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Monday
October 30, 1995

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[Three Sessions]

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WHERE:	Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS:	202–523–4538

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

RIN 3206–AH15

Appointment of Nonstatus Employees Entitled to Placement in a Different Agency Upon Restoration to Duty From Uniformed Service

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to permit Schedule A appointments of certain excepted service employees who are entitled to placement in a different agency if their original employing agency cannot reemploy them following uniformed service. These regulations implement the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 103–353, which mandates such placement. Interim regulations setting out the categories of employees who are eligible for this assistance and OPM's responsibility for placing them were published for comment on September 1, 1995 (60 FR 45650).

DATES: Effective: October 30, 1995.

Comments must be received on or before December 29, 1995.

ADDRESSES: Send or deliver comments to Leonard R. Klein, Associate Director for Employment, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Raleigh M. Neville, (202) 606–0830.

SUPPLEMENTARY INFORMATION: USERRA clarifies, expands, and strengthens the restoration rights of employees who perform active duty in a uniformed service. Among the changes are a requirement that OPM place in the executive branch certain categories of employees when their former agencies determine that it is ''impossible or unreasonable'' to reemploy them. The employees entitled to special placement assistance are:

(1) Executive branch employees (including those serving under excepted or time-limited appointments) whose agencies no longer exist and the functions have not been transferred, or it is otherwise impossible or unreasonable to reemploy them;

(2) Legislative and judicial branch employees;

(3) National Guard Technicians; and

(4) Employees of the intelligence agencies.

Placement in executive branch positions frequently requires that an individual have competitive civil service status or be hired through competitive examination. Executive branch employees who left career or career-conditional appointments or who had established reinstatement eligibility based on prior service are eligible for noncompetitive placement in competitive service positions. Executive branch employees who left temporary or term appointments are generally eligible for noncompetitive reappointment to complete any unexpired portion of those appointments. The remaining employees entitled to placement, however, have no status that would permit their noncompetitive appointment in the competitive service.

Under USERRA, the employees are entitled to placement in positions that are equivalent in terms of pay, grade, and status to the positions they left. Since the employees covered by this interim regulation left positions filled under excepted appointment, it is appropriate that they be placed in the executive branch under an excepted appointment. Such appointment would permit the restored employees to continue serving indefinitely (or up to any time limit of their original appointment) and to be promoted or reassigned to other positions in their new agency, but would not give them competitive status they could not have earned in their original positions.

Excepted appointing authority already exists under § 213.3102(j) for National Guard Technicians who are applying for or receiving a civil service annuity based on a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their Technician employment. These interim regulations expand that authority to cover nonstatus employees entitled to placement under USERRA, with one exception.

The Schedule A authority does not cover employees who held Schedule C appointments or appointments under statutory authorities that specified the employees served at the discretion, will, or pleasure of the agency. We find that such at-will employees are not entitled to placement in other agencies if their original employing agency declines to reemploy them. Since their original appointments could be terminated at any time, their positions afforded ''no reasonable expectation that employment will continue indefinitely or for a reasonable period,'' as required by USERRA.

Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking, because the statutory provisions for reemployment in other agencies became effective on December 12, 1994. The Schedule A appointing authority set out in these interim regulations is needed for practical implementation of that law.

Regulatory Flexibility Act

I certify that this regulation will not have a significant impact on a substantial number of small entities because it pertains only to Federal employees and agencies.

List of Subjects in 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending part 213, as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), and 8456; E.O. 12364,

47 FR 22931, 3 CFR 1982 Comp., p. 185; and Pub. L. 103–353.

2. In § 213.3102, paragraph (j) is revised to read as follows:

§ 213.3102 Entire executive civil service.

* * * * *

(j) Positions filled by current or former Federal employees eligible for placement under special statutory provisions. Appointments under this authority are subject to the following conditions.

(1) *Eligible employees.* (i) Persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) who are entitled to placement under § 353.110 of this chapter, or who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) or 8456 by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment.

(ii) Executive branch employees (other than employees of intelligence agencies) who are entitled to placement under § 353.110 but who are not eligible for reinstatement or noncompetitive appointment under the provisions of part 315 of this chapter.

(iii) Legislative and judicial branch employees and employees of the intelligence agencies defined in 5 U.S.C. 2302(a)(2)(C)(ii) who are entitled to placement under § 353.110.

(2) *Employees excluded.* Employees who were last employed in Schedule C or under a statutory authority that specified the employee served at the discretion, will, or pleasure of the agency are not eligible for appointment under this authority.

(3) *Position to which appointed.* Employees who are entitled to placement under § 353.110 will be appointed to a position that OPM determines is equivalent in pay and grade to the one the individual left, unless the individual elects to be placed in a position of lower grade or pay. National Guard Technicians whose eligibility is based upon a disability may be appointed at the same grade, or equivalent, as their National Guard Technician position or at any lower grade for which they are available.

(4) *Conditions of appointment.* (i) Individuals whose placement eligibility is based on an appointment without time limit will receive appointments without time limit under this authority. These appointees may be reassigned, promoted, or demoted to any position within the same agency for which they qualify.

(ii) Individuals who are eligible for placement under § 353.110 based on a time-limited appointment will be given appointments for a time period equal to the unexpired portion of their previous appointment.

* * * * *

[FR Doc. 95–26851 Filed 10–27–95; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 532

RIN 3206–AH16

Prevailing Rate Systems; Abolishment of Marin-Sonoma, CA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations to abolish the Marin-Sonoma, CA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the two counties having continuing FWS employment (Marin and Sonoma Counties) as areas of application to the Solano, CA, NAF wage area for pay-setting purposes. No employee's wage rate will be reduced as a result of this change.

DATES: This interim rule becomes effective on October 30, 1995. Comments must be received by November 29, 1995. Employees currently paid rates from the Marin-Sonoma, CA, NAF wage schedule will continue to be paid from that schedule until their conversion to the Solano, CA, NAF wage schedule one day prior to the effective date of the next Solano, CA, wage schedule to be issued.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, U.S. Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606–0824.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848.

SUPPLEMENTARY INFORMATION: The Department of Defense (DOD) recommended to the Office of Personnel Management that the Marin-Sonoma, CA, FWS NAF wage area be abolished and that the two counties having continuing FWS employment (Marin and Sonoma Counties) be added as areas of application to the Solano, CA, NAF wage area. This change is necessary because the pending closure of the Hamilton DOD Housing Facility (host activity) leaves the Marin-Sonoma wage area without an activity having the capability to conduct a wage survey. The remaining Marin-Sonoma wage area counties (Del Norte, Humboldt, and Mendocino) have no NAF FWS employees.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

(1) Proximity of largest activity in each county;

(2) Transportation facilities and commuting patterns; and

(3) Similarities of the counties in:

(i) Overall population;

(ii) Private employment in major industry categories; and

(iii) Kinds and sizes of private industrial establishments.

While proximity favors the San Francisco wage area, distances to all the candidate wage areas are in a very close range, especially from the Coast Guard Training Center that will soon be the largest remaining activity in the counties to be redefined. Transportation facilities and commuting patterns favor San Francisco, while similarities in population, private sector employment, and industry patterns favor Solano.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the 1995 Marin-Sonoma, CA, NAF wage areas survey must otherwise begin immediately.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix B to Subpart B of Part 532 [Amended]

2. In appendix B to subpart B, the listing for the State of California is amended by removing the entry for Marin-Sonoma.

3. Appendix D to subpart B is amended by removing the wage area list for Marin-Sonoma, California, and by revising the list for Solano. California, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

California

* * * * *

Solano

Survey Area

California

Solano

Area of application. Survey area plus:

California

Marin (Effective date November 17, 1995)

Sonoma (Effective date November 17, 1995)

* * * * *

[FR Doc. 95–26852 Filed 10–27–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV95–920–3FR]

Kiwifruit Grown in California; Revision of Inspection Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule extends the validation period for initial inspection certificates issued for California kiwifruit from December 15 to December 31 or 21 days from the date of inspection, whichever is later. The current period does not allow sufficient time between the initial inspection, which may occur between October and December, and reinspection which must occur after December 15. This rule will reduce costs to the industry because of the increase in time between the initial inspection and reinspection.

EFFECTIVE DATE: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2526–S, Washington, DC 20090–6456, telephone (202) 690–3670; or Rose Aguayo, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 920 (7 CFR Part 920), as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is 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 of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This 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 principle 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 65 handlers of California kiwifruit subject to regulation under the order and approximately 600 kiwifruit producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. A majority of handlers and producers of California kiwifruit may be classified as small entities.

This final rule is in accordance with § 920.55(b) of the order. This section authorizes the Kiwifruit Administrative Committee (KAC), the agency responsible for local administration of the marketing order, to establish a period prior to shipment, when inspections must be performed.

Currently, pursuant to § 920.155 of the marketing order, certification of any kiwifruit which is inspected and certified as meeting grade, size, quality, or maturity requirements in effect pursuant to § 920.52 or § 920.53 during each fiscal year shall be valid until December 15 of each year or 21 days from the date of inspection, whichever is later.

The KAC met on June 14, 1995, and unanimously recommended revising the current inspection requirements. The revision extends the validation period for the initial inspection certificate, from the current December 15 expiration date to December 31 of each year.

Kiwifruit grown in California is typically harvested in mid-October. The fruit is packed shortly after harvest and placed into storage until shipment. The shipping season generally extends throughout the year.

About 55 percent of the harvested fruit is inspected as it is being packed, prior to storage. While the majority of fruit is inspected prior to storage, some handlers have their fruit inspected after storage just prior to shipment.

When kiwifruit is stored, a black sooty mold sometimes appears on the

fruit's surface. This mold, caused by fruit juice on the surface of the fruit, usually begins to show after the kiwifruit has been in storage for over a month. In order to control this problem, a time limit on the validity of inspection certificates was established. The time limit initially established in 1985 was valid until January 15 or 21 days from the date of inspection, whichever was later.

In 1985, it appeared that kiwifruit harvested in October maintained its quality through the following mid-January. However, during the 1988/89 season, problems with black sooty mold once again resulted in the KAC reevaluating this position, and as a result the date was changed to December 1, to reduce the likelihood of moldy fruit entering commercial channels.

Again in 1991, the KAC changed the expiration date for initial inspection certificates from December 1 to the current expiration date of December 15. The KAC believed that the December 1 expiration date required shippers to have their fruit reinspected too soon after the initial inspection. For many shippers this was a financial burden.

The current period does not allow sufficient time to determine if damage from mold may develop. Sufficient time would need to elapse between the initial inspection, which may occur between October and December, and reinspection, which occurs after December 15. This revision would change the current December 15 inspection certificate expiration date. It would provide that a certificate remains valid until December 31 or 21 days from the date of inspection, whichever is later. Thus, the 21-day limitation would be in effect for all inspected kiwifruit regardless of the date on which it was inspected. This would mean that kiwifruit inspected and packed less than 21 days prior to December 31 would not have to be reinspected until 21 days later.

The KAC estimates that, annually, approximately 25 percent of the crop is reinspected. The reinspection rate is expected to be reduced slightly by making inspection certificates valid until December 31 or 21 days from the date of inspection. Extending the inspection certificate validation from December 15 to December 31 is not expected to have adverse affects on fruit quality.

Over the last five years, the harvest of California kiwifruit has begun later and later. In years past, the kiwifruit harvest began near the beginning of October, with a few starting dates recorded in late September. In recent years, kiwifruit harvests have begun in mid-October due to natural conditions as well as increased grower consciousness about fruit maturity. Fruit that is mature tends to have higher sugar content and is of higher quality. Because of the later harvest dates, the time lapse from harvest to reinspection has decreased over the years.

This two-week change to the reinspection date is not expected to harm the industry's reputation for shipping quality California kiwifruit. Because of research done in the past five years, California growers understand the benefits of harvesting kiwifruit with a higher soluble solids content, which means harvesting at a later date. This, coupled with natural conditions that have also contributed to a delay in harvest, have reduced the number of days from harvest until reinspection.

The KAC also discussed the elimination of reinspection requirements as an alternative. There is however, strong support throughout the industry for maintaining reinspection as a means of assuring fruit quality. The KAC also discussed the use of a sliding reinspection date. This would allow fruit harvested later to be reinspected at a later date. However, it was determined that this would present enforcement problems as it would be difficult to track the harvest date of the entire California crop. The recommendation to establish the reinspection date at December 31 was a compromise agreed to unanimously by the KAC.

A proposed rule concerning this action was published in the August 25, 1995, Federal Register (60 FR 44282), with a 30-day comment period ending September 25, 1995.

One comment was received. The comment was submitted by the KAC and supported implementing the change set forth in the proposed rule. The comment stated that the reinspection requirement has always had a 21-day time period and noted that black sooty mold may develop as early as ten days after the fruit has been contaminated. The comment pointed out that the aggressive education of growers and packers as to why black sooty mold occurs and ways to prevent it has greatly reduced the occurrence of this condition over the last four years. The comment concluded by stating that the KAC believes that later reinspection is a natural and positive change for the industry.

Based on the above, 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 matter presented, including the information and recommendations submitted by the KAC, the comment received from KAC 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.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 920.155 is revised to read as follows:

§ 920.155 Inspection requirement.

Certification of any kiwifruit which is inspected and certified as meeting grade, size, quality, or maturity requirements in effect pursuant to § 920.52 or § 920.53 during each fiscal year shall be valid until December 31 of such year or 21 days from the date of inspection, whichever is later.

Dated: October 23, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26793 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 966

[Docket No. FV95–966–1IFR]

Tomatoes Grown in Florida; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 966 for the 1995–96 fiscal period. Authorization of this budget enables the Florida Tomato 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 August 1, 1995, through July 31, 1996. Comments received by November 29, 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 202–720–9918, or Aleck J. Jonas, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone 941–299–4770.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, hereinafter referred to as the ''order.'' 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 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 provisions of the marketing order now in effect, Florida tomatoes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable tomatoes handled during the 1995–96 fiscal period, which began August 1, 1995, and ends July 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. 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 the 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 250 producers of Florida tomatoes under this marketing order, and approximately 50 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 Florida tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the Florida Tomato 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 of Florida tomatoes. They are familiar with the Committee's needs and with the costs of 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 Florida tomatoes. 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 September 7, 1995, and unanimously recommended a 1995–96 budget of $2,025,000, $190,000 less than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Office salaries, $319,100 ($297,300), depreciation, $19,000 ($18,200), employees' retirement program, $50,500 ($46,600), insurance and bonds, $8,000 ($7,000), payroll tax, $22,150 ($20,000), supplies and printing, $8,500 ($7,500), miscellaneous, $2,000 ($1,600), audit, $3,750 ($2,500), and research expense, $245,000 ($192,100). Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Office rent, $24,500 ($24,700), and education and promotion expense, $1,225,000 ($1,500,000). All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of $0.04 per 25-pound container, the same as last year. This rate, when applied to anticipated shipments of 50,000,000 25-pound containers, will yield $2,000,000 in assessment income. This, along with $25,000 in interest and other income, will be adequate to cover budgeted expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on 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 matter presented, including the information and recommendations 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 and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period began on August 1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable tomatoes 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 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 966.233 is added to read as follows:

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

§ 966.233 Expenses and assessment rate.

Expenses of $2,025,000 by the Florida Tomato Committee are authorized, and an assessment rate of $0.04 per 25-pound container of Florida tomatoes is established for the fiscal period ending July 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: October 23, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26790 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 984

[Docket No. FV95–984–2IFR]

Walnuts Grown in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 984 for the 1995–96 marketing year. Authorization of this budget enables the Walnut Marketing Board (Board) 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 August 1, 1995, through July 31, 1996. Comments received by November 29, 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 202–720–9918, or Richard P. Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, suite 102B, 2202 Monterey Street, Fresno, CA 93721, telephone 209–487–5901.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984, both as amended (7 CFR part 984), regulating the handling of walnuts grown in California. 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 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 provisions of the marketing order now in effect, California walnuts are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts handled during the 1995–96 marketing year, which began August 1, 1995, and ends July 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. 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 not later than 20 days after the date of the entry of the ruling.

Pursuant to the 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 5,000 producers of California walnuts under this marketing order, and approximately 65 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 California walnut producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 marketing year was prepared by the Walnut Marketing Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of 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 Board was derived by dividing anticipated expenses by expected merchantable certifications of California walnuts. Because that rate will be applied to the actual quantity of certified merchantable walnuts, it must be established at a rate that will provide sufficient income to pay the Board's expenses.

The Board met September 8, 1995, and unanimously recommended a 1995–96 budget of $2,280,175, $109,403 more than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95

(in parentheses) are: Field travel and related expenses, $17,000 ($13,000), general insurance, $6,800 ($6,400), social security and hospital insurance taxes, $9,286 ($8,129), audit, $8,900 ($8,700), group life, retirement, and medical, $45,861 ($44,370), office salaries, $41,740 ($40,740), office rent, $27,168 ($26,419), office supplies and miscellaneous, $20,000 ($15,000), postage, $7,000 ($5,000), furniture, fixtures, and automobiles, $25,000 ($5,000), domestic market research and development, $998,000 ($953,000), walnut production research, $718,420 ($718,302), crop estimate, $67,000 ($60,000), and $30,000 for the reserve for contingencies, for which no funding was recommended last year. Items which have decreased compared to the amount budgeted for 1994–95 (in parentheses) are: Administrative salaries, $99,000 ($101,712), and production research director, $34,000 ($40,000). All other items are budgeted at last year's amounts.

The Board also unanimously recommended an assessment rate of $0.0116 per kernelweight pound of merchantable walnuts certified, $0.0005 more than the previous year. This rate, when applied to anticipated shipments of 1,980,000 kernelweight pounds of merchantable walnuts, will yield $2,296,800 in assessment income, which will be adequate to cover budgeted expenses. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on 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 matter presented, including the information and recommendations submitted by the Board 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 and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis, (2) the marketing year began on August 1, 1995, and the marketing order requires that the rate of assessment for the marketing year apply to all assessable walnuts handled during the marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and 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 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 984.346 is added to read as follows:

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

§ 984.346 Expenses and assessment rate.

Expenses of $2,280,175 by the Walnut Marketing Board are authorized, and an assessment rate of $0.0116 per kernelweight pound of merchantable walnuts is established for the marketing year ending July 31, 1996. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

Dated: October 23, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26791 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1099

[DA–95–27]

Milk in the Paducah, Kentucky, Marketing Area; Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule terminates all but certain administrative provisions of the Paducah, Kentucky, Federal milk marketing order, effective upon publication in the Federal Register. The remaining provisions will be terminated at a later date. The termination is necessary because the terms and provisions of the order do not effectuate the declared policy of the Act.

EFFECTIVE DATE: November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. The dairy farmers and regulated handlers that were subject to the Paducah, Kentucky, order are now subject to comparable regulatory provisions of the order regulating the handling of milk in the adjacent Southeast marketing area. Accordingly, the Paducah order is no longer needed.

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. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), 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 provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a 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 its 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.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Statement of Consideration

This rule terminates all but certain administrative provisions of the Paducah, Kentucky, Federal milk marketing, order (Order 99), effective upon publication in the Federal Register.

There currently are no handlers regulated under the Paducah, Kentucky, order. Turner Dairies, the one handler that was regulated under Order 99, recently became regulated under the Southeast order because of its sales into that marketing area. Producers who ship their milk to Turner's Fulton, Kentucky, plant now have their milk pooled under the adjacent Southeast Federal milk order.

Since there are no plants left under the Paducah, Kentucky, order, the order should be terminated because the terms and provisions of the order no longer effectuate the declared policy of the Act.

For good cause shown, this rule shall be effective on publication. Neither a comment period nor a 30-day effective date is provided since no interested party will be affected by this rule.

List of Subjects in 7 CFR Part 1099

Milk marketing orders.

Order

It is therefore ordered, That the terms and provisions of the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR Part 1099), except § 1099.1, which incorporates the General Provisions in Part 1000, are hereby terminated, effective upon publication in the Federal Register.

PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

1. The authority citation for 7 CFR Part 1099 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§§ 1099.2 through 1099.86 [Removed]

2. Sections 1099.2 through 1099.86 are removed, effective upon publication in the Federal Register.

Dated: October 23, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–26792 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91–071–2]

Importation of Hedgehogs and Tenrecs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the animal importation regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries affected by foot-and-mouth disease. Additionally, we are imposing certain restrictions on the importation of hedgehogs and tenrecs into the United States from countries declared free of foot-and-mouth disease. These actions are necessary to prevent the introduction of foot-and-mouth disease and other communicable animal diseases into the United States.

EFFECTIVE DATE: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1228, (301) 734–5097.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations in 9 CFR part 92 (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.

On May 9, 1995, we published in the Federal Register (60 FR 24580–24584, Docket No. 91–071–1) a proposal to amend the regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries where foot-and-mouth disease (FMD) exists and to require that hedgehogs and tenrecs from countries declared free of FMD be inspected and treated for ectoparasites in the country of origin and that they be inspected upon arrival in the United States.

We solicited comments concerning our proposal for 60 days ending July 10, 1995. We received one comment by that date. The comment is discussed below.

Comment: The prohibition on the importation of hedgehogs and tenrecs from countries where FMD exists should be expanded to include hedgehogs and tenrecs from all countries, not just countries with FMD. Imported hedgehogs or tenrecs may carry diseases that are contagious to humans, such as bovine tuberculosis and salmonellosis. They can pass on fleas, ticks, mange, and, in the case of hedgehogs, five different intestinal worms to humans. Also, there is no United States Department of Agriculture (USDA) certified vaccine against rabies for hedgehogs and tenrecs. Because there is no documentation that exists proving hedgehogs and tenrecs cannot carry and transmit rabies, there is a risk that they may pass the rabies virus on to humans.

There are also problems associated with importing and keeping wild animals, such as hedgehogs and tenrecs, as pets. Inadequate feeding and watering during transportation often causes fatalities in imported animals, and the stress associated with capture and transportation causes susceptibility to disease and illness. In the wild, hedgehogs and tenrecs are solitary insectivores that travel up to a mile per day. However, during importation, hedgehogs and tenrecs are often transported with other hedgehogs or tenrecs in close proximity and are fed cat and dog food. In addition, when owners do not properly maintain these animals in a home environment, the animals can become a hazard to human health, other animals, and the environment.

Response: The Animal and Plant Health Inspection Service (APHIS) restricts the importation of certain animals into the United States to prevent the introduction and dissemination of communicable diseases of animals. Published research obtained by APHIS indicates that certain animals of the order Insectivora, including the family Erinaceidae (hedgehogs), may harbor the FMD virus. (Copies of this research may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.) Animals of the family Tenrecidae (tenrecs), often referred to as the Madagascar hedgehog, are similar to hedgehogs in appearance and behavior and may also be capable of harboring the FMD virus and transmitting it to other animals. Therefore, this rule amends 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 such as 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, this rule also amends part 92 to impose certain restrictions on the importation of hedgehogs and tenrecs from countries declared free of FMD, including requirements for inspection and treatment for ectoparasites.

Bovine tuberculosis is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis*. Bovine tuberculosis (TB) causes weight loss, general debilitation, and sometimes death. The disease manifests itself as lung disease or draining, nonhealing, abscesses, or both. It is generally transmitted by breathing in respiratory excretions from infected animals or drinking infected milk from infected animals.

In an interim rule effective on May 31, 1994, and published in the Federal Register on June 6, 1994 (see 59 FR 29186–29187, Docket No. 94–032–1, and the subsequent affirmation of the interim rule at 60 FR 4372, Docket No. 94–032–2, published in the Federal Register on January 23, 1995), we amended the regulations to prohibit the importation of brushtail possums and hedgehogs from New Zealand. New Zealand reported that TB was endemic in the brushtail possum (*Trichosurus vulpecula*) and that the possums were a constant source of disease for the domestic livestock population in certain regions. New Zealand also reported that TB had been diagnosed in hedgehogs. There is no recognized test for detecting TB in hedgehogs or brushtail possums. These factors presented an unacceptable risk that hedgehogs from New Zealand could carry TB into the United States. However, APHIS does not have the scientific evidence to justify a prohibition on the importation of hedgehogs from all countries based on the possibility that hedgehogs may carry TB.

APHIS has not identified any cases of Group D salmonella (*Salmonella pullorum, Salmonella gallinarum,* and *Salmonella enteritidis*), the salmonella that most affect poultry, in hedgehogs and tenrecs. Furthermore, many animals can carry salmonella; there is no evidence that hedgehogs and tenrecs present a unique risk of infecting livestock and poultry.

Furthermore, there is no documentation proving that hedgehogs and tenrecs carry and transmit rabies. Consequently, there is no basis for our prohibiting the importation of hedgehogs and tenrecs because of rabies.

We recognize the potential problems associated with keeping hedgehogs and tenrecs as pets, including the risk that these animals could transmit internal parasites or disease agents to humans. However, our regulations to restrict or prohibit the importation of animals are based on laws that, in general, authorize action to prevent the introduction or dissemination of communicable diseases of animals.

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 without change.

Executive Order 12866 and Regulatory Flexibility Act

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

This document amends the animal import regulations to prohibit the importation of hedgehogs and tenrecs from countries affected with FMD. Additionally, it requires 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 and tenrecs to the United States. In the present market, adult hedgehogs and tenrecs sell for an estimated retail range of approximately $120 to $360 each, depending upon age and species. During 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 1990.

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 12778

This 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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0040 and 0579–0120.

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 is amended as follows:

1. The authority citation for part 92 continues 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 is 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 be imported into the United States only in accordance with 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 a hedgehog or tenrec into the United States 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) *Import permit required.* 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) *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 en route.

(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) *Issuance of 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 other applicable requirements of this subpart have been met.

(Approved by the Office of Management and Budget under control number 0579–0040)

§ 92.705 Health certificate.

(a) No person may import a hedgehog or tenrec into the United States unless it is 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:

(1) That the hedgehog or tenrec originated in a country that has been recognized as free of foot-and-mouth disease by the USDA;

(2) That the hedgehog or tenrec has never been in a country where foot-and-mouth disease exists;

(3) 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;

(4) 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;

(5) 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;

(6) That the pesticide and the concentration used would kill the types of ectoparasites that may infest the animal to be imported;

(7) That the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (a)(5) and (a)(6) 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

(8) The name and concentration of the pesticide used to treat the hedgehog or tenrec.

(b) [*Reserved*]

(Approved by the Office of Management and Budget under control number 0579–0040)

§ 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 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 24th day of October 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–26871 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

RIN 3150–AD36

Import and Export of Radioactive Waste: Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: correction.

SUMMARY: In the Federal Register on July 21, 1995 (60 FR 37556), the Nuclear Regulatory Commission (NRC) issued a final rule to establish specific licensing requirements for the import and export of radioactive waste and to clarify other import and export requirements. As part of the final rule, certain sections of NRC's export regulations were redesignated. However, in § 110.82, the amendment necessary to change a reference to reflect a redesignated section was inadvertently omitted. As a result, § 110.82 now contains an erroneous reference. This action is necessary to correct this inconsistent reference and does not result in any substantive change.

EFFECTIVE DATE: August 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald Hauber, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone (301) 415–2344.

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Exports, Imports.

Accordingly, 10 CFR Part 110 is amended as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 et seq.).

2. In § 110.82, paragraph (b)(3) is revised to read as follows:

§ 110.82 Hearing request or intervention petition.

* * * * *

(b) * * *

(3) Explain why a hearing or an intervention would be in the public interest and how a hearing or intervention would assist the Commission in making the determinations required by § 110.45.

* * * * *

Dated at Rockville, MD this 19th day of October 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95–26805 Filed 10–27–95; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks

traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and Foreign List.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only,* contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below are additions to and deletions from the OTC List, which was last published on July 31, 1995 (60 FR 38948), and became effective August 14, 1995. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below is the one addition to and one deletion from the Board's Foreign List, which was last published on July 31, 1995 (60 FR 38948), and which became effective August 14, 1995. The Foreign List includes those foreign securities that meet the criteria in section 220.17 of Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from the Federal Reserve Banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed for Failing Continued Listing Requirements

3CI COMPLETE COMPLIANCE CORP.
$.01 par common
ACMAT CORPORATION
No par common
AMBER'S STORES, INC.
$.01 par common
ARISTOTLE CORPORATION, THE
$1.00 par common
ARYT INDUSTRIES LTD.
Ordinary Shares
ATLANTIC BEVERAGE COMPANY, INC.
$.01 par common
AURTEX, INC.
$.001 par common
B.U.M. INTERNATIONAL, INC.
$.02 par common
BASE TEN SYSTEMS, INC.
Class B, $1.00 par common
BIRD MEDICAL TECHNOLOGIES, INC.
$.01 par common
BOLLINGER INDUSTRIES, INC.
$.01 par common
CHAMPION PARTS, INC.
$.10 par common
CONSOLIDATED TECHNOLOGY GROUP
$.01 par common
ENVIROPUR WASTE REFINING & TECHNOLOGY, INC.
Class B, warrants (expire 12–31–95)
FORSTMANN & COMPANY, INC.
$.001 par common
FRETTER, INC.
$.01 par common
GREAT AMERICAN RECREATION, INC.
$.01 par common
HEALTHCARE IMAGING SERVICES, INC.
Warrants (expire 11–12–96)
HOME THEATER PRODUCTS INTERNATIONAL, INC.
No par common
INTERFERON SCIENCES, INC.
$.01 par common
INTERFILM, INC.
$.01 par common
INTERMETRICS, INC.
$.01 par common
INTERNATIONAL FAST FOOD CORP.
$.01 par common
LEASING EDGE CORPORATION
$.01 par common
LEP GROUP PLC
American Depositary Receipts
LIDA INC.
Class A, $.01 par common
N–VIRO INTERNATIONAL CORP.
$.01 par common
OSHAP TECHNOLOGIES LTD.
Rights
PATTERSON ENERGY INC.
Warrants (expire 11–02–95)
PDK LABS, INC.
Class B, warrants (expire 04–14–97)
PHYSICIANS CLINICAL LABORATORY
$.01 par common
REDWOOD TRUST, INC.
Warrants (expire 12–31–97)
SCI SYSTEMS, INC.

5⅝% convertible subordinated debentures
SDNB FINANCIAL CORPORATION
Rights
SHUFFLE MASTER, INC.
Warrants (expire 01–20–98)
SOFTKEY INTERNATIONAL, INC.
Warrants (expire 03–26–96)
SOMANETICS CORPORATION
$.01 par common
Class B, warrants
SPORTSTOWN, INC.
$.01 par common
STAODYN, INC.
$.01 par common
Series II, warrants (expire 11–01–99)
STRATOSPHERE CORPORATION
Warrants (expire 02–22–99)
TELIOS PHARMACEUTICALS, INC.
No par common
TIGER DIRECT, INC.
$.001 par common
USDATA CORPORATION
Rights
VIDEO UPDATE, INC.
Class A, warrants (expire 07–20–99)
WINNERS ENTERTAINMENTS, INC.
$.00001 par common
YES CLOTHING COMPANY
No par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

ACS ENTERPRISES, INC.
$.05 par common
ADVANCE CIRCUITS, INC.
$.10 par common
ALAMO GROUP, INC.
$.10 par common
ALTAI, INC.
No par common
AMERICAN MEDICAL ELECTRONICS
No par common
AMERICAN MOBILE SYSTEMS, INC.
$.01 par common
AUTOFINANCE GROUP, INC.
No par common
AUTOMOTIVE INDUSTRIES HOLDING
Class A, $.01 par common
BINDLEY WESTERN INDUSTRIES, INC.
$.50 par common
BRUNO'S, INC.
$.01 par common
CABOT MEDICAL CORPORATION
No par common
CLINICOM INCORPORATED
$.001 par common
COMMERCIAL FEDERAL CORPORATION
$.01 par common
COOPER CAMERON CORPORATION
$.01 par common
DESIGNATRONICS INCORPORATED
$.04 par common
E–Z–EM, INC.
$.10 par common
Class B, $.10 par common
EASTEX ENERGY, INC.
$.01 par common
FALLS FINANCIAL, INC.
$.01 par common
FUTURE NOW, INC., THE
No par common
GATEWAY BANCORP, INC.
$.50 par common
GENETIC THERAPY, INC.
$.01 par common
IG LABORATORIES, INC.
$.01 par common
INSIGNIA FINANCIAL GROUP, INC.
Class A, $.01 par common
INTEGRACARE INC.
$.001 par common
LAZER–TRON CORPORATION
No par common
LIN BROADCASTING CORPORATION
$.01 par common
MARSAM PHARMACEUTICALS, INC.
$.01 par common
MEDICAL DIAGNOSTICS, INC.
$.01 par common
MEDRAD, INC.
$.10 par common
MILWAUKEE INSURANCE GROUP, INC.
$.01 par common
MULTICARE COMPANIES, INC.
$.01 par common
NATIONAL AUTO CREDIT, INC.
$.05 par common
NATIONAL GYPSUM COMPANY
$.01 par common
Warrants (expire 07–01–2000)
NATIONWIDE CELLULAR SERVICE, INC.
$.01 par common
ONECOMM CORPORATION
$.001 par common
PACIFIC TELECOM, INC.
No par common
PREFERRED ENTERTAINMENT, INC.
$.01 par common
PSB HOLDINGS CORPORATION
$.01 par common
PULSE ENGINEERING, INC.
Class A, $.01 par common
PURITAN-BENNETT CORPORATION
$1.00 par common
PUTNAM TRUST COMPANY OF GREENWICH
No par common
RANDOM ACCESS, INC.
$.001 par common
SABER SOFTWARE CORPORATION
$.01 par common
SUPER RITE CORPORATION
No par common
TRINZIC CORPORATION
$.01 par common
TRUCK COMPONENTS, INC.
$.01 par common
U.S. TRUST CORPORATION
$.001 par common
UNITED FINANCIAL CORPORATION OF SOUTH CAROLINA
$1.00 par common
USA MOBILE COMMUNICATIONS HOLDINGS, INC.
$.01 par common
VERIFONE, INC.
$.01 par common
VIAGENE, INC.
$.001 par common

Additions to the List of Marginable OTC Stocks

ACCOM, INC.
$.001 par common
ACROSS DATA SYSTEMS, INC.
$.01 par common
ADAPTIVE SOLUTIONS, INC.
No par common
ADE CORPORATION
$.01 par common
ADVANCED NMR SYSTEMS, INC.
Warrants (expire 08–30–2000)
ADVANTA CORP.
Depositary Shares
AHI HEALTHCARE SYSTEMS, INC.
$.01 par common
AIRWAYS CORPORATION
$.01 par common
ALIGN–RITE INTERNATIONAL, INC.
$.01 par common
ALLIED CAPITAL ADVISERS, INC.
$.001 par common
AMBASSADORS INTERNATIONAL, INC.
$.01 par common
AMERICAN COIN MERCHANDISING, INC.
$.01 par common
AMTECH SYSTEMS, INC.
$.01 par common
AMTRUST CAPITAL CORPORATION
$.01 par common
ANGEION CORPORATION
$.01 par common
Warrants (03–12–96)
ANICOM, INC.
$.001 par common
APAC TELESERVICES, INC.
$.01 par common
ARIELY ADVERTISING, LIMITED
Ordinary Shares
ARV ASSISTED LIVING, INC.
No par common
ASTEA INTERNATIONAL, INC.
$.01 par common
ATC ENVIRONMENTAL INC.
Class C, warrants (expire 09–30–96)
ATLAS AIR, INC.
$.01 par common
BANK OF COMMERCE (California)
No par common
BOYDS WHEELS, INC.
No par common
CAPITAL BANCORP (Florida)
$1.00 par common
CARBIDE/GRAPHITE GROUP, INC., THE
$.01 par common
CHALLENGER INTERNATIONAL LIMITED
Ordinary Shares
CHECKFREE CORPORATION
$.01 par common
COMMUNITY BANK SHARES OF INDIANA, INC.
$.10 par common
COMMUNITY CARE OF AMERICA, INC.
$.01 par common
COMMUNITY INVESTORS BANCORP, INC.
$.01 par common
COMMUNITY MEDICAL TRANSPORT, INC.
$.001 par common
Warrants (expire 10–03–99)
COMPUTATIONAL SYSTEMS, INC.
No par common
COMPUTER MANAGEMENT SCIENCES, INC.
$.01 par common
COMPUTRON SOFTWARE, INC.
$.01 par common
CORE LABORATORIES, N.V.
Ordinary shares (NIS .03)
CROWN VANTAGE, INC.
No par common
CUTTER & BUCK, INC.
No par common
CYBEX CORPORATION
$.001 par common
DAMEN FINANCIAL CORPORATION
$.01 par common
DATA DOCUMENTS INCORPORATED
$.01 par common
DEPOTECH CORPORATION

No par common
DESERT COMMUNITY BANK (California)
No par common
DESKTOP DATA, INC.
$.01 par common
DESTRON FEARING CORPORATION
$.01 par common
DLB OIL & GAS, INC.
$.01 par common
EASTBAY, INC.
$.01 par common
ELANTEC SEMICONDUCTOR, INC.
$.01 par common
ENERGY CONVERSION DEVICES, INC.
$.01 par common
EQUITABLE FEDERAL SAVINGS BANK (Maryland)
$.01 par common
ERIE INDEMNITY COMPANY
$.087 par common
ESS TECHNOLOGY, INC.
No par common
EUPHONIX, INC.
$.001 par common
FALCON DRILLING COMPANY, INC.
$.01 par common
FIRST DYNASTY MINES LIMITED
No par common
FIRST INVESTORS FINANCIAL SERVICES GROUP, INC.
$.001 par common
FORCENERGY GAS EXPLORATION, INC.
$.01 par common
FP BANCORP, INC.
No par common
FRANKLIN BANCORPORATION, INC.
$.10 par common
GADZOOKS, INC.
$.01 par common
GEMSTAR INTERNATIONAL GROUP, LTD.
Ordinary Shares
GENERAL SCANNING, INC.
$.01 par common
GRAND UNION COMPANY, THE
$1.00 par common
GREATER DELAWARE VALLEY SAVINGS BANK
$.01 par common
GSE SYSTEMS, INC.
$.01 par common
GT BICYCLES, INC.
$.001 par common
HARBINGER CORPORATION
$.0001 par common
HARRODSBURG FIRST FINANCIAL BANCORP, INC.
$.10 par common
HDS NETWORK SYSTEMS, INC.
$.001 par common
Warrants (expire 03–25–2000)
HOLMES PROTECTION GROUP, INC.
$.01 par common
HPR, INC.
$.01 par common
IATROS HEALTH NETWORK, INC.
$.001 par common
INDENET, INC.
Class B, warrants (expire 08–31–98)
INDIANA COMMUNITY BANK, SB
No par common
INDUSTRIAL BANCORP, INC.
No par common
INFOSAFE SYSTEMS, INC.
Class A, $.01 par common
INLAND CASINO CORPORATION
$.01 par common
INSTANT PUBLISHER, INC., THE
No par common
INTEGRA LIFESCIENCES CORPORATION
$.01 par common
INTEGRATED MEASUREMENT SYSTEMS, INC.
$.01 par common
INTEK DIVERSIFIED CORPORATION
$.01 par common
INTERLINK ELECTRONICS
Warrants (expire 06–07–96)
INTERNATIONAL METALS ACQUISITION CORPORATION
$.001 par common
Warrants (expire 08–13–2000)
JAYHAWK ACCEPTANCE CORPORATION
$.01 par common
KASH N KARRY FOOD STORES, INC.
$.01 par common
KLAMATH FIRST BANCORP, INC.
$1.00 par common
KTI, INC.
No par common
L.L. KNICKERBOCKER COMPANY
No par common
Warrants (expire 01–24–97)
LIHIR GOLD LIMITED
American Depositary Shares
LIVENT, INC.
No par common
LM ERICSSON TELEPHONE COMPANY
Rights
LOGAN'S ROADHOUSE, INC.
$.01 par common
LOGIC WORKS, INC.
$.01 par common
MACKIE DESIGNS, INC.
No par common
MAIL-WELL, INC.
$.01 par common
MEADOW VALLEY CORPORATION
$.001 par common
Warrants (expire 10–17–2000)
MECKLERMEDIA CORPORATION
$.01 par common
MICROTEL FRANCHISE AND DEVELOPMENT CORPORATION
$.001 par common
MICROWAVE POWER DEVICES, INC.
$.01 par common
MINIMED, INC.
$.01 par common
MIZAR, INC.
$.01 par common
MOOVIES, INC.
$.001 par common
MS FINANCIAL, INC.
$.001 par common
MSB FINANCIAL, INC.
$.01 par common
MYRIAD GENETICS, INC.
$.01 par common
NATIONAL ENERGY GROUP, INC.
Class A, $.01 par common
NEORX CORPORATION
Warrants (expire 04–25–98)
NETSCAPE COMMUNICATIONS CORPORATION
$.0001 par common
NETSTAR, INC.
$.01 par common
NEW USTC HOLDINGS CORPORATION
$1.00 par common
NEWSCOPE RESOURCES, LIMITED
No par common
NHP INCORPORATED
$.01 par common
NORLAND MEDICAL SYSTEMS, INC.
$.0005 par common
NORTECH SYSTEMS, INCORPORATED
$.01 par common
NUR ADVANCED TECHNOLOGIES, LIMITED
Ordinary Shares
OAK HILL FINANCIAL, INC.
No par common
ON TECHNOLOGY CORPORATION
$.01 par common
ORION NETWORK SYSTEMS, INC.
$.01 par common
OWEN HEALTHCARE, INC.
No par common
PALM HARBOR HOMES, INC.
$.01 par common
PANAMSAT CORPORATION
$.01 par common
PDT, INC.
$.01 par common
PEDIATRIX MEDICAL GROUP, INC.
$.01 par common
PERCON ACQUISITION, INC.
No par common
PERPETUAL STATE BANK (North Carolina)
$5.00 par common
PERRY COUNTY FINANCIAL CORPORATION
$.01 par common
PET PRACTICE, INC., THE
$.01 par common
PLASMA & MATERIALS TECHNOLOGIES, INC.
No par common
POCAHONTAS FEDERAL SAVINGS AND LOAN ASSOCIATION (Arkansas)
$.10 par common
PRECISION SYSTEMS, INC.
$.01 par common
PREMENOS TECHNOLOGY CORPORATION
$.01 par common
PRESTIGE FINANCIAL CORPORATION
$.01 par common
PRO-FAC COOPERATIVE, INC.
Class A, $1.00 par cumulative preferred
PURE SOFTWARE, INC.
$.0001 par common
QUESTECH, INC.
$.05 par common
RAMTRON INTERNATIONAL CORPORATION
Series C, $.01 par convertible preferred
REDHOOK ALE BREWERY, INC.
$.005 par common
REDWOOD TRUST, INC.
$.01 par common
RENAISSANCE ENTERTAINMENT CORPORATION
$.03 par common
Class A, warrants (expire 01–27–2000)
Class B, warrants (expire 01–27–2000)
RENAISSANCERE HOLDINGS, LTD.
$1.00 par common
RISK CAPITAL HOLDINGS, INC.
$.01 par common
ROMAC INTERNATIONAL, INC.
$.01 par common
ROSE'S STORES, INC.
Warrants (expire 04–28–2002)
SCP POOL CORPORATION
$.001 par common
SENECA FOODS CORPORATION
Class B, $.25 par common
SEQUANA THERAPEUTICS, INC.
$.001 par common
SIMWARE, INC.

