evaluation criteria. There is a page limitation, set forth below.

Narrative Statement:

Research applications should use the following section headings:

(a) *Objectives;*

(b) *Background and Significance;*

(c) *Approach; and*

(d) *Staff Background and Organization's Experience.*

Demonstration and Training applications should use the following headings:

(a) *Objectives and Need for Assistance;*

(b) *Results or 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 Part II, Section C, Evaluation Criteria.

The narrative should be double-spaced and single-sided on 8½″ x 11″ plain white paper, with 1″ margins on all sides. Use only a standard size font such as 10 or 12 pitch throughout the announcement. All pages of the narrative (including appendices, resumes, charts, references/footnotes, tables, maps and exhibits) must be sequentially numbered, beginning with ''Objectives'' or ''Objectives and Need for Assistance'' as page number one. Applicants should not submit reproductions of larger sized paper that is reduced to meet the size requirement. Applicants are requested not to send pamphlets, brochures, or other printed material along with their applications as these pose copying difficulties. These materials, if submitted, will not be included in the review process, though they will be kept on file.

The length of the narrative section, including appendices, should not exceed 60 pages. Anything over 60 pages will be removed and not considered by the reviewers.

Please note that applicants that do not comply with the specific priority area requirements in the section on ''Eligible Applicants'' will not be included in the review process. Applicants should also note that non-responsiveness to the section ''Requirements for Project Design'' will result in a low evaluation score by the panel of expert reviewers.

Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous 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 one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

5. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; (2) Debarment and Other Responsibilities; and (3) Certification Regarding Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. These three certifications are self-explanatory. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/ certifications. Signing and submitting this application (SF 424) indicates compliance with the Drug Free Workplace Requirements, the Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994, and Debarment and Other Responsibilities certifications.

All applicants for research projects on child abuse and neglect must provide a Protection of Human Subjects Assurance as specified in the policy described on the HHS Form 596. If there is a question regarding the applicability of this assurance, contact the Office for Protection from Research Risks of the National Institutes of Health at (301)-496–7041. Those applying for or currently conducting research projects are further advised of the availability of a Certificate of Confidentiality through the National Institute of Mental Health of the Department of Health and Human Services. To obtain more information and to apply for a Certificate of Confidentiality, under the authority of Section 301(d) of the Public Health Service Act (42 U.S.C. 82421(d)) to protect against involuntary disclosure of the identities of research subjects, contact the Division of Extramural Activities of the National Institute of Mental Health at (301) 443–4673.

D. 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 should be packaged separately;

____ Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement).

A complete application consists of the following items in this order:

____ Application for Federal Assistance (SF 424, REV 4–88); a completed SPOC certification (if applicable) 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;

____ Letter from the Internal Revenue Service to prove non-profit status, if necessary;

____ Copy of the applicant's approved indirect cost rate agreement, if appropriate;

____ Project summary description;

____ Table of Contents, including the following:

____ Program Narrative Statement (organized by the evaluation criteria), which when combined with appendices/attachments should not exceed 60 pages total;

____ Any appendices/attachments (which when combined with the Program Narrative Statement should not exceed 60 pages total);

____ Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);

____ Certification Regarding Lobbying;

____ Certification Regarding Pro-Children Act of 1994; and

____ Certification of Protection of Human Subjects, if necessary.

E. 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 must be sequentially numbered, beginning

with page one. The narrative, including the appendices, must be only 60 pages. Any pages over that number will be removed and will not be reviewed. Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, brochures, videos, or any other items that cannot be photocopied. Your application should only include the information as requested in this announcement.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in all subsequent communication with NCCAN, the Children's Bureau and ACYF concerning the application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify the ACYF Operations Center by telephone at 1–800–351–2293.

Dated: April 28, 1995.

Olivia A. Golden,

Commissioner, Administration on Children, Youth and Families.

BILLING CODE 4184–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ 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 the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State — H. Independent School Dist.
B. County — I. State Controlled Institution of Higher Learning
C. Municipal — J. Private University
D. Township — K. Indian Tribe
E. Interstate — L. Individual
F. Intermunicipal — M. Profit Organization
G. Special District — N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.):*

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

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

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

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 entitles 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 applicant 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 disallowances, 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		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

BILLING CODE 4184-01-C

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (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. NonFederal					
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. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF–424A

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 functions 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 on 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 totals 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 on 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 on 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 of 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

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 nondiscrimination 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 provides 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 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 (Clean 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 and 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.

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

_____

Title

_____

Applicant Organization

_____

Date Submitted

BILLING CODE 4184–01–P

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award 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, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

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.

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.)

If the workplace identified to HHS 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 above).

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 USC 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).

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 subparagraph (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 subparagraph (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).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(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 receipt 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, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, 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 from covered transactions by any Federal Department or agency;

(b) have not within a 3-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 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 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) 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.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction.'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

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 any 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.

State for Loan Guarantee 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

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District,** *if known*:	 **Congressional District,** *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount,** *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____

Federal Use Only: **Authorized for Local Reproduction**
Standard Form - LLL

BILLING CODE 4184–01–C

Executive Order 12372—State Single Points of Contact

Arizona

Mrs. Janice Dunn, Attn: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, PO. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street NW., Suite 500, Washington, DC. 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8441

Georgia

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington, SW., Atlanta, Georgia 30334, Telephone (404) 656–3855

Illinois

Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

Indiana

Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490

Massachusetts

Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

Michigan

Richard S. Pastula, Director, Michigan Department of Commerce, Lansing, Michigan 48909, Telephone (517) 373–7356

Mississippi

Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 960–2174

Missouri

Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, PO Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, Attention: Ron Sparks, Clearinghouse Coordinator

New Hampshire

Mr. 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

New Jersey

Gregory W. Adkins, Acting Director, Division of Community Resources, N.J. Department of Community Affairs, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to: Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

New Mexico

George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

N.D. Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656, Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

Tennessee

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, Attn: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

Mr. William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street,

P.O. Box 7864, Madison, Wisconsin 53707, Telephone (608) 266–0267

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Guam

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose H. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802. Please direct correspondence to: Linda Clarke, Telephone (809) 774–0750.

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1944 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the 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 $1000 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 children's services and that all subgrantees shall certify accordingly.

[FR Doc. 95–11246 Filed 5–8–95; 8:45 am]
BILLING CODE 4184–01–P

Federal Register

Tuesday
May 9, 1995

Part VII

Department of Housing and Urban Development

24 CFR Part 3500

Real Estate Settlement Procedures Act (Regulation X); Escrow Accounting Procedures: Correcting Amendment and Clarifications; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 3500

[Docket No. R–95–1688; FR–3255–F–08]

RIN 2502–AF77

Real Estate Settlement Procedures Act (Regulation X); Escrow Accounting Procedures: Correcting Amendment and Clarifications

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

ACTION: Correcting amendment and clarifications of final rule.