No par common
SMARTFLEX SYSTEMS, INC.
$.0025 par common
SMITH MICRO SOFTWARE, INC.
$.001 par common
SONUS PHARMACEUTICALS, INC.
$.001 par common
SOUTHWEST BANCORP, INC. (Oklahoma)
Series A, redeemable, cumulative preferred
SPEEDFAM INTERNATIONAL, INC.
No par common
STATEWIDE FINANCIAL CORPORATION
No par common
STERLING HEALTHCARE GROUP, INC.
$.0001 par common
STEVEN MADDEN, LTD.
$.001 par common
SUMMIT MEDICAL SYSTEMS, INC.
$.01 par common
SUNSTONE HOTEL INVESTORS, INC.
$.01 par common
TAPPAN ZEE FINANCIAL, INC.
$.01 par common
TARRANT APPAREL GROUP
$.01 par common
TECHNICAL CHEMICALS AND PRODUCTS, INC.
$.001 par common
TEL-SAVE HOLDINGS, INC.
$.01 par common
TELCOM SEMICONDUCTOR, INC.
$.001 par common
TELE-COMMUNICATIONS, INC.
Series B, Liberty Media Group ($1.00 par common)
TESMA INTERNATIONAL, INC.
Class A, no par subordinate voting shares
TOUCHSTONE SOFTWARE CORPORATION
$.001 par common
TRANSCOR WASTE SERVICES, INC.
$.001 par common
TRANSPORT HOLDINGS, INC.
Class A, $.01 par common
TRENTON SAVINGS BANK, FSB
$.01 par common
TRIDEX CORPORATION
No par common
TST/IMPRESO, INC.
$.01 par common
U.S. BRIDGE OF NEW YORK, INC.
$.001 par common
Warrants (expire 06–22–2000)
U.S. DIAGNOSTIC LABS, INC.
Class A, $.01 par common
Class A, warrants (expire 10–14–99)
Class B, warrants (expire 10–14–99)
UNICOMP, INC.
$.01 par common
UNION ACCEPTANCE CORPORATION
No par common
UNISON SOFTWARE, INC.
$.001 par common
UNITED DENTAL CARE, INC.
$.10 par common
UNIVERSAL STAINLESS & ALLOY PRODUCTS, INC.
$.001 par common
USA DETERGENTS, INC.
$.01 par common
VANTIVE CORPORATION, THE
$.001 par common
VERITY, INC.
$.001 par common
VODAVI TECHNOLOGY, INC.
$.001 par common
WALNUT FINANCIAL SERVICES, INC.
$.01 par common
WALTER INDUSTRIES, INC.
$.01 par common
WFS FINANCIAL, INC.
No par common
WORLD AIRWAYS, INC.
$.01 par common
XETA CORPORATION
$.10 par common
ZYCON CORPORATION
$.001 par common

Deletion From the List of Foreign Margin Stocks

ROTHMANS INTERNATIONAL PLC
Class B, ordinary shares par value 6.25 p

Addition to the List of Foreign Margin Stocks

EASTERN GROUP PLC
Ordinary Shares, par value 50 p

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), October 24, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–26865 Filed 10–27–95; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–51–AD; Amendment 39–9415; AD 95–22–07]

Airworthiness Directives; de Havilland DHC–6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 83–26–05 and AD 86–15–08, which currently require repetitively inspecting the horizontal stabilizer attachment fittings for cracks or looseness on certain de Havilland DHC–6 series airplanes, and, if a cracked or loose part is found, modifying the horizontal stabilizer. This action retains the repetitive inspection requirement of the existing AD's, requires incorporating an improved modification for airplanes with a certain modification design as terminating action for the repetitive inspections, and making these inspection-terminating modifications optional for other affected airplanes. Reports of loose horizontal stabilizer attachment fittings on airplanes incorporating the inspection-terminating modifications required by AD 83–26–05 prompted this action. The actions specified by this AD are intended to prevent separation of the horizontal stabilizer from the airplane caused by a cracked attachment fitting, and subsequent loss of control of the airplane.

DATES: Effective December 27, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 27, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–51–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256–7523; facsimile (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain de Havilland DHC–6 series airplanes was published in the Federal Register on November 23, 1994 (59 FR 60337). The action proposed to supersede both AD 83–26–05 and AD 86–15–08 with a new AD that would require repetitively inspecting the horizontal stabilizer attachment fittings for cracks; and, if a cracked fitting is found, replacing with a serviceable fitting, part number (P/N) C6TPM1049–27 (forward fitting) or C6TPM1050–27 (rear fitting), and incorporating Modifications 6/1890, 6/1891, and 6/1892. The proposed action would also require the eventual incorporation of the above-referenced modifications for airplanes that have Modifications 6/1808 and 6/1809 incorporated. Accomplishment of the proposed inspections would be in accordance with de Havilland Service Bulletin (SB) No. 6/438, Revision D, dated March 28, 1986. Accomplishment of the proposed modifications would be in accordance with de Havilland SB 6/513, dated October 25, 1991.

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

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

The FAA estimates that 169 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required inspection, that it will take approximately 10 workhours to accomplish the modification for those airplanes having Modifications 6/1808 and 6/1809 incorporated, and that the average labor rate is $60 per hour. The FAA has no way of knowing how many airplanes have incorporated these modifications. In estimating the total cost impact of this AD on U.S. operators, the FAA is only using the inspection criteria (1 workhour). With this in mind and based on those figures above, the total cost impact of this AD upon U.S. operators of the affected airplanes is estimated to be $10,140. This figure only includes the cost for the initial inspection and does not include replacement costs if an attachment fitting is found cracked and does not include repetitive inspection costs. The FAA has no way of determining how many horizontal stabilizer attachment fittings may be cracked or how many repetitive inspections each owner/operator may incur over the life of the airplane.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 83–26–05, Amendment 39–4793, and AD 86–15–08, Amendment 39–5362, and by adding a new AD to read as follows:

95–22–07 De Havilland: Amendment 39–9415; Docket No. 93–CE–51–AD.

Applicability: Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 airplanes (serial numbers 3 through 820), certificated in any category, that do not have Modifications 6/1890, 6/1891, and 6/1892 incorporated on all four horizontal stabilizer fittings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/513, dated October 25, 1991.

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

Compliance: Required as indicated, unless already accomplished.

To prevent separation of the horizontal stabilizer from the airplane caused by a cracked attachment fitting, and subsequent loss of control of the airplane, accomplish the following:

(a) For airplanes without Modification Nos. 6/1808 and 6/1809 incorporated, accomplish the following:

(1) Within the next 50 hours time-in-service (TIS) after the effective date of this AD or 800 hours TIS after the last inspection required by superseded AD 83–26–05, whichever occurs later, and thereafter at intervals not to exceed 800 hours TIS, inspect the horizontal stabilizer forward and rear attachment fittings for cracks in accordance with de Havilland SB No. 6/438, Revision D, dated March 28, 1986.

(2) If any cracks are found, prior to further flight, replace the cracked fitting with a serviceable fitting, part number (P/N) C6TPM1049–27 (forward fitting) or P/N C6TPM1050–27 (rear fitting), and incorporate Modifications 6/1890, 6/1891, and 6/1892 at each replacement fitting location in accordance with and as specified in de Havilland SB No. 6/513, dated October 25, 1991. Accomplishing these modifications terminates the repetitive inspection requirement of this AD.

(b) For airplanes that have Modifications 6/1808 and 6/1809 incorporated, accomplish the following:

(1) Within the next 400 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 800 hours TIS until the modifications required by paragraph (b)(3) of this AD are incorporated, inspect the rivets attaching the fittings to the horizontal stabilizer forward and rear spars for looseness in accordance with the III. ACCOMPLISHMENT INSTRUCTIONS A. INSPECTION section of de Havilland SB No. 6/513, dated October 25, 1991.

(2) If rivets are found loose, prior to further flight, incorporate Modifications 6/1890, 6/1891, and 6/1892 in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/513, dated October 25, 1991.

(3) Within the next 2,400 hours TIS after the effective date of this AD, unless already accomplished as required by paragraph (b)(2) of this AD, incorporate Modifications 6/1890, 6/1891, and 6/1892 on all four horizontal stabilizer fittings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/513, dated October 25, 1991.

(c) Incorporating Modifications 6/1890, 6/1891, and 6/1892 on all four horizontal stabilizer fittings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/513, dated October 25, 1991, is considered terminating action for the repetitive inspection requirements of this AD.

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

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the New York ACO.

Note 3: Alternative methods of compliance approved in accordance with AD 83–26–05 or AD 86–15–08 (both superseded by this action) are not considered approved as alternative methods of compliance with this AD.

(f) The inspections required by this AD shall be done in accordance with de Havilland Service Bulletin No. 6/438, Revision D, dated March 28, 1986. The modifications required by this AD shall be done in accordance with de Havilland Service Bulletin No. 6/513, dated October 25, 1991. 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 de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5 Canada. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(g) This amendment (39–9415) supersedes AD 83–26–05, Amendment 39–4793, and AD 86–15–08, Amendment 39–5362.

(h) This amendment (39–9415) becomes effective on December 27, 1995.

Issued in Kansas City, Missouri, on October 18, 1995.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–26403 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–173–AD; Amendment 39–9409; AD 95–22–02]

Airworthiness Directives; Jetstream Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Jetstream Model ATP airplanes, that currently requires daily and/or pre-flight cleaning and inspections to detect damaged main landing gear (MLG) wheel bearings and replacement of discrepant parts. That AD was prompted by reports of failure of the MLG wheel bearings. This action requires an additional inspection, in lieu of the pre-flight inspection, for certain airplanes. This action also requires the accomplishment of a terminating modification that eliminates the need for daily and pre-flight inspections. The actions specified by this AD are intended to prevent failure of the MLG wheel bearing, which could result in detachment of a MLG wheel from the airplane.

DATES: Effective November 29, 1995.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of November 29, 1995.

The incorporation by reference of Jetstream Service Bulletin ATP–32–48, Revision 1, dated January 28, 1994, was approved previously by the Director of the Federal Register as of March 15, 1994 (59 FR 9400, February 28, 1994).

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

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–05–03, amendment 39–8841 (59 FR 9400, February 28, 1994), which is applicable to certain Jetstream Model ATP airplanes, was published in the Federal Register on June 12, 1995 (60 FR 30798). The action proposed to continue to require daily cleaning and daily/pre-flight detailed visual inspections to detect damage (including blistering or flaking of the paint) or discoloration of the wheel hub caps and of the outer side of the inflation valve side hubs on the MLG wheels. The action also proposed to require an additional daily intermediate detailed visual inspection, in lieu of the pre-flight inspection, for certain airplanes. Additionally, the action proposed to require modification of the MLG, which would constitute terminating action for the daily, pre-flight, and daily intermediate inspection requirements.

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

The commenter supports the proposed rule.

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

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD.

The inspections that were previously required by AD 94–05–03, and retained in this AD, take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the inspection requirement of this AD on U.S. operators is estimated to be $1,200, or $120 per airplane, per inspection cycle.

The inspections that will be added by this AD will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the inspections required by this AD on U.S. operators is estimated to be $1,200, or $120 per airplane, per inspection cycle.

It will take approximately 11 work hours per airplane to accomplish the required modifications at an average labor rate of $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the modification required by this AD on U.S. operators is estimated to be $6,600, or $660 per airplane.

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

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

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

Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8841 (59 FR 9400, February 28, 1994), and by adding a new airworthiness directive (AD), amendment 39–9409, to read as follows:

95–22–02 Jetstream Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited): Amendment 39–9409. Docket 94–NM–173–AD. Supersedes AD 94–05–03, Amendment 39–8841.

Applicability: Model ATP airplanes, constructor numbers 2001 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 otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD 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 detachment of a main landing gear (MLG) wheel from the airplane, accomplish the following:

(a) For airplanes on which Jetstream Modification 35296A (reference Jetstream Service Bulletin ATP–32–51–35296A) has not been installed: Accomplish paragraphs (a)(1) and (a)(2) of this AD.

(1) Within 24 hours after March 15, 1994 (the effective date of AD 94–05–03, amendment 39–8841), perform a cleaning and a detailed visual inspection to detect damage (including blistering or flaking of the paint) or discoloration of the wheel hub caps and of the outer side of the inflation valve side hubs on the MLG wheels, in accordance with paragraph 2.(2) of the Accomplishment Instructions of Jetstream Service Bulletin ATP–32–48, Revision 1, dated January 28, 1994; or in accordance with paragraph 2.A.(2) of the Accomplishment Instructions of Jetstream Service Bulletin ATP–32–48, Revision 3, dated July 15, 1994. Thereafter, prior to the first flight of each day, repeat this cleaning and inspection. The cleaning and inspection must be performed by appropriately certificated maintenance personnel as specified in section 43.3 of the Federal Aviation Regulations (14 CFR 43.3). If any damage or discoloration is found during any inspection required by this paragraph, prior to further flight, replace the existing MLG wheel assembly and bearings with a serviceable wheel assembly and bearings, in accordance with the airplane maintenance manual.

(2) Following accomplishment of the initial inspection required by paragraph (a)(1) of this AD, prior to each flight, with the exception of the first flight of each day, perform a pre-flight detailed visual inspection to detect damage (including blistering or flaking of the paint) or heat discoloration of the wheel hub cap and the outer side of each inflation valve side hub on the MLG wheels, in accordance with paragraph 2.A.(3) of the Accomplishment Instructions of Jetstream Service Bulletin ATP–32–48, Revision 1, dated January 28, 1994; or in accordance with paragraph 2.A.(3) of the Accomplishment Instruction of Jetstream Service Bulletin ATP–32–48, Revision 3, dated July 15, 1994. The pre-flight inspections must be performed by appropriately certificated maintenance personnel, as specified in section 43.3. If any damage or discoloration is found during any inspection required by this paragraph, prior to further flight, replace the existing MLG wheel assembly and bearings with a serviceable wheel assembly and bearings, in accordance with the airplane maintenance manual.

(b) For airplanes on which Jetstream Modification 35296A (reference Jetstream Service Bulletin ATP–32–51–35296A) has been installed: Accomplish paragraphs (b)(1) and (b)(2) of this AD.

(1) Within 24 hours after the last inspection performed in accordance with paragraph (a)(1) of this AD, perform a cleaning and a detailed visual inspection to detect damage (including blistering or flaking of the paint) or discoloration of the wheel hub caps and of the outer side of the inflation valve side hubs on the MLG wheels, in accordance with paragraph 2.Part B.(2) of the Accomplishment Instructions of Jetstream Service Bulletin ATP–32–48, Revision 3, dated July 15, 1994. Thereafter, prior to the first flight of each day, repeat this cleaning and inspection. The cleaning and inspection must be performed by appropriately certificated maintenance personnel as specified in section 43.3 of the Federal Aviation Regulations (14 CFR 43.3). If any damage or discoloration is found during any inspection required by this paragraph, prior to further flight, replace the existing MLG wheel assembly and bearings with a serviceable wheel assembly and bearings, in accordance with the airplane maintenance manual.

(2) Following accomplishment of the initial inspection required by paragraph (b)(1) of this AD, once a day, perform an additional intermediate detailed visual inspection to detect damage (including blistering or flaking of the paint) or heat discoloration of the wheel hub cap and the outer side of each inflation valve side hub on the MLG wheels, in accordance with paragraph 2.Part B.(3) of the Accomplishment Instructions of Jetstream Service Bulletin ATP–32–48, Revision 3, dated July 15, 1994. The once-a-day inspections must be performed by appropriately certificated maintenance personnel, as specified in 14 CFR 43.3. If any damage or discoloration is found during any inspection required by this paragraph, prior to further flight, replace the existing MLG wheel assembly and bearings with a serviceable wheel assembly and bearings, in accordance with the airplane maintenance manual.

(c) Within 10 months after the effective date of this AD, modify the MLG, in accordance with Jetstream Service Bulletin ATP–32–51–35296A, dated May 12, 1994; and Jetstream Service Bulletin ATP–32–53–35294A (including Erratum No. 1), dated July 18, 1994, or Revision 2, dated January 13, 1995. Accomplishment of these modifications constitutes terminating action for the daily and pre-flight inspection requirements of this AD.

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

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

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

(f) The modification shall be done in accordance with Jetstream Service Bulletin ATP–32–51–35296A, dated May 12, 1994; and Jetstream Service Bulletin ATP–32–53–35294A, dated July 18, 1994 (including Erratum No. 1), or Revision 2, dated January 13, 1995. The cleaning and inspections shall be done in accordance with Jetstream Service Bulletin ATP–32–48, Revision 1, dated January 28, 1994, or Revision 3, dated July 15, 1994. The incorporation by reference of Jetstream Service Bulletin ATP–32–48, Revision 1, dated January 28, 1994, was approved previously (including Erratum No.

1) by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 15, 1994 (59 FR 9400, February 28, 1994). The incorporation by reference of the remainder of the service documents is 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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 29, 1995.

Issued in Renton, Washington, on October 12, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25835 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 95

[Docket No. 28362; Amdt. No. 392]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, D.C. on October 6, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows:

1. The authority citation for part 95 is revised to read as follows:

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

2. Part 95 is amended to read as follows:

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 392 Effective Date, November 9, 1995]

From	To	MEA
§ 95.1001 Direct Routes—U.S.		
22V		
Bahama Routes is amended to read in part		
Fort Lauderdale, FL VOR/DME	Dekal, FL FIX	6000
Dekal, FL FIX	Wiers, BF FIX	6000
Wiers, BF FIX	Oysta, BF FIX	10000
Oysta, BF FIX	Carey, BF FIX	6000
49V		
is amended by adding		
Dolphin, FL VORTAC	Luvly, FL FIX	2000
is amended to read in part		
Luvly, FL FIX	Junur, FL FIX	2000
54V		
Mrlin, FL FIX	Preda, FL FIX	4000
Preda, FL FIX	Isaac, BF FIX	6000

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 392 Effective Date, November 9, 1995]

From	To	MEA
Oysta, BF FIX	Carey, BF FIX	6000
Carey, BF FIX *1400—MOCA	Nassau, BF VOR/DME	*2000
54V		
Mrlin, FL FIX	Preda, FL FIX	4000
Preda, FL FIX	Bimini, BF VORTAC	4000
57V		
Fort Lauderdale, FL VOR/DME	Dekal, FL FIX	6000
Dekal, FL FIX	Wiers, BF FIX	6000
Wiers, BF FIX	Bimini, BF VORTAC	3000
62V		
Freeport, BF VOR/DME *1300—MOCA	Surfn, FL FIX	*4000
Surfn, FL FIX	Vero Beach, FL VORTAC	2000
Atlantic Routes		
AR 6		
*Apolo, FL FIX *4000—MRA	Hobee, FL FIX	24000 MAA–45000
AR 10		
Dolphin, FL VORTAC	Turbo, FL FIX	6000
Turbo, FL FIX	Preda, FL FIX	6000
Preda, FL FIX	Zappa, BF FIX	10000
A509		
Marci, FL FIX *1500—MOCA	Dolphin, FL VORTAC	*2000
Dolphin, FL VORTAC	Ellee, BF FIX	5000
Ellee, BF FIX	Ursus, BF FIX	15000
§ 95.6003 VOR Federal Airway 3 is amended to read in part		
Mnate, FL FIX *2800—MOCA	Dolphin, FL VORTAC	*5000
Dolphin, FL VORTAC *2000—MOCA	Fort Lauderdale, FL VOR/DME.	*4000
§ 95.6007 VOR Federal Airway 7 is amended to read in part		
Dolphin, FL VORTAC *1500—MOCA	Swags, FL FIX	*2000
Jocks, FL FIX *5000—MRA **1500—MOCA	*Crowd, FL FIX	**2000
Crowd, FL FIX	Lakeland, FL VORTAC	2000
§ 95.6035 VOR Federal Airway 35 is amended by adding		
Dolphin, FL VORTAC *1500—MOCA	Curve, FL FIX	*2000
is amended to delete		
Key West, FL VORTAC *15000—MCA BIPIN FIX, W BND	*Bipin, FL FIX	15000
Bipin, FL FIX *5000—MRA **1400—MOCA	*Drown, FL FIX	**2000
§ 95.6086 VOR Federal Airway 86 is amended by adding		
Missoula, MT VOR/DME *11000—MOCA	Coppertown, MT VOR/DME	*13000
§ 95.6097 VOR Federal Airway 97 is amended to read in part		
Dolphin, FL VORTAC *1500—MOCA	La Belle, FL VORTAC	*3000
§ 95.6148 VOR Federal Airway 148 is amended to read in part		
Aleen, WI FIX *2800—MOCA	Hayward, WI VOR/DME	*5000
§ 95.6157 VOR Federal Airway 157 is amended to read in part		
Key West, FL VORTAC *1300—MOCA	Dolphin, FL VORTAC	*5000
Dolphin, FL VORTAC *1500—MOCA	Thndr, FL FIX	*3000
§ 95.6198 VOR Federal Airway 198 is amended to read in part		
Churn, TX FIX	Seeds, TX FIX	2500
Seeds, TX FIX *1800—MOCA	Wemar, TX FIX	*2500
Taylor, FL VORTAC *2100—MOCA	Craig, FL VORTAC	*3000
§ 95.6212 VOR Federal Airway 212 is amended to read in part		
Churn, TX FIX	Seeds, TX FIX	2500
Seeds, TX FIX *1800—MOCA	Wemar, TX FIX	*2500
§ 95.6222 VOR Federal Airway 222 is amended to read in part		
Junction, TX VORTAC *3600—MOCA	Stonewall, TX VORTAC	*4000
§ 95.6267 VOR Federal Airway 267 is amended to read in part		
Dolphin, FL VORTAC *1500—MOCA	Pahokee, FL VORTAC	*2000
§ 95.6437 VOR Federal Airway 437 is amended to read in part		
Dolphin, FL VORTAC *1500—MOCA	Pahokee, FL VORTAC	*2000
§ 95.6509 VOR Federal Airway 509 is amended to read in part		
St. Petersburg, FL VORTAC *5000—MRA **2500—MOCA	*Crowd, FL FIX	**5000
Crowd, FL FIX *1600—MOCA	Hallr, FL FIX	*6000

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 392 Effective Date, November 9, 1995]

From	To	MEA
§ 95.6511 VOR Federal Airway 511 is amended to read in part		
Thndr, FL FIX *1500—MOCA	Dolphin, FL VORTAC	*3000
§ 95.6521 VOR Federal Airway 521 is amended to read in part		
Dolphin, FL VORTAC *1500—MOCA	Lee County, FL VORTAC	*3000
§ 95.6556 VOR Federal Airway 556 is amended to read in part		
Junction, TX VORTAC *3600—MOCA	Stonewall, TX VORTAC	*4000
Seeds, TX FIX *1800—MOCA	Wemar, TX FIX	*2500
§ 95.6599 VOR Federal Airway 599 is amended to read in part		
Thndr, FL FIX *1500—MOCA	Dolphin, FL VORTAC	*3000
§ 95.6601 VOR Federal Airway 601 is added to read		
Key West, FL VORTAC *4000—MRA **1500—MOCA	Deeds, FL FIX	**7000
Deeds, FL FIX *1400—MOCA	Pahokee, FL VORTAC	*3000

From	To	MEA	MAA
§ 95.7015 Jet Route No. 15 is amended to read in part			
Salt Lake City, UT Vortac	Twin Falls, ID Vortac	18000	45000
Twin Falls, ID Vortac	Boise, ID Vortac	18000	45000
§ 95.7043 Jet Route No. 43 is amended to read in part			
Dolphin, FL Vortac	La Belle, FL Vortac	18000	45000
§ 95.7053 Jet Route No. 53 is amended to read in part			
Dolphin, FL Vortac	Pahokee, FL Vortac	18000	45000
§ 95.7055 Jet Route No. 55 is amended to read in part			
Dolphin, FL Vortac	Craig, FL Vortac	18000	45000
§ 95.7058 Jet Route No. 58 is amended to read in part			
Lee County, FL Vortac	Dolphin, FL Vortac	18000	45000
§ 95.7073 Jet Route No. 73 is amended to read in part			
Dolphin, FL Vortac	La Belle, FL Vortac	18000	45000
§ 95.7075 Jet Route No. 75 is amended to read in part			
Dolphin, FL Vortac	Lee County, FL Vortac	18000	45000
§ 95.7079 Jet Route No. 79 is amended to read in part			
Key West, FL Vortac	Dolphin, FL Vortac	18000	45000
§ 95.7081 Jet Route No. 81 is amended to read in part			
Dolphin, FL Vortac	Pahokee, FL Vortac	18000	45000
§ 95.7085 Jet Route No. 85 is amended to read in part			
Dolphin, FL Vortac	Gainesville, FL Vortac	18000	45000
§ 95.7086 Jet Route No. 86 is amended to read in part			
La Belle, FL Vortac	Dolphin, FL Vortac	18000	45000
§ 95.7179 Jet Route No. 179 is amended by adding			
Emmonak, AK VOR/DME	St Marys, AK NDB	18000	45000
Is amended to read in part			
Sparrevohn, AK VOR/DME	Kenai, AK VOR/DME	18000	45000
Kenai, AK VOR/DME	Middleton Island, AK VOR/DME.	18000	45000
§ 95.7510 Jet Route No. 510 is added to read			
Galena, AK Vortac	Unalakleet, AK Vortac	18000	45000
Unalakleet, AK Vortac	Emmonak, AK VOR/DME	18000	45000

§ 95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

Airway segment		Changeover points	
From	To	Distance	From
V–86 is amended by adding			
Missoula, MT VOR/DME	Coppertown, MT VOR/DME	35	Missoula.
V–97 is amended to delete			
Miami, FL Vortac	La Belle, FL Vortac	25	Miami.

§ 95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS—Continued

Airway segment		Changeover points	
From	To	Distance	From
V–177 is amended by adding			
Wausau, WI Vortac	Hayward, WI VOR/DME	59	Wausau.
V–521 is amended to delete			
Miami, FL Vortac	La Belle, FL Vortac	25	Miami.

[FR Doc. 95–26775 Filed 10–27–95; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28363; Amdt. No. 1691]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

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

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

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

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 20, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

§ 97.23 [Amended]

§ 97.25 [Amended]

§ 97.27 [Amended]

§ 97.29 [Amended]

§ 97.31 [Amended]

§ 97.33 [Amended]

§ 97.35 [Amended]

2. Part 97 is amended to read as follows:

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

** * * Effective November 9, 1995*

Louisville, KY, Louisville Intl-Standiford Field, ILS RWY 17, Orig
Louisville, KY, Louisville Intl-Standiford Field, ILS RWY 35, Orig
Wilmington, OH, Airborne Airpark, ILS/DME RWY 4R, Orig
Wilmington, OH, Airborne Airpark, ILS/DME RWY 22L, Orig
Racine, WI, John H. Batten, VOR RWY 4, Orig
Racine, WI, John H. Batten, VOR RWY 4, Amdt 7, Cancelled
Racine, WI, John H. Batten, NDB RWY 4, Amdt 3
Racine, WI, John H. Batten, ILS RWY 4, Amdt 4
Racine, WI, John H. Batten, VOR/DME RNAV RWY 22, Amdt 3

** * * Effective December 7, 1995*

Paragould, AR, Kirk Field, NDB RWY 4, Amdt 4, Cancelled
West Memphis, AR, West Memphis Muni, Radar–1, Amdt 9, Cancelled
Danielson, CT, Danielson, VOR or GPS–A, Amdt 5
Fort Myers, FL, Southwest Florida Intl, VOR/DME or TACAN RWY 24, Amdt 1
Fort Myers, FL, Southwest Florida Intl, RADAR–1, Amdt 5
Fitchburg, MA, Fitchburg Muni, NDB–A, Amdt 1
Fitchburg, MA, Fitchburg Muni, NDB RWY 20, Amdt 1
Hopedale, MA, Hopedale Industrial Park, VOR–A, Amdt 6
Portsmouth, NH, Pease International Tradeport, VOR or TACAN RWY 16, Amdt 4
Artesia, NM, Artesia Muni, NDB OR GPS RWY 12, Amdt 3
Artesia, NM, Artesia Muni, NDB OR GPS RWY 30, Amdt 3
Chetek, WI, Chetek Muni-Southworth, VOR/DME OR GPS RWY 17, Amdt 2, Cancelled
Cumberland, WI, Cumberland Muni, VOR/DME OR GPS RWY 27, Amdt 2, Cancelled

** * * Effective January 4, 1996*

Almyra, AR, Almyra Muni, GPS RWY 35, Orig
Helena/West Helena, AR, Thompson-Robbins, GPS RWY 35, Orig
Manila, AR, Manila Municipal, GPS RWY 18, Orig
Mena, AR, Mena Intermountain Municipal, GPS RWY 17, Orig
Newport, AR, Newport Muni, GPS RWY 18, Orig
North Little Rock, AR, North Little Rock Muni, GPS RWY 5, Orig
Ankeny, IA, Ankeny Regional, NDB RWY 36, Orig. Cancelled
Ankeny, IA, Ankeny Regional, GPS RWY 36, Orig
Carroll, IA, Arthur N. Neu, GPS RWY 31, Orig
Council Bluffs, IA, Council Bluffs Muni, GPS RWY 31, Orig
Webster City, IA, Webster City Muni, GPS RWY 32, Orig
Augusta, KS, August Muni, GPS RWY 36, Orig
Olathe, KS, Johnson County Executive, GPS RWY 35, Orig
Chillicothe, MO, Chillicothe Muni, GPS RWY 32, Orig
Point Lookout, MO, M. Graham Clark, GPS RWY 11, Orig
West Plains, MO, West Plains Muni, GPS RWY 18, Orig
Omaha, NE, Millard, GPS RWY 12, Orig
Sidney, NE, Sidney Muni, GPS RWY 30, Orig
Clinton, OK, Clinton-Sherman, GPS RWY 17R, Orig
Weatherford, OK,Thomas P. Stafford, GPS RWY 35, Orig
Brenham, TX, Brenham Muni, GPS RWY 34, Orig
Caddo Mills, TX, Caddo Mills Muni, GPS RWY 35L, Orig
Gainesville, TX, Gainesville Muni, GPS RWY 17, Orig
Houston, TX, Clover Field, GPS RWY 32L, Orig
Midlothian/Waxahachi, TX, Midlothian/Waxahachi Muni, GPS RWY 36, Orig

Note: The FAA published an Amendment in Docket No. 28298, Amdt. No. 1679 to Part 97 of the Federal Aviation Regulations (Vol. 60, FR. 164, Page 43966; dated Thursday, August 24, 1995) under Section 97.33 effective 9 November 95 which is hereby amended as follows:

Grants Pass, OR., Grants Pass, GPS–A, Orig. published in TL 95–18 is rescinded.

Note: The FAA published an Amendment in Docket No. 28340, Amdt. No. 1686 to Part 97 of the Federal Aviation Regulations (Vol. 60, FR. 191, Page 51718; dated Tuesday, October 3, 1995) under Section 97.33 effective 9 November 95 which is hereby amended as follows:

Chamberlin, SD, Chamberlin Muni, GPS RWY 31, Orig. published in TL 95–21 is corrected to read:

Chamberlain, SD, Chamberlain Muni, GPS RWY 31 Orig

Note: The FAA published an Amendment in Docket No. 28327, Amdt. No. 1685 to Part 97 of the Federal Aviation Regulations (Vol. 60, FR. 191, Page 51718; dated Tuesday, October 3, 1995) under Section 97.27 effective 12 October, which is hereby amended as follows::

Spokane, WA, Felts Field, GPS–A, Orig, is hereby rescinded.

[FR Doc. 95–26773 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28349; Amdt. No. 1688]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 6, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

§ 97.23 [Amended]

§ 97.25 [Amended]

§ 97.27 [Amended]

§ 97.29 [Amended]

§ 97.31 [Amended]

§ 97.33 [Amended]

§ 97.35 [Amended]

2. Part 97 is amended to read as follows:

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

** * * Effective November 9, 1995*

Manila, AR, Manila Muni, NDB RWY 18, Orig
Placerville, CA, Placerville, GPS RWY 5, Orig
Victorville, CA, Southern California Intl, ILS RWY 17, Orig
Key West, FL, Key West Intl, VOR or GPS–B, Amdt 10
Marco Island, FL, Marco Island, VOR/DME or GPS RWY 17, Amdt 5
Marco Island, FL, Marco Island, NDB or GPS RWY 35, Amdt 5
Miami, FL, Opa Locka, VOR RWY 9L, Amdt 16A, CANCELLED
Miami, FL, Opa Locka, ILS RWY 9L, Amdt 3
Miami, FL, Opa Locka, VOR/DME RNAV RWY 9L, Orig
Miami, FL, Opa Locka, VOR/DME RNAV RWY 9L, Amdt 8, CANCELLED
Peoria, IL, Greater Peoria Regional, ILS/DME RWY 4, Orig
Salt Lake City, UT, Salt Lake City Intl, VOR OR TACAN OR GPS RWY 16, Amdt 22, CANCELLED
Salt Lake City, UT, Salt Lake City Intl, VOR/DME OR TACAN OR GPS RWY 16L, Orig

Salt Lake City, UT, Salt Lake City Intl, VOR OR TACAN OR GPS RWY 17, Amdt 10, CANCELLED
Salt Lake City, UT, Salt Lake City Intl, VOR/DME OR TACAN OR GPS RWY 17, Orig
Salt Lake City, UT, Salt Lake City Intl, VOR/DME OR TACAN OR GPS RWY 34R, Amdt 7
Salt Lake City, UT, Salt Lake City Intl, ILS/DME RWY 16L, Amdt 8
Salt Lake City, UT, Salt Lake City Intl, ILS/DME RWY 16R, Orig
Salt Lake City, UT, Salt Lake City Intl, ILS RWY 17, Amdt 10
Salt Lake City, UT, Salt Lake City Intl, ILS RWY 34, Amdt 40, CANCELLED
Salt Lake City, UT, Salt Lake City Intl, ILS/DME RWY 34L, Orig
Salt Lake City, UT, Salt Lake City Intl, ILS/DME RWY 34R, Orig
Salt Lake City, UT, Salt Lake City Intl, ILS RWY 35, Amdt 1
Clarksville, VA, Marks Muni, GPS RWY 4, Orig

* * * *Effective December 7, 1995*

Mexia, TX, Mexia-Limestone Co, GPS RWY 36, Orig.

* * * *Effective January 4, 1996*

Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR or GPS RWY 18, Amdt 11
Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR or GPS RWY 27, Amdt 6
Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR or GPS RWY 36, Amdt 11
Gonzales, LA, Louisiana Regional, VOR/DME–A or GPS–A, Amdt 1
Baudette, MN, Baudette Intl, VOR/DME or GPS RWY 12, Amdt 4
Baudette, MN, Baudette Intl, VOR or GPS RWY 30, Amdt 9
Cabool, MO, Cabool Memorial, GPS RWY 21, Orig
Harrisonville, MO, Lawrence Smith Memorial, GPS RWY 35, Orig
Sidney, OH, Sidney Muni, VOR or GPS RWY 22, Amdt 12
Sidney, OH, Sidney Muni, VOR/DME RNAV or GPS RWY 28, Amdt 5

Note: The FAA published an Amendment in Docket No. 28299, Amdt. No. 1680 to Part 97 of the Federal Aviation Regulations (Vol. 60 FR, No. 164, Page 43965, dated Thursday August 24, 1995) under Section 97.27 Effective 12 October 1995, which is hereby amended as follows:

Sandpoint, ID, Dave Wall Field, NDB/DME–C, Orig is hereby rescinded.

Note: The following proposed procedure published in TL 93–17 is rescinded:

Detroit, MI, Detroit Metropolitan Wayne County, NDB Rwy 3C, Amdt 13

[FR Doc. 95–26774 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28364; Amdt. No. 1692]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

The Rule

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

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight

safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

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

Conclusion

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

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 20, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

§ 97.23 [Amended]

§ 97.25 [Amended]

§ 97.27 [Amended]

§ 97.29 [Amended]

§ 97.31 [Amended]

§ 97.33 [Amended]

§ 97.35 [Amended]

2. Part 97 is amended to read as follows:

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

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC No.	SIAP
09/11/95	OH	Wilmington	Airborne Airpark	5/4954	ILS RWY 22 AMDT 3... THIS CORRECTS NOTAM IN TL 95–21
10/05/95	SC	Clemson	Clemson-Oconee County	5/5438	VOR/DME OR GPS RWY 25 ORIG...
10/13/95	MA	Chatham	Chatham Muni	5/5602	NDB OR GPS–A ORIG...
10/13/95	NV	Las Vegas	McCarran Intl	5/5614	VOR/DME OR GPS RWY 1R ORIG...

[FR Doc. 95–26776 Filed 10–27–95; 8:45 am]
BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA–15–1–7173; FRL–5287–2]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) revision submitted by the state of Iowa. The revision includes special requirements for nonattainment areas, compliance and enforcement information, and adoption of EPA definitions. These revisions strengthen the SIP with respect to attainment and maintenance of established air quality standards.

EFFECTIVE DATE: This rule is effective on November 29, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: On June 23, 1995, the EPA published a direct final rule (60 FR 32601–3263) for an SIP revision and received one adverse comment concerning special requirements for nonattainment areas. Therefore, the EPA is addressing that comment and taking final action.

Public Comment

As indicated in EPA's direct final notice at 60 FR 32601, the state has deleted subrule 22.5(2)c. This provision exempted sources in secondary particulate matter nonattainment areas from offset requirements if they could show that offsets were not reasonably available.

In response to this change, a commenter noted that the rule enabled an applicant to ''demonstrate'' that emission offsets were not reasonably available. The commenter further stated that deleting this rule was too restrictive and should not be approved.

Background and Response to Comment

The rule in question concerns the requirement for emission offsets in nonattainment areas. The Act, as amended in 1990, requires a source in an area designated nonattainment to achieve offsets so that even with emission increases from the new source,

there is reasonable further progress towards attainment in the area.

Iowa's preamended rule was developed for certain particulate matter nonattainment areas. The purpose was to attain the national ambient air quality standards for total suspended particulate matter (TSP). Under the TSP standards (which had a secondary standard in addition to the primary standard), some areas in Iowa were nonattainment for the secondary standard, but not for the primary standard. The rule relating to reasonably available offsets did not apply in primary nonattainment areas.

After promulgation of the new PM_{10} standard in 1987 (which replaced the TSP standard), the distinction between primary and secondary standards for particulate lost its regulatory significance since EPA set the same levels for the primary and secondary PM_{10} standards (see 40 CFR 50.6).

In other words, if Iowa had any particulate matter nonattainment areas under the new standard, such areas would necessarily be in violation of both the primary and secondary standard. Therefore, the provisions of the former 22.5(2)c would not apply. In addition, since Iowa currently has no designated particulate nonattainment areas, there are no particulate matter offset requirements in effect.

Iowa has chosen to amend its new source review rules to meet the requirements of the Act. Iowa is also in the process of making additional revisions to its rules to meet the requirements of section 110 and part D of title I of the Act to address the primary SO_2 nonattainment area in Muscatine. Iowa's decision to eliminate the ''reasonably available'' offset provision is consistent with its overall effort to meet the requirements of the Act, as amended in 1990.

Therefore, because it is consistent with the Act, and for the reasons stated in EPA's June 23, 1995, notice, EPA is approving the Iowa revision.

EPA Action

EPA is taking final action to approve revisions submitted on October 18, 1994, and January 26, 1995, for the state of Iowa.

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

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

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

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP, the state has elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to state or local governments in the aggregate or to the private sector.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 18, 1995.

Dennis Grams,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(61) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(61) On October 18, 1994, and January 26, 1995, the Director of the Iowa Department of Natural Resources submitted revisions to the state implementation plan (SIP) to include special requirements for nonattainment areas, provisions for use of compliance, and enforcement information and adoption of EPA definitions. These revisions fulfill Federal regulations which strengthen maintenance of established air quality standards.

(i) Incorporation by reference.

(A) Revised rules ''Iowa Administrative Code,'' effective November 16, 1994. This revision approves revised rules 567–20.2, 567–22.5(1)a, 567–22.5(1)f(2), 567–22.5(1)m, 567–22.5(2), 567–22.5(3), 567–22.5(4)b, 567–22.5(6), 567–22.5(7), 567–22.105(2), and new rule 567–21.5. These rules provide for special requirements for nonattainment areas, provisions for use of compliance and enforcement information and adopts EPA's definition of volatile organic compound.

(B) Revised rules, ''Iowa Administrative Code,'' effective February 22, 1995. This revision approves new definitions to rule 567–20.2. This revision adopts EPA's definitions of ''EPA conditional method'' and ''EPA reference method.''

(ii) Additional material.

None.

[FR Doc. 95–22333 Filed 10–27–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[OH83–1–6991a; FRL–5299–6]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: USEPA is approving revisions to Ohio's program for issuing federally enforceable State operating permits. These revisions clarify that USEPA may deem individual permits to be deficient and not federally enforceable, even if the deficiencies are discovered only after the permit is issued. Then, if the company wishes to retain the benefits of the operating permit (typically, reduced requirements for sources with ''minor source'' allowable emissions levels), USEPA could require correction of the permit deficiencies to ensure that the permit limitations are truly federally enforceable.

DATES: This action is effective December 29, 1995 unless adverse or critical comments are received by November 29, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

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

Copies of the SIP revision and USEPA's analysis are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE–17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102) Room M1500, United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Regulation Development Branch (AE–17J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

SUPPLEMENTARY INFORMATION:

I. Review of State Submittal

On April 20, 1994, Ohio submitted rules to provide the option for the State to issue federally enforceable State operating permits (FESOPs). Unfortunately, the version of the rules that Ohio adopted and submitted inadvertently excluded some revisions requested by the United States Environmental Protection Agency (USEPA). On June 16, 1994, Ohio committed to make these intended revisions. On the basis of this commitment, USEPA conditionally approved Ohio's submittal on October 25, 1994, at 59 FR 53586.

On March 7, 1995, in accordance with its commitment, Ohio submitted revisions to its operating permit rules. USEPA found this submittal complete on March 27, 1995.

The principal revision in this submittal was to language in Rule 3745–35–07(B)(2). The language of the rule that Ohio submitted on April 20, 1994, stated:

> During the public comment period, the administrator may object that the terms and conditions of the permit to operate are not federally enforceable and the director shall not issue the permit to operate until such objection has been resolved.

USEPA expressed concern that this language could be construed to mean that USEPA had no authority to deem permits not federally enforceable once the permits had been issued. The March 7, 1995, submittal, in accordance with the State's commitment as submitted June 16, 1994, includes revised language that states:

> During the public comment period, IF the administrator OBJECTS that the terms and conditions of the permit to operate are not federally enforceable the director shall not issue the permit to operate until such objection has been resolved.

This revised language removes the implication that USEPA's authority to deem State operating permits not federally enforceable is limited to the State's public comment period. The fact that Ohio made this change, the revised language itself, and the discussion of the language by Ohio all indicate that USEPA is granted the authority to deem State operating permits to be not federally enforceable after permit issuance as well as before issuance. This change provides for satisfaction of the second criterion for FESOP program approval specified in USEPA's guidance published in the Federal Register of June 28, 1989 (at 54 FR 27274), that USEPA be authorized to deem relevant permits not federally enforceable. As a result, Ohio's rules now fully satisfy all criteria for FESOP program approval. (Ohio also revised the language concerning advance notification by sources of implementation of emissions trades, replacing the phrase ''advance notification * * * as specified in 40 CFR 70.4(6)(12)'' with the phrase ''seven day advance notification''; this clarification does not significantly affect program approvability.)

During the comment period on the October 25, 1994, direct final rulemaking, USEPA received two comment letters. The comments in these letters were not adverse or critical and did not require withdrawal of the direct final rulemaking. Nevertheless, it is appropriate to address these comments in the context of this rulemaking on Ohio's March 7, 1995, submittal.

The first comment was sent by the Natural Resources Defense Council (NRDC). NRDC did not object to USEPA approval of Ohio's rule. However, NRDC requested that the codification of USEPA's approval specify that FESOPs shall be enforceable not just by USEPA but also ''by any person under section 304 of the Clean Air Act.'' Section 304 indeed provides authority to any person to bring suits to enforce limits such as those contained in FESOPs. Thus, it is appropriate to amend the codification in 40 CFR 52.1888 as requested by NRDC.

The second comment was sent by Ohio EPA, by letter dated November 18, 1994. As discussed above, Ohio changed rule language that could be interpreted as limiting USEPA's authority to deem a State operating permit as not federally enforceable after permit issuance. Ohio takes the position that USEPA inherently has the authority to deem these permits not federally enforceable, and that ''Ohio does not believe it is in a position to make a specific authorization regarding the scope of USEPA's authority in this area.'' Therefore, Ohio argues that its rule revisions were not intended to provide ''veto'' authority to USEPA after permit issuance but instead were intended simply to remove an obstacle to USEPA exercising its preexisting authority.

This issue is somewhat moot, insofar as Ohio is not questioning USEPA's ''veto'' authority after permit issuance but is merely questioning the origins of that authority. In any case, USEPA believes that State operating permits are not inherently federally enforceable, and that these permits can only be federally enforceable if the State grants

USEPA that authority. Indeed, one of the criteria for USEPA approval of FESOP programs in the guidance cited above is that the State provide that USEPA has such authority. From this perspective, Ohio has satisfied these criteria by providing USEPA the authority to ''veto'' permits before and after issuance.

It is also clear that Ohio prefers for USEPA to use its pre-issuance ''veto'' authority rather than its post-issuance ''veto'' authority. USEPA will attempt to honor their preference to the extent practicable. While it may become necessary in limited cases to address problems that were only discovered after permit issuance, USEPA will endeavor to identify permits that are not federally enforceable prior to their issuance.

II. Rulemaking Action

Ohio's submittal satisfies its commitment to revise its rules to clarify that USEPA may deem State operating permits not federally enforceable. Therefore, USEPA is converting the prior conditional approval to a full approval. In the sense that a conditional approval is a ''temporary'' approval, today's action makes permanent Ohio's authorization to issue federally enforceable State operating permits.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in today's Federal Register, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if we receive timely adverse or critical comments. The ''direct final'' approval shall be effective on December 29, 1995, unless USEPA receives adverse or critical comments by November 29, 1995, in which case USEPA will publish a Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

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

SIP approvals under section 110 and subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of the State implementation plan or plan revisions approved in this action, the State has elected to adopt the program provided for under sections 110 and 112 of the Clean Air Act. The rules and commitments being approved in this action allow sources to request additional limitations (typically for the purpose of avoiding major source permitting requirements), but otherwise do not impose any requirements on State, local and tribal governments or private sector concerns. Thus, USEPA's action will impose no new requirements; and sources requesting limitations may in any case already request these limitations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this action does not include a mandate that may result in estimated costs or $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Note—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 5, 1995.

Michelle D. Jordan,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 - 7671q.

Subpart KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(98) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(98) On April 20, 1994, and March 7, 1995, Ohio submitted Rule 3745–35–07, entitled ''Federally Enforceable Limitations on Potential to Emit,'' and requested authority to issue such limitations as conditions in State operating permits.

(i) Incorporation by reference. Rule 3745–35–07, adopted November 3, 1994, effective November 18, 1994.

* * * * *

3. Section 52.1888 is revised to read as follows:

§ 52.1888 Operating permits.

Emission limitations and related provisions which are established in Ohio operating permits as federally enforceable conditions in accordance with Rule 3745–35–07 shall be enforceable by USEPA and by any person under section 304 of the Clean Air Act. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and will be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

§ 52.1919 [Amended]

4. Section 52.1919 is amended by removing paragraph (a)(2).

[FR Doc. 95–26589 Filed 10–27–95; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 279

[FRL 5313–5]

Hazardous Waste Management System; Recycled Used Oil Management Standards

AGENCY: Environmental Protection Agency.

ACTION: Administrative stay.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) today is announcing an administrative stay of the regulatory provisions set forth in 40 CFR 279.10(b)(2) applicable to mixtures of used oil destined for recycling and either characteristic hazardous waste or waste listed as hazardous because it exhibits a hazardous waste characteristic. The stay reinstates for these mixtures the regulatory requirements ordinarily applicable to mixtures containing hazardous waste, along with other applicable regulatory requirements, including but not limited to the 40 CFR Part 268 land-disposal restrictions (''LDRs''), until the Agency completes a new rulemaking addressing 40 CFR 279.10(b)(2).

EFFECTIVE DATE: December 29, 1995.

FOR FURTHER INFORMATION CONTACT: Tracy Bone at (202) 260–3509, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The contents of today's document are listed in the following outline:

I. Background
II. Basis for Stay of Used Oil Mixture Rule
III. Agency Action
IV. Effects on State Authorization
V. Executive Order 12866
VI. Paperwork Reduction Act

I. Background

Section 3014(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6935(a), requires EPA to establish management standards for used oil destined for recycling. Those standards must protect public health and the environment and, to the extent possible within that context, not discourage used oil recycling.

Section 3014(a) was added to RCRA by the Used Oil Recycling Act of 1980, Pub. L. No. 96–463, § 7(a), 94 Stat. 2055, 2057 (1980). As originally enacted, section 3014(a) required EPA to establish performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil, but also specified that the Agency shall ''ensure that such regulations do not discourage the recovery or recycling of used oil.'' The Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98–616, § 242, 98 Stat. 3221, 3260 (1984), slightly altered the language of RCRA section 3014(a) to require that, in developing regulations addressing recycled used oil, the Agency shall ensure that such regulations do not discourage the recovery or recycling of used oil, ''consistent with the protection of human health and the environment.''

On September 10, 1992, EPA promulgated regulations pursuant to RCRA section 3014(a) governing the management of used oil destined for recycling. 57 FR 41566 (1992). These regulations are codified at 40 CFR Part 279. As part of these regulations, EPA promulgated a used oil mixture rule, 40 CFR 279.10(b), that specifies when mixtures of used oil destined for recycling and hazardous waste are regulated as used oil and when they are regulated as hazardous waste. Among other things, the used oil mixture rule specifies that mixtures of used oil destined for recycling and waste that is hazardous solely because it exhibits one or more of the hazardous waste characteristics identified in subpart C of 40 CFR Part 261, and mixtures of used oil and hazardous waste that is listed in subpart D of 40 CFR Part 261 solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C, are regulated as a hazardous waste under subtitle C of RCRA only if the resultant mixture exhibits a hazardous waste characteristic. 40 CFR 279.10(b)(2)(i). If the mixture does not exhibit a hazardous waste characteristic, it is regulated under the used oil management standards, and the hazardous waste regulations (including those relating to LDRs) are inapplicable.[1] 40 CFR 279.10(b)(2)(ii)–(iii).

Two weeks *after* EPA promulgated the used oil management standards, the D.C. Circuit issued its decision in *Chemical Waste Management, Inc.* v. *EPA*, 976 F.2d 2 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1961 (1993), a challenge to portions of the Agency's LDR regulations that did not prohibit dilution of certain characteristic hazardous wastes as a form of treatment.[2] The issue before the court was whether these regulations satisfied the requirements of RCRA section 3004(m), which mandates that treatment substantially diminish the toxicity of hazardous waste or the likelihood of migration of hazardous constituents from hazardous waste so that short-term and long-term threats to human health and the environment are minimized. The court held that, in authorizing dilution as a form of treatment for certain characteristic hazardous wastes, the Agency had not satisfied the requirements of RCRA section 3004(m) because dilution only removed the short-term threat posed by the characteristic, and did not address the long-term threat posed by hazardous constituents that could be present in such wastes.[3]

Petitions for review challenging EPA's used oil mixture rule subsequently were filed in the D.C. Circuit. *Safety-Kleen Corp.* v. *EPA*, No. 92–1629 (D.C. Cir.).

[1] In a separate part of the used oil regulations, EPA specified that mixtures of used oil and listed hazardous waste, except for wastes listed solely because they exhibit one or more of the characteristics of hazardous waste identified in subpart C of 40 CFR Part 261, must be handled as hazardous waste under subtitle C of RCRA and may not be managed as used oil. 40 CFR 279.10(b)(1); 57 Fed. Reg. at 41,581. That provision is not impacted by this stay.

[2] The LDR regulations, codified at 40 CFR Part 268, were promulgated pursuant to Section 3004 of RCRA, 42 U.S.C. 6924, which restricts the land disposal of certain hazardous wastes beyond specified dates unless the wastes are treated according to treatment standards established by the Agency.

[3] Pursuant to the *Chemical Waste Management* decision, the Agency has promulgated revisions to the 40 CFR Part 268 land disposal restrictions applicable to mixtures containing characteristic hazardous waste. *See* 58 Fed. Reg. 29860 (1993); 59 Fed. Reg. 47982 (1994).

Citing the *Chemical Waste Management* decision, some petitioners asserted that the used oil mixture rule violates RCRA section 3004(m) because it allows certain characteristic hazardous wastes to be ''de-characterized'' by dilution with used oil destined for recycling, and to avoid compliance with LDRs. As a result, these mixtures (or residuals derived therefrom) might be disposed in land-disposal units without adequate prior treatment, despite the fact that they may contain significant levels of hazardous constituents in concentrations sufficient to pose a threat to human health and the environment.

EPA subsequently joined with the petitioners in the *Safety-Kleen Corp.* case in moving for a voluntary vacatur of the used oil mixture rule to consider the impact of the *Chemical Waste Management* case on the used oil mixture rule. In an order dated September 15, 1994, the D.C. Circuit, rather than vacating the rule, remanded the record in the case to the Agency with the limited instruction that ''[i]f the EPA determines that its rule is invalid, * * * it can proceed accordingly.'' The court, however, retained jurisdiction over the case, so it still is pending before the D.C. Circuit for judicial review.

Consistent with the D.C. Circuit's remand, the Agency plans to propose a rule in the near future concerning how mixtures of used oil destined for recycling and characteristic hazardous wastes should be regulated under RCRA section 3014(a) in light of the *Chemical Waste Management* decision and other appropriate policy and legal considerations, and requesting public comment on those views. Through this rulemaking, the parties to the *Safety-Kleen Corp.* case, along with all other interested persons, will have the opportunity to submit comments for the Agency's consideration in reaching a decision concerning whether the used oil mixture rule should be revised.

For the reasons discussed below, EPA also is issuing this administrative stay of the used oil mixture rule pending completion of this rulemaking. For mixtures of used oil destined for recycling and either characteristic hazardous waste or waste listed as hazardous because it exhibits a hazardous waste characteristic, this stay reinstates the regulatory requirements, ordinarily applicable to mixtures containing hazardous waste, set forth in 40 CFR 261.3 (a)(2) and (d)(1), along with other applicable regulatory provisions, as revised, including but not limited to LDRs.

II. Basis for Stay of Used Oil Mixture Rule

The only issue addressed in today's document concerns the status of the contested used oil mixture rule, 40 CFR 279.10(b)(2), while the new rulemaking process addressing that provision is undertaken. Section 705 of the Administrative Procedures Act, 5 U.S.C. 705, authorizes EPA to postpone the effective date of action taken by it when ''justice so requires,'' pending judicial review. As discussed in detail below, EPA believes that a stay of the rule is in the interests of justice. It will enable the Agency to address the precedential impact of the *Chemical Waste Management* decision before the regulation takes effect, it will help ensure that mixtures of used oil destined for recycling and characteristic hazardous wastes are managed in a manner protective of human health and the environment until the follow-up rulemaking concerning the used oil mixture rule is completed, it will limit inconvenience to and confusion and inconsistency among the States and within the regulated community concerning how such mixtures are to be managed, and it will impose no significant burden on the States or the regulated community.

This administrative stay of the used oil mixture rule reflects EPA's recognition that the *Chemical Waste Management* decision raises significant legal issues, and may be controlling authority, concerning the applicability of LDR regulations to mixtures of used oil destined for recycling and characteristic hazardous wastes. As noted above, the D.C. Circuit held in that case that, in authorizing dilution as a form of treatment for certain characteristic hazardous wastes, the Agency had not satisfied the mandate of RCRA section 3004(m) because dilution only removed the short-term threat posed by the characteristic, and did not address the long-term threat posed by hazardous constituents that could be present in such wastes.

As currently written, the used oil mixture rule provides that certain mixtures of used oil destined for recycling and characteristic hazardous are subject exclusively to the used oil management standards, which do not include LDRs. Thus, the mixture rule, in effect, allows dilution of certain characteristic hazardous wastes with used oil, instead of treatment under section 3004(m). As a result, some such mixtures (or residuals derived therefrom) containing significant levels of hazardous constituents potentially may be disposed in land-disposal units without adequate prior treatment. (The Agency will conduct fact-finding on this point as part of the upcoming rulemaking.) The *Chemical Waste Management* decision, however, appears to indicate that such mixtures should be subject to LDRs, unless no hazardous constituents are present in concentrations sufficient to pose a threat to human health or the environment. Because the Agency believes there is a strong likelihood that the used oil mixture rule needs to be modified in light of the *Chemical Waste Management* decision, this stay is in the interests of justice.[4]

This administrative stay also is justified on the ground that human health and the environment are better protected if mixtures of used oil destined for recycling and characteristic hazardous waste are subject to LDRs like other mixtures containing characteristic hazardous waste until the follow-up rulemaking addressing the used oil mixture rule is completed. In particular, EPA believes that further analysis is needed to determine whether mixtures of used oil destined for recycling and characteristic hazardous wastes differ significantly from other mixtures containing characteristic wastes in terms of potential threat to human health and the environment.[5] Under the used oil mixture rule as currently written, some such mixtures (or residuals derived therefrom) may be disposed in land-disposal units without adequate prior treatment. To address

[4] RCRA section 3014(a) requires the Agency to ensure that regulations concerning used oil ''do not discourage the recovery or recycling of used oil,'' consistent with the protection of human health and the environment. Based upon this language, some may argue that the regulatory requirements applicable to mixtures of used oil and characteristic hazardous waste appropriately may differ from those applicable to other mixtures containing characteristic hazardous waste for purposes of the land-disposal restrictions. The possible merits of such an interpretation will be explored in the rulemaking concerning 40 CFR 279.10(b)(2) to be initiated in the near future.

[5] The used oil mixture regulations distinguish mixtures of used oil and wastes exhibiting the characteristic of corrosivity, reactivity and toxicity from mixtures of used oil and wastes exhibiting only the characteristic of ignitability. Compare 40 CFR 279.10(b)(2) (i) and (ii) with 40 CFR 279.10(b)(2)(iii). As to wastes exhibiting the characteristic of ignitability, the Agency explained that ''mixing to manage ignitable solvents appears to be acceptable, provided the characteristic of ignitability of the ignitable solvents is removed.'' 57 FR at 41581. EPA noted, as its basis for this statement, that ''mixing the solvents in with used oil should not affect the chemical constituents or other properties of used oil'' because the solvents are petroleum fractions. *Id.* EPA is not repudiating that statement today, but believes further analysis should be undertaken of mixtures of used oil and ignitable characteristic hazardous wastes to determine the extent to which such mixtures contain hazardous constituents that may endanger human health or the environment.

this concern, during the pendency of the stay mixtures of used oil destined for recycling and characteristic hazardous wastes will be subject to LDRs. As a result, the stay also is in the interests of justice because it is protective of public health and the environment.

This administrative stay also is justified because it will avoid inconvenience to and confusion and inconsistency among the States. Confusion within the States concerning how used oil mixtures should be regulated stems from the strong likelihood that the used oil mixture rule will need to be modified consistent with the *Chemical Waste Management* decision and the pendency of the *Safety-Kleen Corp.* case.

As discussed more fully below, only a limited number of States authorized to administer and enforce the RCRA program for hazardous wastes and used oil have yet modified their programs to reflect the new Federal used oil management standards, but most were required to do so by July 1, 1995. Requiring States to complete the significant task of modifying their programs under circumstances such as these, in which there is a strong likelihood that the used oil mixture rule will need to be modified in light of the *Chemical Waste Management* decision, could result in States being required to make changes and then undo them in short order. These circumstances also may result in uneven implementation and enforcement of the regulatory requirements concerning mixtures of used oil destined for recycling and characteristic hazardous waste. To avoid these concerns, during the pendency of this stay, authorized States simply will be required to maintain (or adopt on a reasonable schedule) regulations no less stringent than otherwise applicable EPA regulations governing mixtures of used oil destined for recycling and characteristic hazardous wastes. *See* 40 CFR 261.3(a)(2) and (d)(1). Thus, this stay also is in the public interest because it avoids inconvenience to and confusion and inconsistency among the States.

Similarly, this administrative stay is justified because it will avoid inconvenience to and confusion and inconsistency within the regulated community. The regulated community, which is comprised of thousands of small businesses, must comply with EPA (or no less stringent State) regulations applicable to mixtures of used oil destined for recycling and characteristic hazardous wastes, and the goal of obtaining consistent and thorough compliance with those regulations is ill served by the confusion stemming from the *Chemical Waste Management* decision and the pendency of the *Safety-Kleen Corp.* case. Accordingly, this stay also is justified because avoiding inconvenience to and confusion and inconsistency within the regulated community is in the public interest.

Finally, EPA believes that neither the States nor the regulated community will be significantly burdened or suffer irreparable harm as a result of this administrative stay. As discussed above, most authorized States have not yet adopted the used oil mixture rule, and they will have no obligation to adopt that rule during the pendency of this stay. The stay will reinstate the regulatory requirements applicable to hazardous waste mixtures set forth in 40 CFR 261.3(a)(2) and (d)(1) on December 29, 1995 in only four States that lack authorization to administer and enforce the RCRA programs for hazardous waste and used oil. Since these States do not have authorized programs, the States themselves will not be impacted by the stay.

In addition, the impact on small businesses in these States will be limited.[6] Businesses that do not generate characteristic hazardous waste, and those that do generate such waste but that either do not mix such waste with used oil or are exempt from hazardous waste regulation because they are conditionally exempt small quantity generators pursuant to 40 CFR 261.5 (i.e., they generate no more than 100 kilograms of hazardous waste per month), will not be impacted by the stay. Moreover, large and small generators alike can avoid having to comply with RCRA regulatory requirements applicable to hazardous waste mixtures during the pendency of the stay simply by not mixing used oil and characteristic hazardous wastes. Additionally, during the pendency of the stay, the Agency intends to focus its enforcement-related activities only on large-quantity generators whose conduct is especially egregious.

The limited number of States that have modified their programs to incorporate the used oil mixture rule also will not be significantly burdened by the stay. They are not required to modify their programs by the effective date of the stay, but rather are required, on a reasonable schedule, to adopt requirements no less stringent than the federal requirements (unless during the time period during which the States are to modify their programs EPA action on the new rulemaking addressing the used oil mixture rule renders such action by the States unnecessary). *See* 40 CFR 271.21(e)(2). Therefore, States that already have modified their programs consistent with the used oil mixture rule have flexibility to respond in an appropriate time frame to the stay.

In addition, the regulated community in these States will be impacted only at such time as the States modify their programs. Even in States that do modify their programs, the factors limiting the impact on the regulated community discussed above would be applicable.

The majority of States have not modified their programs to incorporate the provisions of the used oil mixture rule, so they will not be significantly impacted by the stay because they simply can maintain the status quo until the stay is lifted. In addition, in these States the regulated community will not be significantly impacted because it simply will have a continuing, uninterrupted obligation to comply with the same regulatory requirements it has been subject to in the past, and the factors limiting the impact on the regulated community discussed above will be applicable here as well.

III. Agency Action

As discussed above, EPA is issuing an administrative stay of the used oil mixture rule, 40 CFR 279.10(b)(2), until the Agency completes a new rulemaking addressing that provision. This stay is issued pursuant to section 705 of the Administrative Procedures Act, 5 U.S.C. 705, which authorizes EPA to postpone the effective date of action taken by it when justice so requires, pending judicial review.

In its Order dated September 15, 1994, the D.C. Circuit expressly retained jurisdiction over the *Safety-Kleen Corp.* case, so that case still is pending before the court for judicial review. In addition, the Agency finds that justice requires the issuance of this administrative stay because, as discussed in detail above, it will enable the Agency to address the precedential impact of the *Chemical Waste Management* decision before the regulation takes effect, it will help ensure that mixtures of used oil destined for recycling and characteristic hazardous wastes are managed in a manner protective of human health and the environment until the follow-up rulemaking concerning the used oil mixture rule is completed, it will limit inconvenience to and confusion and inconsistency among the States and within the regulated community

[6] Persons who change their own oil (so-called ''do-it-yourself'' or ''DIY'' used oil) are not subject to the used oil regulations, 40 CFR 279.20(a)(1), and this stay does not change how DIY used oil is regulated under subtitles C and D of RCRA. *See* 40 CFR 261.4(b)(1).

concerning how such mixtures are to be managed, and it will impose no significant burden on the States or the regulated community.[7]

IV. Effects on State Authorization

Under RCRA section 3006, 42 U.S.C. 6926, EPA may authorize qualified States to administer and enforce the RCRA program for hazardous wastes within the State. *See* 40 CFR Part 271. Section 3006(h) allows EPA to authorize State used oil management programs in the same manner as State hazardous waste programs, even if EPA does not list used oil as a hazardous waste.

EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA following authorization of State hazardous waste and used oil programs, although authorized States have primary enforcement authority. Sections 3008 (d)(4), (d)(5) and (d)(7) of RCRA further clarify that EPA may assess criminal penalties for violations of used oil standards even if it does not identify used oil as a hazardous waste. Once EPA grants authorization to a State, the State's requirements become federally enforceable under subtitle C of RCRA. In States that do not have authorization to administer and enforce the RCRA programs for hazardous wastes and used oil, Federal requirements are applicable.

For rules written under RCRA provisions that predate the enactment of HSWA in 1984, authorized States administer their hazardous waste and used oil management programs entirely under State law in lieu of EPA's Federal program. The Federal requirements no longer apply in authorized States. When new, more stringent Federal requirements are promulgated or enacted, authorized States must develop equivalent authorities within the time frame set out in 40 CFR Part 271. The new Federal requirements do not take effect in an authorized State until the State adopts the requirements as State law, and EPA may not enforce them until it approves the State requirements as a revision to the authorized State program.

The used oil management standards, 40 CFR Part 279, were promulgated under section 3014(a) of RCRA, a provision that predates the enactment of HSWA. As a result, the new standards took effect in the four States (Wyoming, Alaska, Hawaii and Iowa) that lack authorization to administer and enforce the RCRA programs for hazardous waste and used oil on March 8, 1993. *See* 57 FR 41566, 41605 (1992). In these States, as of December 29, 1995, today's document stays the provisions of 40 CFR 279.10(b)(2), and reinstates the regulatory requirements applicable to hazardous waste mixtures set forth in 40 CFR 261.3 (a)(2) and (d)(1), and other applicable provisions, as revised, including but not limited to the 40 CFR Part 268 LDRs, until the Agency completes a new rulemaking addressing 40 CFR 279.10(b)(2).

In States authorized to administer the RCRA programs for hazardous waste and used oil, the new Federal used oil requirements do not become applicable until the States revise their programs to adopt equivalent requirements under State law. The used oil mixture rule, unlike most provisions of the used oil management standards, generally is less stringent than preexisting Federal regulatory requirements applicable to mixtures containing characteristic hazardous waste. Compare 40 CFR 279.10(b)(2) with 40 CFR 261.3 (a)(2) and (d)(1). As a result, at the time the used oil management standards were promulgated, States with authorized programs had regulatory requirements in place applicable to mixtures of used oil and characteristic hazardous wastes similar to the preexisting, more stringent Federal requirements.

For authorized States in which no statutory change was required to modify their hazardous waste and used oil programs, the State programs were to be modified to reflect the new Federal used oil requirements by July 1, 1994. *See* 57 Fed. Reg. 41566, 41605 (1992). For authorized States in which a statutory change was required to modify their programs to reflect the new Federal used oil requirements, new State requirements were to become effective by July 1, 1995. *Id.*

To date, only a limited number of authorized States have modified their programs to reflect the new Federal used oil management standards. In those States, today's stay has the effect of requiring them to remodify their programs to reinstate the more stringent requirements of the preexisting regulations within the time frame set out in 40 CFR 271.21(e)(2). These time frames may be extended in certain cases under 40 CFR 271.21(e)(3), and, of course, may be affected by the completion of the new rulemaking addressing the used oil mixture rule to be initiated in the near future. In the remaining authorized States, today's stay has the effect of requiring these States to maintain their preexisting regulations, which should be no less stringent than the EPA regulations governing mixtures containing characteristic hazardous wastes applicable prior to promulgation of the used oil mixture rule, until the Agency completes a new rulemaking addressing 40 CFR 279.10(b)(2).

V. Executive Order 12866[8]

Under Executive Order 12866, the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. That Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the bugdetary impact of entitlements, grants, user fees, or loan payments or the rights and obligations of recipients thereof; or

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

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

VI. Paperwork Reduction Act

This action does not contain any new information collection requirements subject to Office of Management and Budget (''OMB'') review under the

[7] Although EPA does not regard today's administrative stay as a rule subject to the requirements of 5 U.S.C. 553, were it viewed as a rule there is good cause for issuing the stay without prior notice and opportunity for comment pursuant to § 553(b)(3)(B) for the same reasons that issuing the stay is in the interests of justice outlined above. In addition, EPA does not view today's stay as subject to the requirement of RCRA Section 3010(b) that regulations take effect six months after promulgation, but were it viewed as subject to that provision the earlier effective date of this stay, December 29, 1995, is warranted because the regulated community does not need six months to come into compliance with the stay. As noted above, in the vast majority of States, the regulated community still operates under the regulatory framework in effect prior to the promulgation of 40 CFR 279.10(b)(2), and the regulated community will not need to change its practices within those States. In the limited number of States in which the used oil mixture rule has become effective, the regulated community operated under the regulatory framework in effect prior to the promulgation of 40 CFR 279.10(b)(2) until recently, and readily should be able to conform its conduct to those requirements. In addition, there is good cause for adopting an earlier effective date for the same reasons that issuing the stay is in the interests of justice outlined above.

[8] EPA has evaluated the applicability of Executive Order 12866 to the administrative stay even though, as noted above, the Agency does not regard the stay as a rule.

provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* Today's action reinstates preexisting information collection requirements imposed under existing RCRA regulations. These requirements have been approved by OMB under the Paperwork Reduction Act and have been assigned OMB Control Number 2050–0085 (*see* ICR #1442.04, land-disposal restrictions for newly listed waste and hazardous debris; ICR #1442.05, land-disposal restrictions for ignitable and corrosive characteristic wastes; ICR #1442.06, land-disposal restrictions for newly listed and identified wastes; and ICR #1442.07, land-disposal restrictions for decharacterized wastewaters, carbomate, and organobromine waste and spent aluminum potliners).

List of Subjects in 40 CFR Part 279

Environmental protection, Petroleum, Recycling, Reporting and recordkeeping requirements, Used oil.

Dated: October 3, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

1. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

2. Section 279.10(b)(2) is amended by adding the following note immediately after paragraph (b)(2)(iii) to read as follows:

§ 279.10 Applicability.

* * * * *

(b) * * *

(2) * * *

Note to paragraph (b)(2) of this section: The regulatory requirements set forth in 40 CFR 279.10(b)(2) for mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in subpart C of 40 CFR Part 261, and mixtures of used oil and hazardous waste that are listed in subpart D of 40 CFR Part 261 solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C, are administratively stayed as of December 29, 1995. The effect of the stay is to reinstate for such mixtures the regulatory requirements otherwise applicable to hazardous waste mixtures, including but not limited to those set forth in 40 CFR Parts 260–266, 268, 270, and 271, until the Agency completes a new rulemaking addressing that provision.

* * * * *

[FR Doc. 95–26459 Filed 10–27–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–313; RM–8390]

Radio Broadcasting Services; Bay Minette and Daphne, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 293C2 (formerly Channel 293C3), from Bay Minette to Daphne, Alabama, and modifies the license of Baldwin Broadcasting Company for Station WAVH(FM), as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. The allotment of Channel 293C2 to Daphne will provide a first local aural transmission service to that community without depriving Bay Minette of local aural transmission service. *See* 59 FR 43, January 3, 1994. Coordinates used for Channel 293C2 at Daphne, Alabama, are 30–46–21 and 88–03–31. With this action, the proceeding is terminated.

EFFECTIVE DATE: December 8, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93–313, adopted October 13, 1995, and released October 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 293C3 at Bay Minette, and by adding Daphne, Channel 293C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–26695 Filed 10–27–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 90–283; RM–7222, RM–7313, RM–7485, RM–7486]

Radio Broadcasting Services; Southampton, Bridgehampton, Westhampton and Calverton-Roanoke, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies an Application for Review filed by American Media, Inc., and a Petition for Reconsideration filed by East Shore Broadcasting Corporation, both directed to the *Report and Order* in this proceeding concerning radio broadcasting services in New York. *See* 57 FR 31664, July 17,1992. With this action, the proceeding is terminated.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 776–1654.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90–283, adopted August 24, 1995, and released October 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 2390, 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–26749 Filed 10–27–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 950124025–5255–02; I.D. 100395B]

Northeast Multispecies Fishery; Framework Procedure to Protect Harbor Porpoise

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues this final rule to correct and clarify certain sections of the regulations that implement the framework procedures for adjusting regulatory measures to protect harbor porpoise under the Northeast Multispecies Fishery Management Plan (FMP). This action is necessary to make these measures consistent with the intent of Amendment 5 to the Northeast Multispecies Fishery Management Plan submitted by the New England Fishery Management Council (Council).

EFFECTIVE DATE: October 25, 1995.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 508–281–9272.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 5 to the FMP were published on March 1, 1994 (59 FR 9872), and corrected on February 2, 1995 (60 FR 6447). Amendment 5, among other provisions, implemented a framework adjustment procedure for the purpose of achieving harbor porpoise mortality reduction goals. The section of the regulations implementing Amendment 5, pertaining to the ''reduction of take'' measures in the harbor porpoise bycatch of the Gulf of Maine sink gillnet fishery, does not reflect clearly the intent of the Council with respect to the role of the Harbor Porpoise Review Team (HPRT) and the number of meetings required to conclude the procedure.