SUMMARY: On October 26, 1994, HUD published a final rule establishing escrow accounting procedures under Sections 6(g) and 10 of the Real Estate Settlement Procedures Act. The final rule was modified on February 15, 1995, and the effective date was changed to May 24, 1995. Today's issuance corrects references in § 3500.8(c)(1) and in Appendix A regarding responsibilities of servicers and settlement agents. This issuance also explains a reference in the commentary of the February 15 modification to a borrower's discretionary payments, such as credit life insurance, in relation to escrow accounts. Several appendices have been revised to illustrate how payments for credit life insurance and similar discretionary payments should be referenced. In addition, the issuance clarifies certain situations involving installment payments and discounts or penalties.

EFFECTIVE DATE: May 24, 1995.

FOR FURTHER INFORMATION CONTACT: William Reid, Research Economist, Office of Policy Development and Research, Room 8212, phone (202) 708–0421); the TDD number is (202) 708–4594. For legal questions, contact: Grant E. Mitchell, Senior Attorney for RESPA, Room 9262, phone (202) 708–1552, or Kenneth A. Markison, Assistant General Counsel for Government-Sponsored Enterprises/RESPA, Room 9262, phone (202) 708–3137. (The telephone numbers are not toll-free.) The address for all of the above persons is: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500.

SUPPLEMENTARY INFORMATION: On October 26, 1994 (59 FR 53890), HUD published a final rule establishing, in 24 CFR 3500.17, escrow accounting procedures under Sections 6(g) and 10 of the Real Estate Settlement Procedures Act (12 U.S.C. 2605(g) and 2609) (RESPA). The final rule was modified on February 15, 1995 (60 FR 8812), and is effective on May 24, 1995. Other corrections were published on December 19, 1994 (59 FR 65442), and March 1, 1995 (60 FR 11194), and a notice of software availability was published on April 4, 1995 (60 FR 16985).

This technical correction amends § 3500.8 and the related line item instructions of Appendix A of 24 CFR part 3500, regarding responsibilities of servicers and settlement agents in the computation of aggregate adjustments. This correction clarifies that the lender or servicer will normally provide instructions to the settlement agent for closing.

Second, the February 15, 1995, issuance contained a commentary that included a reference to credit life insurance (see 60 FR at 8813, first column), as follows:

> (d) [Page 53902, § 3500.17(b), Definitions, ''Escrow account item''.] Are certain payments that may enter and leave the account within the same month, such as FHA monthly premiums, private mortgage insurance, or credit life insurance, considered to be escrow account items?
>
> *Answer:* Yes. All items in the account are included so that the projected low monthly balance is zero (-0-) at the end of Step 2 in the Appendix I examples.* * *

The Department received a number of comments regarding the inclusion of the term ''credit life insurance'' in a description of items that might enter and leave the account in the same month, and questions about whether this reference meant that any discretionary payment by a borrower was subject to all of the provisions of the escrow accounting rule. In response to those inquiries, the Department is clarifying that there are only two circumstances in which credit life insurance or similar payments would be considered to be ''in the escrow account'': (1) when the payment is for insurance required by the lender as a condition of the loan (and therefore is within the definition of ''settlement service'' in § 3500.2); or (2) when the servicer chooses to place the discretionary payment into the escrow account and pays the item from such account. In any other circumstance the borrower's discretionary payment is not considered to be an escrow account item.

In reviewing this matter, the Department has also concluded that if the discretionary payments were not notated, the statement histories would be confusing for borrowers who normally pay their principal, interest, escrow, and discretionary payments with a single check or wire transfer. Therefore, where discretionary payments are received, the Department has developed language to be added to the initial and annual account statements. This language is being added by this issuance in a new § 3500.17(o).

In addition, the Department received a number of questions regarding circumstances in which the payee offered an option of either installment payments or a one-time payment with a discount. The preamble to the October 26, 1994, and February 15, 1995, rules indicated that when a choice was available, servicers should make disbursements on an installment basis, rather than an annual basis; however, servicers were permitted (but not required) to make disbursements on an annual basis if a discount were available. Once the choice of payment basis is made, the disbursement date chosen for that basis depends on discount and penalty dates. Section 3500.17(k) states that ''[i]n calculating the disbursement date, the servicer shall use a date on or before the *earlier* of the deadline to take advantage of discounts, if available, or the deadline to avoid a penalty.'' This provision is consistent with the rule, which is designed to avoid excessive upfront payments and balances in escrow accounts and, therefore, favors installment payments, unless there are penalties or discounts that make annual payments advantageous for the consumer. Also, after settlement a servicer and borrower are not prevented by this rule from mutually agreeing, on an individual case basis, to a different payment basis (installment or annual) or disbursement date.

List of Subjects in 24 CFR Part 3500

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

Accordingly, 24 CFR part 3500 is corrected by making the following correcting amendments:

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

1. The authority citation for part 3500 continues to read as follows:

Authority: 12 U.S.C. 2601 *et seq.*, 42 U.S.C. 3535(d).

2. Section 3500.8 is amended by revising paragraph (c)(1), to read as follows:

§ 3500.8 Use of HUD–1 or HUD–1A settlement statements.

* * * * *

(c) * * *

(1) After itemizing individual deposits in the 1000 series using single-item accounting, the servicer shall make an adjustment based on aggregate accounting. This adjustment equals the difference in the deposit required under aggregate accounting and the sum of the deposits required under single-item accounting. The computation steps for both accounting methods are set out in § 3500.17(d). The adjustment will always be a negative number or zero (–0–). The settlement agent shall enter the aggregate adjustment amount on a final line in the 1000 series of the HUD–1 or HUD–1A statement.

* * * * *

3. Section 3500.17 is amended by adding paragraph (o), to read as follows:

§ 3500.17 Escrow accounts.

* * * * *

(o) *Discretionary payments.* Any borrower's discretionary payment (such as credit life or disability insurance) made as part of a monthly mortgage payment is to be noted on the initial and annual statements. If a discretionary payment is established or terminated during the escrow account computation year, this change should be noted on the next annual statement. A discretionary payment is not part of the escrow account unless the payment is required by the lender, in accordance with the definition of ''settlement service'' in § 3500.2, or the servicer chooses to place the discretionary payment in the escrow account. If a servicer has not established an escrow account for a federally related mortgage loan and only receives payments for discretionary items, this section is not applicable.

4. In Appendix A to part 3500, the second paragraph for lines 1000–1008 under the head ''Line Item Instructions'' is revised, to read as follows:

Appendix A to Part 3500—Instructions for Completing HUD–1 and HUD–1A Settlement Statements

* * * * *

Line Item Instructions

* * * * *

Lines 1000–1008. * * *

After itemizing individual deposits in the 1000 series using single-item accounting, the servicer shall make an adjustment based on aggregate accounting. This adjustment equals the difference between the deposit required under aggregate accounting and the sum of the deposits required under single-item accounting. The computation steps for both accounting methods are set out in § 3500.17(d). The adjustment will always be a negative number or zero (-0-). The settlement agent shall enter the aggregate adjustment amount on a final line in the 1000 series of the HUD–1 or HUD–1A statement.

5. Appendix G–2, ''Initial Escrow Account Disclosure Statement—Example,'' is amended by substituting the phrase ''WILL BE'' for the word ''WAS'' in the last sentence, and Appendices G–1, I–1, I–2, I–5, and I–6 are revised, to read as follows:

BILLING CODE 4210–27–P

APPENDIX G–1: *INITIAL* ESCROW ACCOUNT DISCLOSURE STATEMENT — FORMAT

[Servicer's name, address, and toll-free number.]

INITIAL ESCROW ACCOUNT DISCLOSURE STATEMENT

THIS IS AN ESTIMATE OF ACTIVITY IN YOUR ESCROW ACCOUNT DURING THE COMING YEAR BASED ON PAYMENTS ANTICIPATED TO BE MADE FROM YOUR ACCOUNT.

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance

Initial deposit: ..... $_____

[A filled-out format follows.]

(PLEASE KEEP THIS STATEMENT FOR COMPARISON WITH THE ACTUAL ACTIVITY IN YOUR ACCOUNT AT THE END OF THE ESCROW ACCOUNTING COMPUTATION YEAR.)

Cushion selected by servicer: $_____.

YOUR MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT.]

[YOUR FIRST MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT. THE TERMS OF YOUR LOAN MAY RESULT IN CHANGES TO THE MONTHLY PRINCIPAL AND INTEREST PAYMENTS DURING THE YEAR.]

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate option above describing the principal and interest payments for the coming year. The reference to payments for discretionary items should be omitted if there are no such payments included with the monthly payment. This instruction paragraph should not appear on the form.]

APPENDIX I–1: ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — FORMAT

[Account history of pre-rule accounts computed using single-item analysis.]

[Servicer's name, address, and toll-free number.]

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *ACCOUNT HISTORY*

THIS IS A STATEMENT OF ACTUAL ACTIVITY IN YOUR ESCROW ACCOUNT FROM _____ THROUGH _____. {COMPARE IT TO THE ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *PROJECTIONS FOR COMING YEAR*—WHICH WAS SENT TO YOU LAST YEAR ON _____ (ANOTHER COPY ENCLOSED).}

[INSTRUCTIONS TO PREPARER: Delete material in brackets {} if initial escrow account disclosure statement or annual disclosure payment history was not delivered in previous year. Also, if the servicer elects to provide a side-by-side comparison of last year's projection to the account history, delete "{COMPARE . . . ENCLOSED.}". This instruction paragraph should not be included in the form.]

[Your monthly mortgage payment for the past year was $_____, of which $_____ was for principal and interest, $_____ went into your escrow account, and $_____ was for discretionary items (such as life insurance, disability insurance) that you chose to have included with your monthly mortgage payment.]

[INSTRUCTIONS TO PREPARER: The reference to the discretionary items should be omitted if there are no payments for such items included in the monthly mortgage payment. This instruction paragraph should not appear on the form.]

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance
Starting balance:				$_____

[A filled-out example follows.]

An asterisk (*) indicates a difference from a previous estimate either in the date or the amount.

Last year, we anticipated that payments from your account would be made during this period equaling $_____. Under Federal law, your lowest monthly balance should not have exceeded $_____, unless your mortgage contract or State law specifies a lower amount. (Your mortgage contract and State law are silent on this issue.) (Under your mortgage contract and State law, your lowest monthly balance should not have exceeded $_____.)

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate sentence above describing the mortgage contract. This instruction paragraph should not appear in the form.]

Your actual lowest monthly balance was greater than $_____. The items with an asterisk on your Account History may explain this. If you want a further explanation, please call our toll-free number.

[INSTRUCTIONS TO PREPARER: The servicer is to use the paragraph above if the lowest month-end balance exceeds either the Federal or the contract/State law limit. Put the lower of the two in the blank. This instruction paragraph should not appear in the form.]

APPENDIX I–2: ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — FORMAT

[Projections for pre-rule accounts computed using single-item analysis.]

[Servicer's name, address, and toll-free number.]

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *PROJECTIONS FOR COMING YEAR*

THIS IS AN ESTIMATE OF ACTIVITY IN YOUR ESCROW ACCOUNT DURING THE COMING YEAR BASED ON PAYMENTS ANTICIPATED TO BE MADE FROM YOUR ACCOUNT.

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance

Starting balance: ..... $_____

[A filled-out format follows.]

Your ending balance, from the last month of the account history, is $_____. Your starting balance according to this analysis should be $_____.

[This means you have a surplus of $_____. This surplus must be returned to you unless it is less than $50, in which case we have the additional option of keeping it and lowering your monthly payments accordingly. (We are sending you a check for the surplus.) (We are keeping the surplus and lowering your monthly payments.)]

[This means you have a shortage of $_____. This shortage may be collected from you over a period of 12 months or more unless the shortage is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. (We have decided to collect it over _____ months.) (We have decided to collect it within 30 days.) (We have decided to do nothing.)]

[This means you have a deficiency of $_____. This deficiency may be collected from you over a period of 2 months or more unless the deficiency is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. (We have decided to collect it over _____ months.) (We have decided to collect it within 30 days.) (We have decided to do nothing.)]

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate paragraph above if there is a surplus, shortage, or deficiency. The servicer should then print the response selected from the choices given. If the deficiency and shortage paragraphs are to be used on the same form, appropriate explanatory language may be used. This instruction paragraph should not be included in the form.]

(PLEASE KEEP THIS STATEMENT FOR COMPARISON WITH THE ACTUAL ACTIVITY IN YOUR ACCOUNT AT THE END OF THE NEXT ESCROW ACCOUNTING COMPUTATION YEAR.)

[YOUR MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT.]

[YOUR FIRST MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT. THE TERMS OF YOUR LOAN MAY RESULT IN CHANGES TO THE MONTHLY PRINCIPAL AND INTEREST PAYMENTS DURING THE YEAR.]

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate option above describing the principal and interest payments for the coming year. The reference to payments for discretionary items should be omitted if there are no such payments included with the monthly payment. This instruction paragraph should not appear on the form.]

APPENDIX I–5: ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — FORMAT

[Account history of pre-rule and post-rule accounts computed using aggregate analysis.]

[Servicer's name, address, and toll-free number.]

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *ACCOUNT HISTORY*

THIS IS A STATEMENT OF ACTUAL ACTIVITY IN YOUR ESCROW ACCOUNT FROM_____ THROUGH _____. {COMPARE IT TO THE ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *PROJECTIONS FOR COMING YEAR* — WHICH WAS SENT TO YOU LAST YEAR ON _____ (ANOTHER COPY ENCLOSED).}

[INSTRUCTIONS TO PREPARER: Delete material in brackets {} if initial escrow account disclosure statement or annual disclosure payment history was not delivered in previous year. Also, if the servicer elects to provide a side-by-side comparison of last year's projection to the account history, delete "{COMPARE . . . ENCLOSED.}". This instruction paragraph should not be included in the form.]

[Your monthly mortgage payment for the past year was $_____, of which $_____ was for principal and interest, $_____ went into your escrow account, and $_____ was for discretionary items (such as life insurance, disability insurance) that you chose to have included with your monthly mortgage payment.]