As written, § 651.32(b)(4) can be read to mean that the recommendations of the HPRT must be published in the Federal Register without analysis or refinement by the Council. This final rule/technical amendment corrects and clarifies the regulation and relieves the HPRT of the unintended requirement to analyze and refine its own recommendations for publication in the Federal Register.

Section 651.32(b)(4) also can be read to mean that the Regional Director is required to provide the public with any necessary analysis and opportunity to comment on any recommended changes or additions by the HPRT, before the Council adopts them. This final rule/technical amendment corrects and clarifies the regulation and assigns the Council with the responsibility for providing the public with any necessary analysis and opportunity to comment on any changes recommended by the HPRT, as originally intended.

Finally, section 651.32(b)(5) seems to require a minimum of three Council meetings, instead of two, as intended, before the Council shall determine whether to recommend changes or additions to the ''reduction of take'' measures in the harbor porpoise bycatch of the Gulf of Maine sink gillnet fishery. This final rule clarifies that at least two meetings are required, instead of three, making it consistent with the framework adjustment provisions included elsewhere in the Northeast Multispecies FMP and other FMPs.

Classification

Because this rule only corrects and clarifies the Council's intent regarding a section of an existing regulation for which prior notice and opportunity for public comment were provided, under 5 U.S.C. 553(b)(B) it is unnecessary to provide additional notice and opportunity for comment. Further, in that this rule is merely a clarification with no substantive effect, it is not subject to the 30-day delay in effective date provision of 5 U.S.C. 553(d).

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 24, 1995.

Richard H. Schaefer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.32, paragraphs (b)(4) and (b)(5) are revised to read as follows:

§ 651.32 Sink gillnet requirements to reduce harbor porpoise takes.

* * * * *

(b) * * *

(4) Upon receiving the recommendation of the HPRT of any changes or additions to the ''reduction of take'' measures, the Council will provide the public with any necessary analysis and opportunity to comment on any recommended changes or additions.

(5) After receiving public comment, the Council shall determine whether to recommend changes or additions to the ''reduction of take'' measures at a Council meeting following the meeting at which it received the HPRT's recommendations.

* * * * *

[FR Doc. 95–26758 Filed 10–25–95; 10:10 am]

BILLING CODE 3510–22–F

50 CFR Part 651

[Docket No. 951023256–5256–01; I.D. 101695E]

Northeast Multispecies Fishery; Framework Adjustment 12

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 12 to the Northeast Multispecies Fishery Management Plan (FMP). This rule expands and redefines the Mid-coast Closure Area for sink gillnet gear, in both area and time during 1995, to reduce the bycatch of harbor porpoise, while minimizing the loss of fishing opportunity to harvesters using sink gillnet gear.

EFFECTIVE DATE: November 1, 1995.

ADDRESSES: Copies of Amendment 5 to the Northeast Multispecies Fishery Management Plan (Amendment 5), its regulatory impact review (RIR) and the final regulatory flexibility analysis contained with the RIR, its final supplemental environmental impact statement, and Framework Adjustment 12 document are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906–1097.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508–281–9272.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing Amendment 5 to the FMP were published on March 1, 1994 (59 FR 9872). One of Amendment 5's principal objectives is to reduce the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery by the end of year 4 of implementation to a level not to exceed 2 percent of the population, based on the best available estimates of abundance and bycatch. In addition, Amendment 5 requires that by September 15 of each year, the Council's Harbor Porpoise Review Team (HPRT) complete an annual review of harbor porpoise bycatch and abundance data in the Gulf of Maine and evaluate the impacts of other measures that reduce harbor porpoise take. It also encouraged the HPRT to make recommendations on other ''reduction-of-take'' measures to achieve the harbor porpoise mortality reduction goals and established a framework procedure for timely implementation of appropriate measures.

With the enactment of Framework Adjustment 4 to the Northeast Multispecies Fishery regulations (59 FR 26972, May 25, 1994), a series of time and area closures to sink gillnet gear were implemented based on an analysis by the Northeast Fisheries Science Center (NEFSC) of the seasonal and spatial distribution of harbor porpoise and sink gillnet fishing activity in the Gulf of Maine. The time and area closures established by Framework 4 remain in place except as modified by this action.

On September 8, 1995, the HPRT met to complete its annual review and to develop recommendations concerning future measures that would allow the Council to achieve the ''reduction-of-take'' goals stated in Framework Adjustment 4. The HPRT also discussed the possible use of acoustic devices as part of a bycatch mitigation strategy, because independent research has shown that sound emitting devices placed on sink gillnet gear can be effective in deterring harbor porpoise.

At this meeting, the HPRT reviewed data collected since 1990 from analyses prepared by the NEFSC and compared it with 1994, the first year in which the Council implemented time/area closures. Bycatch estimates for 1994 were not available from the NEFSC, but preliminary information on bycatch rates, including rates from previous years for comparison purposes, were used in addition to information on the location of incidental takes in the southern Gulf of Maine. The HPRT concluded that: (1) The time and area closures, as currently configured, are neither long enough nor large enough to achieve the bycatch reduction goals; (2) the first year goals were probably not met and the porpoise bycatch was very likely higher in 1994 than in 1993 based on the higher bycatch rate in 1994 as an indicator; (3) the degree of effectiveness of existing measures cannot be fully evaluated until additional information of the distribution of fishing effort is available and; (4) the potential increase in bycatch appears to have been caused by an increase in the bycatch rates in the Mid-coast area in the fall.

The recommendation of the HPRT, therefore, is to extend the timing of the Mid-coast closure as a means to achieve the bycatch rate reduction goals, and secondarily, to expand this area to include locations that have historically accounted for bycatch but were not included in the first year closures. The proposed area of expansion is directly to the east and south of the current area, incorporating an oceanographic feature described on nautical charts as ''Jeffreys Ledge.'' The specific area is found in Figure 8 of this rule. For the purposes of this action, the area of expansion is referred to as the ''Jeffreys Ledge Band.''

On September 11, 1995, the HPRT forwarded its recommendations to the Council, which initiated a framework procedure to adopt certain measures in response to the HPRT's recommendations. The Council did not adopt the recommendation regarding the Mid-coast area verbatim, because the regulatory process for implementing framework measures requires an opportunity for public comment and, therefore, would not allow completion of this process until approximately November 1, 1995. Thus, the framework measures proposed by the Council during its meeting to initiate Framework 12 on September 13–14, 1995, were to expand the closure area during 1995 by incorporating the Jeffreys Ledge Band into the Mid-coast Closure Area, and to close this reconfigured area to sink gillnet gear during the period November 1 through December 31, 1995. An alternative was requested by a member of the public to exempt a small portion of the Jeffreys Ledge Band known as Tillies Bank. The Council agreed to consider this request, pending further analysis. The Council also requested the Director, Northeast Region (Regional Director), to investigate the possibilities for additional experimental work on the use of acoustic devices, particularly in the Jeffreys Ledge Band, to mitigate harbor porpoise bycatch. The Regional Director agreed to investigate the feasibility of these devices in a separate action.

On October 11, 1995, the Council held the second public meeting during which it adopted the framework adjustment measures. NMFS concurs with the Council's recommendation; this final rule implements Framework Adjustment 12 to address harbor porpoise bycatch by expanding the size of the Mid-coast Closure Area (including the Jeffreys Ledge Band but excluding Tillies Bank) during 1995 and by extending the duration of the Mid-coast Closure for 1995 (initially November 1–30) through November and December. While the Council and NMFS are concerned about other areas that were under consideration for closure but not closed by this action, e.g., the area east of 69°30' W. long. and Tillies Bank, the Council noted that it will review these areas specifically during the next annual review.

The expanded and redefined Mid-coast Closure Area with the Jeffreys Ledge Band depicted in Figure 8 of this part incorporated into it, is defined as follows:

Revised Mid-Coast Closure Area

This area will be closed from November 1 through December 31, 1995.

Point	Latitude	Longitude
MC1	42°30′ N	Massachusetts shoreline
MC2	42°30′ N	70°15′ W.
MC3	42°40′ N	70°15′ W.
MC4	42°40′ N	70°00′ W.
MC5	43°00′ N	70°00′ W.
MC6	43°00′ N	69°30′ W.
MC7	43°15′ N	69°30′ W.
MC8	43°15′ N	69°00′ W.
MC9	Maine shoreline.	69°00′ W.

Comments and Responses

This issue was discussed at a Marine Mammal Committee meeting held on September 12, 1995, and at the first of two Council meetings, required under the Amendment 5 framework adjustment process, held in Portland, ME, on September 13, 1995. Documents summarizing the Council's proposed action, the biological analyses upon which this decision was based and potential economic impacts were available for public review at least 5 days prior to the second meeting as required under the framework adjustment process, which was held on October 11, 1995. Written comments were accepted until October 10, 1995. Comments on the Council's proposal were received from several individuals

and from representatives of the following organizations: International Wildlife Coalition (IWC) and Humane Society of the United States/Marine Mammal Conservation Coalition (MMCC).

Comment: Several individuals did not comment in opposition to the closure, but rather in support of keeping Tillies Bank open to gillnetting.

Response: Tillies Bank has been excluded from the area incorporated into the closure because available data indicates that the harbor porpoise bycatch rate in this area appears to be substantially lower than elsewhere in the Jeffreys Ledge Band.

Comment: The representative from IWC asked whether opening Tillies Bank and the area east of 69°30′ W. would hurt the chances for meeting the stated porpoise bycatch goals for 1995.

Response: NMFS is aware that the closed area may have the effect of displacing effort to the area east of 69°30′ W. and to Tillies Bank and will monitor these areas to the extent possible with the observer and at-sea enforcement programs. NMFS did not have sufficient justification to disapprove the Council's recommendation to leave these areas open and further notes that no harbor porpoise bycatch has been observed in these areas during the regular monitoring period from 1990–1994.

Comment: Several commentors indicated concern that leaving open Tillies Bank and the area east of 69°30′ W. long. would not provide an alternative fishing area for all gillnetters displaced due to the extended closure. Their comments are summarized as follows: The area east of 69°30′ W. long. is not good gillnet bottom and is already fully utilized; Tillies Bank may sustain some additional effort, but it would be restricted to larger vessels from New Hampshire; mobile gear would move into the closed area and provide such disruption that the porpoise would be displaced into the open areas where gillnets would still be operating; and increasing conflict with mobile gear has forced gillnetters to concentrate their gear in the high relief areas (such as Jeffreys Ledge), which are not readily found outside the closed area.

Response: NMFS recognizes that both the harbor porpoise fall distribution and changes in fishing strategies due to the closed area will be highly variable. These complicated variabilities make it difficult to predict the effects of this closure to either harbor porpoise bycatch or the fishery that is displaced by this action. The extension of the closure in both area and time is based on the best available information on observed harbor porpoise bycatch over the past 4 years. The analyses of economic effects of the extended closure is also based on the historic use of the areas. NMFS assessed such impacts to the extent possible in the Framework document. Effects of the closure, including any resulting displacement of fishing effort and of harbor porpoise, will be investigated by ongoing observer effort and reported to the Council for further consideration.

Comment: A commentor pointed out that while some gillnetters do switch to hook gear, they do not switch to otter trawls or shrimp trawls as stated in the Framework Adjustment 12 document.

Response: While some, mostly larger vessels are capable of switching to different alternative fishing gears, NMFS agrees that most gillnet vessels would only be capable of switching to hook gear.

Comment: A commentor asked whether NMFS could keep the option to incorporate a trigger mechanism into the closure, which would allow the area to remain open until it could be determined that harbor porpoise have moved into the area. He added that an analysis of the use of a trigger mechanism for porpoise closures was to be provided to the Council by November 30.

Response: No trigger mechanisms can be developed in time for the 1995 closure. The analysis of trigger mechanisms will be made available to the Council for its consideration in devising measures to reduce harbor porpoise bycatch in the future.

Comment: A commentor noted that the closure was for 1995 and asked about 1996 and beyond.

Response: The Council will be discussing new closure measures combined with phased-in pinger use in subsequent years, as discussed by the HPRT. If no new action is forthcoming, the Council has indicated its intent that the closure measures of Framework Adjustment 4 be the default.

Experimental Fishery

The Regional Director is considering an experimental fishery in the ''Jeffreys Ledge Band.'' This experimental fishery would gather information pertaining to the use of acoustic devices called ''pingers'' in a commercial fishery, including insights on pinger usage, durability and failure rate under commercial fisheries conditions, and additional data on pinger effectiveness in mitigating bycatch. The following comments were received on issues related to this experiment:

Comment: The representative from IWC asked why an operational ''pinger'' pilot study was planned for a high bycatch area when it could be delayed for testing in a lower bycatch time/area. The representative from MMCC requested that the planned study be conducted in a lower bycatch time/area.

Response: While Framework Adjustment 12 does not implement an operational ''pinger'' study, the Council recommended further study of deterrent devices, specifically in the Jeffreys Ledge Band. Some Council members thought, and NMFS agrees, that if approved, the experiment should occur in an area where fishing activity and harbor porpoise concentrations occur concurrently in order to be effective. NMFS believes, based on an analysis of available information, that this experiment would not preclude attainment of the harbor porpoise mortality reduction goals specified in Amendment 5 (Framework Adjustment 4).

Comment: The representative from MMCC asked how NMFS will coordinate reporting requirements if a new 48 hour Marine Mammal Reporting Form, which is being developed for reporting mortalities under the Marine Mammal Protection Act (MMPA), is implemented.

Response: Fishers are already required to submit Fishing Vessel Trip Report forms. If the new MMPA forms become effective during the experimental fishery, if implemented, they will have to be submitted under the time frames stipulated by that statute.

Comment: A commentor stated that the small day trip vessels operating out of Portsmouth, NH, who participated in the 1994 pinger experiment, would be unable to fish outside the extended closure area.

Response: An experimental fishery is presently under consideration that would permit such vessels meeting the requirements of the experimental design to participate. If approved, NMFS recognizes, however, that some vessels may not be able to participate due to the location of the experimental fishery area and pinger availability.

Adherence to Framework Procedure Requirements

The Council considered the public comments prior to making its recommendation to the Regional Director under the framework provisions for the FMP. The Council requests publication of these management measures as a final rule after considering the required factors stipulated under the framework measures in the Northeast Multispecies FMP, 50 CFR 651.40, and has provided supporting analyses for each factor

considered. NMFS determined that the framework adjustment to the FMP that this rule would implement is consistent with the national standards, other provisions of the Magnuson Conservation and Management Act, and other applicable law. NMFS, in making that determination, has taken into account the information, views, and comments received during the comment period of the FMP's framework adjustment mechanism in 50 CFR 651.40.

Classification

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

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and an opportunity for public comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered; further comment is unnecessary. The AA finds that under 5 U.S.C. 553(d)(3) the need to have this regulation in place by November 1, 1995, to avoid delay that would likely impede the achievement of harbor porpoise mortality reduction goals constitutes good cause to waive the 30-day delay in effectiveness of this regulation.

In that this regulation is not subject to the requirements to prepare a proposed rule under 5 U.S.C. 553 or any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act. As such, none has been prepared.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 24, 1995.

Richard H. Schaefer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.32 paragraph (a)(1)(ii) is revised to read as follows:

§ 651.32 Sink gillnet requirements to reduce harbor porpoise takes.

(a) * * *

(1) * * *

(ii) *Mid-coast Closure Area.* (A) During the period November 1 through December 31 of each fishing year, except as specified in paragraph (B) of this section, the restrictions and requirements specified in the introductory text of paragraph (a) of this section shall apply to an area known as the Mid-coast Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 of this part).

MID-COAST CLOSURE AREA

Point	Latitude	Longitude
MC1	42°45′ N	Massachusetts shoreline.
MC2	42°45′ N	70°15′ W.
MC3	43°15′ N	70°15′ W.
MC4	43°15′ N	69°00′ W.
MC5	Maine shoreline.	69°00′ W.

(B) Notwithstanding any other provisions in this part, during the period November 1 through December 31, 1995, the restrictions and requirements specified in the introductory text of paragraph (a) of this section shall apply to an area known as the Revised Mid-Coast Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 8 of this part).

REVISED MID-COAST CLOSURE AREA

Point	Latitude	Longitude
MC1	42°30′ N	Massachusetts shoreline.
MC2	42°30′ N	70°15′ W.
MC3	42°40′ N	70°15′ W.
MC4	42°40′ N	70°00′ W.
MC5	43°00′ N	70°00′ W.
MC6	43°00′ N	69°30′ W.
MC7	43°15′ N	69°30′ W.
MC8	43°15′ N	69°00′ W.
MC9	Maine shoreline.	69°00′ W.

* * * * *

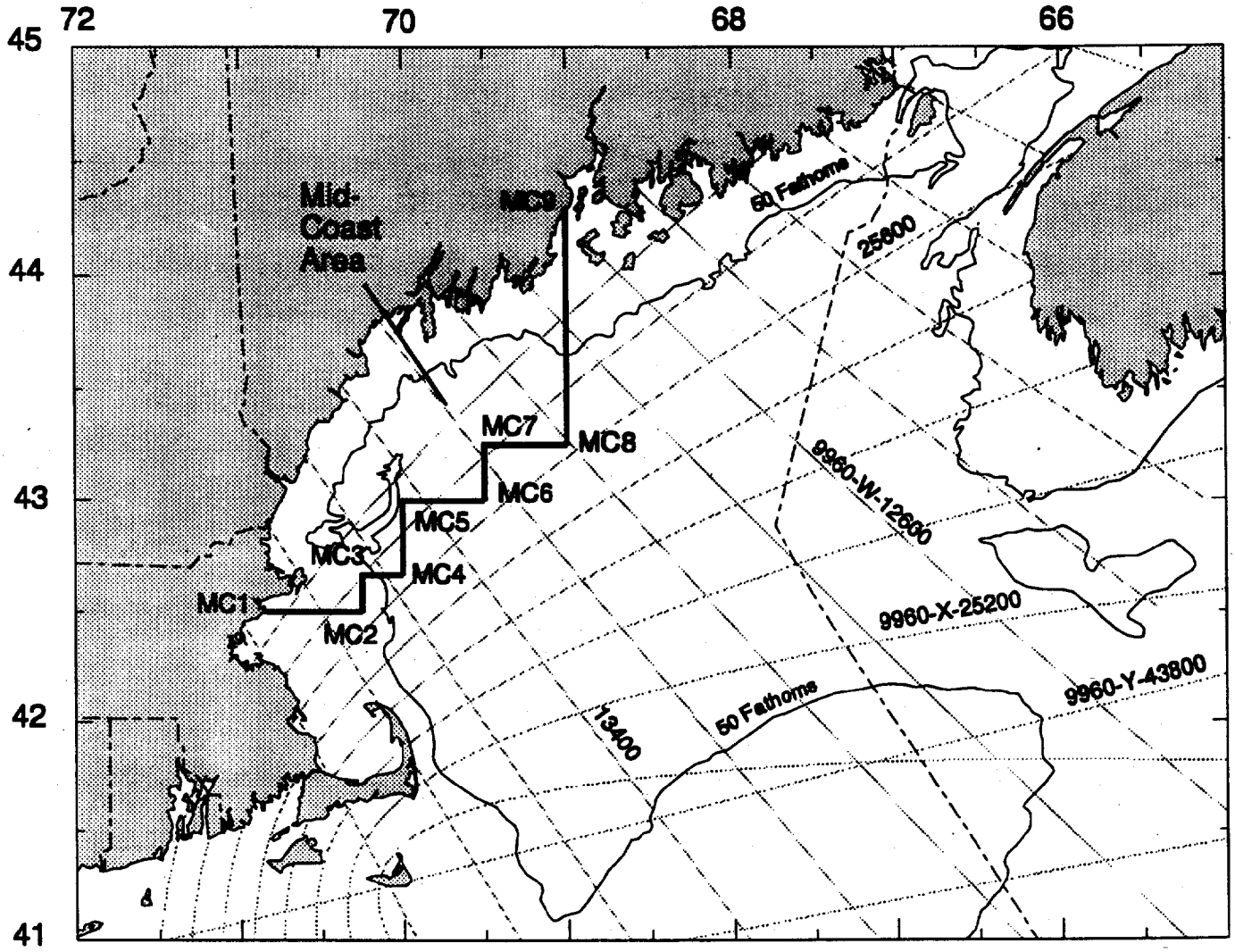
3. The heading to Figure 4 to part 651 is revised to read as follows: ''Figure 4 to part 651—Closure Areas for Protection of Harbor Porpoise''.

PART 651—[AMENDED]

4. Figure 8 to part 651 is added to read as follows:

BILLING CODE 3510–22–W

Figure 8 to Part 651—Revised Mid-Coast Closure Area for Protection of Harbor Porpoise



[FR Doc. 95–26759 Filed 10–25–95; 10:11 am]

BILLING CODE 3510–22–C

50 CFR Part 675

[Docket No. 950206040–5040–01; I.D. 102395C]

Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch and Other Red Rockfish in the Bering Sea Subarea

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific Ocean perch and the other red rockfish species group in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) amounts specified for Pacific Ocean perch and the other red rockfish species group in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), October 25, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The directed fisheries for Pacific Ocean perch and the other red rockfish species group in the Bering Sea subarea were closed in the Final 1995 Harvest Specifications of Groundfish (60 FR 8479, February 14, 1995), in order to provide amounts anticipated to be needed for incidental catch in other fisheries. NMFS has determined that as of October 7, 1995, 716 metric tons (mt) of Pacific Ocean perch and 986 mt of the other red rockfish species group remain unharvested.

The Director, Alaska Region, NMFS, has determined that the 1995 TAC amounts for Pacific Ocean perch and for the other red rockfish species group in the Bering Sea subarea have not been reached. Therefore, NMFS is terminating the previous closures and is opening directed fishing for Pacific Ocean perch and for the other red rockfish species group in the Bering Sea subarea.

All other closures remain in full force and effect.

Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

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

Dated: October 24, 1995.

Richard W. Surdi,

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

[FR Doc. 95–26848 Filed 10–25–95; 12:44 pm]

BILLING CODE 3510–22–W

Proposed Rules

Federal Register
Vol. 60, No. 209
Monday, October 30, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. A0–214–A7; FV–93–981–1]

Almonds Grown in California; Secretary's Decision and Referendum Order on Proposed Further Amendment of Marketing Agreement and Order No. 981

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes amendments to the subject marketing agreement and order (order) and provides almond producers with the opportunity to vote in a referendum to determine if they favor the proposed amendments. The proposed amendments were submitted by the Almond Board of California (Board) and five additional persons. The proposed changes would: change five existing definitions in the order; revise Board representation, nomination procedures, terms of office, quorum and qualification procedures, voting and tenure requirements; modify creditable advertising provisions; revise volume control procedures; require handlers to maintain records in the State of California; authorize interest or late payment charges on assessments paid late; provide for periodic continuance referenda; authorize exemptions for organic almonds from certain program requirements; and make necessary conforming changes. These changes are being proposed to improve the administration, operation and functioning of the California almond marketing order program.

DATES: The referendum shall be conducted from January 8, 1996, through February 2, 1996. The representative period for the purpose of the referendum herein ordered is July 1, 1994, through June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 720–1509 or Fax (202) 720–5698; or Martin Engeler, Assistant Officer-in-Charge, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102–B, Fresno, California 93721; (209) 487–5901 or FAX (209) 487–5906.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on August 3, 1993, and published in the Federal Register on August 17, 1993 (58 FR 43565). Recommended Decision and Opportunity to File Written Exceptions issued on March 22, 1995, and published in the Federal Register on April 6, 1995 (60 FR 17466).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Preliminary Statement

The proposed amendments were formulated on the record of a public hearing held in Modesto, California, on November 3, 4 and 5, 1993, to consider the proposed amendment of the Marketing Agreement and Order No. 981, regulating the handling of almonds grown in California, hereinafter referred to collectively as the ''order.'' The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the Act, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900). The Notice of Hearing contained several amendment proposals submitted by the Almond Board of California (Board) established under the order to assist in local administration of the program and by five additional persons.

The Board's proposals would: (1) Increase its membership by two positions and change Board nomination, selection, and operation procedures; (2) change the term of office of its members from one to three years, and limit the tenure of Board members; (3) change the definitions of ''cooperative handler,'' ''to handle,'' ''settlement weight,'' ''crop year'' and ''trade demand''; (4) require handlers of California almonds to maintain program records in the State of California; (5) change its advertising assessment credit program to allow credit for certain advertising costs incurred by handlers not previously authorized; (6) authorize requiring handlers to pay interest and/or late payment charges for past due assessments; (7) provide for continuance referenda every five years; (8) require handlers to submit grower lists to the Board; and (9) allow multi-year contracting.

Five persons submitted additional proposals related to continuance referenda, Board composition and nomination procedures, organic almonds, regulatory provisions, advertising and promotion, assessments, compliance audits, the definition of grower, and research and reserve operations.

The Fruit and Vegetable Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), proposals would make such changes as are necessary to the order, if any or all of the above amendments are adopted, so that all of its provisions conform with the proposed amendment. USDA also proposed that continuance referenda be conducted on a periodic basis consistent with USDA's policy guidelines.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on March 22, 1995, filed with the Hearing Clerk, U.S. Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by May 8, 1995. Exceptions were received from Mr. Robert J. Crockett, Attorney, Office of the General Counsel, USDA, representing the Board; Mr. Steven W. Easter, Vice President, Blue Diamond Growers, Inc.; Mr. Brian C. Leighton, general counsel to almond handler Cal-Almond, Inc.; and Mr. Rick Veldstra, almond grower. The exceptions will be addressed in this document.

Small Business Considerations

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of the AMS has determined that this action

would not have a significant economic impact on a substantial number of small entities. Small agricultural service firms, which include handlers regulated under this order, have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $5,000,000. Small agricultural producers are defined as those having annual receipts of less than $500,000.

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 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 the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendments to the order would have on small businesses.

During the 1993–94 crop year, approximately 115 handlers were regulated under Marketing Order No. 981. In addition, there are about 7,000 producers of almonds in the production area. The Act requires the application of uniform rules on regulated handlers. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the Act are compatible with respect to small entities.

The proposed amendments to the marketing agreement and order include changes to five definitions in the marketing order. These definitions are cooperative handler, to handle, settlement weight, crop year, and trade demand. The changes that are proposed to the definitions are intended to make them consistent with current industry practices. The proposed changes to the definitions are designed to enhance the administration and functioning of the marketing order to the benefit of the industry.

The proposed amendment to revise Board representation would increase the Board's size by allowing two additional grower members to serve on the Board. This would increase grower representation on the Board from five to seven and allow more grower input into Board decisions. The quorum size would also be increased to correspond with the increase in Board size. The change in voting requirements would require an increased number of votes needed to approve a Board action. The change to the nomination procedures would require Board nominees to be nominated by January 20 rather than April 20 as currently provided. This would ensure that the new Board is seated prior to meetings where important decisions are made for the following crop year. These proposed amendments are designed to improve grower representation on the Board and allow the Board to function more efficiently.

The proposed amendment to change the Board members' term of office from one year to three year staggered terms would allow more continuity on the Board. This would allow the Board to focus more on long-term strategic goals and develop long-term approaches to problems in the industry.

The proposed amendment to require those persons nominated to the Board to qualify prior to their selection to the Board is an administrative change. This change would allow the selection process to take place in a more timely manner. The proposed amendment to add tenure requirements for Board members would allow more persons the opportunity to serve as members on the Board. It would provide opportunity for new ideas and approaches to issues that the Board addresses each year.

The proposed amendment to the creditable advertising provisions would provide for expansion of the promotional activities for which handlers may receive Credit-Back from their assessments. This would allow the Board to increase program flexibility for participating handlers.

The proposed amendment to allow the settlement weight for unshelled almonds to be determined on the basis of representative samples would be more consistent with current industry practices. There would be no increase in burden on handlers expected from this proposed amendment.

The proposed amendment to require handlers to maintain records in the State of California would improve the Board's administration of the program. It would also allow the Board to have the records available to them for compliance purposes. It is not expected that any additional costs would be incurred by handlers to comply with this amendment.

The proposed amendment to authorize interest and/or late payment charges on assessments paid late would encourage handlers to pay their assessments on time. Assessments not paid promptly add an undue burden on the Board because the Board has ongoing projects and programs funded by assessments that are functioning throughout the year. The addition of such changes is consistent with standard business practices.

The proposed amendment to provide for periodic continuance referenda would allow growers the opportunity to vote on whether to continue the operation of the almond marketing order.

The proposed amendment to allow handlers to transfer their reserve obligation to other handlers would help facilitate the operation of the reserve program by providing handlers more flexibility.

The proposed amendment to exempt organic almonds from certain program requirements would provide the organic segment of the industry more flexibility in marketing and selling their product. The proposed amendment would authorize organic almond handlers to be exempt from reserve requirements and advertising assessments. Organic growers and handlers demonstrated at the hearing that certain current marketing order provisions do not take into account marketing differences between certified organic almonds and conventional almonds.

The proposal to make other miscellaneous changes that would be consistent with the proposed amendments is necessary so that all sections of the order would be consistent if any or all of the amendments are adopted. These changes include deleting and redesignating certain sections of the order.

All these changes are designed to enhance the administration and functioning of the marketing agreement and order to the benefit of the industry. Accordingly, it is determined that the proposed revisions of the order would not have a significant economic impact on handlers or producers.

The amendments proposed herein have been reviewed under Executive Order 12778, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the amendments.

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 requesting 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 the date of the entry of the ruling.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the reporting and recordkeeping provisions that are included in the proposed amendments will be submitted to the Office of Management and Budget (OMB). They would not become effective prior to OMB approval.

Findings and Conclusions and Rulings on Exceptions

The material issues, findings and conclusions, rulings, and general findings and determinations included in the Recommended Decision set forth in the April 6, 1995, issue of the Federal Register (60 FR 17466) are hereby approved and adopted subject to the following additions and modifications:

Based upon the exceptions filed by Mr. Crockett, Mr. Leighton and Mr. Veldstra, the findings and conclusions in material issue number six of the Recommended Decision concerning the acceptable methods for Board voting and Board voting requirements are amended by adding the following four paragraphs after the 16th paragraph of material issue number six to read as follows:

The exception filed by Mr. Crockett indicated that section 981.40 should be modified to include the term ''other electronic means'' as an acceptable method for voting. ''Other electronic means'' is envisioned to include the use of modems, video and teleconferencing. The term is flexible to allow for the advancement of new technologies that could be used by the Board for voting. Mr. Crockett stated that although ''other electronic means'' was not part of the original proposal, its incorporation at this time is reasonable since it is merely a technical adjustment. This request is also consistent with the record evidence. Therefore, in accordance with Mr. Crockett's exception, the amendatory language in § 981.40 is modified.

The exception received from Mr. Leighton objects to the proposed voting requirements, indicating that one segment of the industry, Blue Diamond, would have the ability to effectively block any proposed action by the Board.

The exception received from Mr. Veldstra similarly objected to the voting requirements proposed, indicating that it is fundamentally flawed to guarantee one segment of the industry a minimum of 5 votes, when those 5 votes could constitute a ''Super Minority'' able to direct the policy of the Board by their veto power.

Testimony at the hearing indicated strong industry support for this proposal. Proponents testified that the proposed voting requirements would help increase industry cohesion. No new evidence or arguments to the contrary were presented in the exceptions. Further, no one industry segment will perpetually be guaranteed a certain number of votes as a result of this proposal because of the ability to reapportion Board membership, which is discussed under material issue number 14. Therefore, these exceptions are denied.

Based upon the exception of Mr. Veldstra and the exception of Mr. Leighton, the findings and conclusions in material issue number 14 of the Recommended Decision concerning whether to authorize the Board, with the approval of the Secretary, to reapportion grower and/or handler member representation on the Board based on the proportionate amounts of almonds handled by different segments of the industry are amended by adding the following three paragraphs after the tenth paragraph of material issue number 14 to read as follows:

The exception filed by Mr. Veldstra indicated that reapportionment of Board membership should be required, based on percentages of crop produced by industry segments, rather than optional, at the recommendation of the Board and approval of the Secretary. Reapportionment should be required because otherwise, one segment of the industry would be able to prohibit passing a Board action recommending reapportionment, if the proposed voting requirements in material issue number 6 are approved. This could result in one segment of the industry having a disproportionate share of Board representation based on percentage of production.

The exception filed by Mr. Leighton stated that Board representation should be based on percentages of crop represented by each entity. The exception indicated that although the proposed amendment allows for changes in reapportionment and representation, any such changes will not occur if the voting requirements in material issue number 6 are implemented. The exception stated that Blue Diamond would not vote for any change which would reduce their representation, thus any Board recommendation on this issue would be blocked.

Hearing testimony indicated that the number of growers represented by industry entities should also be given consideration in determining equitable Board representation as well as tonnage handled by these entities. The current proposal with respect to representation reflects this position and testimony presented indicates widespread industry support for the proposal. In addition, there was no specific alternative proposal presented. However, USDA recognizes the potential problems associated with the Board's ability to pass an action recommending reapportionment and changes in representation, if voting requirements as proposed in material issue number 6 are implemented. It should be clarified that the amendatory language as proposed in § 981.31(d) does not require a recommendation by the Board on this issue. Although USDA looks to the Board as the body representing the industry for recommendations on such issues, it is not precluded from taking action to reapportion membership based on other information available. Therefore, no change to the proposed order language is necessary based on Mr. Veldstra's and Mr. Leighton's exceptions. Their exceptions are denied.

Based upon the exception filed by Mr. Leighton, the findings and conclusions in material issue number 13 of the Recommended Decision concerning the deletion of the authority for the Credit-Back advertising program under the almond marketing order and to modify the generic program are amended by adding the following two paragraphs after the 11th paragraph of material issue number 13 to read as follows:

Mr. Leighton's exception stated that he opposed the generic advertising program, but a generic advertising program is preferable to a brand program, provided excessive funds are not expended promoting almonds as snacks off the store shelf. Mr. Leighton also reiterated that the new Credit-Back program violates the First Amendment to the U.S. Constitution. In addition, he states that there is not wide industry support for this proposal because a number of handlers representing 20 percent of the tonnage in the industry have filed administrative petitions pursuant to 7 U.S.C. section 608c(15)(A) contesting the constitutionality of this program.

The record evidence does not the support the deletion of the authority for this program. The Credit-Back program provides flexibility in allowing the Board and handlers various options to

promote almonds. The program provides the opportunity for handlers to receive credit against their assessment obligation or pay assessments for a generic program. Although there are currently ongoing legal challenges to this program, the record evidence supports maintaining the authority for the program. With the authority in place, recommendations can be made by the Board and implemented by the Secretary to further modify and improve the program, if warranted. The program need not be active if it is determined that discontinuing all or part of the program would be in the best interest of the industry. Therefore, Mr. Leighton's exception is denied.

Based upon the exception filed by Mr. Leighton, the findings and conclusions in material issue number 17 of the Recommended Decision concerning the requirement that the Board provide handlers with 24 hours advance notice before audits are conducted of records and inspections of reserve almonds are amended by adding the following two paragraphs after the sixth paragraph of material issue number 17 to read as follows:

Mr. Leighton's exception states that USDA does not provide examples showing that ''surprise'' visits by the Board have uncovered widespread abuse of the reporting requirements relating to the reserve provisions. In addition, Mr. Leighton states that the Board should not require handlers to use their own equipment and personnel during the audit visits.

As previously stated, the almond industry is subject to Federal regulation and therefore, audit visits are a part of participating in this Federal program. USDA requires that adequate compliance programs are in place for marketing order programs. The record evidence supported the continuation of such a tool for compliance purposes. In addition, the record evidence supported handlers assisting the Board by using their equipment and personnel during an audit visit. Therefore, Mr. Leighton's exception is denied.

Based upon the exceptions filed by Mr. Leighton, Mr. Veldstra and Mr. Easter, the findings and conclusions in material issue number 18 of the Recommended Decision concerning the requirement for handlers to submit to the Board a list of growers who have delivered almonds to such handler during the crop year are amended by adding the following four paragraphs after the 17th paragraph of material issue number 18 to read as follows:

The exception filed by Mr. Leighton stated that Blue Diamond should also be required to submit a grower list to the Board. He stated that since the independent grower list would be available under the Freedom of Information Act, Blue Diamond is given an unfair advantage by having accessibility to all almond growers. Mr. Leighton contends that the independent growers should be allowed the same opportunity.

Mr. Veldstra's exception similarly objected to the material issue stating that if Blue Diamond's list is proprietary and protected under California State law, then the independent list should also be protected. In addition, Mr. Veldstra stated that Blue Diamond growers should elect Blue Diamond growers to the Board rather than have them appointed by the cooperative. Finally, Mr. Veldstra stated that growers who deliver their almonds to both the cooperative and independent handlers may theoretically vote twice in elections—once through the cooperative process and once as independent growers. If the Board had a complete list, it could identify these situations and ensure that growers participate in the voting process only once.

As previously stated, the record evidence supports that the primary reason an independent grower list would be submitted to the Board would be for the purposes of Board elections. Record evidence showed that there are other sources of obtaining a grower list. The Blue Diamond cooperative testified that they do inform their members of all important matters concerning the marketing order. Blue Diamond's list is its grower/supplier list and therefore, it is considered their customer list. This would not be the case for a list of independent growers in part, because this list is not handler-specific. In addition, there was no record evidence to support that Board members elected from the cooperative should be elected in another manner as suggested by Mr. Veldstra. Also, growers participating in independent elections must certify on the ballot that they do not deliver almonds to a cooperative. Therefore, Mr. Leighton's and Mr. Veldstra's exceptions are denied.

The exception filed by Mr. Easter fully supported the proposal. Mr. Easter stated that Blue Diamond believes that its grower list is protected by California law and that no case has been made for a requirement that it be submitted to the Board.

Based upon the exception filed by Mr. Leighton, the findings and conclusions in material issue number 19 of the Recommended Decision concerning the addition of the authority to require handlers to pay interest and/or late payment charges are amended by adding the following two paragraphs after the seventh paragraph of material issue number 19 to read as follows:

The exception filed by Mr. Leighton stated that unless prevailing handlers can receive a refund of assessments wrongfully imposed plus interest, the proposed revisions to section 981.81 to allow the collection of interest and late penalties on past due assessments is confiscatory and violates Due Process. Mr. Leighton further stated that this provision violates the First Amendment, because handlers will be penalized for filing administrative challenges to any assessment provision by being forced to pay late charges if their challenges are unsuccessful. Mr. Leighton contends that the proposal authorizing the Board to assess late payments and/or interest on unpaid assessments should not be adopted unless the proposal authorizing interest to handlers for successfully challenging the payment of assessments is adopted.

As previously discussed, the evidence at the hearing fully supported this proposal. Many marketing orders provide for the collection of interest and/or late payment charges to encourage prompt payment of assessments. Again, the Act authorizes that each handler shall pay to a marketing order committee such handler's pro rata share for the operation of the marketing order. Therefore, Mr. Leighton's exception is denied.