[INSTRUCTIONS TO PREPARER: The reference to the discretionary items should be omitted if there are no payments for such items included in the monthly mortgage payment. This instruction paragraph should not appear on the form.]

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance
Starting balance:				$_____

[A filled-out example follows.]

An asterisk (*) indicates a difference from a previous estimate either in the date or the amount.

Last year, we anticipated that payments from your account would be made during this period equaling $_____. Under Federal law, your lowest monthly balance should not have exceeded $_____, or 1/6 of anticipated payment from the account, unless your mortgage contract or State law specifies a lower amount. (Your mortgage contract and State law are silent on this issue.) (Under your mortgage contract and State law, your lowest monthly balance should not have exceeded $_____.

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate sentence above describing the mortgage contract. This instruction paragraph should not appear in the form.]

Your actual lowest monthly balance was greater than $_____. The items with an asterisk on your Account History may explain this. If you want a further explanation, please call our toll-free number.

[INSTRUCTIONS TO PREPARER: The servicer is to use the paragraph above if the lowest month-end balance exceeds either the Federal or the contract/State law limit. Put the lower of the two in the blank. This instruction paragraph should not appear in the form.]

APPENDIX I–6: ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — FORMAT

[Projections for pre-rule and post-rule accounts computed using aggregate analysis.]

[Servicer's name, address, and toll-free number.]

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT — *PROJECTIONS FOR COMING YEAR*

THIS IS AN ESTIMATE OF ACTIVITY IN YOUR ESCROW ACCOUNT DURING THE COMING YEAR BASED ON PAYMENTS ANTICIPATED TO BE MADE FROM YOUR ACCOUNT.

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance
Starting balance:				$_____

[A filled-out format follows.]

Your ending balance, from the last month of the account history, is $_____. Your starting balance according to this analysis should be $_____.

[This means you have a surplus of $_____. This surplus must be returned to you unless it is less than $50, in which case we have the additional option of keeping it and lowering your monthly payments accordingly. (We are sending you a check for the surplus.) (We are keeping the surplus and lowering your monthly payments.)]

[This means you have a shortage of $_____. This shortage may be collected from you over a period of 12 months or more unless the shortage is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. (We have decided to collect it over _____ months.) (We have decided to collect it within 30 days.) (We have decided to do nothing.)]

[This means you have a deficiency of $_____. This deficiency may be collected from you over a period of 2 months or more unless the deficiency is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. (We have decided to collect it over _____ months.) (We have decided to collect it within 30 days.) (We have decided to do nothing.)]

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate paragraph above if there is a surplus, shortage, or deficiency. The servicer should then print the response selected from the choices given. If the deficiency and shortage paragraphs are to be used on the same form, appropriate explanatory language may be used. This instruction paragraph should not be included in the form.]

(PLEASE KEEP THIS STATEMENT FOR COMPARISON WITH THE ACTUAL ACTIVITY IN YOUR ACCOUNT AT THE END OF THE NEXT ESCROW ACCOUNTING COMPUTATION YEAR.)

[YOUR MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT.]

[YOUR FIRST MONTHLY MORTGAGE PAYMENT FOR THE COMING YEAR WILL BE $_____, OF WHICH $_____ WILL BE FOR PRINCIPAL AND INTEREST, $_____ WILL GO INTO YOUR ESCROW ACCOUNT, AND $_____ WILL BE FOR DISCRETIONARY ITEMS (SUCH AS LIFE INSURANCE, DISABILITY INSURANCE) THAT YOU CHOSE TO BE INCLUDED WITH YOUR MONTHLY PAYMENT. THE TERMS OF YOUR LOAN MAY RESULT IN CHANGES TO THE MONTHLY PRINCIPAL AND INTEREST PAYMENTS DURING THE YEAR.]

[INSTRUCTIONS TO PREPARER: The servicer is to use the appropriate option above describing the principal and interest payments for the coming year. The reference to payments for discretionary items should be omitted if there are no such payments included with the monthly payment. This instruction paragraph should not appear on the form.]

BILLING CODE 4210–27–C

Dated: May 2, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 95–11313 Filed 5–8–95; 8:45 am]

BILLING CODE 4210–27–P

Federal Register

Tuesday
May 9, 1995

Part VIII

Department of Education

Public Charter Schools Program; New Awards for Fiscal Year 1995; Invitation to Apply; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.282A]

Public Charter Schools Program, Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Purpose of Program: The purpose of the Public Charter Schools program is to increase understanding of the charter schools model by providing financial assistance for the design and initial implementation of charter schools.

Eligible Applicants: State educational agencies (SEAs) that have the authority under State law to authorize or approve a charter school, and, if such an SEA elects not to participate in this program, eligible applicants, as defined in this notice, that serve these States. Each eligible applicant that is not an SEA and desires to participate in this competition is responsible for finding out if the SEA in its State is applying for a grant under this program. An eligible applicant that is not an SEA that plans to participate in this competition must submit an application in partnership with a developer—as defined in this notice.

Note: If an eligible SEA applies but does not have an application approved under this competition, the Secretary may issue a separate notice at a later date inviting eligible applicants that are not SEAs and that serve such State or States to apply directly to the Secretary for a grant to plan and implement a charter school.

Deadline for Transmittal of Applications: June 16, 1995.

Deadline for Intergovernmental Review: August 15, 1995.

Applications Available: May 15, 1995.

Available Funds: $5,400,000.

Estimated Range of Awards: State educational agencies: $50,000-$750,000; other eligible applicants: $10,000-$200,000.

Estimated Average Size of Awards: State educational agencies: $500,000; other eligible applicants: $50,000.

Estimated Number of Awards: State educational agencies: 5–11; other eligible applicants: 3–20.

Note: The Department is not bound by any estimates in this notice.

Project Period: State educational agencies: Up to 36 months. Other eligible applicants: Grants awarded by the Secretary to eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use—

(a) Not more than 18 months for planning and program design; and

(b) Not more than two years for the initial implementation of a charter school.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 77, 79, 80, 81, 82, 85 and 86.

SUPPLEMENTARY INFORMATION: A part of wider efforts to enhance flexibility in order to strengthen teaching and learning, charter schools represent an innovative approach to improving public education. Public charter schools are freed from most statutory and regulatory requirements in exchange for better student academic achievement. The idea is to replace rules-based governance with performance-based accountability, thereby stimulating the creativity and commitment of teachers, parents, students, and citizens.

Definitions

As used in this program—

(a) The term ''charter school'' means a public school that—

(1) In accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(2) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(3) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(4) Provides a program of elementary or secondary education, or both;

(5) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(6) Does not charge tuition;

(7) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(8) Admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(9) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(10) Meets all applicable Federal, State, and local health and safety requirements; and

(11) Operates in accordance with State law.

(b) The term ''developer'' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) The term ''eligible applicant'' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) The term ''authorized public chartering agency'' means a State educational agency, local educational agency, or other public entity that has the authority under State law and approved by the Secretary to authorize or approve a charter school.

Contents of a State Educational Agency Application

Each SEA application shall—

(a) Describe the objectives of the SEA's charter school grant program and how those objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(b) Contain assurances that the SEA will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing—

(1) A description of the educational program to be implemented by the proposed charter school, including (A) how the program will enable all students to meet challenging State student performance standards; (B) the grade levels or ages of children to be served; and (C) the curriculum and instructional practices to be used;

(2) A description of how the charter school will be managed;

(3) A description of (A) the objectives of the charter school; and (B) the methods by which the charter school will determine its progress toward achieving those objectives;

(4) A description of the administrative relationship between the charter school and the authorized public chartering agency;

(5) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(6) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in subparagraph (3)(A);

(7) A request and justification for waivers of any Federal statutory or regulatory provisions, except Federal civil rights laws, that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

(8) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(9) A description of how students in the community will be (A) informed about the charter school; and (B) given an equal opportunity to attend the charter school;

(10) An assurance that the eligible applicant will annually provide the Secretary and the SEA information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (3)(A);

(11) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the charter school assisted under this program; and

(12) Other information and assurances as the Secretary and the SEA may require;

(c) Contain assurances that the SEA will—

(1) Award subgrants under this program in a manner that, to the extent possible, subgrants are distributed throughout different areas of the State, including urban and rural areas;

(2) Assist charter schools representing a variety of educational approaches, such as approaches to reduce school size;

(3) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and

(4) Use a peer review process to review applications for subgrants;

(d) If an SEA elects to reserve part of the grant funds for the establishment of a revolving loan fund as allowed under this program, describe how the revolving loan fund would operate; and

(e) If an SEA desires the Secretary to consider waivers under the authority of this program, contain—

(1) a request and justification for waivers of any Federal statutory or regulatory provisions that the SEA believes are necessary for the successful operation of a charter school, and

(2) a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, a charter school.

Contents of a non-SEA Application

Each application submitted to the Secretary by an eligible applicant that is not an SEA shall contain—

(a) The information and assurances described in (b) (1) through (12) under the section ''Contents of a State Educational Agency Application,'' except that subparagraphs (10), (11), and (12) shall be applied by striking ''and the SEA'' where this phrase appears;

(b) Assurances that the SEA—

(1) Will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(2) Will assist each eligible applicant in the State in receiving applicable waivers; and

(c) Assurance that the eligible applicant will use the funds to plan and implement a charter school in accordance with this program.

Selection Criteria for SEAs

The maximum score for all of the criteria in this section is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion. In evaluating an application from an SEA the Secretary will consider the following factors:

(a) The contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieve State content standards and State student performance standards and, in general, a State's education improvement plan (20 points);

(b) The degree of flexibility afforded by the SEA to charter schools under the State's charter schools law (20 points);

(c) The ambitiousness of the objectives for the State charter school grant program (20 points);

(d) The quality of the strategy for assessing achievement of those objectives (20 points); and

(e) The likelihood that the charter school grant program will meet those objectives and improve educational results for students (20 points).

Selection Criteria for non-SEA Eligible Applicants

The maximum score for all of the criteria in this section is 120 points. The maximum score for each criterion is indicated in parentheses with the criterion. In evaluating an application from an eligible applicant other than an SEA the Secretary will consider the following factors:

(a) The quality of the proposed curriculum and instructional practices (20 points);

(b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency, to the charter school (20 points);

(c) The extent of community support for the application (20 points);

(d) The ambitiousness of the objectives for the charter school (20 points);

(e) The quality of the strategy for assessing achievement of those objectives (20 points); and

(f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

Diversity of Projects

The Secretary will ensure that grants—

(a) Are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

(b) Will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

Empowerment Zones and Enterprise Communities

The Secretary especially invites applications that address linkages between charter school initiatives and any comprehensive educational improvement strategies of Empowerment Zones and Enterprise Communities designated by the Departments of Agriculture or Housing and Urban Development.

Waivers

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any requirement relating to the elements of a charter school, as defined above, if—

(a) The waiver is requested in an approved application under this program; and

(b) The Secretary determines that granting such a waiver will promote the purposes of this program.

The Secretary strongly urges applicants to provide the public with notice and an opportunity to comment on waiver requests. In addition, the Secretary has determined, as a matter of policy, that waivers of Title II of the Americans with Disabilities Act of 1990 will not be granted.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds only for—

(a) Post-award planning and design of the educational program, which may

include (1) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (2) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (1) informing the community about the school; (2) acquiring necessary equipment and educational materials and supplies; (3) acquiring or developing curriculum materials; and (4) other initial operating costs that cannot be met from State or local sources.

Administrative Expenses

Each SEA receiving a grant under this program may reserve not more than five percent of the grant for administrative expenses related to the charter school grant program assisted under this program.

Revolving Loan Funds

Each SEA receiving a grant under this program may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund, which the SEA would use to make loans to its subgrantees to defray initial operating costs of the charter school.

For Applications or Information Contact: John Fiegel, U.S. Department of Education, 600 Independence Avenue, SW., Portals Room 4504D, Washington, DC. 20202–6140. Telephone (202) 260–2671. Internet John—Fiegel@ED.Gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 U.S.C. 8061–8067.

Dated: May 1, 1995.

Thomas W. Payzant,

Assistant Secretary Elementary and Secondary Education.

[FR Doc. 95–11346 Filed 5–8–95; 8:45 am]

BILLING CODE 4001–01–P

Federal Register

Tuesday
May 9, 1995

Part IX

Department of Transportation

Coast Guard

46 CFR Part 25 et al.

Removal of Obsolete and Unnecessary Regulations; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 25, 28, 30, 31, 35, 37, 40, 54, 55, 56, 61, 70, 71, 72, 76, 78, 79, 90, 91, 95, 97, 99, 106, 150, 154, 174, 188 and 189

[CGD 95–012]

RIN 2115–AF03

Removal of Obsolete and Unnecessary Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations for both inspected and uninspected commercial vessels by removing and revising obsolete and unnecessary provisions. The Coast Guard expects that these amendments will reduce administrative burden to government and industry, reduce government costs, and provide a more concise and useful Title 46, Code of Federal Regulations.

DATES: Comments must be received on or before July 10, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 95–012), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 or may be delivered to room 3406, at the same address, from 8 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR R.K. Butturini, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security, and Environmental Protection, (202) 267–2206.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95–012) and the specific section of this proposed rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

In the March 30, 1995 **Federal Register** (59 FR 16423), the Coast Guard announced it would hold a public meeting on April 20, 1995 to discuss Coast Guard regulations and the regulatory process. Any relevant comments received at the hearing or by the May 1, 1995 deadline for written comments will be considered for the changes included in this document. The Coast Guard plans no other public meeting for this docket. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a public meeting would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Drafting Information. The principal persons involved in drafting this proposed rule are LCDR R.K. Butturini, Project Manager, and Ms. Pam Pelcovits, Project Counsel, Office of Chief Counsel.

Background and Purpose

On March 4, 1995, the President issued a memorandum calling on executive agencies to review regulations with the goals of: (1) Cutting obsolete regulations; (2) focusing on results instead of process and punishment; (3) convening meetings with the regulated community; and (4) expanding efforts to promote consensual rulemaking.