Based upon the exception filed by Mr. Leighton, the findings and conclusions in material issue number 20 of the Recommended Decision concerning the requirement of refunds plus payment of interest to a handler in the event a suit or administrative petition filed by a handler challenging the payment of assessments is successful are amended by adding the following two paragraphs after the fifth paragraph of material issue number 20 to read as follows:

Mr. Leighton's exception stated that unless this proposal is adopted, Material Issue number 19, which proposes authority for interest and late payment charges should not be adopted. Mr. Leighton indicated that USDA rejected this proposal because ''the Board may not have funds available to make a refund'' and Due Process requires a clear and certain remedy if one must pay now and file a complaint later. Mr. Leighton further stated that USDA clearly does not address where court ordered refunds will be derived, nor does it provide for such remedy.

The record does not support this proposal. Section 608c(15)(A) of the Act provides a method for challenging marketing order provisions. In addition,

USDA did not reject this proposal on the basis of the ability to pay refunds. USDA relied on the record and the evidence presented by both sides. Therefore, Mr. Leighton's exception is denied.

Based upon the exception filed by Mr. Crockett, the findings and conclusions in material issue number 24 of the Recommended Decision concerning the exemption of organic almonds from all reserve requirements are amended by adding the following three paragraphs after the ninth paragraph of material issue number 24 to read as follows:

The exception from Mr. Crockett requested that USDA reconsider this proposal. Mr. Crockett stated that this proposal would create a separate class of producers from the mainstream of almond production and would eliminate the flexibility of the Board to address this issue. Further, Mr. Crockett indicated that past experience shows that the Board determined that certified organic almonds would be an eligible outlet for disposition of reserve almonds when special circumstances warranted exempting them from these requirements. The exception also indicated that the circumstances today may be that organically grown almonds are non-competitive in nature, but the situation could change in the future. For this reason, Mr. Crockett stated that the Board should be allowed to respond to those changes as they arise and not be bound by a regulation that no longer reflects the realities of almond production. Mr. Crockett further stated that the cost to administer such an exemption is prohibitive and would cause compliance problems because there is no practical means of identifying an organically grown almond from a conventional almond.

The proponents of this proposal presented a compelling case that certified organic almonds are unique and are sold into different markets. In addition, growers and handlers of organic almonds must follow strict regulations to ensure their almonds are certified organic and these almonds can be traced by a paper trail to the retail level.

Mr. Crockett's concern regarding compliance problems that could be encountered in documenting sales of certified organic almonds does have merit. Although stringent requirements exist for certifying almonds as organic, it is important that the order require that handlers provide documentation substantiating that their almonds meet these requirements if they are to be exempt from reserve requirements. The proposed amendment to section 981.47(b) is being slightly modified to require that documentation be submitted to the Board by handlers in order to substantiate that almonds were, in fact, sold as certified organic and met the requirements of the Organic Foods Production Act of 1990 and the California Organic Foods Act of 1990 in order to be exempt from reserve requirements. Therefore, Mr. Crockett's exception is accepted, in part.

Based upon the exception filed by Mr. Crockett, the findings and conclusions in material issue number 25 of the Recommended Decision concerning the authority to allow the Board to enter into contracts for periods of five years for services, goods or other reasonable expenses are amended by adding the following two paragraphs after the eighth paragraph of material issue number 25 to read as follows:

The exception filed by Mr. Crockett requested that USDA reconsider this proposal. The exception indicated that the inability to enter into long term arrangements for goods and services from vendors hinders the efficiency of the order. Mr. Crockett stated the Board should be able to avail itself of such simple common business sense to stretch grower monies to their maximum effectiveness. Mr. Crockett further stated that although USDA states that other marketing orders have been approved for long term contracts, it ignores that potential opportunities may be lost seeking advance approval of each contract.

As previously stated, USDA has provided approval for marketing order committees to enter into multi-year contracts on a case-by-case basis. Record evidence indicates that this proposal could limit annual reviews and restrict activities of future Boards. USDA will work with the Board to ensure such approvals are completed in a timely manner to promote efficient Board operation. Therefore, Mr. Crockett's exception is denied.

Based upon the exception filed by Mr. Leighton, the findings and conclusions in material issue number 27 of the Recommended Decision concerning certain reserve provisions are amended by adding the following two paragraphs after the 11th paragraph of material issue number 27 to read as follows:

Mr. Leighton's exception contended that USDA claimed that removing the authority for allocated reserve would remove a valuable tool of the Board. However, Mr. Leighton contended that there should be no tool available to require the dumping of valuable and nutritious product given the storage capability of almonds. In addition, Mr. Leighton stated that USDA has a conflict of interest in retaining this tool because USDA uses these almonds for school lunch programs. Mr. Leighton states that the cost of school lunch programs should be borne by taxpayers, not the almond industry.

The marketing order contains authority to require reserve almonds to be disposed of in certain approved outlets that are non-competitive with normal markets. There is no requirement for dumping the product. Under certain conditions, it may be desirable for the industry to divert product to these non-competitive outlets rather than carrying product over into the next crop year. Record evidence supports retaining this tool. USDA does not consider the provision a conflict of interest. USDA does purchase almonds as a surplus removal program and those almonds are used in the school lunch program. The purpose of USDA surplus removal purchases is to remove excess supplies from normal market channels. In addition, USDA does not specify that the almonds it buys must be reserve almonds. The record evidence supported adopting this proposal, in part. Therefore, Mr. Leighton's exception is denied.

Marketing Agreement and Order

Annexed hereto and made a part hereof is the document entitled ''Order Amending the Order Regulating the Handling of Almonds Grown in California.'' This document has been decided upon as the detailed and appropriate means of effectuating the foregoing findings and conclusions.

It is hereby ordered, That this entire decision be published in the Federal Register.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*) to determine whether the issuance of the annexed order amending the order regulating the handling of almonds grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of almonds grown in California.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1994, through June 30, 1995.

The agents of the Secretary to conduct such referendum are hereby designated to be Martin Engeler, Assistant Officer-in-Charge, and Maureen Pello, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202

Monterey Street, suite 102–B, Fresno, California 93721, telephone (209) 487–5901.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Dated: October 23, 1995

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

Order Amending the Order Regulating the Handling of Almonds Grown in California [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings and Determinations Upon the Basis of the Hearing Record.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon the proposed amendments to the Marketing Agreement and Order No. 981 (7 CFR part 981), regulating the handling of almonds grown in California.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, as hereby proposed to be further amended, regulates the handling of almonds grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as amended, as hereby proposed to be further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The order, as amended, as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of almonds grown in the production area; and

(5) All handling of almonds grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of almonds grown in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby proposed to be amended as follows:

The provisions of the proposed marketing agreement and the order amending the order contained in the Recommended Decision issued by the Administrator on March 22, 1995, and published in the Federal Register on April 6, 1995, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 981.14 is revised to read as follows:

§ 981.14 Cooperative handler.

Cooperative handler means any handler as defined in § 981.13 of this subpart which qualifies for treatment as a nonprofit cooperative association as defined in Section 54001, *et seq.* of the California Food and Agricultural Code. The Board, with the approval of the Secretary, may modify this definition, if necessary.

3. Section 981.16 is revised to read as follows:

§ 981.16 To handle.

To handle means to use almonds commercially of own production or to sell, consign, transport, ship (except as a common carrier of almonds owned by another) or in any other way to put almonds grown in the area of production into any channel of trade for human consumption worldwide, either within the area of production or by transfer from the area of production to points outside or by receipt as first receiver at any point of entry in the United States or Puerto Rico of almonds grown in the area of production, exported therefrom and submitted for reentry or which are reentered free of duty. However, sales or deliveries by a grower to handlers, hullers or other processors within the area of production shall not, in itself, be considered as handling by a grower.

4. Section 981.18 is amended by removing the word ''and'' at the end of paragraph (b); removing the period and adding '', and'' at the end of paragraph (c); and adding a new paragraph (d) to read as follows:

§ 981.18 Settlement weight.

* * * * *

(d) For inedible kernels as defined in § 981.8.

5. Section 981.19 is revised to read as follows:

§ 981.19 Crop year.

Crop year means the twelve month period from August 1 to the following July 31, inclusive. Any new crop almonds harvested or received prior to August 1 will be applied to the next crop year for marketing order purposes. The first crop year after the implementation of this amendment shall be a 13-month period.

6. Section 981.21 is revised to read as follows:

§ 981.21 Trade demand.

Trade demand means the quantity of almonds (kernelweight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution worldwide.

7. Sections 981.30 and 981.31 are revised to read as follows:

§ 981.30 Establishment.

The Almond Board shall consist of twelve members, each with an alternate member.

§ 981.31 Membership representation.

Membership of the Board will be determined in the following manner:

(a) Three members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) (1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) Those growers who market their almonds through cooperative handlers; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) Those growers who market their almonds through other than cooperative handlers.

(b) Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (b) (1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) Cooperative handlers; and

(2) All handlers, other than cooperative handlers.

(c) One member and an alternate shall be selected from nominees submitted by each of the following groups designated in paragraphs (c)(1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) The group of cooperative handlers or the group of handlers other than cooperative handlers, whichever received for their account more than 50 percent of the almonds delivered by all growers as determined by December 31 of the then current crop year; and

(2) Those growers whose almonds were marketed through the handler group identified in paragraph (c)(1) of this section.

(d) The Secretary, upon recommendation of the Board, or other information, may reapportion within the 12-member Board, the number of grower members or handler members, or both, of any group listed in § 981.31 (a) through (c), to be nominated pursuant to § 981.32. Any such change shall be based, insofar as practicable, upon the proportionate amounts of almonds handled within any group.

8. Section 981.32 is amended by revising paragraph (a) and amending paragraph (b)(2) by removing the date ''March 31'' and adding in its place the date ''December 31'' to read as follows:

§ 981.32 Nominations.

(a) *Method.* (1) Each year the terms of office of three of the members elected pursuant to § 981.31(a) and (b) shall expire, except every third year when the term of office for four of those members shall expire. Nominees for each respective member and alternate member shall be chosen by ballot delivered to the Board. Nominees chosen by the Board in this manner shall be submitted by the Board to the Secretary on or before February 20 of each year together with such information as the Secretary may require. If a nomination for any Board member or alternate is not received by the Secretary on or before February 20, the Secretary may select such member or alternate from persons belonging to the group to be represented without nomination. The Board shall mail to all handlers and growers, other than the cooperative(s) of record, the required ballots with all necessary voting information including the names of incumbents willing to accept renomination, and, to such growers, the name of any person proposed for nomination in a petition signed by at least 15 such growers and filed with the Board on or before January 20. Distribution of ballots shall be announced by press release, furnishing pertinent information on balloting, issued by the Board through newspapers and other publications having general circulation in the almond producing areas.

(2) Nominees for the positions described in § 981.31(c) shall be handled in the same manner as described in paragraph (a)(1) of this section except that those terms of office shall expire annually.

* * * * *

9. Section 981.33 is revised to read as follows:

§ 981.33 Selection and term of office.

(a) Members and their respective alternates for positions open on the Board shall be selected by the Secretary from persons nominated pursuant to § 981.32, or, at the discretion of the Secretary, from other qualified persons, for a term of office beginning March 1. Members and alternates shall continue to serve until their respective successors are selected and qualified.

(b) The term of office of members of the Board shall be for a period of three years beginning on March 1 of the years selected except where otherwise provided. However, for the initial ten members of the Board selected pursuant to this section and to paragraphs (a) and (b) of § 981.31, three members shall serve for a term of one year; three members shall serve for a term of two years; and four members shall serve for a term of three years. For the initial terms of office, at the time of nomination under § 981.32, the Board shall make this designation by lot. The term of office for the two members selected under paragraph (c) of § 981.31 shall always be for a period of one year.

(c) Board members may serve for a total of six consecutive years. Members who have served for six consecutive years must leave the Board for at least one year before becoming eligible to serve again. A person who has served less than six consecutive years on the Board may not be nominated to a new three year term if his or her total consecutive years on the Board at the end of that new term would exceed six years. This limitation on tenure shall not include service on the Board prior to implementation of this amendment and shall not apply to alternate members.

10. Section 981.34 is revised to read as follows:

§ 981.34 Qualification and acceptance.

(a) Any person to be selected as a member or alternate of the Board shall, prior to such selection, qualify by providing such background information as necessary and by advising the Secretary that he/she agrees to serve in the position for which nominated. Grower members and alternates shall be growers or employees of growers, and handler members and alternates shall be handlers or employees of handlers. In the event any member or alternate ceases to be qualified for the position for which selected, that position shall be deemed vacant.

(b) The Board, with approval of the Secretary, may establish additional eligibility requirements for grower members on the Board.

11. Section 981.40 is amended by revising paragraphs (b) and (c) and amending paragraph (e) by removing the word ''seven'' and adding in its place the word ''eight'' to read as follows:

§ 981.40 Procedure.

* * * * *

(b) *Quorum.* The presence of eight members shall be required to constitute a quorum. All decisions of the Board shall be as follows except where otherwise specifically provided: 8 or 9 members present, 6 votes; 10 members present, 7 votes; 11 or 12 members present, 8 votes.

(c) *Voting by mail, telegram, fax or other electronic means.* The Board may vote by mail, telegram, fax or other electronic means upon written notice to all members, or alternates acting in their place, including in the notice a statement of a reasonable time, not to exceed 10 days, in which a vote by mail, telegram, fax or other electronic means must be received by the Board for counting. Voting by mail, telegram, fax or other electronic means shall not be permitted at any assembled meeting of the Board. When a proposition is submitted for vote by mail, telegram, fax or other electronic means, at least ten members of the Board must vote in favor of its passage or the proposition shall be defeated.

* * * * *

12. In § 981.41, paragraph (c) is amended by removing the colon and all text following the words ''15 percent'' in the last sentence and adding in its place a period and by amending paragraph (a) by adding a sentence at the end of the paragraph to read as follows:

§ 981.41 Research and development.

(a) * * * Notwithstanding the foregoing, certified organic almonds may be exempt from assessments for marketing promotion, including paid advertising, upon recommendation of the Board and approval of the Secretary.

* * * * *

13. Section 981.47 is amended by designating the existing paragraph as (a), removing the words ''either domestic or'' in the third sentence of paragraph (a), and adding a new paragraph (b) to read as follows:

§ 981.47 Method of establishing salable and reserve percentages.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary shall exempt from any reserve that is established that part of the crop which is sold as ''certified organic'' under standards established by the Organic Foods Production Act of 1990, (7 U.S.C. 2101 *et seq.*) and the California Organic Foods Act of 1990, as amended: Provided, That handlers provide adequate documentation demonstrating the almonds were sold as certified organic and met the requirements of the aforementioned Acts. The Board may propose regulations to assure procedures to implement this section.

14. In § 981.49, the introductory paragraph is amended by removing the word ''six'' and adding in its place the word ''eight'', by removing ''; and'' in paragraph (e) and adding a period in its place, by adding ''and'' at the end of paragraph (d); by removing paragraph (f) and by revising paragraph (b) to read as follows:

§ 981.49 Board estimates and recommendations.

* * * * *

(b) The estimated handler carryover and the estimated reserve inventory as of July 31;

* * * * *

§ 981.50 [Amended]

15. Amend § 981.50 by adding after the words ''into oil'', the words ''or sold as certified organic.''

16. Amend § 981.55 by designating the existing paragraph as (a) and adding a new paragraph (b) to read as follows:

§ 981.55 Interhandler transfers.

* * * * *

(b) When saleable and reserve percentages are in effect, any handler may transfer reserve withholding obligation to other handlers. Terms and conditions implementing this provision must be recommended by the Board and approved by the Secretary.

17. Section 981.60 is amended by revising paragraph (b) to read as follows:

§ 981.60 Determination of kernel weight.

* * * * *

(b) *Almonds for which settlement is made on unshelled weight.* The settlement weight for unshelled almonds shall be determined on the basis of representative samples of unshelled almonds reduced to shelled weight.

18. Section 981.61 is amended by revising the last sentence to read as follows:

§ 981.61 Redetermination of kernel weight.

* * * Weights used in such computations for various classifications of almonds shall be:

(a) For unshelled almonds, the kernelweight based on representative samples reduced to shelled weight;

(b) For shelled almonds, the net weight; and

(c) For shelled almonds used in production of almond products, the net weight of such almonds.

§ 981.62 [Removed]

19. Section 981.62 is removed.

§ 981.66 [Removed]

20. Section 981.66 is amended by removing paragraphs (b) and (d), redesignating paragraph (c) as paragraph (b), redesignating paragraph (e) as paragraph (c), redesignating paragraphs (f) and (g) as paragraphs (d) and (e), and by amending newly designated paragraph (c) by removing all references to the date ''September 1'' and adding in each place ''December 31''.

§ 981.67 [Amended]

21. Section 981.67 is amended by removing all references to the date ''September 1'' and adding in each place ''December 31''.

22. Section 981.70 is amended by revising the first sentence to read as follows:

§ 981.70 Records and verification.

Each handler shall keep records which will clearly show the details of his or her receipts of almonds, withholdings, sales, shipments, inventories, reserve disposition, advertising and promotion activities, as well as other pertinent information regarding his or her operation pursuant to the provisions of this part: *Provided,* that, such records shall be kept in the State of California. * * *

23. A new § 981.76 is added before the undesignated center heading ''Expenses and Assessments'' to read as follows:

§ 981.76 Handler list of growers.

No later than December 31 of each crop year, each handler other than a cooperative handler (hereinafter, referred to as independent handler) governed by this subpart shall, upon request, submit to the Board a complete list of growers who have delivered almonds to such independent handler during that crop year.

24. Section 981.81 is amended by adding a new paragraph (e) to read as follows:

§ 981.81 Assessment.

* * * * *

(e) Any assessment not paid by a handler within a period of time prescribed by the Board may be subject to an interest or late payment charge or both. The period of time, rate of interest and late payment charge shall be as recommended by the Board and approved by the Secretary. Subsequent to such approval, all assessments not paid within the prescribed period of time shall be subject to an interest or late payment charge or both.

25. Section 981.90 is amended redesignating paragraph (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4) and by amending newly designated paragraph (b)(3) by removing the date ''June 1'' and adding in its place ''July 1'' and adding a new (b)(2), to read as follows:

§ 981.90 Effective time, suspension, or termination.

* * * * *

(b) * * *

(2) The Secretary shall conduct a referendum as soon as practical after the end of the fiscal year ending two years after [effective date of the final rule], and at such time every fifth year thereafter, to ascertain whether continuation of the order is favored by growers who have been engaged in the production of almonds for market within the State of California during the current crop year.

* * * * *

§ 981.467 [Amended]

26. In § 981.467, paragraph (a) is amended by removing the date ''July 1'' and adding in its place ''August 1'' and by removing the words ''export or'' and ''or both,'' from the second sentence in paragraph (a).

§ 981.472 [Amended]

27. In § 981.472, paragraph (a) is amended by removing the dates ''July 1 to August 31'' and adding in its place ''August 1 to August 31.''

[FR Doc. 95–26787 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–118; Notice No. SC–95–6–NM]

Special Condition: Israel Aircraft Industries (IAI), Model Galaxy, High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Israel Aircraft Industries (IAI) Model Galaxy airplane. This new airplane will utilize new avionics/electronic systems, such as electronic displays and electronic engine controls, that perform critical functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before December 14, 1995.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–118, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–118. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Timothy Dulin, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 227–2141; facsimile (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action is taken on these proposals. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Rule Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–118.'' The postcard will be date stamped and returned to the commenter.

Background

On July 29, 1992, Israel Aircraft Industries (IAI), Ben Gurion International Airport, Tel Aviv 70100, Israel, applied for a new type certificate in the transport airplane category for the Model Galaxy airplane. On April 19, 1995, IAI applied for an extension of the original application and selected June 21, 1994, as the new reference date of application. The Model Galaxy is a derivative of the IAI Model 1125 Westwind Astra and is designed to be a long-range, high-speed airplane with a swept low wing and two aft-fuselage-mounted Pratt & Whitney Canada (PWC) 306A engines. The Model Galaxy will have a maximum takeoff weight of 33,450 pounds, a conventional empennage, a crew of two, and will be operated as an executive/corporate or commuter airplane with a maximum seating capacity of 19 passengers.

Type Certification Basis

Under the provisions of § 21.17, IAI must show, except as provided in § 25.2, that the Model Galaxy meets the applicable provisions of part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–82. In addition, the proposed certification basis for the Model Galaxy includes part 34, effective September 10, 1990, including all amendments in effect at the time of certification; and part 36, effective December 1, 1969, including all amendments in effect at the time of certification. No exemptions are anticipated. The special conditions that may be developed as a result of this notice will form an additional part of the type certification basis. In addition, the certification basis may include other special conditions that are not relevant to these proposed special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Model Galaxy because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2).

In addition to the applicable airworthiness regulations and special conditions, the Model Galaxy must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36, and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Model Galaxy airplane incorporates new avionic/electronic systems, such as electronic displays and electronic engine controls, that perform critical functions. These systems may be vulnerable to high-intensity radiated fields external to the airplane.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the applicable regulations, special conditions are proposed for the IAI Galaxy that would require that electrical and electronic systems which perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 OR 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicted.

Frequency	Peak (V/M)	Average (V/M)
10 KHz–100 KHz	50	50
100 KHz–500 KHz	60	60
500 KHz–2 MHz	70	70
2 MHz–30 MHz	200	200
30 MHz–100 MHz	30	30
100 MHz–200 MHz ...	150	33
200 MHz–400 MHz ...	70	70
400 MHz–700 MHz ...	4,020	935
700 MHz–1 GHz	1,700	170
1 GHz–2 GHz	5,000	990
2 GHz–4 GHz	6,680	840
4 GHz–6 GHz	6,850	310
6 GHz–8 GHz	3,600	670
8 GHz–12 GHz	3,500	1,270
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

As discussed above, the proposed special conditions would be applicable initially to the IAI Model Galaxy. Should IAI apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects certain design features only on the IAI Galaxy airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for this special condition is as follows: Authority: 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430, and 49 U.S.C. 106(g).

The Proposed Special Condition

Accordingly, the Federal Aviation Administration (FAA) proposes the following special condition as part of the type certification basis for the IAI Model Galaxy airplanes. 1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

For the purpose of this special condition, the following definition applies:

Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 13, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 95–26770 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AWP–30]

Proposed Establishment of Class D Airspace and Amendment of Class E Airspace; Elko, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Class D and amend Class E airspace at Elko Municipal-J.C. Harris Field, Elko, NV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 5 and establishment of a Airport Traffic Control Tower has made this proposal necessary.

DATES: Comments must be received on or before December 4, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–30, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles CA 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 Blvd., Lawndale, CA 90261.

An informal docket may also be examined during normal business at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261, telephone (310) 725–6533.

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–30.'' 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, at 15000 Aviation Blvd., Lawndale, CA 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 establish a Class D and amend Class E airspace at Elko, NV. The development of GPS SIAP and establishment of an Airport Traffic Control Tower at Elko Municipal-J.C. Harris Field has made this proposal necessary. Class D and Class E airspace designations are published in Paragraphs 5000, 6002, and 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, 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 this 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. 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 would 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 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP NV D Elko, NV [New]

Elko Municipal-J.C. Harris Field, NV
(Lat. 40°49′31″N, long 115°47′28″W)

That airspace extending upward from the surface to including 7,700 feet MSL within a 4.3-mile radius of Elko Municipal-J.C. Harris Field and within 1.8 miles each side of the 248° bearing from the Elko Municipal-J.C. Harris Field, extending from the 4.3-mile radius to 6 miles southwest of the airport. This Class D airspace area is effective during the specific dates and times established in advanced 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 Designated as a Surface Area for an Airport

* * * * *

AWP NV E2, Elko, NV [Revised]

Elko Municipal-J.C. Harris Field, NV
(Lat. 40°49′31″N, long. 115°47′28″W)

Within a 4.3-mile radius of the Elko Municipal-J.C. Harris Field and within 1.8 miles each side of the 248° bearing from the Elko Municipal-J.C. Harris Field, extending from the 4.3-mile radius to 6 miles southwest of the Elko Municipal-J.C. Harris Field and within 1.8 miles each side of the 075° bearing from the Elko Municipal-J.C. Harris Field, extending from the 4.3-mile radius to 8.3 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advanced by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

AWP NV E5 Elko, NV [Revised]

Elko Municipal-J.C. Harris Field, NV
(Lat. 40°49′31″N, long. 115°47′28″W)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of Elko Municipal-J.C. Harris Field and within 1.8 miles either side of 248° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to the 11.7 miles southwest of the Elko Municipal-J.C. Harris Field and within 3.9 miles east and 8.3 miles west of the 161° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to 21.7 miles south of Elko Municipal-J.C. Harris Field and within 4.3 miles each side of the 075° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to 17.8 miles northeast of the airport. That airspace extending upward from 1,200 feet above the surface within an 18.7 mile radius of Elko Municipal-J.C. Harris Field, and that airspace bounded on the north by the south edge of V–6, on the south by the north edge of V–32, on the east by the 18.7-mile radius west of the Elko Municipal-J.C. Harris Field and that airspace bounded by a line beginning at lat. 40°34′00″N, long. 116°00′00″W; to lat. 40°27′00″N, long. 116°36′00″W; to lat. 40°31′00″N, long. 116°38′00″N; to lat. 40°32′00″N, long. 116°33′00″W; to lat. 40°33′30″N, long. 116°33′30″W; to lat. 40°38′00″N, long. 116°07′00″W, thence via the 18.7-mile radius of Elko Municipal-J.C. Harris Field to the point of beginning.

* * * * *

Issued in Los Angeles, California, on October 16, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95–26768 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ACE–10]

Proposed Amendment to Class E Airspace; Omaha, Millard Airport, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Omaha, Millard Airport, NE. The development of a new Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System has made the proposal necessary. The intended effect of this proposal is to provide an additional .4 mile of controlled airspace for aircraft executing the SIAP at Omaha, Millard Airport, NE.

DATES: Comments must be received on or before December 1, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air

Traffic Operations Branch, ACE–530, Federal Aviation Administration, Docket No. 95–ACE–10, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426–3408.

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, 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–ACE–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the 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 Rules Docket 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Omaha, Millard Airport. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, 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. 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 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 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. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

ACE NE E5 Omaha, Millard Airport, NE [Revised]

Omaha, Millard Airport, NE
(Lat. 41°11′46″N, long. 96°06′44″W)
Millard NDB
(Lat. 41°11′42″N, long. 96°06′51″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Millard Airport and within 4.4 miles each side of the 316° bearing from the Millard NDB extending from the 6.4-mile radius to 8.3 miles northwest of the airport, excluding that airspace which lies within the Eppley Airfield And Offutt Air Force Base E5 airspace.

* * * * *

Issued in Kansas City, MO, on October 4, 1995.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 95–26762 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AWP–32]

Proposed Amendment of Class E Airspace; Lovelock, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Lovelock, NV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runaway (RWY) 1 has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Lovelock Derby Field, Lovelock, NV.

DATES: Comments must be received on or before December 6, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–32, 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 at the Office of the Manager, System Management Branch, Air traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (301) 725–6533.

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–32.'' 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, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contract 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 described 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 the Class E airspace area at Lovelock, NV. The development of GPS SIAP at Lovelock Derby Field has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS RWY 1 SIAP at Lovelock Derby Field, Lovelock, NV. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effect September 16, 1995, which is incorporated be reference in 14 CFR 71.1. The Class E airspace designation listed in this document would published subsequently in this 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. 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 1034; 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 would 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 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

AWP NV E5 Lovelock, NV [Revised]

Lovelock Derby Field, NV
(Lat. 40°03′59″N, long. 118°33′55″W)
Lovelock VORTAC
(Lat. 40°07′30″N, long. 118°34′40″W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of Lovelock Derby Field and within 3.5 miles each side of the 349° radial of the Lovelock VORTAC, extending from the 4.3-mile radius to 10.4 miles north of the Lovelock VORTAC. That airspace extending upward from 1,200 feet above the surface beginning at lat. 40°37′30″N, long. 118°36′34″W; to lat. 40°12′00″N, long. 118°55′04″W; to lat. 40°03′00″N, long. 118°52′04″W; to lat. 40°18′00″N, long. 118°22′34″W; to lat. 40°27′00″N, long. 118°34′04″, to the point of beginning and that airspace beginning at lat. 40°05′00″N, long. 118°28′29″W; to lat. 40°06′00″N, long. 118°23′04″; to lat. 40°03′00″N, long. 118°22′04″W; to lat. 40°00′00″N, long. 118°31′44″, thence via a 4.3-mile radius of Derby Field to the point of beginning and that airspace bounded by a line beginning at lat. 40°23′00″N, long. 118°29′00″W; to lat. 40°32′00″N, long. 118°14′00″W; to lat. 40°22′00″N, long. 118°14′00″W; to lat. 40°18′00″N, long. 118°23′00″W; thence to the point of beginning.

* * * * *

Issued in Los Angeles, California, on October 16, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95–26771 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AGL–14]

Proposed Amendment of Class E Airspace; Britton, SD, Britton Municipal Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace at Britton, SD. A nondirectional radio beacon (NDB) or Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 13 has been revised for the Britton Municipal Airport. Controlled airspace extending upward from 700 and 1200 feet above ground level (AGL) is needed for aircraft executing the approach.

DATES: Comments must be received on or before December 7, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 95–AGL–14, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: William W. Kribble, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

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–AGL–14.'' 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 Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, 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 the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. 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 Britton, SD. This proposal would provide adequate Class E airspace for IFR operators executing the NDB or GPS Runway 13 SIAP at Britton Municipal Airport. Controlled airspace extending from 700 and 1200 feet AGL is needed for aircraft executing the approach. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, 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. 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 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 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. 106(g) 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

AGL SD E5 Britton, SD [Revised]

(lat. 45°48′57″N, long. 97°44′39″W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Britton Municipal Airport and that airspace extending upward from 1,200 feet above the surface bounded on the west by long. 983000W, on the north by lat. 463000N, on the east by long. 970000W, and on the south by lat. 443000N, excluding the Fargo, ND; Watertown, SD, Huron, SD; Aberdeen, SD; 1,200 foot Class E airspace areas and all federal airways.

* * * * *

Issued in Des Plaines, Illinois on October 12, 1995.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 95–26767 Filed 10–17–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AGL–13]

Proposed Establishment of Class E Airspace; Eagle Butte, SD, Cheyenne Eagle Butte Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Eagle Butte, SD. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 31 has been developed for the Cheyenne Eagle Butte Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) and from 1200 feet AGL is needed for aircraft executing the approach.

DATES: Comments must be received on or before December 12, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 95–AGL–13, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: William W. Kribble, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

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–AGL–13.'' 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 Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, 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 the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. 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 establish Class E airspace at Eagle Butte, SD. This proposal would provide adequate Class E airspace for operators executing the GPS Runway 31 SIAP at Cheyenne Eagle Butte Airport. Controlled airspace extending from 700 feet AGL and 1200 feet AGL is needed for aircraft executing the approach. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, 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. 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 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 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. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

AGL SD E5 Eagle Butte, SD [New]

(lat. 44°59′06″ N, long. 101°15′07″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Cheyenne Eagle Butte Airport and that

airspace extending upward from 1,200 feet above the surface from the 7-mile radius to 9 miles northwest of the airport clockwise from V120 to V344 and from the 7-mile radius to the 19-mile radius east of the airport clockwise from V344 to V120.

* * * * *

Issued in Des Plaines, Illinois on October 14, 1995.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 95–26763 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[IA–4–92]

RIN 1545–AQ49

Authority of the Federal Crop Insurance Corporation To Require Employer Identification Numbers From Policyholders and Reinsured Companies for Purposes of the Federal Crop Insurance Act

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking published in the Federal Register on August 31, 1992, that relates to the authority of the Federal Crop Insurance Corporation (FCIC) to require policyholders and reinsured companies to furnish employer identification numbers for purposes of administering the Federal Crop Insurance Act.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 31, 1992, the IRS published proposed regulations (IA–4–92) in the Federal Register (57 FR 39379) under section 6109 of the Internal Revenue Code, relating to the authority of the FCIC to collect employer identification numbers. Although written comments and requests for a public hearing were solicited, no written or oral comments were received and no public hearing was requested or held. Because the proposed regulations merely restate the rules in section 6109, the IRS has decided, in the interest of simplification, to withdraw those proposed regulations.

List of Subjects in 26 CFR Part 301

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

Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking that was published in the Federal Register on August 31, 1992, (57 FR 39379) is withdrawn.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–26884 Filed 10–27–95; 8:45 am]

BILLING CODE 4830–01–U

26 CFR Part 301

[PS–34–92]

RIN 1545–AS09

Selection of Tax Matters Partner for Limited Liability Companies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the designation or selection of a tax matters partner for limited liability companies classified as partnerships. This document also amends current proposed regulations to consolidate certain guidance necessary to determine the tax matters partner for partnerships.

DATES: Written comments and requests for a public hearing must be received by January 29, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:T:R (PS–34–92), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8:00 a.m. and 5:00 p.m. to: CC:DOM:CORP:T:R (PS–34–92), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: D. Lindsay Russell, (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Prior to the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), adjustments attributable to the tax items of a partnership were made at the partner level. Section 402 of TEFRA added sections 6221 through 6231 to the Internal Revenue Code of 1986, as amended, to allow for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items at the partnership level. Under this consolidated proceeding, the tax matters partner of a partnership represents the partnership before the IRS in all tax matters for a specific taxable year.

Section 6231(a)(7) provides that the tax matters partner of a partnership is the general partner designated as the tax matters partner as provided in regulations or, if no general partner is designated, the general partner having the largest profits interest in the partnership at the close of the taxable year involved (largest-profits-interest rule). Section 6231(a)(7) also provides that, if no general partner is designated and the Commissioner determines that it is impracticable to apply the largest-profits-interest rule, the partner selected by the Commissioner is treated as the tax matters partner.

Proposed regulations under sections 6221 through 6231 and section 6233 were published in the Federal Register (51 FR 13231) on April 18, 1986. Several comments on the proposed regulations were received, but no public hearing was requested and none was held. Temporary regulations identical to the proposed regulations were published in the Federal Register (52 FR 6779) on March 5, 1987. The temporary and proposed regulations remain outstanding.

On February 29, 1988, the IRS published Rev. Proc. 88–16, 1988–1 C.B. 691. This revenue procedure describes circumstances under which the IRS will determine that it is impracticable to apply the largest-profits-interest rule and describes the criteria the IRS will consider in selecting a tax matters partner for the partnership.

Since the enactment of TEFRA, virtually all states and several foreign jurisdictions have enacted laws providing for the formation of limited liability companies (LLCs). Although local law varies as to the requirements for establishing an LLC, the common denominator is that none of the members are liable for the debts and obligations of the LLC beyond their contributions (absent an express assumption of liability by a member if authorized under the applicable LLC statute). In addition, under local law, LLCs may be generally managed by elected or designated ''managers,'' who may be members of the LLC. In most jurisdictions, however, LLCs need not be managed by elected or designated managers. In those cases, all members of the LLC have management authority.

LLCs in most jurisdictions may be classified for Federal tax purposes either

as partnerships or associations that are taxable as corporations, depending on the characteristics of the LLC. See, e.g., Rev. Rul. 88–76, 1988–2 C.B. 360; Rev. Rul. 93–38, 1993–1 C.B. 233. For LLCs that are classified as partnerships for Federal tax purposes, it is necessary to determine the tax matters partner for the LLC.

Explanation of Provisions

A. Tax Matters Partner for LLCs

The proposed regulations provide that a ''member-manager'' of an LLC will be treated as a general partner for purposes of determining the tax matters partner of the LLC. Any member of an LLC that is not a member-manager is treated as a partner other than a general partner. The proposed regulations define a member-manager as a member of the LLC who, alone or together with others, is vested with the continuing exclusive authority to make the management decisions necessary to conduct the business for which the organization was formed. This approach is adopted because, if a member of the LLC has such continuing exclusive management authority, the member should have the necessary authority and access to partnership records needed to function as a tax matters partner. The proposed regulations also provide that if there are no elected or designated member-managers (as described above), each member will be treated as a member-manager.

The proposed regulations define an LLC as an organization formed under a law that allows the limitation of the liability of all members for the organization's debts and other obligations and classified as a partnership for Federal tax purposes.

B. Amending Proposed Regulations to Incorporate the Provisions of Rev. Proc. 88–16

The current proposed regulations under § 301.6231(a)(7)–1 provIde certain guidance concerning the designation of a tax matters partner under the largest-profits-interest rule of section 6231(a)(7)(B). However, the current proposed regulations do not describe circumstances under which the Commissioner will determine that it is impracticable to apply the largest-profits-interest rule and do not describe how the Commissioner will select a tax matters partner when it is impracticable to apply the largest-profits-interest rule. This additional guidance is provided in Rev. Proc. 88–16.

For administrative simplicity, the provisions in this notice of proposed rulemaking amend the current proposed regulations to include the rules of Rev. Proc. 88–16. As a result, the complete guidance necessary for determining the tax matters partner for a partnership and an LLC will be contained in the proposed regulations under section 6231(a)(7).

As amended, the proposed regulations incorporate the provisions of Rev. Proc. 88–16 with one substantive change. Under sections 3.05 and 3.06 of Rev. Proc. 88–16, if each general partner is deemed to have no profits interest under section 3.03(2) or 3.03(3), the IRS will select a limited partner as the tax matters partner. Some partnerships, such as a general partnership or a foreign LLC in which all members are member-managers, do not have limited partners. To permit the Commissioner to select a tax matters partner in these situations, the proposed regulations allow the Commissioner to select any partner (including either a general or limited partner) as the tax matters partner.

Proposed Effective Date

Sections 301.6231(a)(7)–1 and 301.6231(a)(7)–2 are proposed to be effective for all designations, selections, and terminations of a tax matters partner occurring on or after the date final regulations are published in the Federal Register. Any other reasonable designation or selection of a tax matters partner of an LLC is binding for periods prior to the effective date of this regulation.

Effect on Other Documents

Rev. Proc. 88–16 is obsolete as of the date final regulations are published in the Federal Register.

Special Analyses

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

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the Federal Register.

Drafting Information

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

List of Subjects in 26 CFR Part 301

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

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended by adding entries in numerical order to read as follows:

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

Section 301.6231(a)(7)–1 also issued under 26 U.S.C. 6230 (i) and (k). * * *

Section 301.6231(a)(7)–2 also issued under 26 U.S.C. 6230 (i) and (k). * * *

Par. 2. Section 301.6231(a)(7)-1 (as proposed to be added in the Federal Register for April 18, 1986 (51 FR 13245)) is amended by:

1. Revising the section heading.

2. Adding a new sentence at the end of paragraph (a).

3. Removing the heading for paragraph (c)(1) and redesignating paragraph (c)(1) as paragraph (c).

4. Removing paragraph (c)(2).

5. Adding a sentence at the end of paragraph (m)(2).

6. Adding paragraphs (n), (o), (p), (q), (r), and (s). The additions and revisions read as follows:

§ 301.6231(a)(7)–1 Designation or selection of tax matters partner.