As part of a continuing review of its regulatory program, the Coast Guard is examining alternative compliance methods and ways to make existing regulations more efficient. This approach is consistent with the ongoing National Performance Review effort aimed, in part, at making government regulations more concise and easier to use. As a first step, the purpose of this proposed rule is to remove or revise some regulations that the Coast Guard has found to be obsolete and unnecessary.

In compiling the list of CFR sections included in this proposed rule, the Coast Guard did not consider parts of 46 CFR that are under review as part of ongoing regulatory projects. Additional rulemaking projects are expected to adopt accepted industry standards and remove other obsolete or unnecessary Coast Guard standards and to solicit public comment on additional provisions which should be modified or eliminated. Sections were identified for revision or removal for the following reasons:

(a) Regulations include citation to a long-passed compliance date.

(b) Vessels or equipment covered under certain regulations have become impractical due to social or economic changes.

(c) Equipment is no longer manufactured or used.

(d) Requirements are repeated in another section.

(e) Authority citations have been repealed or revoked.

(f) The text of the regulation merely repeats statutory language.

Discussion of Rules

The following discussion summarizes the changes in this proposed rule.

1. *Passed compliance dates.* The following regulations are being removed or revised because they include a reference to a compliance date which has passed. For example, § 25.40–1(c) states that modifications for the purposes of complying with ventilation requirements must be completed by June 1, 1966.

Cite	Change made	Subject addressed by regulation
§ 25.40–1(c)	Removed	Motorboat ventilation.
§ 28.110(a)	Date removed	Life preservers.
§ 28.115(a)	Date removed	Ring life buoys.
§ 28.135(a)	Date removed	Lifesaving equipment markings.
§ 28.145	Date removed	Distress signals.
§ 28.210 (c), (d) and (e)	Dates removed	First aid equipment and training.

Cite	Change made	Subject addressed by regulation
§ 28.240(a)	Date removed	General alarm systems.
§ 28.270(c)	Date removed	Instructions, drills, and safety orientation.

2. *Impractical vessels, equipment, or arrangements.* Some sections are being removed or revised because they apply to vessels or equipment that have become impractical due to changes in the world economy or social values. For example, most of the listed regulations address nuclear-powered vessels, facilities and ships intended for energy production from differences in seawater temperature, and vessels intended to incinerate waste at sea. However, none of these types of vessels or facilities are currently operating, and construction is not likely in the foreseeable future.

Another regulation that is proposed for removal covers steerage passengers. The Steerage Passenger Act of 1882 (ch. 374, 22 Stat. 186 (1882)) established accommodation requirements for steerage passengers. Steerage passengers historically were passengers paying the lowest fares for the poorest accommodations. The Steerage Act was written primarily for the safety of immigrants travelling by sea to the United States. The Act was repealed by Congress in 1983 by passage of an act which revised, consolidated, and enacted provisions of Subtitle II of 46 U.S.C. (Pub. L. 98–89, 97 Stat. 500), and separate regulations addressed to carriage of steerage passengers are no longer necessary.

Cite	Change made	Subject addressed by regulation
§ 30.01–25	Removed	Nuclear vessel inspection.
§ 30.10–44	Removed	Nuclear vessel inspection.
§ 31.01–5(b)	Removed	Nuclear vessel inspection.
§ 31.10–15(c)	Removed	Nuclear vessel inspection.
§ 31.40–30	Removed	Nuclear vessel inspection.
§ 31.40–40(e)	Removed and redesignated paragraph (f) as paragraph (e).	Nuclear vessel inspection.
Part 37	Removed	Nuclear vessel inspection.
§ 54.15–5(i) note	Removed	Nuclear power plants.
Part 55	Removed	Nuclear plant components.
§ 56.01–10(c)(2)(ii)	Removed	Nuclear power plant piping.
§ 56.30–5(b)(4)	Removed words ''and nuclear,''	Nuclear power plant piping.
§ 61.01–1(a)	Removed words ''nuclear pressure vessels''.	Nuclear pressure vessels.
§ 61.10–1(b)	Removed	Nuclear power plant components.
§ 61.15–1(b)	Removed	Hydrostatic test of nuclear plant piping.
Subpart 61.25	Removed	Tests and inspections of nuclear reactor power plants.
§ 70.05–12	Removed	Nuclear vessel inspection.
§ 70.10–30	Removed	Nuclear vessel inspection.
§ 71.75–5	Revised	Nuclear vessel inspection.
§ 72.25–5	Removed	Steerage passengers.
Part 79	Removed	Requirements for nuclear vessels.
§ 90.05–40	Removed	Nuclear vessel inspection.
§ 90.10–24	Removed	Nuclear vessel inspection.
§ 91.60–30	Removed	Nuclear vessel inspection.
Part 99	Removed	Requirements for nuclear vessels.
Part 106	Removed	Requirements for ocean thermal energy conversion facilities and plantships.
Part 150, Subpart B	Removed	Incinerator vessels.
Part 174, Subpart D	Removed	Requirements for nuclear vessels.
Part 174, Subpart F	Removed	Requirements for ocean thermal energy conversion facilities and plantships.
§ 188.05–15	Removed	Nuclear vessel inspection.
§ 188.10–47	Removed	Nuclear vessel inspection.
§ 189.60–30	Removed	Nuclear vessel inspection.

3. *Equipment no longer manufactured or used.* Section 35.30–5(c), which pertains to maintaining galley fires, is being removed because it addresses equipment that is no longer manufactured or used.

4. *Repeated provisions.* These regulations are being removed because the requirements are repeated in other, more logical locations in Title 46 of the Code of Federal Regulations (CFR). For example, requirements for carriage of vinyl chloride monomer are contained in 46 CFR Part 40, Special Construction, Arrangement, and Other Provisions for Carrying Certain Flammable or Combustible Dangerous Cargoes in Bulk. More up-to-date requirements are also located in § 151.50–34 of 46 CFR Subchapter O, Certain Bulk Dangerous Cargoes. Sections 56.50–101 and 56.50–102 are unnecessary references to refrigeration and liquefied petroleum gas piping systems discussed in detail in 46 CFR Part 58, Main and Auxiliary Machinery and Related Systems.

The citation to the regulations where the repeated requirements are being retained is indicated in square brackets below the section being removed.

Cite	Change made	Subject addressed by regulation
Part 40 [§ 151.50–34]	Removed	Requirements for vinyl chloride monomer.
§ 56.50–101 [Subpart 58.20]	Removed	Refrigeration systems.
§ 56.50–102 [Subpart 58.16]	Removed	Liquefied petroleum gas for domestic service.
§ 76.10–10(l)(2) [§ 76.10–10(l)(3)]	Removed	Lined fire hose in engine room.
§ 95.10–10(l)(2) [§ 95.10–10(l)(4)]	Removed	Lined fire hose in engine room.
§ 154.1745 [§ 151.50–34]	Revised	Requirements for vinyl chloride.