(a) * * * If a partnership does not designate a general partner as the tax matters partner for a specific taxable year, or if the designation is terminated without the partnership designating

another general partner as the tax matters partner, the tax matters partner is the partner determined under this section.

* * * * *

(m) * * *

(2) * * * For purposes of this paragraph (m)(2), the general partner with the largest profits interest is determined based on the year-end profits interests reported on the Schedules K–1 filed with the partnership income tax return for the taxable year for which the determination is being made.

* * * * *

(n) *Selection of tax matters partner by Commissioner when impracticable to apply the largest-profits-interest rule.* If the partnership has not designated a tax matters partner under this section for the taxable year and it is impracticable (as determined under paragraph (o) of this section) to apply the largest-profits-interest rule of paragraph (m)(2) of this section, the Commissioner will select a tax matters partner as described in paragraph (p) of this section.

(o) *Impracticability of largest-profits-interest rule.* It is impracticable to apply the largest-profits-interest rule of paragraph (m)(2) of this section if, on the date the rule is applied, any one of the following three conditions is met:

(1) *General partner with the largest profits interest is not apparent.* The general partner with the largest profits interest is not apparent from the Schedules K–1 and is not otherwise readily determinable.

(2) *Each general partner is deemed to have no profits interest in the partnership.* Each general partner is deemed to have no profits interest in the partnership under paragraph (m)(3) of this section (concerning termination of a designation under the largest-profits-interest rule) because of the occurrence of one or more of the events described in paragraphs (l)(1) through (4) of this section (involving death, adjudication of incompetency, liquidation, and conversion of partnership items to nonpartnership items).

(3) *General partner with the largest profits interest is disqualified.* The general partner with the largest profits interest determined under paragraph (m)(2) of this section—

(i) Has been notified of suspension from practice before the Internal Revenue Service;

(ii) Is incarcerated;

(iii) Is residing outside the United States, its possessions, or territories; or

(iv) Cannot be located or cannot perform the functions of a tax matters partner for any reason, except that lack of cooperation with the Internal Revenue Service by the general partner with the largest profits interest is not a basis for finding that the partner cannot perform the functions of a tax matters partner.

(p) *Commissioner's selection of the tax matters partner—(1) When the general partner with the largest profits interest is not apparent.* If it is impracticable under paragraph (o)(1) of this section to apply the largest-profits interest rule of paragraph (m)(2) of this section, the Commissioner will select (in accordance with the notification procedures set forth in paragraph (r) of this section) as the tax matters partner any person who was a general partner at any time during the taxable year under examination.

(2) *When each general partner is deemed to have no profits interest in the partnership.* If it is impracticable under paragraph (o)(2) of this section to apply the largest-profits- interest rule of paragraph (m)(2) of this section, the Commissioner will select a partner (including a general or limited partner) as the tax matters partner in accordance with the criteria set forth in paragraph (q) of this section. The Commissioner will notify both the partner selected and the partnership of the selection, effective as of the date specified in the notice.

(3) *When the general partner with the largest profits interest is disqualified—* (i) *In general.* Except as otherwise provided in paragraph (p)(3)(ii) of this section, if it is impracticable under paragraph (o)(3) of this section to apply the largest-profits-interest rule of paragraph (m)(2) of this section, the Commissioner will treat each general partner who fits the criteria contained in paragraph (o)(3) of this section as having no profits interest in the partnership for the taxable year and will select (in accordance with the notification procedures set forth in paragraph (r) of this section) a tax matters partner from the remaining persons who were general partners at any time during the taxable year.

(ii) *Partner selected if no general partner may be selected.* If all general partners during the taxable year either are treated as having no profits interest in the partnership for the taxable year under paragraph (m)(3) of this section (concerning termination of a designation under the largest-profits-interest rule) or are described in paragraph (o)(3) of this section (general partner with the largest profits interest is disqualified), the Commissioner will select a partner (including a general or limited partner) as the tax matters partner in accordance with the criteria set forth in paragraph (q) of this section. The Commissioner will notify both the partner selected and the partnership of the selection, effective as of the date specified in the notice.

(q) *Criteria for selecting a partner as tax matters partner—*(1) *In general.* The Commissioner will select a partner as the tax matters partner under paragraph (p)(2) or (3)(ii) of this section only if the partner was a partner in the partnership at the close of the taxable year under examination.

(2) *Criteria to be considered.* The Commissioner may consider the following criteria in selecting a partner as the tax matters partner:

(i) The general knowledge of the partner in tax matters and the administrative operation of the partnership.

(ii) The partner's access to the books and records of the partnership.

(iii) The profits interest held by the partner.

(iv) The views of the partners having a majority interest in the partnership regarding the selection.

(v) Whether the partner is a partner of the partnership at the time the tax-matters-partner selection is made.

(vi) Whether the partner is a United States person (within the meaning of section 7701(a)(30)).

(3) *Limited restriction on subsequent designation of a tax matters partner by the partnership.* For purposes of paragraphs (p)(2) and (3)(ii) of this section, the partnership cannot designate a partner who is not a general partner to serve as tax matters partner in lieu of a partner selected by the Commissioner.

(r) *Notification of partnership—*(1) *In general.* If the Commissioner selects a tax matters partner under the provisions of paragraph (p)(1) or (3)(i) of this section, the Commissioner will notify both the partner selected and the partnership of the selection, effective as of the date specified in the notice.

(2) *Limited opportunity for partnership to designate the tax matters partner.* (i) Before the Commissioner selects a tax matters partner under paragraphs (p)(1) and (3)(i) of this section, the Commissioner will notify the partnership by mail that, after 30 days from the date of the notice, the Commissioner will make a determination that it is impracticable to apply the largest-profits-interest rule of paragraph (m)(2) of this section and will select the tax matters partner unless a prior designation is made by the partnership. This delay in making the determination will permit the partnership to designate a tax matters partner under paragraph (e) (designation

by general partners with a majority interest) or (f) of this section (designation by partners with a majority interest under certain circumstances), thereby avoiding a selection made by the Commissioner.

(ii) During the 30-day period and prior to a tax-matters-partner designation by the partnership, the Commissioner will communicate with the partnership by sending all correspondence or notices to ''*The Tax Matters Partner*'' in care of the partnership at the partnership's address.

(iii) Any subsequent designation of a tax matters partner by the partnership after the 30-day period will become effective as provided under paragraph (k)(2) of this section (concerning designations made after a notice of beginning of administrative proceeding is mailed).

(s) *Effective date.* This section applies to all designations, selections, and terminations of a tax matters partner occurring on or after the date final regulations are published in the Federal Register.

Par. 3. Section 301.6231(a)(7)–2 is added to read as follows:

§ 301.6231(a)(7)–2 Designation or selection of tax matters partner for a limited liability company (LLC).

(a) *In general.* Solely for purposes of applying section 6231(a)(7) and § 301.6231(a)(7)–1 to an LLC, only a member-manager of an LLC is treated as a general partner, and a member of an LLC who is not a member-manager is treated as a partner other than a general partner.

(b) *Definitions*—(1) *LLC.* Solely for purposes of this section, *LLC* means an organization:

(i) Formed under a law that allows the limitation of the liability of all members for the organization's debts and other obligations within the meaning of § 301.7701–2(d); and

(ii) Classified as a partnership for Federal tax purposes.

(2) *Member.* Solely for purposes of this section, member means any person who owns an interest in an LLC.

(3) *Member-manager.* Solely for purposes of this section, *member-manager* means a member of an LLC who, alone or together with others, is vested with the continuing exclusive authority to make the management decisions necessary to conduct the business for which the organization was formed. Generally, an LLC statute may permit the LLC to choose management by one or more managers (whether or not members) or by all of the members. If there are no elected or designated member-managers (as so defined in this paragraph (b)(3)) of the LLC, each member will be treated as a member-manager for purposes of this section.

(c) *Effective date.* This section applies to all designations, selections, and terminations of a tax matters partner of an LLC occurring on or after the date final regulations are published in the Federal Register. Any other reasonable designation or selection of a tax matters partner of an LLC is binding for periods prior to the effective date of this section.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–26738 Filed 10–27–95; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH83–1–6991b; AD–FRL–5299–7]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Ohio to correct its Rule 3745–35–07 that underlies its federally enforceable State operating permits (FESOP) program. The USEPA proposes further to conclude that Ohio has satisfied the condition established in USEPA's conditional approval of Ohio's FESOP program, as published on October 25, 1994, at 59 FR 53586. In the Final Rules section of this Federal Register, USEPA is fully approving the State's SIP revision as a direct final rule without prior proposal, because the USEPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received on or before November 29, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of its are available for inspection at: Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section for this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 5, 1995.

Michelle D. Jordan,

Acting Regional Administrator.

[FR Doc. 95–26590 Filed 10–27–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 70

[AD–FRL–5321–9]

Clean Air Act Proposed Interim Approval of Operating Permits Program; Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: The EPA proposes interim approval of the operating permits program submitted by Maryland. This program was submitted by Maryland for the purpose of complying with federal requirements which mandated that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by November 29, 1995.

ADDRESSES: Comments should be addressed to Enid Gerena, (3AT23), Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

Copies of Maryland's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: Air, Radiation, and

Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Enid A. Gerena (3AT23), Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597–8239.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

As required under Title V of the Clean Air Act (CAA) as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70 and require states to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources. Due to pending litigation over several aspects of the Part 70 rule which was promulgated on July 21, 1992, Part 70 is in the process of being revised. When the final revisions to Part 70 are promulgated, the requirements of the revised Part 70 will define EPA's criteria for the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of state operating permits program submittals. Until the date which the revisions to Part 70 are promulgated, the currently effective July 21, 1992 version of Part 70 shall be used as the basis for EPA review.

B. Federal Oversight and Sanctions

The CAA requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the CAA and the July 21, 1992 version of Part 70, which together outline the currently applicable criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, EPA must establish and implement a federal operating permits program.

Following final interim approval, if the State of Maryland fails to submit a complete corrective program for full approval by 6 months before the interim approval expires, EPA would start an 18-month clock for mandatory sanctions. If Maryland then failed to submit a complete corrective program that EPA found complete before the expiration of that 18-month period, EPA would be required to apply one of the sanctions in section 179(b) of the CAA. Such sanction would remain in effect until EPA determined that Maryland had corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of Maryland, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that Maryland had come into compliance. In any case, if, six months after application of the first sanction, Maryland still had not submitted a corrective program that EPA found complete, a second sanction would be required.

If, following final interim approval, EPA disapproved Maryland's complete corrective program, EPA would be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Maryland had submitted a revised program and EPA had determined that this program corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of Maryland, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that Maryland had come into compliance. In all cases, if, six months after EPA applied the first sanction, Maryland had not submitted a revised program that EPA had determined corrected the deficiencies that prompted the disapproval, a second sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if Maryland has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to a Maryland program by the expiration of an interim approval period, EPA must promulgate, administer and enforce a federal operating permits program for Maryland upon the date the interim approval period expires.

C. State of Maryland's Submittal

On May 9, 1995, Maryland submitted an operating permits program for review by EPA. The submittal was supplemented by additional materials on June 9, 1995, and was found to be administratively complete pursuant to 40 CFR 70.4(e)(1). The submittal includes the following components: transmittal letter; description of Maryland's Title V operating permits program; state regulations; Attorney General's legal opinion; workload analysis, permit fee demonstration; permitting program documentation, and additional information (i.e., transition plan, data management, compliance tracking and enforcement description).

II. Summary and Analysis of Maryland's Submittal

The analysis contained in this notice focuses on the major portions of Maryland's operating permits program submittal: regulations and program implementation, fees, support materials, and provisions implementing the requirements of Titles III and IV of the CAA. Specifically, this notice addresses the deficiencies in Maryland's submittal which will need to be corrected to fully meet the requirements of the July 21, 1992 version of Part 70. These deficiencies as well as other issues related to Maryland's operating permits program are discussed in detail in the Technical Support Document (TSD). The full program submittal and the TSD are available for review as part of the public docket. The docket may be viewed during regular business hours at the EPA Region III office listed in the **ADDRESSES** section of this notice.

A. Regulations and Program Implementation

Maryland's operating permits program is primarily defined by regulations adopted as Code of Maryland Regulations (COMAR), Title 26, Subtitle 11. The specific regulations being adopted to implement the Part 70 requirements will appear at COMAR § 26.11.02 (Permits, Approvals, and Registration) and COMAR § 26.11.03 (Permits, Approvals, and Registration—Part 70 Permits). Provisions for enforcement authority are located in COMAR § 26.11.02.05. Maryland submitted a list identifying ''Title V'' and ''Non-Title V'' provisions of its regulations. This list is provided in the TSD. In today's proposal, EPA is taking action only on the Title V portions of Maryland's submittal.

During the review of Maryland's regulations, EPA identified several instances of vague language, misreferences, typographical errors, and errors of omission in the regulatory language. The provisions in which these errors occur are identified in the TSD and must be interpreted as if written correctly to fully meet the requirements of Part 70. The following analysis of Maryland's operating permit regulations corresponds directly with the format and structure of Part 70.

Section 70.4 State Program Submittals and Transition

Maryland's regulations substantially meet the requirements of 40 CFR 70.4 for the State program submittal. For consistency with section 502(b)(6) of the Clean Air Act and 40 CFR 70.4(b)(3)(x), Maryland must address the following issue on standing for judicial review and the following changes must be made in order to fully meet the requirements of 40 CFR 70.4:

1. The Attorney General of Maryland, in his opinion dated June 9, 1995, states that ''the laws of Maryland provide adequate authority to carry out the program submitted on May 9, 1995 by the Maryland Department of the Environment (the Department) to the U.S Environmental Protection Agency for approval to administer and enforce the operating permit program under Title V of the CAA and 40 CFR Part 70 (the Part 70 program).'' Section 502(b)(6) of the CAA and 40 CFR 70.4(b)(3)(x) require that the program provide standing for judicial review of a permit action to THE PERMIT APPLICANT, any person who participated in the public comment process and any other person who could obtain judicial review of that action under applicable law. EPA interprets section 502(b)(6) of the CAA and part 70 as requiring that approvable state title V permits programs must provide judicial review to any party who participated in the public comment process and who meets the threshold requirements of Article III of the U.S. Constitution for standing in federal courts.

The Attorney General cites the Maryland Environmental Standing Act (MESA), Md. Nat. Res. Code Ann. §§ 1–501 to 1–508 (1990), as the primary avenue for third parties to obtain judicial review of the Department's issuance of a Part 70 permit. The Attorney General interprets MESA to provide standing to challenge permit issuance in actions for mandamus or equitable relief (including declaratory relief) to several categories of persons. Those categories are: (1) The state, (2) any political subdivision of the state, and (3) any other person, regardless of whether that person possesses a special interest different from that possessed generally by the residents of Maryland or whether substantial personal or property damage to that person is threatened. The Attorney General recognizes that MESA does not provide standing for a direct judicial review of permit actions under Maryland's Administrative Procedure Act (APA), Md. State Gov't Code Ann. § 10–201 (1990). Nonetheless, it appears that review of essentially equivalent scope as direct judicial review is available under MESA. The Attorney General notes that the Maryland Supreme Court has stated that an administrative proceeding such as permit issuance or denial, even if not subject to direct review under the APA, would be subject to judicial review of essentially the same scope in an action for mandamus or equitable relief (including certiorari, injunction, or declaratory judgment).

For purposes of MESA, the term ''person'' includes any resident of Maryland, any Maryland corporation, and any partnership, organization, association or legal entity doing business in the state. Parties not falling within this definition of ''person'' (for example, individuals living in an adjacent state but near a Maryland source, or an organization not doing business in Maryland) can not take advantage of the standing provisions of MESA. Instead, those parties are required to establish standing for judicial review under the Maryland common law of standing. Under Maryland common law, in order to establish standing, a party must demonstrate it has a ''specific interest or property right'' such that the party will suffer harm that is different in kind from that suffered by the general public. There are no reported cases in Maryland that would preclude a non-economic interest (such as a recreational, conservational or aesthetic interest) from constituting the type of specific interest needed for standing. If a Maryland judicial decision having precedential effect is issued in the future limiting the special interest required for standing to economic interests, then the Maryland standing requirements would become more stringent than Article III standing requirements. In that event, EPA will take appropriate action under 40 CFR 70.11(c).

With respect to organizations not doing business in Maryland, the Maryland standing requirements are somewhat less favorable than the standing requirements of Article III of the U.S. Constitution. The federal courts interpret Article III to provide standing for organizations in actions brought to protect the interests of its members, provided certain conditions are met. *See Chesapeake Bay Foundation* v. *Bethlehem Steel Corp.*, 608 F.Supp. 440 (D. Md. 1985). Under Maryland common law of standing, an organization must have an interest of its own, separate and distinct from that of its individual members, in order to establish standing. *Medical Waste Associates, Inc.* v. *Maryland Waste Coalition*, 327 Md. 596 (1992). However, the Maryland Attorney General notes that if at least one plaintiff in an action for review of a permit establishes standing, the Maryland courts will not ordinarily inquire as to whether other plaintiffs have standing. Therefore, an organization doing business outside of Maryland may be able to participate in a permit challenge on behalf of its individual members if other parties having the requisite standing also join as plaintiffs in the action. (Of course, organizations doing business in Maryland can establish standing under MESA, as discussed above.)

MESA must be amended to accord non-state residents and organizations not doing business in Maryland the same standing to challenge Part 70 permit decisions as other ''persons'' as defined in MESA, or, in the alternative, other appropriate legislative action must be taken to ensure that standing requirements for such organizations are not more restrictive than the minimum requirements of Article III of the U.S. Constitution as they apply to federal courts. A straightforward approach Maryland could take to resolving this issue would be to amend its state APA to directly provide for the opportunity for judicial review of permit actions in state court, consistent with CAA section 502(b)(6) and 40 CFR 70.4(b)(3)(x); this would avoid the risk of any future Maryland judicial decision interpreting MESA or Maryland's common law of standing potentially compromising Maryland's Part 70 approval status.

Section 70.5 Permit Applications

Maryland's regulations substantially meet the requirements of 40 CFR 70.5 for permit applications. The following changes must be made in order to fully meet the requirements of 40 CFR 70.5:

1. COMAR § 26.11.03.04 lists 17 types of emission units and activities that are exempt from being included in the Part 70 permit application. 40 CFR 70.5(c) allows EPA to approve a list of insignificant activities or emissions levels which need not be included in permit applications; however, the State must identify such emissions levels or

insignificant activities based on size, emission rate or production rate. Maryland must make three changes to COMAR § 26.11.03.04 in order to meet the requirements of 40 CFR 70.5(c):

a. As part of the list of emission units and activities exempt from the Part 70 permit application, COMAR § 26.11.03.04 A(18) lists ''any other emission unit that is not subject to an applicable requirement of the Clean Air Act.'' Part 70 does not allow such a broad exemption of emission units from the permit application requirements. 40 CFR 70.5(c)(3)(i) requires that a permit application describe all emissions of regulated air pollutants from any emissions unit, except where such units are exempted as part of a list of insignificant activities or emission levels. Insignificant activities or emissions levels must be clearly identified and established based on a justifiable limitation, such as a size or emissions threshold.

b. Maryland must revise COMAR § 26.11.03.04 B to provide that a permit applicant shall not omit information needed to determine the applicability of, or to impose, any applicable requirement, consistent with 40 CFR 70.5(c).

c. Maryland must revise COMAR § 26.11.03.04 A(2) to clarify the exemption for boilers used exclusively to operate steam engines for farm and domestic use. This exemption must be modified to impose a justifiable and objective emission limit, heat content limit, or size limitation to restrict this exemption to insignificant activities. Maryland must also provide enough information to identify the activity and/or unit qualifying for an exemption.

Section 70.7 Permit Issuance, Renewal, Reopenings, and Revisions

Maryland's regulations substantially meet the requirements of 40 CFR 70.7 for permit issuance, renewal, reopenings, and revisions. The following changes must be made in order to fully meet the requirements of 40 CFR 70.7:

1. COMAR § 26.11.03.21 A provides that general permits will be issued after notice and opportunity for public comment and hearing as required by the rule making provisions of the Administrative Procedure Act (APA), State Government Article § 10–101 et seq., Annotated Code of Maryland, and Environmental Article § 2–301, Annotated Code of Maryland. While the APA and § 2–301 and § 2–303 of the Environmental Article provide adequate public notice and comment provisions, they do not provide all necessary permit issuance procedures required by 40 CFR 70.7(h). COMAR § 26.11.03.21 A also states that any general permit shall comply with all requirements applicable to other Part 70 permits.

It is not clear, however, whether this provision applies to the issuance of general permits. Maryland's provisions for issuance of Part 70 permits (COMAR §§ 26.11.03.07–.09) are adequate, but the regulations do not specifically state whether they apply to general permits. Specifically, Maryland must require that the procedures for issuing general permits include notice and opportunity for participation by affected states consistent with 40 CFR 70.7(h)(3) and 70.8 (COMAR § 26.11.03.08) and a 45-day EPA review period, consistent with 70.8(a) and (c) (COMAR § 26.11.03.09). Further, Maryland must keep a record of public commenters and issues raised during the public participation process so that EPA may fulfill its obligation under section 505(b)(2) of the Act to determine whether a citizen petition may be granted (COMAR § 26.11.03.07(G)). EPA recommends that Maryland clarify that these provisions apply to the issuance of general permits by citing in COMAR § 26.11.03.21 A the appropriate sections of Maryland's regulations.

2. The procedures for revising a general permit under COMAR §§ 26.11.03.21 J and L must be changed to meet the requirements of 40 CFR 70.7(e) regarding permit revision procedures. COMAR § 26.11.03.21 J allows the Department to revise or repeal a general permit using the procedures that are appropriate to the particular permit. COMAR § 26.11.03.21 L states that the revision procedures set forth in Maryland's regulations do not apply to a general permit, except as provided in the general permit. These sections are inconsistent with Part 70 because they give the Department discretion to determine the appropriate procedures that should be followed to revise a general permit. Under 40 CFR 70.7(e)(1), the permitting authority is required to provide procedures for permit modifications that provide a level of public participation and review by the permitting authority, EPA and affected states that is at least equal to that provided in Part 70. Therefore, if the Department proposes a significant change in the general permit's terms and conditions, such as a relaxation of reporting requirements or an increase in the applicable emissions limit, the general permit would need to be revised according to procedures for a significant permit modification, including a 30 day public comment period, an opportunity for a public hearing, and review by EPA and affected states. Those proposed revisions to the general permit that meet the criteria for administrative permit amendments or minor permit modifications could be processed using procedures consistent with 40 CFR 70.7(d) and § 70.7(e)(2), respectively. It should be made clear that the general permit cannot be modified for individual sources; rather, each source that applies for and is granted approval to operate under the general permit must adhere to the same permit terms and conditions. If the Department determines that a revision to the general permit is necessary, it must revise the permit using procedures consistent with 40 CFR 70.7, as described above.

3. Maryland's requirements for permit reopenings, including COMAR §§ 26.11.03.07 A(2), 26.11.03.08 A and 26.11.03.20 C (4), (5) and (6), provide the State discretion to follow procedures other than the procedures for permit issuance. Maryland's COMAR § 26.11.03.20 C(4) states that ''the procedures that the Department specifies to be followed if a permit is reopened shall be based on the Department's determination as to what type of change to the permitted source is likely to result from reopening the permit, using Regulations [26.11.03] .14–.17 [pertaining to permit revisions] of this chapter as guidance.'' By contrast, 40 CFR 70.7(f)(2) requires that procedures to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance. Maryland's provisions for permit reopening procedures are inconsistent with Part 70. However, future revisions to Part 70 may provide flexibility in the procedures that States must use to reopen permits. On August 31, 1995, EPA proposed revisions to Part 70 that would streamline the procedures for revising Title V operating permits. (See 60 FR 45530.)

4. COMAR § 26.11.03.17 F provides that a permittee shall submit an application for a significant permit modification not later than 12 months after commencing operation of the changed source unless the change is prohibited by the Part 70 permit. This provision is inconsistent with 40 CFR 70.7(e)(4), which does not allow a source to make a significant permit modification prior to receiving a revised permit from the permitting authority. A significant permit modification is a change that does not qualify as an administrative permit amendment or a minor permit modification. Significant modifications include relaxations in monitoring, reporting, or recordkeeping. By allowing a source to submit its permit application 12 months after making a change, COMAR § 26.11.03.17

F is less stringent than 40 CFR 70.7(e)(4) and allows a source even more leniency in making a significant change than for making minor permit modifications or administrative permit amendments. This is clearly not the intent of the significant permit modification provisions of 40 CFR 70.7(e)(4). Future revisions to Part 70, as described above, may provide flexibility in the procedures that States must use to process permit revisions.

5. COMAR § 26.11.03.14 C allows the Department to approve changes to compliance plans or schedules as part of an administrative permit amendment or minor permit modification. This provision is less stringent than 40 CFR 70.7 because the relaxation of a compliance plan or schedule is a significant change that should be processed as a significant permit modification. Future revisions to Part 70, as described above, may provide flexibility in the procedures that States must use to revise permits.

6. COMAR § 26.11.03.15 B(7) contains the following sentence: ''Notwithstanding § [26.11.03.15] B(1)–(6) [pertaining to administrative permit amendments] of this regulation, for purposes of the acid rain portion of a Part 70 permit is governed by regulations promulgated under Title IV of the Clean Air Act.'' This sentence apparently was written in error. EPA assumes that this sentence is meant to reflect the provisions of 40 CFR 70.7(e), which states that a permit modification (other than an administrative permit amendment) for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Clean Air Act. Maryland must correct the wording of COMAR § 26.11.03.15 B(7).

Section 70.8 Permit Review By EPA and Affected States

Maryland's regulations substantially meet the requirements of 40 CFR 70.8 for permit review by EPA and affected states. The following changes must be made in order to fully meet the requirements of 40 CFR 70.8:

1. COMAR § 26.11.03 appears to allow the Department to make changes in a final permit after EPA has completed its review of the permit. For example, COMAR § 26.11.03.11 includes provisions for implementing changes to a final permit subsequent to a contested case hearing and the issuance of a proposed decision by an Administrative Law Judge (ALJ). On the basis of past experience with other air quality control programs, Maryland believes that it will be an extremely rare occasion when an applicant seeks such a hearing. In the event that such proceeding does occur, COMAR § 26.11.03.11 affords EPA the opportunity to participate in the hearing. In the event that EPA does not participate, COMAR § 26.11.03.11 affords EPA a thirty (30) day opportunity to comment on the proposed decision of the ALJ prior to the Department's issuance of a final decision in the matter. However, in the event that the Department thereafter issues a final decision which modifies or changes conditions in the final permit, federal and state requirements (the Clean Air Act, 40 CFR 70.8 and COMAR § 26.11.03.09) should be read as requiring the Department to provide EPA with an additional (45 day) period in which to review and comment on the final permit. Maryland must revise its Attorney General's Opinion to acknowledge that in the event the Department implements changes to any final permit, EPA will have an additional (45 day) period to review and comment on the final permit, as revised by the Department.

B. Variances

Maryland Environmental Article sections 2–501, 606, 610(c), 611, and 613 are cited by the Department as variance provisions which authorize the Department to deviate from certain applicable requirements within and outside the permitting process. EPA has no authority to approve provisions of State law, such as the variance provisions referred to in these sections, which are inconsistent with the CAA. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a federally enforceable Part 70 permit, except where such relief is granted through procedures allowed by Part 70. EPA reserves the right to enforce the terms of the Part 70 permit where the permitting authority purports to grant relief from the duty to comply with a Part 70 permit in a manner inconsistent with Part 70 procedures.

C. Permit Fee Demonstration

COMAR § 26.11.02.19(A) states that owners or operators of Part 70 sources will be required to pay an annual fee consisting of a base fee of two hundred dollars ($200) plus an emissions-based fee for each ton of regulated emissions. Beginning in January 1, 1996, the fee rate will be twenty-five dollars per ton ($25) of regulated emissions. On January 1, 1997, this annual fee will be adjusted by the Consumer Price Index (CPI). Fee revenues received from Part 70 facilities will be placed in a segregated portion of the Department's Air and Radiation Management Administration budget. Surplus funds from any prior year of the program will be carried over to the following year to be used solely for Part 70 permitting activity.

Only program-related fees from facilities subject to Part 70 applicability will be used to fund the program. Maryland's fee calculation, based upon recent (September 1994) emissions inventory data, shows that revenues will be able to cover the estimated costs of the program. In chapter IV of the submittal entitled, ''Workload Analysis and Fee Demonstration'', Maryland estimates revenues and costs associated with the implementation of its operating permits program. The Air and Radiation Management Administration proposes an accounting method whereby Part 70 program activities performed by technical personnel in the Air Quality Permits and Compliance Program will be coded directly to specified Part 70 program cost accounts. In the submittal, Maryland stated that in the event of a temporary shortfall of revenues, the Department will have the option to prorate fees collected from facilities with Phase I units (acid rain) so as to allow fees from non-Phase I units at these sites to be used for Part 70 activities. According to 40 CFR 70.9(b)(3), the permitting authority is allowed to calculate fees on any particular basis or in the same manner for all Part 70 sources, or all regulated air pollutants, provided that the state collects a total amount of fees sufficient to meet the program. Maryland meets the requirements of 40 CFR 70.9(b)(3). However, it will be necessary for the State to demonstrate how these revenues will be prorated. EPA recommends that Maryland establish an account tracking system that will distinguish between revenues and expenditures attributable to Phase I from non-Phase I units. The estimates of revenues from the authorized collection of emission-based fees reveal that Maryland's program will have adequate funding to cover the direct and indirect costs of implementing the permit program during each of the first four years.

D. Provisions Implementing the Requirements of Title III Implementing Title III Standards Through Title V Permits

Maryland's regulations provide general authority to administer and enforce the requirements of the Clean Air Act regarding hazardous air pollutants, and thus generally meet the requirements of 40 CFR 70.3 (a)–(b). The following issue must be addressed in order to fully meet the requirements of 40 CFR 70.3 (a)–(b).

1. In its May 9, 1995 submittal, Maryland advised EPA that it was not seeking full Part 70 program approval regarding hazardous air pollutants, but was considering whether to request EPA approval of its existing air toxics program (COMAR § 26.11.15) under Subpart E of 40 CFR Part 63. As a result, the Attorney General did not review the State's Part 70 program regarding current federal requirements for hazardous air pollutants. Maryland must resolve the issue of how it will address the CAA's section 112 applicable requirements and revise its Attorney General's opinion to include a detailed review of the State's Part 70 program regarding current federal requirements for hazardous air pollutants.

Under Environment Article, Title 2, of the Annotated Code of Maryland and COMAR § 26.11.03.06 A(1), Maryland, in its Title V program submittal, has demonstrated broad legal authority to incorporate all applicable requirements into permits and to enforce its permit requirements. In its May 9, 1995 submittal, Maryland indicated that the Part 70 permits will be the mechanism to implement mandatory Section 112 requirements and that other federally-enforceable mechanisms may be used to carry out specific CAA section 112 activities but only if approved by EPA. EPA regards this commitment as an obligation to obtain further legal authority as needed to issue permits that assure compliance with the CAA's section 112 applicable requirements.

For a further discussion in support of this interpretation, please refer to the TSD accompanying this rulemaking, which is located in the public docket, and the April 13, 1993 guidance memorandum entitled ''Title V Program Approval Criteria for Section 112 Activities,'' signed by John Seitz, Director, Office of Air Quality Planning and Standards, Office of Air and Radiation, USEPA.

Implementation of 112(g) Upon Program Approval

EPA is proposing to approve Maryland's operating permits program for the purpose of implementing CAA section 112(g) during the transition period between federal promulgation of a section 112(g) rule and Maryland's adoption of section 112(g) implementing regulations. Until recently, EPA had interpreted the CAA to require sources to comply with section 112(g) beginning on the date of approval of the Title V program regardless of whether EPA had completed its section 112(g) rulemaking. EPA has since revised this interpretation of the CAA as described in a February 14, 1995 Federal Register notice (see 60 FR 83333). The revised interpretation postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The rationale for the revised interpretation is set forth in detail in the February 14, 1995 interpretive notice.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the federal rule to allow states time to adopt rules implementing the federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Maryland must be able to implement section 112(g) during the transition period between promulgation of the federal section 112(g) rule and adoption of implementing Maryland regulations.

EPA believes that, although Maryland currently lacks a program designed specifically to implement section 112(g), Maryland's Title V operating permits program will serve as an adequate implementation vehicle during the transition period because the program will allow Maryland to select control measures that would meet Maximum Achievable Control Technology (MACT) on a case-by-case basis, as defined in section 112, and incorporate these measures into federally enforceable source-specific permits.

This proposed approval clarifies that Maryland's operating permits program is available as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and adoption by Maryland of rules established to implement section 112(g). EPA is proposing to limit the duration of this approval to an outer limit of 18 months following EPA's promulgation of the section 112(g) rule. Comment is solicited on whether 18 months is an appropriate period taking into consideration the State's procedures for adoption of regulations. However, since this proposed approval is for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted.

Although section 112(l) generally provides the authority for approval of state air toxics programs, Title V and section 112(g) provide authority for this limited approval because of the direct linkage between implementation of section 112(g) and Title V.

If Maryland does not wish to implement section 112(g) through the proposed mechanisms discussed above and can demonstrate that an alternative means of implementing section 112(g) exists during the transition period, EPA may, in the final action approving Maryland's Part 70 program, approve such alternative.

Program for Straight Delegation of Section 112 Standards

As previously noted, Maryland has advised EPA that it currently is not seeking full Part 70 program approval regarding hazardous air pollutants, but is considering a request for approval of its existing air toxics program (COMAR § 26.11.15) under Subpart E of 40 CFR Part 63. However, prior to receiving EPA approval of its existing air toxics program, Maryland must agree that the requirements specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for a program for delegation of unchanged section 112 standards. Section 112(l)(5) requires state programs to contain adequate authorities and resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Prior to a decision by EPA regarding approval of its existing air toxics program, EPA proposes to grant approval under section 112(l)(5) and 40 CFR 63.91 of Maryland's program for receiving delegation of section 112 standards that are unchanged from the federal standards as promulgated. For EPA-promulgated rules which are applicable to sources in the State, the State intends to request delegation after adopting the rules. The details of this delegation mechanism will be established prior to delegating any section 112 standards. This program applies to both existing and future standards but is limited to sources covered by the Part 70 program.

E. Title IV Provisions/Commitments

As part of the May 9, 1995 program submittal, Maryland committed to submit all missing portions of the Title IV acid rain program by November 15, 1995, including its State acid rain regulations.

III. Request for Public Comments

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in this federal rulemaking action by submitting written comments

to the EPA Regional office listed in the **ADDRESSES** section of this notice.

Proposed Action

EPA is proposing to grant interim approval of the operating permits program submitted by Maryland on May 9, 1995, and the Attorney General's Legal Opinion submitted on June 9, 1995. The scope of Maryland's Part 70 program applies to all Part 70 sources (as defined in the program) within Maryland, except for sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the CAA as ''any community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians.'' See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25. 1994); 58 FR 54364 (Oct. 21, 1993). Prior to full approval by EPA, Maryland must make the following changes:

1. The Maryland Environmental Standing Act (MESA) must be amended to accord non-state residents and organizations not doing business in Maryland the same standing to challenge Part 70 permit decisions as other ''persons'' as defined in MESA, or, in the alternative, other appropriate legislative action must be taken to ensure that standing requirements for such organizations are not more restrictive than the minimum requirements of Article III of the U.S. Constitution as they apply to federal courts.

2. Revise the provisions for insignificant activities under COMAR § 26.11.03.04 as follows, to achieve consistency with the requirements of 40 CFR 70.5(c):

a. Remove the exemption for ''any other emission unit that is not subject to an applicable requirement of the Clean Air Act'' under COMAR § 26.11.03.04 A(18).

b. Revise COMAR § 26.11.03.04 B to provide that a permit applicant shall not omit information needed to determine the applicability of, or to impose, any applicable requirement.

c. Revise COMAR § 26.11.03.04 A(2) to add a justifiable limitation on the exemption for boilers used exclusively to operate steam engines for farm and domestic use.

3. Revise COMAR § 26.11.03.21 to clarify that the procedures for issuing general permits must include affected state and EPA review, and that the state must keep a record of the public commenters and issues raised during the public participation process, consistent with 40 CFR 70.7(h) and 70.8.

4. Revise COMAR §§ 26.11.03.21 J and L to require that general permits are revised according to procedures consistent with 40 CFR 70.7(e).

5. Revise COMAR §§ 26.11.03.07 A(2), 26.11.03.08 A, and 26.11.03.20 C (4), (5) and (6) to provide that the procedures for initial permit issuance also must be followed for permit reopenings, to achieve consistency with the requirements of 40 CFR 70.7(f)(2).

6. Remove subsection F of COMAR § 26.11.03.17, which impermissibly allows sources to submit a permit application within 12 months after making a significant permit modification.

7. Revise COMAR § 26.11.03.14 C to require that any relaxation of a compliance plan or schedule will be processed as a significant permit modification, consistent with 40 CFR 70.7(e)(4).

8. Revise the wording of COMAR § 26.11.03.15 B(7), pertaining to permit modifications for acid rain permits, consistent with 40 CFR 70.7(e).

9. Amend the Attorney General's Opinion to clarify that if the Department proposes to change a final permit as a result of a contested case decision by an Administrative Law Judge and pursuant to COMAR § 26.11.03.11, the Department will revoke the final permit and reissue it with the proposed changes so as to provide EPA with the (45 day) review and comment period required pursuant to the CAA, 40 CFR 70.8 and COMAR § 26.11.03.09.

10. Revise the Attorney General's Opinion to include a detailed review of the State's Part 70 program regarding current federal requirements for hazardous air pollutants.

This interim approval, which may not be renewed, extends for a period of up to 2 years. During the interim approval period, Maryland is protected from sanctions for failure to have a fully approved Title V, Part 70 program, and EPA is not obligated to promulgate a federal permits program in Maryland. Permits issued under a program with interim approval have full standing with respect to Part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon interim approval, as does the 3-year time period for processing the initial permit applications.

Requirements for approval, specified in 40 CFR 70.4(b), encompass the CAA's section 112(l)(5) requirements for approval of a program for delegation of section 112 standards applicable to Part 70 sources as promulgated by EPA. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, EPA is also proposing under section 112(l)(5) and 40 CFR 63.91 to grant approval of Maryland's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action to propose interim approval of Maryland's operating permits program pursuant to Title V of the CAA and 40 CFR Part 70 does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 20, 1995.

W. Michael McCabe,

Regional Administrator.

[FR Doc. 95–26856 Filed 10–27–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 69

[CC Docket No. 95–115; DA 95–2197]

Subscribership and Usage of the Public Switched Network

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of Time.

SUMMARY: On July 20, 1995, the Commission released a Notice of Proposed Rulemaking (''Notice'') concerning rules and policies to increase subscribership and usage of the public switched network. The Commission invited comment on the proposals and tentative conclusions set forth in that Notice, and set deadlines of September 27, 1995, for initial comments and October 27, 1995, for

reply comments. The Commission has received comments from more than 60 respondents. Because many of these comments are lengthy and present alternative proposals to those appearing in the Notice, we find the October 27th deadline may not provide sufficient time to produce a full and complete record in this proceeding. Although we do not routinely extend comment deadlines, we believe that an extension to November 14, 1995, in this proceeding will serve the public interest by giving interested parties adequate time to review and reply to the initial comments.

DATES: Reply comments are due on or before November 14, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andy Mulitz, telephone number 202–418–0827, George Johnson, telephone number 202–418–0866, or John V. Giusti, telephone number 202–418–0878.

SUPPLEMENTARY INFORMATION:

Order Extending Reply Comment Period

Adopted: October 19, 1995.
Released: October 20, 1995.

By the Chief, Common Carrier Bureau:

1. On July 20, 1995, the Commission released a Notice of Proposed Rulemaking (''Notice''), 60 FR 44296, August 25, 1995, in the captioned proceeding concerning rules and policies to increase subscribership and usage of the public switched network. The Commission invited comment on the proposals and tentative conclusions set forth in that Notice, and set deadlines of September 27, 1995, for initial comments and October 27, 1995, for reply comments.

2. The Commission has received comments from more than 60 respondents. Many of these comments are lengthy and present alternative proposals to those appearing in the Notice that require careful analysis. In these circumstances, we find the October 27th deadline may not provide sufficient time to produce a full and complete record in this proceeding. Although we do not routinely extend comment deadlines, we believe that an extension to November 14, 1995, in this proceeding will serve the public interest by giving interested parties adequate time to review and reply to the initial comments.

3. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 155(c), and Sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, that the deadline for filing reply comments in the captioned proceeding IS EXTENDED until November 14, 1995.

Federal Communications Commission.

Kathleen M.H. Wallman,

Chief, Common Carrier Bureau.

[FR Doc. 95–26694 Filed 10–27–95; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
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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

Agricultural Marketing Service

[Docket No. PY–95–006]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection in support of the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs—7 CFR Part 56.

DATES: Comments on this notice must be received by December 29, 1995.

ADDITIONAL INFORMATION: Contact Shields Jones, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20050, (202) 720–3506.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs.

OMB Number: 0581–0128.

Expiration Date of Approval: April 30, 1996.

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

Abstract: The regulations provide a voluntary program for grading shell eggs on the basis of U.S. standards, grades, and weight classes. In addition, the shell egg industry and users of the products have requested that other types of voluntary services be developed and provided under these regulations; e.g., contract and specification acceptance services and certification of quantity. This voluntary grading service is available on a resident basis or a lot-fee basis. Respondents may request resident service on a continuous basis or on an as-needed basis. The service is paid for by the user (user-fee).

The Agricultural Marketing Act of 1946 (60 Stat. 1087–1091, as amended; 7 U.S.C. 1621–1627) (AMA) directs and authorizes the Department to develop standards of quality, grades, grading programs, and services which facilitate trading of agricultural products and assure consumers of quality products which are graded and identified under USDA programs.

To provide programs and services, section 203 (h) of the AMA directs and authorizes the Secretary of Agriculture to inspect, certify and identify, and identify the grade, class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of the service.

Because this is a voluntary program, respondents need to request or apply for the specific service they wish, and in doing so, they provide information. Since the AMA requires that cost of service be assessed and collected, there is no alternative but to provide programs on a fee-for-service basis and to collect the information needed to establish the cost.

The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program.

The information collected is used only by authorized representatives of the USDA (AMS, Poultry Division's national staff; regional directors and their staffs; Federal-State supervisors and their staffs; and resident Federal-State graders, which includes State agencies). The information is used to administer and to conduct and carry out the grading services requested by the respondents. The Agency is the primary user of the information, and the secondary user is each authorized State agency which has a cooperative agreement with AMS.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.246 hours per response.

Respondents: State or local governments, businesses or other for-profit, Federal agencies or employees, small businesses or organizations.

Estimated Number of Respondents: 753.

Estimated Number of Responses per Respondent: 34.02.

Estimated Total Annual Burden on Respondents: 25,617 hours.

Copies of this information collection can be obtained from Shields Jones, Standardization Branch, at (202) 720–3506.

Send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information, to:

Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, 14th & Independence Avenue SW., Washington, DC 20250.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 23, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95–26789 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

Forest Service

Fern Star Timber Sale; Clearwater National Forest, Clearwater County, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of timber harvest, road construction, reforestation and prescribed burning in the vicinity of the Isabella Creek and the Star Creek drainages. The area lies to the east of Isabella Creek and is located in the northwestern corner of the North Fork Ranger District, Clearwater National Forest, Clearwater County, Idaho. A portion of the proposed project's

activities are within a roadless area. The proposal's actions are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25).

The purposes of the project are to implement the Clearwater Forest Plan; sustain the diversity and productivity of all ecosystems within the Project Area including the aquatic ecosystems, sensitive plan communities and old growth forest ecosystems; provide conditions that ensure positive timber growth; and reduce the risk of large fires within the Fern Star Project Area; develop a permanent transportation plan for the area that uses ecologically-sensitive road design methods for new roads, utilizes timber yarding systems that minimize the need for additional new roads and analyzes each existing road for the appropriate type of use, need for maintenance and possibility of obliteration.

This project-level EIS will tier to the Clearwater National Forest Land and Resource Management Plan (Forest Plan) and Final EIS (September, 1987), which provides overall guidance of all land management activities on the Clearwater National Forest.

DATES: Written comments and suggestions should be received on or before December 14, 1995 to receive timely consideration in the preparation of the Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency in March 1996. The Final EIS and Record of Decision are expected to be issued in September 1996.

ADDRESSES: Submit written comments and suggestions on the proposed action or requests to be placed on the project mailing list to Arthur S. Bourassa, District Ranger, North Fork Ranger District, Clearwater National Forest, 1225 Ahsahka Road, Orofino, ID 83544.

FOR FURTHER INFORMATION CONTACT: Steward Wilson, Team Leader, North Fork Ranger District, Clearwater National Forest, 1225 Ahsahka Road, Orofino, ID 83544. Phone: (208) 476–3775 or Fax: (208) 476–5441.

SUPPLEMENTARY INFORMATION: The Project Area consists of 5,415 acres of National Forest land located in all or part of sections 4, 5, and 6 of T40N, R7E; and sections 15, 16, 20–22, and 27–33 of T41N, R7E, Boise Meridian. All management activities would be administered by the North Fork Ranger District, Clearwater National Forest, Clearwater County, Idaho.

The proposed action includes activities covering approximately 522 acres of the 5,415-acre Project Area. All of the harvesting would utilize a shelterwood-seedtree regeneration system. Activities would include harvesting approximately 12.4 million board feet on 7 units totaling 522 to improve or maintain the health of the timber stands and reintroduce fire to the area; prescribe burn approximately 522 acres to reduce logging and natural slash levels; reforest up to approximately 522 acres by hand planting with nursery-grown seedlings and through natural regeneration; maintain existing boulder weirs in Isabella Creek to improve pool habitat and increase angling opportunities; establish a new trail head for Trail #396 on Road #5339 with facilities for dispersed camping and stock handling; reconstruct approximately two miles of trail from Fern Creek to the junction with Road #705 near the bridge across Isabella Creek; construct trail head facilities for handling stock and dispersed camping at the helicopter landing on Road #705; interpret disjunct plant communities for public education through signing and brochures; reconstruct approximately 3.1 miles of existing Road #5339 and construct approximately 3.4 miles of new road to facilitate timber harvest, prescribed burning, and reforestation activities; and erect a barrier on Road #5339 near the junction with Road #700 for wildlife security and erosion control.

The Clearwater Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards, guidelines and management area direction. The areas of proposed timber harvest and reforestation would occur within Management Areas E1/E3, C4, A4, US, and C3. Timber harvest would occur only on suitable timber land. Below is a brief description of the applicable management direction.

Management Area E1/E3 (2,109 acres)—Timber Management—Provide optimum, sustained production of timber products in a cost-effective manner while protecting soil and water quality.

Management Area C4 (1,808 acres)—Elk Winter Range/Timber—Provide sufficient winter forage and thermal cover for existing and projected big game populations while achieving timber production outputs.

Management Area A4 (1,229 acres)—Visual Travel Corridor—Maintain or enhance an aesthetically pleasing, natural appearing Forest setting surrounding designated roads, trails, and other areas considered important for recreational travel and use.

Management Area US (264 acres)—Non-Productive Forest—Maintain and protect soil and watershed values and vegetative cover. Manage for resources other than timber.

Management Area C3 (5 acres)—Elk Winter Range—Provide winter forage and thermal cover for big game.

The Forest Service will consider a range of alternatives to the proposed action. One of these will be the ''no action'' alternative, in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

The EIS will analyze the direct, indirect and cumulative environmental effects of the alternatives. Past, present and projected activities on both private and National Forest lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Public participation is an important part of the project, commencing with the initial scoping process (40 CFR 1501.7), which starts with publication of this notice and continues for the next 45 days. In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments and assistance from Federal, State and local agencies, as well as other individuals or organizations who may be interested in or affected by the proposed action. No meetings are scheduled, but letters, phone calls or personal visits are invited for the purpose of providing information related to this proposal. Interested individuals and organizations are encouraged to contact the North Fort District Ranger to be added to the project mailing list to receive future information related to this project.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to be analyzed in depth.
3. Eliminate minor issues or those which have been covered by a relevant previous environmental analysis, such as the Clearwater Forest Plan EIS.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e., direct, indirect and cumulative effects).
6. Determine potential cooperating agencies and task assignments.

Preliminary issues identified as a result of internal scoping include: Effects of the proposal on old growth habitat, cumulative effects of the past harvest that has occurred in the area, fragmentation, opening size (existing and proposed), water quality, impacts to biodiversity of the area, watershed

rehabilitation, effects of the proposal on riparian areas, impacts to fish species, snag management, visual quality of the area, travel corridors/linkages and effects on threatened, endangered and sensitive species. This list will be verified, expanded and/or modified based on the public scoping for this proposal.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in March 1996. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the Federal Register. The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register. It is very important that those interested in management of the Fern Star area participate at that time. To be most helpful, comments on the Draft EIS should be as site-specific as possible. The Final EIS is scheduled to be completed by September 1996.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is Clearwater National Forest, 12730 Highway 12, Orofino, ID 83544.

Dated: October 13, 1995.

James L. Caswell,

Forest Supervisor.

[FR Doc. 95–26818 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges From India; Initiation of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration/ Department of Commerce.

ACTION: Notice of initiation of new shipper antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of an antidumping duty order with a February anniversary date. In accordance with the Department's Interim Regulations, we are initiating this administrative review.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1995, the Department received a request, in accordance with section 353.22(h)(3)(i) of the Department's interim regulations, for a new shipper review of an antidumping duty order with a February anniversary date.

Initiation of Review

In accordance with section 353.22(h) of the Department's interim regulations, we are initiating a new shipper review of the antidumping duty order on certain forged stainless steel flanges from India. We intend to issue the final results of this review not later than 270 days from the date of publication of this notice.

Antidumping duty proceeding	Period to be reviewed
India:	
Certain Forged Stainless Steel Flanges A–533–809 Viraj	03/01/95–08/31/95

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise in accordance with section 353.22(h)(4) of the Department's interim regulations.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and section 353.22(h) of the Department's interim regulations.

Dated: October 25, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–26876 Filed 10–27–95; 8:45 am]

BILLING CODE 3510–DS–U

[A–821–803]

Titanium Sponge From Russia; Preliminary Results of Antidumpting Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from two U.S. producers, Oregon Metallurgical Corporation (OREMET) and Titanium Metals Corporation (TIMET), the Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on titanium sponge from Russia. The review covers four manufacturers/exporters, VILS-All Union Institute of Light Alloys (VILS), Verkhnaya Salda Metallurgical Production Organization (VSMPO), V/O Techsnabexport (TENEX), and the Berezniki Titanium-Magnesium Works (AVISMA), and exports of the subject merchandise to the United States for the period August 1, 1992 through July 31, 1993.

We have preliminarily determined that respondents did not export

titanium sponge to the United States during the period of review. If these preliminary results are adopted in our final results of review we will instruct U.S. customs to maintain the cash deposit rate of 83.96 percent, which is the rate established in the final results of the last administrative review of the antidumpting finding on titanium sponge from the Union of Soviet Socialist Republics.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: David Genovese or Zev Primor, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5254

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1968, the Department of the Treasury published an antidumping findings on titanium sponge from the Union of Soviet Socialist Republics (USSR) (33 FR 12138). In December 1991, the USSR divided into fifteen independent states. To conform to these changes, the Department changed the original antidumping finding into fifteen findings applicable to the Baltic states and the former Republics of the USSR (57 FR 36070, August 12, 1992).

On August 3, 1993, the Department published a notice of ''Opportunity to Request an Administrative Review'' (58 FR 41239) of the antidumping finding on titanium sponge from Russia. On August 27 and 30 1993, TIMET and OREMET, respectively, requested an administrative review. The Department initiated the review on September 30, 1993 (58 FR 51053), The Department initiated the review on September 30, 1993 (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

The merchandise covered by this review is titanium sponge from Russia. Titanium sponge is chiefly used for aerospace vehicles, specifically, in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS) subheading 8108.10.50.10. The HTS subheading is provided for convenience and U.S. Customs purposes; our written description of the scope of this finding is dispositive.

This review covers four manufacturers/exporters of titanium sponge, VILS, VSMPO, TENEX, and AVISMA. The review period is August 1, 1992, through July 31, 1993.

Preliminary Results of Review

In response to the Department's request for U.S. sales information, VILS, TENEX, and VSMPO, reported that they did not export titanium sponge to the United States during the period of review. AVISMA reported that it produced and sold titanium sponge during the period of review but that it sold to unrelated intermediaries without knowledge of the ultimate destination of the merchandise. Because AVISMA did not have knowledge of the ultimate destination of the merchandise at the time of sale, AVISMA is a non-shipper for the purposes of this review. Accordingly, the effective cash deposit rate for Russian titantium sponge that entered the United States during the period of review will continue to be the rate from the most recent review, which is 83.96 percent.

Parties to the proceeding may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter and will be limited to those issues raised in the case briefs and/or written comments. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of any written comments or case briefs.

Furthermore, the following deposit requirement will be effective for all shipments of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: the cash deposit rate for entries of titanium sponge from Russia will be that rate established in the final results of this administrative review.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 20, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

FR Doc. 95–26877 Filed 10–27–95; 8:45 am]

BILLING CODE 3510–DS–P–M

National Oceanic and Atmospheric Administration

[I.D. 101795A]

Mid-Atlantic Fishery Management Council; Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council and its Demersal Species Committee will hold public meetings.

DATES: The Demersal Species Committee will meet on November 7, 1995, from 1:00 until 5:00 p.m. The Council will meet on November 8, 1995, from 8:00 a.m. until 4:00 p.m. and again on November 9, 1995, from 8:00 a.m. until noon.

ADDRESSES: The meetings will be held at the Ocean Place Hilton, 1 Ocean Boulevard, Long Branch, NJ 07740; telephone: 908–571–4000.

Council Address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to review the scup fishery management plan, review the dogfish scoping document, and discuss proposed revisions to the striped bass management program, and

hear presentations on scallop research and monkfish management.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at 302–674–2331 at least 5 days prior to the meeting dates.

Dated: October 24, 1995.

Richard W. Surdi,

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

[FR Doc. 95–26760 Filed 10–27–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 101895A]

North Pacific Fishery Management Council Plan Team Meetings

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

ACTION: Notice of meetings.

SUMMARY: The North Pacific Fishery Management Council's Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) plan teams will hold meetings.

DATES: The meetings will begin at 1:00 p.m. on November 13, 1995, and continue through November 17.

ADDRESSES: The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Room 2079, Building 4, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Dave Witherell or Jane DiCosimo; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The agenda for the meetings will include the following subjects:

1. Review any new stock assessment information and catch statistics and prepare final stock assessment documents for the 1996 groundfish fisheries in the GOA and BSAI.

2. Review research needs and priorities.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: October 24, 1995.

Richard W. Surdi,

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

[FR Doc. 95–26761 Filed 10–27–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 27, 1995.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Tie Down, Cargo, Aircraft
1670–00–725–1437
NPA: Cottonwood Incorporated
Lawrence, Kansas

Targets

6920–00–-Z85–9237
6920–00–-Z85–9240
6920–00–85–9241
6920–00–Z85–9248
6920–00–Z85–9249
6920–00–Z86–9768
6920–00–Z86–9769
6920–00–Z86–9770
6920–00–Z88–2857
6920–01–Z87–6646
6920–01–Z87–6649
6920–00–Z85–9236
6920–01–Z88–2858
6920–01–Z88–2859
6920–01–Z88–2869
6920–01–Z88–2861
6920–01–Z87–6650
6920–01–Z88–2862
6920–01–NSH–9017
6920–01–NSH–9018
6920–01–NSH–9019
(Requirements for Fort Stewart, Georgia only)
NPA: Walterboro Vocational Rehabilitation Center Walterboro, South Carolina

Services

Assembly of Backpack Pump Outfit
(4320–00–289–8912)
General Services Administration, Region 7
819 Taylor Street
Fort Worth, Texas
NPA: Expanco, Inc., Fort Worth, Texas

Grounds Maintenance
Defense Finance and Accounting Service
Building 951
1111 East Mill Street
San Bernadino, California
NPA: Lincoln Training Center & Rehabilitation Workshop, South El Monte, California

Grounds Maintenance
Marine Corps Support Activity
Richards-Gebaur Memorial Airport
Kansas City, Missouri
NPA: Independence & Blue Springs Industries, Inc., Independence, Missouri

G. John Heyer,

General Counsel.

[FR Doc. 95–26744 Filed 10–27–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: November 27, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 22, 1994, August 11 and September 1, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 37465, 60 FR 20971 and 45705) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Executive/Personal Time Management System

7520–00–NSH–0087 (1″ binder, with or without specialized logo, seven sections, velcro closure)
7520–00–NSH–0091 (1″ binder, with or without specialized logo, seven sections, zipper closure)
7520–00–NSH–0092 (1.5″ binder, with or without specialized logo, five sections, no closure)
(Up to 46,000 annually under Special Item No. 342–312 on Federal Supply Schedule 75–II–A)

Services

Janitorial/Custodial
Presidio of Monterey
Annex and Child Development Center
Monterey, California

Janitorial/Custodial
Child Care Buildings 2414, 2501, 3830 and
West 3rd Street Facility
McGuire Air Force Base, New Jersey

Janitorial/Custodial
Federal Building
224 S. Boulder
Tulsa, Oklahoma

Janitorial/Custodial
Allison Park U.S. Army Reserve Center #2
Buildings 1 and 5
Allison Park, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

G. John Heyer,

General Counsel.

[FR Doc. 95–26745 Filed 10–27–95; 8:45 am]

BILLING CODE 6820–33–P

COMMODITY FUTURES TRADING COMMISSION

Agricultural Advisory Committee Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, § 10(a) and 41 C.F.R. § 101–6.1015(b), that the Commodity Futures Trading Commission's Agricultural Advisory Committee will conduct a public meeting on November 13, 1995 from 1:00 p.m. to 5:00 p.m. in the first floor hearing room of the Commodity Futures Trading Commission (Room 1000), Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. The agenda will consist of:

Agenda

I. Opening Remarks by Chairman Mary Schapiro;
II. Discussion of Current Delivery Issues—Grain/Soybean;
III. Presentation on the Live Cattle Contract:
  A. Deliveries Under New Contract Specifications;
  B. Changing the Limit in the Spot Month;
IV. Discussion of New Agricultural Futures Contracts:
  A. Crop Yield Futures/Options Contracts;
  B. Fluid Milk Futures Contracts;
V. Discussion of Commission Rulemaking—Section 4(c) Contract Market Transactions—Part 36;
VI. Discussion of the Metallgesellschaft Enforcement Action;
VII. An Update on Audit Trail and Dual Trading;
VIII. The Effect of Federal Policies on Commodity Yield and Price Risk Management;
IX. Other Committee Business; and
X. Closing Remarks by Commissioner Joseph Dial.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural issues. The purposes and objectives of the Advisory Committee are more fully set forth in the fifth renewal charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Joseph B. Dial, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Agricultural Advisory Committee c/o Kimberly Harter, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Harter in writing at the foregoing

address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C. on October 25, 1995.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–26874 Filed 10–27–95; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy

AGENCY: United States Military Academy, West Point, New York.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a)(20) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 17 November 1995.

Place of Meeting: West Point, New York.

Start Time of Meeting: 8 a.m.

Proposed Agenda: Annual Report Preparation; Commandant's Assessment, Report on Enhancing Teaching and Performance at USMA. All proceedings are open.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John J. Luther, United States Military Academy, West Point, NY 10996–5000, (914) 938–5870.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–26820 Filed 10–27–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Proposed Disposal and Reuse of Long Beach Naval Station, Long Beach, CA

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the disposal and reuse of Naval Station (NAVSTA) Long Beach, Long Beach, California.

In accordance with the Defense Base Closure and Realignment Act (Pub. L. 101–510) of 1990, as implemented by the 1991 Base Closure and Realignment process, the Navy closed NAVSTA Long Beach on 30 September 1994. Operations conducted at NAVSTA Long Beach are currently relocating to other naval stations located in the continental United States. The proposed action involves the disposal of land, buildings, and infrastructure of NAVSTA Long Beach for subsequent reuse. The property currently occupied by the station, including the Mole, totals approximately 250 acres. The Naval station is located on Terminal Island within the Los Angeles and Long Beach Harbors along Seaside Avenue/Ocean Boulevard.

The Navy intends to analyze the environmental effects of the disposal of NAVSTA Long Beach based on potential reasonable reuses of the property, taking into account uses identified by the City of Long Beach and as determined during the EIS scoping process. One potential reuse of NAVSTA Long Beach that has been identified includes development of a cargo handling facility comprised of a 130-acre container terminal with a 37-acre intermodal railyard. This reuse would require demolition of the existing Roosevelt Base Historic District and removing all structures, landscaping, and infrastructure.

Major environmental issues that will be addressed in the EIS include, but are not limited to, air quality, water quality, endangered species, cultural resources, traffic, and socioeconomic impacts.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed and for identifying potential reuse alternatives. A public scoping meeting is scheduled for Thursday, November 16, 1995, beginning at 7:00 p.m. at the Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California.

A brief presentation will precede request for public comment. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. In the interest of available time, each speaker will be asked to limit their oral comments to five minutes.

Agencies and the public are invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commenter believes the EIS should address. Written comments regarding this proposed action should be postmarked no later than 30 November 1995, to Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190 (Attention: Ms. Jo Ellen Anderson, Code 232JA), telephone (619) 532–3912, fax (619) 532–3824.

Dated: October 25, 1995.

M.D. Schetszle,

LT, JAGC, USNR, Alternative Federal Register Liaison Officer.

[FR Doc. 95–26814 Filed 10–27–95; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

Bilingual Education: Comprehensive School Grants

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year (FY) 1996 and following years.

SUMMARY: The Secretary announces a priority for FY 1996 and following years under the Bilingual Education: Comprehensive School Grants program authorized in title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act). The Secretary takes this action to implement a provision of the Act by focusing Federal financial assistance on an identified national need. The priority is intended to provide financial assistance to those local educational agencies (LEAs) or LEAs in collaboration with institutions of higher education (IHEs), community-based organizations (CBOs), other LEAs, or a State educational agency (SEA) proposing projects that will serve schools with significant concentrations of limited English proficient (LEP) students.

EFFECTIVE DATE: This priority takes effect November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Richey or Alex Stein, U.S. Department of Education, 600 Independence Ave., SW., Room 5090, Switzer Building, Washington, DC 20202–6510. Telephone: Rebecca Richey at (202) 205–9717 or Alex Stein at (202) 205–5713. 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: Under section 7114(a) of the Act, the purpose of the Comprehensive School Grants

Program is to assist LEAs or LEAs in collaboration with IHEs, CBOs, other LEAs, or an SEA to implement schoolwide bilingual education programs or special alternative instructional programs for reforming, restructuring, and upgrading all relevant programs and operations, within an individual school, that serve virtually all LEP children and youth in schools with significant concentrations of these children and youth.

Under this final priority, LEAs are eligible for funding if the proposed project serves only schools in which the number of LEP students, in each school served, equals at least 25 percent of the total student enrollment. By using a 25 percent threshold the Secretary is targeting those schools in which LEP students constitute a major portion of the school population. The Secretary chose a percentage threshold, rather than a number threshold, in order to include schools with small student enrollments. Using the 25 percent threshold, the Department estimates that approximately 4,400 schools would be eligible to participate under this program. The estimate is based on data from the Descriptive Study of Services to LEP Students conducted by Development Associates, Inc., in 1993.

On March 2, 1995 the Secretary published a notice of proposed priority for this program in the Federal Register (60 FR 11866).

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition will be published in the Federal Register at a later date.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, one party submitted a comment. An analysis of this comment follows. The Secretary has made no changes in this priority since publication of the notice of proposed priority.

Comment: The commenter expressed concern that States with small populations and rural districts would be unable to participate in the Comprehensive School Grants Program because they could not reach the threshold percentage. The commenter maintained that States that receive large influxes of immigrants are less likely to need Federal assistance because of existing services or resources for their LEP children and youth or because they have been past recipients of Federal assistance. The commenter also noted that small States must serve LEP students, but may not have existing services or the resources necessary to serve them.

Discussion: Because the Comprehensive School Grants Program is required by its authorizing statute to serve LEP children and youth in schools with significant concentrations of these children and youth, the Secretary, in order to implement the program, had to determine what constitutes a ''significant concentration.'' By using a percentage to measure a significant concentration rather than a numeric measurement, the Secretary has made it possible for schools with small student enrollments, but a significant percentage of LEP students, to meet the priority. The Secretary believes that a 25 percent threshold targets those schools that need to serve LEP children and youth who are a major portion of a school's population.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3) and section 7114(a) of the Act, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects that serve only schools in which the number of LEP students, in each school served, equals at least 25 percent of the total student enrollment.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program. Program.

(Catalog of Federal Domestic Assistance Number 84.290 Bilingual Education: Comprehensive School Grants)

Program Authority: 20 U.S.C. 7424.

Dated: October 23, 1995.

Dang T. Pham,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 95–26755 Filed 10–27–95; 8:45 am]

BILLING CODE 4000–01–P

Bilingual Education: Systemwide Improvement Grants Program

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year (FY) 1996 and following years.

SUMMARY: The Secretary announces a priority for FY 1996 and following years under the Bilingual Education: Systemwide Improvement Grants Program authorized in title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act). The Secretary takes this action to implement a provision of the Act by focusing Federal financial assistance on an identified national need. The priority is intended to provide financial assistance to local educational agencies (LEAs) or LEAs in collaboration with institutions of higher education (IHEs), community-based organizations (CBOs), other LEAs, or a State educational agency (SEA) to implement districtwide bilingual education programs or special alternative instructional programs that will serve a significant number of limited English proficient (LEP) children and youth in one or more LEAs with significant concentrations of these children and youth.

EFFECTIVE DATE: This priority takes effect November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Harry Logel, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–5530. 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: Under section 7115(a) of the Act, the purpose of the Systemwide Improvement Grants Program is to assist LEAs or LEAs in collaboration with IHEs, CBOs, other LEAs, or an SEA to implement districtwide bilingual education programs or special alternative instructional programs to improve, reform, and upgrade relevant programs and operations, within an entire LEA, that serve a significant number of LEP children and youth in one or more LEAs with significant concentrations of these children and youth.

Under this final priority LEAs are eligible for funding if the proposed project serves only LEAs in which the number of LEP students, in each LEA served, is at least 1,000 or at least 25 percent of the total student enrollment. By using a 1,000 or 25 percent

threshold, the Secretary is targeting those LEAs in which LEP students constitute a major portion of the LEAs' programs and operations. The Secretary chose to use either a number or a percentage threshold in order to include small and large school districts with significant concentrations of LEP students. If the Secretary had used only a percentage threshold, some of the larger districts would be excluded from participating in the program even though they enroll significant numbers of LEP students. On the other hand, if the Secretary had used only a numerical threshold, some smaller districts would be excluded from participating in the program even though a significant percentage of their student enrollment consists of LEP students. Using the 1,000 or 25 percent threshold, the Department estimates that approximately 450 LEAs are eligible to participate under this program. This estimate is based on data from the Descriptive Study of Services to LEP Students conducted by Development Associates, Inc., in 1993.

On March 2, 1995 the Secretary published a notice of proposed priority for this program in the Federal Register (60 FR 11862).

Note: This notice of final priority does not solicit applications. A competition under this program will not be held in FY 1996. If a competition is held in a subsequent year, a notice inviting applications under that competition will be published in the Federal Register at that time.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, two parties submitted comments. An analysis of the substantive comments follows. The Secretary has made no changes in this priority since publication of the notice of proposed priority.

Comment: One commenter stated that the priority needed to clarify whether or not LEAs may collaborate with one another to participate in the program.

Discussion: The statutory authority for this program provides that LEAs may collaborate with one another in carrying out a Systemwide Improvement Grants project. The priority makes clear, however, that each LEA served under a Systemwide Improvement Grants project must meet either the numerical or the percentage threshold.

Changes: None.

Comment: One commenter expressed concern that States with small populations and rural districts would be unable to participate in the Systemwide Improvement Grants Program because they could not reach the student threshold. The commenter maintained that States that receive large influxes of immigrants are less likely to need Federal assistance because of existing services or resources for their LEP children and youth or because they have been past recipients of Federal assistance. The commenter also noted that small States must serve LEP students, but may not have existing services or the resources necessary to serve them.

Discussion: Because the Systemwide Improvement Grants Program is required by its authorizing statute to serve LEP children and youth in LEAs with significant concentrations of these children and youth, the Secretary, in order to implement the program, had to determine what constitutes a ''significant concentration.'' If the Secretary used only a number to measure a significant concentration, LEAs with small enrollments could be excluded from participation in the program even though the percentage of LEP students in those school districts was high. By using a percentage as well as a numerical measurement, the Secretary has made it possible for LEAs with small student enrollments, but a significant percentage of LEP students, to meet the priority. The Secretary believes that a 25 percent threshold targets those LEAs in which the number of LEP children and youth may not be large but nonetheless constitutes a major portion of the enrollment.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3) and section 7115(a) of the Act, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects that serve only LEAs in which the number of LEP students, in each LEA served, is at least 1,000 or at least 25 percent of the total student enrollment.

Intergovernmental review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

(Catalog of Federal Domestic Assistance Number 84.291 Bilingual Education: Systemwide Improvement Grants.)

Program Authority: 20 U.S.C. 7425.

Dated: October 19, 1995.

Dang T. Pham,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 95–26753 Filed 10–27–95; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.023]

Office of Special Education and Rehabilitative Services; Research in Education of Individuals With Disabilities Program

ACTION: Extension Notice.

PURPOSE: On August 10, 1995, the Secretary published in the Federal Register (60 FR 40956) a combined application notice (CAN) inviting applications for new awards for fiscal year 1996 under a number of the Department's direct grant and fellowship programs. Included in the CAN were three competitions under the Research in Education of Individuals with Disabilities Program. The purpose of this notice is to revise the closing date for one of those competitions. The closing date for the Field-Initiated Research Projects competition, CFDA No. 84.023C, has been extended to March 29, 1996. This action is taken in consideration of the current proposals in the Congress that either eliminate or substantially reduce funding for the program. Extending the closing date for this competition allows the Department and potential applicants time to consider further developments related to the fiscal year 1996 appropriation.

FOR FURTHER INFORMATION CONTACT: Claudette Carey, U.S. Department of Education, 600 Independence Avenue, S.W., room 3525, Switzer Building, Washington, D.C. 20202–2641. Telephone: (202) 205–9864. FAX: (202) 205–8105. Internet: Claudette Carey@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

PROGRAM AUTHORITY: 20 U.S.C. 1441–1442, 34 CFR 324.

Dated: October 25, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–26889 Filed 10–27–95; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No. 84.116J]

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Institutional Cooperation and Student Mobility Between United States and Member States of European Union); Notice Inviting Applications for FY 1996

Purpose of Program: To provide grants to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Supplemental Information: This program is a Special Focus Competition pursuant to 34 CFR 630.11(b)(1) to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American and European institutions to encourage cooperation in the coordination of curricula, the exchange of students, and the opening of educational opportunities on the two continents.

The invitational priority is issued in cooperation with the European Union. European institutions in any consortium proposal responding to the invitational priority may apply to the Directorate General XXII of the European Commission's Task Force on Education, Training and Youth for additional funding under a separate European competition.

Eligible Applicants: Institutions of higher education or combinations of such institutions and other public and private nonprofit educational institutions and agencies.

Deadline for Transmittal of Applications: January 26, 1996.

Deadline for Intergovernmental Review: March 26, 1996.

Applications Available: November 1, 1995.

Available Funds: $1,500,000.

Estimated Range of Awards: $100,000–$175,000 for three years.

Estimated Average Size of Awards: $160,000 for three years.

Estimated Number of Awards: 7.

NOTE: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 [except as noted in 34 CFR 630.4(a)(2)], 77, 79, 80, 82, 85, and 86; and (b) the regulations for this program in 34 CFR Part 630.

Priorities

Invitational Priorities

Under 34 CFR 75.105(c)(1)(and 34 CFR 630.11(b)(1), the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Invitational Priority: Projects that support consortia of institutions of higher education which promote institutional cooperation and student mobility between the United States and the member states of the European Union.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 630.32.

(a) Significance for Postsecondary Education. The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the program competition by addressing a particular problem area or improvement approach in postsecondary education;

(2) Address an important problem or need;

(3) Represent an improvement upon, or important departure from, existing practice;

(4) Involve learner-centered improvements;

(5) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of ways and in a variety of settings; and

(6) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The proposed project represents and appropriate response to the problem or need addressed;

(2) the applicant is capable of carrying out the proposed project, as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(c) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project would be self-terminating); and

(4) The proposed project demonstrates potential for dissemination to or adaptation by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of availability of other funding sources for the proposed activities.

In accordance with 34 CFR 630.32 the Secretary announces the methods that will be used in applying the selection criteria.

The Secretary gives equal weight to the selection criteria on significance, feasibility, and appropriateness. Within each of these criteria, the Secretary gives equal weight to each of the subcriteria listed above. In applying the criteria, the Secretary first analyzes an application in terms of each individual criterion and subcriterion, the secretary then bases the final judgment of an application on an overall assessment of the degree to which the applicant addresses all selection criteria.

For Applications or Information Contact: Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 600 Independence Avenue, SW., Room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 708–5750 between the hours of 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday, to order applications or for information. Individuals may request applications by submitting the name of the competition, their name, and postal mailing address to the e-mail address FIPSE@ED.GOV. Individuals may obtain the application text from Internet address http://www.ed.gov/prog-info/FIPSE/. 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 Standard 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 GPOHER.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. 1135–1135a–3.

Dated: October 23, 1995.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 95–26751 Filed 10–27–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Availability of Implementation Plan for the Medical Isotopes Production Project: Molybdenum-99 and Related Isotopes Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the Implementation Plan for the Medical Isotopes Production Project: Molybdenum-99 and Related Isotopes Environmental Impact Statement (EIS), DOE/EIS–0249–IP.

DATES: The Department intends to issue the Draft Medical Isotopes Production Project EIS for public comment later this fall. A 45-day public comment period will be provided. The Department plans to hold public hearings on the Draft EIS during the public comment period. The public hearings are tentatively scheduled to be held in the following locations: Idaho Falls, Idaho, Oak Ridge, Tennessee, Albuquerque, New Mexico, Los Alamos, New Mexico.

The meetings will provide opportunities for information exchange and discussion as well as for the submittal of written statements or oral comments. Specific times, dates, and locations for the hearings will be announced at a later date.

ADDRESSES: Requests for copies of the Medical Isotopes Production Project EIS Implementation Plan or other correspondence regarding this environmental review should be addressed to: Mr. Wade Carroll, MIPP EIS Project Manager, NE–70, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874. Mr. Carroll may be contacted by telephone at (301) 903–7731, facsimile (301) 903–5434.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol Borgstrom, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, D.C. 20585. Ms. Borgstrom may be contacted by leaving a message at (800) 472–2756 or by calling (202) 586–4600. For general information on the DOE isotope production program, please contact: Mr. Owen W. Lowe, Associate Director, Office of Isotope Production and Distribution, NE–70, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874. Mr. Lowe may be contacted by calling (301) 903–5161.

SUPPLEMENTARY INFORMATION: The proposed medical isotopes production project would establish a production capability to ensure a reliable domestic supply of molybdenum-99 (Mo-99), which decays to form the medical isotope technetium-99m (Tc-99m). The proposed project would also enable the production of related medical isotopes (iodine-125, iodine-131, and xenon-133).

Tc-99m is an important medical isotope, used in more than 30,000 diagnostic medical procedures each day in the United States. The United States medical community is reliant upon a single 38 year old reactor in Canada for its entire supply of Mo-99, from which Tc-99m is obtained. The Department's near-term goal would be to provide a backup capability to supply a baseline production level of 10 to 30 percent of current United States demand for Mo-99 and 100 percent of the United States demand should the existing Canadian source be unavailable. The baseline production level would serve to maintain the capabilities of the facilities and staff to respond on short notice to supply the entire United States demand on an as-needed basis. The Department's longer term objective is to support private sector production of Mo-99 in the United States.

The Department is preparing the Medical Isotopes Production Project EIS to evaluate the environmental impacts of reasonable alternatives for the domestic production of Mo-99. The EIS will also evaluate the required ''no action'' alternative. Short descriptions of the alternatives to be evaluated in the EIS are included in the Implementation Plan.

The EIS Implementation Plan has been distributed to appropriate Congressional members and committees, the States of Idaho, New Mexico, and Tennessee, American Indian tribal governments, local county governments, other federal agencies, and other interested parties. The Implementation Plan is available for review at the following locations:

DOE Headquarters, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC, 20585, phone (202) 586–3142;

National Atomic Museum, Building 20358, Wyoming Boulevard, Kirtland Air Force Base, New Mexico, 87158, phone (505) 845–4378;

Los Alamos National Laboratory Community Reading Room, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico, 87544, phone (505) 665–2127;

Idaho Operations Office, Idaho Public Reading Room, 1776 Science Center Drive, Idaho Falls, Idaho, 83402, phone (208) 526–0271;

Massachusetts Institute of Technology, Nuclear Reactor Laboratory, 138 Albany Street, Cambridge, Massachusetts, 02139, phone (617) 253–4202;

Georgia Institute of Technology, Price Gilbert Memorial Library, 225 North Avenue, Atlanta, Georgia, 30332–0900, phone (404) 894–4519;

Rhode Island Nuclear Science Center, South Ferry Road, Naragansett, Rhode Island, 02882, phone (401) 789–9391; and

University of Missouri-Columbia, Ellis Library, Columbia, Missouri, 65201, phone (314) 882–0748.

Signed in Washington, D.C., this 10th day of October, 1995, for the United States Department of Energy.

Ray A. Hunter,

Deputy Director, Office of Nuclear Energy, Science and Technology.