5. *Outdated authority citations.* The authority citations for parts 25, 31, 35, 54, 56, 71, 72, 78, 91, 97, 174, 188 and 189 are being updated because they either cite statutory provisions which have been repealed or an executive order which has been revoked. Specifically, 46 U.S.C. 4104 and 5115 were repealed on November 16, 1990 (Pub. L. 101–595; 104 Stat. 2993) and E.O. 11735 was revoked by E.O. 12777 (56 FR 54757, 3 CFR, 1991 Comp., p. 351).

6. *Statutory language repeated.* The regulatory text of the following provisions repeats the statutory language without any additional regulatory provisions. Regulations which do not add to self-executing statutes are not useful. Therefore, the regulations which only repeat statutory language are being removed.

Cite	Change made	Subject addressed by regulation
§ 35.01–30	Removed	Reckless or negligent operation.
§ 78.30–30	Removed	Reckless or negligent operation.
§ 97.27–10	Removed	Reckless or negligent operation.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11034; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Assessment is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

This proposed rule will have no economic impact on small entities because it amends portions of regulations that: (1) Are purely administrative; (2) do not reflect common marine industry practice; (3) apply to vessels that no longer exist; or, (4) are repeated in other sections. Accordingly, no specific efforts were made to eliminate or reduce the economic impact on small entities.

Therefore, the Coast Guard finds that this proposed rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule imposes on the public no new or added requirements for collecting information under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under section 2.B.2.c of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 37

Cargo vessels, Marine safety, Nuclear vessels, Radiation protection.

46 CFR Part 40

Cargo vessels, Hazardous materials transportation, Marine safety, Occupational safety and health, Seamen, Vinyl chloride.

46 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 55

Nuclear vessels, Reporting and recordkeeping requirements.

46 CFR Part 56

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 61

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 72

Fire prevention, Marine safety, Occupational safety and health, Passenger vessels, Seamen.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 79

Marine safety, Nuclear vessels, Passenger vessels, Radiation protection, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 95

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 97

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 99

Cargo vessels, Marine safety, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements.

46 CFR Part 106

Energy, Environmental protection, Hazardous substances, Intergovernmental relations, Marine resources, Marine safety, Vessels.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 174

Marine safety, Vessels.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR parts 25, 28, 30, 31, 35, 37, 40, 54, 55, 56, 61, 70, 71, 72, 76, 78, 79, 90, 91, 95, 97, 99, 106, 150, 154, 174, 188 and 189 as follows:

PART 25—REQUIREMENTS

1. The authority citation for part 25 is revised to read as follows:

Authority: 33 U.S.C. 1903(b), 46 U.S.C. 3306 and 4302; 49 CFR 1.46.

§ 25.401–1 [Amended]

2. In § 25.40–1, remove paragraph (c), redesignate paragraph (d) as paragraph (c), and redesignate paragraph (e) as paragraph (d).

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

3. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 10603; 49 U.S.C. App. 1804; 49 CFR 1.46.

§ 28.110 [Amended]

4. In § 28.110(a), remove the words ''after November 15, 1991,''.

§ 28.115 [Amended]

5. In § 28.115(a), remove the words ''after November 15, 1991,''.

§ 28.135 [Amended]

6. In § 28.135(a), remove the words ''after September 1, 1992,''.

§ 28.145 [Amended]

7. In § 28.145, remove the words ''after November 15, 1991,''.

8. In § 28.210, paragraphs (c), (d), and (e) are revised to read as follows:

§ 28.210 First aid equipment and training.

* * * * *

(c) Each vessel that operates with more than 2 individuals on board must have at least 1 individual certified in first aid and at least 1 individual certified in CPR. An individual certified in both first aid and CPR will satisfy both of these requirements.

(d) Each vessel that operates with more than 16 individuals on board must have at least 2 individuals certified in first aid and at least 2 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

(e) Each vessel that operates with more than 49 individuals on board must have at least 4 individuals certified in first aid and at least 4 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

§ 28.240 [Amended]

9. In § 28.240(a), remove the words ''after September 1, 1992,''.

10. In § 28.270, paragraph (c) is revised to read as follows:

§ 28.270 Instructions, drills, and safety orientation.

* * * * *

(c) *Training.* No individual may conduct the drills or provide the instructions required by this section unless that individual has been trained in the proper procedures for conducting the activity. An individual licensed for operation of inspected vessels of 100 gross tons or more need not have additional training to comply with this requirement.

* * * * *

PART 30—GENERAL PROVISIONS

11. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. app. 1804; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 30.01–25 [Removed]

12. Section 30.01–25 is removed.

§ 30.10–44 [Removed]

13. Section 30.10–44 is removed.

PART 31—INSPECTION AND CERTIFICATION

14. The authority citation for part 31 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21a also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.01–5 [Amended]

15. In § 31.01–5, remove the designation ''(a)'' from paragraph (a) and remove paragraph (b).

§ 31.10–15 [Amended]

16. In § 31.10–15, remove paragraph (c).

§ 31.40–30 [Removed]

17. Section 31.40–30 is removed.

§ 31.40–40 [Amended]

18. In § 31.40–40, remove paragraph (e) and redesignate paragraph (f) as paragraph (e).

PART 35—OPERATIONS

19. The authority citation for part 35 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 35.01–30 [Removed]

20. Section 35.01–30 is removed.

§ 35.30–5 [Amended]

21. In § 35.30–5, remove paragraph (c), redesignate paragraph (d) as paragraph (c), and redesignate paragraph (e) as paragraph (d).

PART 37 [REMOVED]

22. Part 37 is removed.

PART 40 [REMOVED]

23. Part 40 is removed.

PART 54—PRESSURE VESSELS

24. The authority citation for part 54 is revised to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 54.15–5 [Amended]

25. In § 54.15–5, the colon at the end of paragraph (i) is removed and replaced with a period and the note following paragraph (i) is removed.

PART 55 [REMOVED]

26. Part 55 is removed.

PART 56—PIPING SYSTEMS AND APPURTENANCES

27. The authority citation for part 56 is revised to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 56.01–10 [Amended]

28. In § 56.01–10, remove paragraph (c)(2)(ii), redesignate paragraph (c)(2)(iii) as paragraph (c)(2)(ii), and redesignate paragraph (c)(2)(iv) as paragraph (c)(2)(iii).

§ 56.30–5 [Amended]

29. In § 56.30–5(b)(4), remove the words ''and nuclear''.

§ 56.50–101 [Removed]

30. Section 56.50–101 is removed.

§ 56.50–102 [Removed]

31. Section 56.50–102 is removed.

PART 61—PERIODIC TESTS AND INSPECTIONS

32. The authority citation for part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 61.01–1 [Amended]

33. In § 61.01–1(a), remove the words ''nuclear pressure vessels,''.

§ 61.10–1 [Amended]

34. In § 61.10–1, remove the designation ''(a)'' from paragraph (a) and remove paragraph (b).

§ 61.15–1 [Amended]

35. In § 61.15–1, remove the designation ''(a)'' from paragraph (a) and remove paragraph (b).

Subpart 61.25 [Removed]

36. Subpart 61.25 is removed.

PART 70—GENERAL PROVISIONS

37. The authority citation for part 70 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

§ 70.05–12 [Removed]

38. Section 70.05–12 is removed.

§ 70.10–30 [Removed]

39. Section 70.10–30 is removed.

PART 71—INSPECTION AND CERTIFICATION

40. The authority citation for part 71 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 71.75–5 [Amended]

41. Paragraph (a) in section 71.75–5 is amended by removing the words ''or a 'Nuclear Passenger Ship Safety Certificate,' as appropriate''.

PART 72—CONSTRUCTION AND ARRANGEMENT

42. The authority citation for part 72 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 72.25–5 [Removed]

43. Section 72.25–5 is removed.

PART 76—FIRE PROTECTION EQUIPMENT

44. The authority citation for part 76 continues to read as follows:

Authority: 46 U.S.C. 3306, E.O. 12243, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 76.10–10 [Amended]

45. In § 76.10–10, remove paragraph (l)(2), and redesignate paragraph (l)(3) as paragraph (l)(2).

PART 78—OPERATIONS

46. The authority citation for part 78 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 78.30–30 [Removed]

47. Section 78.30–30 is removed.

PART 79 [REMOVED]

48. Part 79 is removed.

PART 90—GENERAL PROVISIONS

49. The authority citation for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 90.05–40 [Removed]

50. Section 90.05–40 is removed.

§ 90.10–24 [Removed]

51. Section 90.10–24 is removed.

PART 91—INSPECTION AND CERTIFICATION

52. The authority citation for part 91 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 91.60–30 [Removed]

53. Section 91.60–30 is removed.

PART 95—FIRE PROTECTION EQUIPMENT

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

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 95.10–10 [Amended]

55. In § 95.10–10, remove paragraph (l)(2), redesignate paragraph (l)(3) as paragraph (l)(2), and redesignate paragraph (l)(4) as paragraph (l)(3).

PART 97—OPERATIONS

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 97.27–10 [Removed]

57. Section 97.27–10 is removed.

PART 99 [REMOVED]

58. Part 99 is removed.

PART 106 [REMOVED]

59. Part 106 is removed.

PART 150—COMPATIBILITY OF CARGOES

60. The authority citation for part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46. Section 150.105 issued under 44 U.S.C. 3507; 49 CFR 1.45.

Subpart A [Amended]

61. The designation of § 150.105 through § 150.170 as Subpart A—Compatibility of Cargoes is eliminated.

Subpart B [Removed]

62. Subpart B of Part 150 is removed.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

63. The authority citation for part 154 continues to read as follows:

Authority: 46 U.S.C. 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

64. Section 154.1745 is revised to read as follows:

§ 154.1745 Vinyl chloride: Transferring operations.

A vessel carrying vinyl chloride must meet § 151.50–34(g) through (k) of this chapter.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

65. The authority citation for part 174 is revised to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

Subpart D [Removed]

66. Subpart D of part 174 is removed.

Subpart F [Removed]

67. Subpart F of part 174 is removed.

PART 188—GENERAL PROVISIONS

68. The authority citation for part 188 is revised to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 188.05–15 [Removed]

69. Section 188.05–15 is removed.

§ 188.10–47 [Removed]

70. Section 188.10–47 is removed.

PART 189—INSPECTION AND CERTIFICATION

71. The authority citation for part 189 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1890 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 189.60–30 [Removed]

72. Section 189.60–30 is removed.

Dated: April 25, 1995.

G.N. Naccara,

Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 95–11304 Filed 5–8–95; 8:45 am]

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Part X

The President

Executive Order 12959—Prohibiting Certain Transactions With Respect to Iran

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Presidential Documents

Title 3—

The President

Executive Order 12959 of May 6, 1995

Prohibiting Certain Transactions With Respect to Iran

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9) (ISDCA), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, in order to take steps with respect to Iran in addition to those set forth in Executive Order No. 12957 of March 15, 1995, to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States referred to in that order, hereby order:

Section 1. The following are prohibited, except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order: (a) the importation into the United States, or the financing of such importation, of any goods or services of Iranian origin, other than Iranian-origin publications and materials imported for news publications or news broadcast dissemination;

(b) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), the exportation from the United States to Iran, the Government of Iran, or to any entity owned or controlled by the Government of Iran, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Regulations, 15 CFR Parts 768–799 (1994) (the ''EAR'')), or services;

(c) the reexportation to Iran, the Government of Iran, or to any entity owned or controlled by the Government of Iran, of any goods or technology (including technical data or other information) exported from the United States, the exportation of which to Iran is subject to export license application requirements under any United States regulations in effect immediately prior to the issuance of this order, unless, for goods, they have been (i) substantially transformed outside the United States, or (ii) incorporated into another product outside the United States and constitute less than 10 percent by value of that product exported from a third country;

(d) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, by a United States person relating to goods or services of Iranian origin or owned or controlled by the Government of Iran;

(e) any new investment by a United States person in Iran or in property (including entities) owned or controlled by the Government of Iran;

(f) the approval or facilitation by a United States person of the entry into or performance by an entity owned or controlled by a United States person of a transaction or contract (i) prohibited as to United States persons by subsection (c), (d), or (e) above, or (ii) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(g) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.

Sec. 2. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(d) the term ''Iran'' means the territory of Iran and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the Government of Iran claims sovereignty, sovereign rights or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to international arrangements; and

(e) the term ''new investment'' means (i) a commitment or contribution of funds or other assets, or (ii) a loan or other extension of credit.

Sec. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, the requirement of reports, including reports by United States persons on oil transactions engaged in by their foreign affiliates with Iran or the Government of Iran, and to employ all powers granted to the President by IEEPA and ISDCA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 4. The Secretary of the Treasury may not authorize the exportation or reexportation to Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran of any goods, technology, or services subject to export license application requirements of another agency of the United States Government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

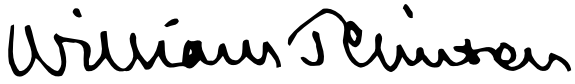
Sec. 5. Sections 1 and 2 of Executive Order No. 12613 of October 29, 1987, and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995, are hereby revoked to the extent inconsistent with this order. Otherwise, the provisions of this order supplement the provisions of Executive Orders No. 12613 and 12957.

Sec. 6. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. The measures taken pursuant to this order are in response to actions of the Government of Iran occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those later actions.

Sec. 8. (a) This order is effective at 12:01 a.m., eastern daylight time, on May 7, 1995, except that (i) section 1(b), (c), and (d) of this order shall not apply until 12:01 a.m., eastern daylight time, on June 6, 1995, to trade transactions under contracts in force as of the date of this order if such transactions are authorized pursuant to Federal regulations in force immediately prior to the date of this order (''existing trade contracts''), and (ii) letters of credit and other financing agreements with respect to existing trade contracts may be performed pursuant to their terms with respect to underlying trade transactions occurring prior to 12:01 a.m., eastern daylight time, on June 6, 1995.

(b) This order shall be transmitted to the Congress and published in the **Federal Register.**



THE WHITE HOUSE,
May 6, 1995.

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