[FR Doc. 95–26844 Filed 10–27–95; 8:45 am]

BILLING CODE 6450–01–P

Record of Decision; Savannah River Site Waste Management, Savannah River Operations Office, Aiken, SC

AGENCY: U.S. Department of Energy (DOE).

ACTION: Record of decision.

SUMMARY: DOE announces its intention to implement the moderate treatment configuration alternative identified in the Savannah River Site (SRS) Waste Management Final Environmental Impact Statement (WMEIS). DOE has evaluated the potential environmental impacts and costs of storing, treating, and/or disposing of liquid high-level radioactive, low-level radioactive, hazardous, mixed (radioactive and

hazardous), and transuranic wastes at SRS in the WMEIS.

DOE plans to use a phased approach to making decisions on treatment, storage and disposal facilities identified in the moderate treatment configuration alternative. This Record of Decision (ROD) identifies decisions regarding continuation of existing activities and current operation of existing facilities, new waste recycling initiatives, operation of the Consolidated Incineration Facility (CIF), low-level waste volume reduction activities, and the operation of a mobile soil sort facility. After DOE and the State of South Carolina complete negotiations under the Federal Facility Compliance Act (FFCAct), DOE will issue additional RODs on the treatment of mixed low-level radioactive and mixed transuranic waste.

The final SRS WMEIS provides a baseline for the analysis of future SRS waste management needs. DOE will continue to review its SRS waste management activities at the SRS to ensure that those activities are adequately addressed by this EIS, or in the event they are not, that the appropriate National Environmental Policy Act (NEPA) reviews are initiated.

FOR FURTHER INFORMATION CONTACT: For further information on Savannah River Site Waste Management, write or call: A. R. Grainger, Environmental Compliance Division, SR NEPA Compliance Officer, Savannah River Operations Office, P.O. Box 5031, Aiken, South Carolina 29804, Phone/FAX: (800) 242–8269, e-mail: nepa@barms036.b-r.com.

For general information on the U.S. Department of Energy NEPA process, write or call: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20580, Telephone: (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR Parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR Part 1021). This Record of Decision is based on DOE's Final WMEIS, Savannah River Site, Aiken, South Carolina (DOE/EIS–0217). DOE's SRS occupies approximately 800 square kilometers (300 square miles) adjacent to the Savannah River, principally in Aiken and Barnwell counties of South Carolina, about 40 kilometers (25 miles) southeast of Augusta, Georgia, and about 32 kilometers (20 miles) south of Aiken, South Carolina.

DOE's primary mission at SRS from the 1950s until the recent end of the Cold War was the production and processing of nuclear materials to support defense programs. The end of the Cold War has led to a reduction in the size of the U.S. nuclear arsenal. Many of the facilities used to manufacture, assemble, and maintain the arsenal are no longer needed. Some of these facilities can be converted to new uses through decontamination processes; others must be decommissioned. Wastes generated during the Cold War also must be cleaned up in a safe and cost-effective manner. In addition, DOE must manage wastes that may be generated in the future in compliance with the applicable environmental requirements.

DOE estimates that it will manage the following approximate amounts of wastes (expected waste forecast) at SRS over the next 30 years (1995 to 2024): 153,000 cubic meters of liquid high-level radioactive waste; 476,000 cubic meters of low-level radioactive waste; 435,000 cubic meters of hazardous waste; 230,000 cubic meters of mixed waste; and 23,000 cubic meters of transuranic waste.

DOE analyzed three alternatives, in addition to the no action alternative, for minimizing, treating, storing, and/or disposing of wastes (low-level radioactive, hazardous, mixed, and transuranic) in a manner that would protect human health and the environment, achieve regulatory compliance, and be cost effective. (Alternatives for managing high-level radioactive waste were considered in the Defense Waste Processing Facility (DWPF) EIS and Supplemental EIS (DOE/EIS–0082 and DOE/EIS–0082–S) and decisions were announced in the DWPF Records of Decision on June 1, 1982 (47 FR 23801) and April 12, 1995 (60 FR 18589)). Mixed wastes are regulated under both the Atomic Energy Act and Resource Conservation and Recovery Act (RCRA), as amended by the FFCAct. The FFCAct requires DOE to prepare a Site Treatment Plan (STP) that addressses options for treating mixed wastes currently in storage or that will be generated within the next 5 years at the SRS. The Department expects that negotiations with the State of South Carolina under the FFCAct will not be completed until later this year. Because these negotiations are an essential part of DOE's decision making process regarding mixed waste and mixed transuranic waste, no decision concerning mixed waste management options analyzed in the SRS WMEIS will be made until those negotiations are concluded. The sole exception to this is the Department's decision concerning the CIF.

DOE prepared an environmental assessment (DOE/EA–0400) and issued a Finding of No Significant Impact (Federal Register, December 24, 1992, 57 FR 61402) for the construction and operation of the CIF to incinerate mixed, hazardous, and low-level radioactive wastes. In 1993 DOE decided to reexamine whether incineration was the most appropriate method to treat low-level radioactive waste. DOE is now deciding to complete construction and operate the CIF for hazardous, mixed, and low-level radioactive waste. This decision concerning mixed waste was made after consultation with the State of South Carolina.

DOE published a Notice of Intent to prepare the SRS WMEIS in the Federal Register on April 6, 1994 (59 FR 16494). The notice announced a public scoping period that ended on May 31, 1994, and solicited comments and suggestions on the scope of the EIS. DOE held scoping meetings in Savannah, Georgia, and North Augusta and Columbia, South Carolina on May 12, 17, and 19, 1994, respectively. Comments received from individuals, organizations, and government agencies during the scoping period were considered in the preparation of the EIS.

On January 27, 1995, the Environmental Protection Agency (EPA) published a Notice of Availability of DOE's Draft SRS WMEIS in the Federal Register (60 FR 5388). This notice officially started the public comment period on the Draft SRS WMEIS, which DOE extended through March 31, 1995, in response to a request from the Savannah River Site's Citizens Advisory Board. Comments were received by letter, electronic mail, and formal statements made at 12 public hearings. The hearings (2 sessions each) provided opportunity for informal discussions with DOE personnel involved with waste management. They were held in Barnwell, South Carolina on February 21, 1995; Columbia, South Carolina on February 22, 1995; North Augusta, South Carolina on February 23, 1995; Savannah, Georgia on February 28, 1995; Beaufort, South Carolina on March 1, 1995; and Hilton Head, South Carolina on March 2, 1995.

DOE considered comments it received on the Draft WMEIS from agencies, organizations, and individuals in preparing the Final WMEIS. EPA published a Notice of Availability of the

Final WMEIS in the Federal Register on July 28, 1995 (60 FR 38817).

DOE received three letters after issuance of the Final WMEIS. The South Carolina Department of Transportation stated that it had no comments on the project. The Centers for Disease Control, on behalf of the U. S. Public Health Service, and the U.S. Environmental Protection Agency, Region 4, stated that the Final EIS adequately addressed their comments on the Draft EIS. The U. S. Environmental Protection Agency, however, stated that it would have preferred that the Final EIS not characterize the Agency's comments as endorsing Department of Energy actions. The Agency noted that it does commend DOE for its efforts to develop a strategy for long-term waste management at SRS using the NEPA process, and will continue to work with DOE to ensure that waste management activities protect human health and the environment, comply with applicable environmental requirements, and minimize waste generation.

Alternatives Considered

The three treatment configuration alternatives considered in this EIS (limited, moderate and extensive) addressed treatment, storage and disposal facilities using three potential waste volume forecasts. The minimum waste volume forecast included current inventories and current waste receipts from offsite, and projections of the waste that would be generated as a result of reasonable lower-bound estimates of ongoing site operations and environmental restoration and decontamination and decommissioning activities. The maximum waste volume forecast included current inventories and current waste receipts from offsite, additional wastes that might be received from offsite based on decisions resulting from the FFCAct process and ongoing DOE NEPA reviews; and projections of the waste that would be generated as a result of reasonable upper-bound estimates of ongoing site operations and environmental restoration and decontamination and decommissioning activities. The expected waste volume forecast included current inventories and current waste receipts from offsite, additional wastes that might be received from offsite based on decisions resulting from the FFCAct process and ongoing DOE NEPA reviews, and DOE's current estimates of the waste volumes anticipated to result from continuing site operations, environmental restoration of existing waste sites, and decontamination and decommissioning of surplus facilities.

Limited Treatment Configuration Alternative

This alternative consists of the siting, construction, and operation of facilities and the implementation of management techniques that would reduce impacts from treatment processes while complying fully with existing waste management requirements. For each waste type, however, the treatment under this alternative would be the minimum needed to meet applicable standards and allow prompt storage and/or disposal. The limited treatment processes under this alternative would produce a waste form suitable for disposal, but not one that had undergone the most vigorous volume reduction or stabilization treatment available. The volume of low-level radioactive wastes to be disposed of would be greater than under the moderate and extensive treatment configuration alternatives, the volume of mixed waste to be disposed of would be greater than under the moderate treatment configuration alternative but less than under the extensive treatment configuration alternative, and the potential for impacts in the future from storage and disposal would be greater than under the other action alternatives. Short-term impacts associated with treating waste generally would be less than under the more extensive treatment alternatives.

Moderate Treatment Configuration Alternative

This alternative consists of the siting, construction, and operation of facilities and the implementation of management techniques that would provide a balanced mix of technologies that includes extensive treatment of those waste types that have the greatest potential to adversely affect the public or the environment because of their mobility or toxicity if left untreated (such as wastes containing plutonium-238), or that would remain highly radioactive far into the future (such as waste containing transuranic elements). This alternative would provide less rigorous treatment than the extensive treatment configuration alternative of wastes that do not pose high potential for harm to humans or the environment, or that will not remain highly radioactive far into the future (such as non-alpha low-level radioactive waste). Under this alternative, the volume of low-level radioactive waste would be reduced by onsite compactors and some of the low-level radioactive waste would then be sent offsite for supercompaction, size reduction (e.g., sorting, shredding, melting), and incineration as part of a low-level radioactive waste offsite volume reduction initiative.

Under this alternative, the volume of low-level radioactive and mixed wastes to be disposed of would be less than under both the limited and extensive treatment alternatives. The moderate treatment configuration would provide the highest degree of compatibility with the preferred treatments for mixed wastes described in the STP that was prepared and submitted to the State of South Carolina under the FFCAct process, and would use to the maximum extent practicable existing facilities or facilities that are proposed for operation in the near future (i.e., the CIF).

Extensive Treatment Configuration Alternative

This alternative consists of the siting, construction, and operation of facilities and the implementation of management techniques that would minimize environmental impacts from storage and disposal by extensive treatment of waste to reduce its toxicity and to create stable, migration-resistant waste forms. Under this alternative, the volume of low-level radioactive waste to be disposed of would be less than under the limited treatment alternative, but more than under the moderate treatment alternative. The volume of mixed waste to be disposed of would be greater than under either of the other action alternatives. The extensive treatment alternative would, however, be more likely than other alternatives to increase the short-term impacts due to the construction of additional treatment facilities and increased exposure to emissions that would result from more extensive treatment and increased handling.

No-Action Alternative

As required by NEPA, DOE also considered potential impacts if the Department were to take ''no action'' other than to continue its current waste management practices (including building additional facilities to store newly generated waste, as has been done in the past) and vitrify high-level waste in the DWPF as discussed above. Under this alternative the Department would continue current practices for storage and treatment of liquid high-level radioactive, for storage of mixed and transuranic waste; for treatment, storage, and disposal of low-level radioactive waste; and for offsite treatment and disposal of hazardous waste. Under this alternative, transuranic and mixed wastes would remain untreated and in storage, in a state not suitable for disposal. Were

DOE to take no action, it would not be in a position to comply with some regulatory requirements and compliance agreements.

Environmentally Preferrable Alternative

In DOE's judgment the extensive treatment alternative is environmentally preferrable because it would minimize potential long-term environmental impacts as a result of achieving more stable, migration-resistant waste forms. DOE recognizes, however, that this treatment alternative would result in greater short-term impacts to workers.

Decision

Determination

DOE announces its intention to configure its waste management system according to the moderate treatment alternative. Pursuant to 10 CFR 1021.315, DOE may revise this ROD at any time, so long as the revised decision is adequately supported by existing reviews prepared in accordance with NEPA. Upon issuance of a ROD for the DOE Waste Management Programmatic EIS (DOE/EIS–0200, draft issued for public review September 22, 1995), this ROD will be reviewed to evaluate whether there is consistency with decisions reached on broader programmatic issues or whether a revised ROD or supplemental EIS for SRS waste management is needed to maintain consistency. Accordingly, DOE has decided to initiate the following actions and activities included in the moderate treatment configuration alternative.

* Continue activities to manage waste at SRS, including construction of additional storage capacity for mixed transuranic, and low-level radioactive alpha wastes.

High-Level Waste

* Continue to store liquid high-level waste in storage tanks.

* Operate the newly constructed New Waste Transfer Facility, continue to construct and operate the Replacement High-Level Waste Evaporator, and operate waste removal equipment. These facilities will transfer waste from the high-level waste storage tanks to the Defense Waste Processing Facility for treatment (vitrification) when the facility becomes operational.

Hazardous Waste

* Continue to treat and dispose of hazardous waste offsite until the CIF is operational, then treat wastes, including filters, paint waste, organic and aqueous liquids, organics and inorganic sludges, and up to 50% of organic and inorganic heterogeneous debris, in the CIF.

* Continue offsite treatment and disposal for wastes such as polychlorinated biphenyls, organic debris, inorganic debris, heterogeneous debris, metal debris, bulk equipment, glass debris, soils, and lead.

* Continue to treat some aqueous liquids in the M-Area air stripper.

* Continue to recycle some hazardous wastes, including solvents, fluorocarbons, lead, silver (from spent photographic fixatives), and sell excess chemicals and lead/acid batteries.

Low-Level Radioactive Waste

* Operate the CIF for volume reduction of some low-activity job-control waste and some tritiated job-control waste.

* Treat some low-activity job-control wastes and some low-activity equipment offsite (about 40% of the low-level radioactive waste in the expected waste forecast). About 60% of the waste sent offsite would be supercompacted, and the remainder reduced in size by sorting, shredding, or melting, and repackaged. The treated waste would be returned to SRS for further treatment in the CIF or for disposal in the low-activity waste vaults or in shallow land disposal trenches. About 10% of the waste treated offsite would be incinerated when CIF is not operating, and the treatment residuals would be returned to SRS. (Paragraph 2.6.3.1, Low-Level Waste—Expected Waste Forecast, of the WMEIS)

* Send uncompacted low-level waste (currently stored in the low-activity waste vaults) to an offsite incinerator until CIF is operable.

* Dispose of stabilized ash and blowdown from incineration in the low activity waste disposal vaults or shallow land disposal trenches.

* Operate a mobile low-level waste soil sort facility for treatment of low-activity soils and suspect soils. (Paragraph 2.6.1.1, Pollution Prevention/Waste Minimization—Expected Waste Forecast, of the WMEIS)

* Decontaminate and recycle some low-activity equipment waste (metal) in an offsite smelter. Treatment residuals would be returned to SRS for shallow land disposal. (Paragraph 2.2.1.4, Waste Minimization Practices and Initiatives, and 2.6.1.1, Pollution Prevention/Waste Minimization—Expected Waste Forecast, of the WMEIS)

* Continue vault disposal of offsite job-control waste, tritiated soils, some tritiated job-control waste, tritiated equipment, and intermediate-activity job-control waste.

* Continue disposal of naval hardware in shallow land disposal trenches.

Mixed Wastes

* Treat small quantities of mixed polychlorinated biphenyl (PCB) wastes offsite. Return treatment residuals to SRS for disposal.

* Operate the CIF for mixed heterogeneous debris, inorganic debris, organic debris, DWPF benzene, organic liquid, radioactive oil, PUREX solvent, paint waste, and aqueous liquids.

* Store tritiated oil to allow time for radioactive decay.

* Recycle mixed waste, including radioactively contaminated lead and cadmium-coated HEPA filter frames, in an offsite facility. Return treatment residuals to SRS for shallow land disposal.

Transuranic and Alpha Low-Level Radioactive Waste

* Return Rocky Flats Incinerator ash to the Rocky Flats Site for consolidation and treatment with similar wastes at that facility.

* Dispose of alpha low-level waste in low-activity waste vaults.

Reasons for Determination

DOE selected the moderate treatment configuration for SRS because the Department believes that alternative will provide more than adequate protection of human health and the environment, and will be consistent with expected budgetary limitations. Specifically, DOE bases its choice of the moderate treatment configuration alternative for SRS on factors listed below, including potential environmental impacts and regulatory commitments.

* In the moderate treatment configuration alternative, the CIF would treat hazardous, mixed, and low-level waste for its entire project life (approximately 30 years), which is the most cost-effective use of the facility. CIF also provides the ''regulatory specified treatment'' for certain waste streams and is the Best Demonstrated Available Technolgy (BDAT) for other waste streams. In contrast, under the limited treatment configuration alternative, the CIF would treat hazardous and mixed waste only, which would not be cost-effective. Similarly, under the extensive treatment configuration alternative, operation of the CIF would be discontinued after approximately 10 years when the non-alpha vitrification facility became operational. The potential environmental impacts from operating the CIF under the moderate treatment configuration alternative would be very small.

* Mixed waste treatment technology under the moderate treatment configuration alternative is consistent with the Site Treatment Plan, which is currently being negotiated with the State of South Carolina, and existing commitments under the Federal Facility Compliance Agreement regarding land disposal restrictions, which are being discussed with the EPA. The moderate treatment configuration alternative includes the same technologies as identified as the preferred treatment in the proposed STP. In contrast, the limited and extensive treatment configuration alternatives are not consistent with the STP submitted to the State of South Carolina because both alternatives include vitrification for some wastes for which incineration is the BDAT. The limited and extensive treatment configuration alternatives are also inconsistent with costs and technologies specified in the STP, and schedules that are currently under negotiation with the State of South Carolina.

* In the moderate treatment configuration alternative, transuranic waste technology is consistent with the ''planning-basis'' Waste Isolation Pilot Plant (WIPP) waste acceptance criteria. Treatment (vitrification) is provided only for those transuranic wastes that do not conform to the applicable shipping requirements (i.e., plutonium-238). All other SRS transuranic wastes are expected to meet the WIPP waste acceptance criteria after repackaging and characterization/certification. DOE believes this to be the most realistic situation with respect to the operation of WIPP and the National TRU Program, which is currently being developed. The extensive treatment configuration alternative would use vitrification for both transuranic and alpha waste and would require a larger and more expensive vitrification facility. The limited treatment configuration alternative does not include a vitrification facility. It assumes that WIPP will receive a no-migration variance from the EPA, and that the transuranic waste transportation containers will be developed to allow Pu-238 waste to be safely transported to WIPP. Thus, all SRS transuranic waste would be disposed of at WIPP without additional treatment under the limited treatment configuration alternative. Both of these assumptions rely on developments that have not yet occuurred. Therefore, this alternative is more speculative that the moderate treatment configuration alternative.

* In the moderate treatment alternative, hazardous wastes are treated onsite subject to availability of onsite treatment capacity and compatibility with onsite technologies used to manage mixed waste. This alternative provides the most extensive utilization of existing onsite facilities, supplemented by use of offsite treatment and disposal options. The extensive treatment configuration alternative would call for new facilities (i.e., non-alpha vitrification) for treatment of hazardous waste while the limited treatment configuration alternative would rely on offsite treatment and disposal of hazardous waste.

* The moderate treatment configuration alternative provides the best volume reduction for low-activity waste (75 percent reduction in the moderate treatment alternative compared to 22 percent for the limted treatment configuration alternative and 70 percent for extensive treatment configuration), and thus conserves space in low-activity waste vaults, requires the lowest number of low-activity waste vaults, and thus avoids expenditures of land and money.

* The moderate treatment configuration alternative results in the smallest number of additional transuranic and alpha waste storage pads (10 compared to 12 and 11 for limited and extensive treatment alternatives, respectively). It also results in the smallest number of disposal facilities (low activity waste vaults, shallow land disposal trenches, and RCRA-permitted vaults). The total number of these disposal facilities are 85 for the moderate treatment configuration alternative, compared to 151 under the limited treatment alternative, and 167 under the extensive treatment configuration alternative.

* The moderate treatment configuration alternative results in the least construction-related air emissions. The largest percentage increase over current emissions would be from carbon monoxide (existing sources at 171 micrograms per cubic meter, compared to the 1-hr standard of 40,000 micrograms per cubic meter) at 673 micrograms per cubic meter for the moderate treatment configuration alternative. This compares to 769 and 737 micrograms per cubic meter for the limited and extensive treatment configuration alternatives, respectively. The diffferences between these increases would be insignificant.

* The moderate treatment configuration alternative employs less thermal treatment than the extensive treatment configuration alternative, under which a greater volume of waste would undergo thermal treatment through vitrification. The moderate treatment configuration alternative would result in lower emissions and smaller radiological air impacts to workers and the public than would occur under the extensive treatment configuration alternative. Under both alternatives, however, the impacts would be very small and the difference would be insignificant. (For example, the maximally exposed offsite individual's probability of a fatal cancer probability is estimated to be 1.7×10^{-8} for the moderate treatment configuration alternative and 9.0×10^{-8} for the extensive treatment configuration alternatives.)

* The moderate treatment configuration alternative life cycle cost ($6.9 billion) is higher than the extensive treatment configuration alternative ($5.6 billion). However, the extensive treatment configuration alternative would require greater expenditures in the near term, and would be difficult for DOE to fund.

Environmental Impacts

In eight resource categories (socioeconomic, groundwater, surface water, air, traffic, transportation, occupational health and public health) the difference among the total impacts from any one alternative as compared to any other would be indistinguishable. Nevertheless, the no action alternative would not allow DOE to comply with all applicable requirements, and is therefore unacceptable.

For the expected waste forecast, the greatest differences among alternatives are in potential land use and potential impacts on ecological resources. The moderate and extensive treatment configuration alternatives would require the most additional land. These configurations would also require the most acres to be cleared. All of the additional land that would be needed is included within the current boundary of the area at the SRS that has been designated for waste management activities in future land use plans. In proposing sites for the waste management facilities, every effort was made to efficiently use the available land in E-Area, the current SRS waste management area. Land development plans have considered the change in demand for waste management facilities over the 30 year period considered in the EIS. For example, mixed waste storage buildings and transuranic and alpha waste storage pads required during the period while treatment capacity is being developed would be converted to long term use as long-lived waste storage buildings. In other instances, the buildings or pads would be removed and the land used as the location for new facilities.

DOE has conducted a survey of the forested lands within the SRS waste management area and determined that there are no threatened or endangered species or critical habitats on this land. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have concurred in DOE's determination.

Mitigation

Based upon the above discussion, DOE believes that all practicable means to avoid or minimize environmental harm from the moderate treatment alternative have already been adopted. DOE believes that all appropriate mitigation measures are included in the moderate treatment alternative.

There are 12 archaeological sites within the SRS waste management facility boundary that may be eligible for listing in the National Register of Historic Places. Potential impacts to these sites will be achieved by avoiding them, if possible. If avoidance is not possible, there will be an archaeological excavation of the sites before any land clearing begins. Mitigation will be conducted in consultation with the South Carolina State Historic Preservation Office.

Conclusion

DOE has determined that the most appropriate method of managing low-level radioactive, hazardous, mixed, and transuranic wastes at SRS, considering all relevant factors, is to implement the moderate treatment configuration alternative. These factors include beneficial and adverse environmental impacts, monetary costs, and regulatory commitments.

Issued in Washington, DC, on September 22, 1995.

Richard J. Guimond,

Assistant Surgeon General, USPHS, Principal Deputy Assistant Secretary, for Environmental Management.

[FR Doc. 95–26845 Filed 10–27–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP95–700–000]

Williams Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Springfield Loop Project and Request for Comments on Environmental Issues

October 24, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Springfield Loop Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Williams Natural Gas Company (Williams) wants to extend its Springfield loop line by constructing about 28.2 miles of 20-inch-diameter pipeline in Newton, Lawrence, and Christian Counties, Missouri.

Williams' wants to complete construction of this project prior to November 1, 1996.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 342 acres of land. Most of the proposed 100-foot-wide pipeline construction right-of-way (ROW) would overlap the ROW of Williams' existing 16-inch-diameter pipeline ROW by 41 feet as the new pipeline would be installed with a 25-foot offset from the existing 16-inch-diameter pipeline. However, in order to avoid housing, landforms, and development, Williams would construct 13 segments totalling about 2.8 miles with an offset from the existing 16-inch-diameter pipeline that is greater than 25 feet. About 216 acres of undisturbed land and 126 acres of previously disturbed land would be affected by construction of this project.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Williams:

- The proposed project would require a 100-foot-wide ROW.
- The proposed project would cross one perennial stream that is greater than 100 feet in width.
- The Springfield Loop Project may affect about 12 wetlands in the project area.

Keep in mind that these are preliminary issues. Issues may be added, subtracted, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing you specific

[1] Williams Natural Gas Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, NW., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address you letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE. Washington, DC 20426;
- Reference Docket No. CP95–700–000;
- Send a *copy* of your letter to: Ms. Jennifer Goggin, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., NE, Room 7312, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before November 24, 1995.

If you wish to receive a copy of the EA, you should request one from Ms. Goggin at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene has passed. Parties seeking to file later interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for later intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Ms. Jennifer Goggin, EA Project Manager, at (202) 208–2226.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26784 Filed 10–27–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES93–43–007]

Citizens Utilities Company; Notice of Amended Application

October 24, 1995.

Take notice that on October 20, 1995, Citizens Utilities Company (Citizens Utilities) filed an amendment to its application in Docket No. ES93–43–000 *et al.*

By letter orders dated September 7, 1993 (64 FERC ¶ 62,167) and November 2, 1993 (65 FERC ¶ 62,111), Citizens Utilities was authorized, in Docket No. ES93–43–000 *et al.* to issue not more than:

(a) $1.25 billion principal amount of unsecured promissory notes outstanding at any one time;

(b) $750 million aggregate principal amount of longer term debt securities with a final maturity or maturities of not less than 9 months nor more than 50 years; and

(c) 25 million shares of Common Stock of Citizens Utilities (subject to adjustment for stock splits, stock dividends, recapitalizations and similar changes after the date of the application, including an adjustment to 50 million shares of common stock as a result of an announced 2 for 1 stock split) and $300 million liquidation value of preferred stock of Citizens Utilities, subject to an overall limitation of $500 million for the aggregate of the proceeds of the issuance of Common and Preferred Stock.

The aggregate amount outstanding at any one time of the securities issued under (a), (b) and (c) was limited to $1.25 billion.

Citizens Utilities requests that the authorization granted in Docket No. ES93–43–000 *et al.* be amended to authorize Citizens to issue up to $800 million of debt securities in lieu of $750 million without changing the aggregate $1.25 billion authorization.

Citizens requests the amendment because it does not have sufficient unused borrowing authority to issue up to $213 million of convertible debentures for which authorization is pending before the Commission in Docket No. ES93–43–006.

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 385.214). All such motions or protests should be filed on or before October 31, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26795 Filed 10–27–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES85–5–002]

El Paso Electric Company; Notice of Amended Application

October 24, 1995.

Take notice that on October 20, 1995, El Paso Electric Company (El Paso) made a filing requesting that the Commission amend the authorization granted in Docket No. ES85–5–000.

By letter order dated November 27, 1984 (29 FERC ¶ 62,270), El Paso was authorized:

(A) To assume liability for the payment of not more than $150 million of pollution control refunding bonds (PCRB) to be issued by the Maricopa County, Arizona Pollution Control Corporation (the ''Authority'') for the purpose of financing the costs to El Paso of the acquisition and construction of pollution control facilities at the Palo Verde Nuclear Generating Station in Maricopa, Arizona, including the refunding of outstanding short-term pollution control bonds theretofore issued on behalf of El Paso by the Authority;

(B) To issue second mortgage bonds in principal amount equal to the principal amount of pollution control bonds to be issued by the Authority, such second mortgage bonds to be issued as collateral security for El Paso's obligation of payment of such pollution control bonds; and

(C) To take all such action and execute and deliver all such instruments, documents, agreements and indentures as shall be necessary or appropriate in order to consummate the financing.

In original application contemplated that, as a condition to the issuance and sale of the PCRBs, a national banking association would be required to issue and deliver to the Trustee of the PCRBs, an irrevocable letter of credit as a financial support facility for El Paso's payment obligation under the PCRBs. Pursuant to the Commission's Order, Credit Suisse issued a letter of credit in support of the issuance of $37,100,000 of the PCRBs. The letter of credit is due to expire on December 21, 1995.

In its October 20, 1995 amendment, El Paso requests authorization to enter into extensions of the existing letter of credit

issued by Credit Suisse, or to enter into replacement letters of credit with the same or different financial institutions, through the remaining term of the Maricopa County Pollution Control Revenue Refunding Bonds, 1985 Series E ($37,100,000 principal amount), and to undertake any necessary and appropriate action in connection with any such extensions or replacements for the letter of credit. El Paso also requests that the amendment be exempted from the Commission's competitive bidding and negotiated placement requirements.

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 385.214). All such motions or protests should be filed on or before October 31, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26796 Filed 10–27–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–422–001]

Great Lakes Gas Transmission Limited Partnership; Notice of Transporter's Use Compliance Filing

October 24, 1995.

Take notice that on September 21, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes), filed with the Federal Energy Regulatory Commission (Commission) an original and six copies of its detailed workpapers supporting its monthly Transporter's Use percentage for October, 1995, in compliance with the Commission's September 15, 1995, Order on Compliance Filing in Docket No. RP95–422–000.

Great Lakes stated in its filing that the rolling-in of the Transporter's Use requirements of incremental shippers with that of the non-incremental shippers did result in a substantial net reduction in the Transporter's Use requirements for non-incremental shippers. Great Lakes stated that the workpapers show that for the month of October, 1995, Great Lakes did reflect the fuel savings resulting from the roll-in of the expansion facilities.

Great Lakes also noted in its filing that the maximum Transporter's Use percentages set out in the tariff sheets are not the percentages actually used for determining the monthly requirements of its shippers. The actual Transporter's Use percentage required to be provided by the shippers is determined in accordance with the percentages posted on the electronic bulletin board every month in accordance with Section 4.3 of the General Terms and Conditions. These amounts are within the maximum and minimum shown on the tariff sheets, thus no adjustment to the tariff sheet maximum percentages is required to roll-in these savings.

Great Lakes states that a copy of the filing and attached workpapers were served on all parties on the Official Service List maintained by the Secretary in these proceedings.

All parties to the proceedings in Docket No. RP95–422–000, *et al.* are automatically parties to this proceeding. Any other person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before November 1, 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 this proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection in the public inspection room. Pursuant to Rule 602.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26798 Filed 10–27–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP66–111–003 and CP96–26–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Application

October 24, 1995.

Take notice that, on October 17, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes), One Woodward Avenue, Suite 1600, Detroit, Michigan 48226, filed an application in Docket No. CP66–111–003, pursuant to § 153.10 through § 153.12 of the Commission's Regulations and Executive Order No. 10485 (as amended by Executive Order No. 12038 and Secretary of Energy Delegation Order No. 0204–112), to amend its Presidential Permit, and in Docket No. CP96–26–000, for authorization under Section 3 of the Natural Gas Act to construct, connect, operate, and maintain 1,500 feet of 36-inch loop pipeline at the U.S.-Canadian international boundary adjacent to St. Clair County, Michigan, at an approximate cost of $3.9 million, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Great Lakes' loop pipeline is proposed to begin at its milepost 972.92 and terminate at the U.S.-Canadian international boundary, at the midpoint of the St. Clair River, where Great Lakes' loop pipeline will interconnect with facilities to be owned and operated by TransCanada Pipeline Limited (TransCanada). Great Lakes also proposes a November 1, 1996 in-service date for its proposed loop pipeline.

Great Lakes states that the proposed facilities will be used to provide 50,000 Mcf/day of winter firm transportation service for TransCanada, pursuant to Great Lakes' Rate Schedule FT. Great Lakes further states that its proposed facilities, along with the additional facilities TransCanada will build on its own system, will provide TransCanada with additional reliability and security for its existing facilities crossing the St. Clair River.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before November 14, 1995, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, a motion to intervene or 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 the 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 3 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application, if no motion to intervene is filed within the time required herein, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or 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 Great Lakes to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26797 Filed 10–27–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency and Renewable Energy

The National Electric and Magnetic Fields Advisory Committee Meeting

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of a meeting of the National Electric and Magnetic Fields Advisory Committee.

DATES: November 16–17, 1995.

ADDRESS: Palm Springs Hilton Hotel, Palm Springs, California.

FOR FURTHER INFORMATION CONTACT: Roland George, Program Manager, Utility Systems Division, EE–141, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9398.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The National Electric and Magnetic Fields Advisory Committee advises the Department of Energy and the National Institute of Environmental Health Sciences on the design and implementation of a five-year, national electric and magnetic fields research and public information dissemination program. The Secretary of Energy, pursuant to Section 2118 of the Energy Policy Act of 1992, P.L. 102–486, has overall responsibility for the national program which includes health effects research, development of technologies to mitigate any adverse human health effects, and dissemination of information.

Tentative Agenda

Thursday, November 16, 1995

1:30 p.m. Welcome and opening remarks, Approval of Minutes.
1:45 p.m. Retirement of the National Institute of Environmental Health Service (NIEHS) Project Manager.
2:00 p.m. Health Effects Research Progress and Plans.
2:30 p.m. Evaluation of Research Progress for the Research and Public Information Dissemination (RAPID) Program Grants.
3:00 p.m. Committee Questions and Discussion.
3:30 p.m. Break.
3:45 p.m. Risk Assessment Process and Workshops.
4:15 p.m. EMF Hotline.
4:30 p.m. Engineering Research, Progress and Plans.
5:00 p.m. Committee Questions and Discussion.
5:30 p.m. Adjourn.

Friday, November 17, 1993

9:00 a.m. Funding Situation and Contributions for FY 1996.
9:20 a.m. Exposure Parameters and Dose/Effect Considerations.
9:40 a.m. Interagency Progress Report.
10:30 a.m. Break.
10:45 a.m. Advisory Committee Discussion.
11:30 a.m. Open time for public comments.
12:30 p.m. Adjourn.

A final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Roland George at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Depending on the number of requests, comments may be limited to five minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: A transcript and minutes of this meeting will be available for public review and copying at the Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington DC 20585 between 9:00 a.m. and 4:00 p.m., Monday through Friday except on Federal holidays. Copies of the minutes will also be available by request.

Issued at Washington, D.C. on October 24, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–26846 Filed 10–27–95; 8:45 am]

BILLING CODE 64501–01–P

Office of Fossil Energy

[FE Dockets PP–45–2 and PP–63–4]

Applications To Amend Presidential Permits Northern States Power Company

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application.

SUMMARY: Northern States Power Company (NSP) has applied for amendment of two Presidential permits in order to increase the permitted capacity of the electric transmission facilities located at the U.S. border with Canada.

DATES: Comments, protests or requests to intervene must be submitted on or before November 29, 1995.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Loren Farrar (Program Office) 301–903–2338 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electrical energy is prohibited in the absence of a Presidential permit pursuant to Executive Order No. 12038. Exports of electricity from the United States to a foreign country are also regulated and require authorization under section 202(e) of the Federal Power Act.

On September 20, 1995, NSP filed applications with the Office of Fossil Energy (FE) of the Department of Energy (DOE) to amend Presidential Permits PP–45–1 and PP–63–3. NSP has requested that the limits for operating the permitted facilities in the import mode be increased consistent with the latest Mid-Continent Area Power Pool design reliability analysis.

PROCEDURAL MATTERS: Any person desiring to be heard or to protest these applications should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214). Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. An additional copy is to be filed directly with Michael C. Connelly, Attorney, Northern States Power

Company, 414 Nicollet Mall, Minneapolis, Minnesota 55401, Phone: (612) 330–6600.

A final decision will be made on these separate but related applications after determinations are made by the DOE that the proposed actions will not adversely impact on the reliability of the U.S. electric power supply system, and the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA).

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on October 25, 1995.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–26847 Filed 10–27–95; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–95–06, Auction No. 6]

FCC Announces the Status of Applications To Participate in Auction of Multipoint Distribution Service: 493 BTA Authorizations for Multipoint Distribution Service in the 2 GHz Band, Scheduled for November 13, 1995

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: This Public Notice, released October 16, 1995, announce the status of FCC Form 175–M (short-form) applications, that were timely-filed by the October 10, 1995 due date, to participate in the upcoming auction of Multipoint Distribution Service (MDS). The attachments to the Public Notice classify the 196 timely-filed applications as accepted for filing or incomplete, and are listed alphabetically by the name of the applicant. The Public Notice provides additional information regarding resubmission of applications, upfront payments and the Commission's anti-collusion rule. This Public Notice is directed toward the Commission's goal of efficiently distributing the unused MDS spectrum through competitive bidding, and is designed to assist prospective bidders in preparing for the MDS auction.

FOR FURTHER INFORMATION CONTACT: John Spencer at (202) 418–0660 or Sharon Bertelsen at (202) 416–0892.

The complete text of the Public Notice dated October 16, 1995 follows: Copies of this item are available for public inspection in Room 207, 2033 M Street NW., and Room 5608, 2025 M Strett NW., Washington, DC and may also be obtained from the FCC copy contractor, ITS, Inc. at (202) 418–0620, and the FCC auction contractor, Tradewinds International, Inc. at (202) 637–FCCI (637–3221).

Report No. AUC–95–06, Auction No. 6—October 16, 1995

The Federal Communications Commission (FCC) has received 196 timely-filed FCC Form 175–M applications to participate in an auction scheduled to begin on Monday, November 13, 1995, for 493 authorizations to provide single channel Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS), collectively referred to as ''MDS'' The applications have been reviewed for compliance with the Commission's rules.

The 196 timely-filed applications have been classified into the following two categories:

- Accepted for Filing—174 Applications
- Incomplete—22 Applications

Applications classified as accepted for filing are listed in Attachment A, and those classified as incomplete are presented in Attachment B. Each attachment lists applications alphabetically by the name of the applicant.[1] Late-filed applications will be dismissed without the opportunity to resubmit. Applicants who have submitted applications that are accepted for filing will become qualified bidders only upon the acceptance of the required upfront payment by the upfront payment deadline, as discussed *infra.* Applications classified as incomplete must be resubmitted by the resubmission deadline to correct the minor deficiency or deficiencies identified in Attachment B, as discussed, *infa.*

Resubmission Filing Deadline: Corrected FCC Form 175–M applications must be filed no later than 5:30 p.m. Eastern Time on Monday, October 30, 1995. Late resubmission will not be accepted, and this will be the only opportunity to cure FCC Form 175–M defects. Applicants are reminded that if they filed their FCC Form 175–M applications electronically, they must resubmit their corrected applications electronically.

Manual Resubmission: Manual resubmissions, whether mailed, hand delivered or sent by private courier, must be addressed to: Office of the Secretary, Attn: Auction 6 Short-Form Processing, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

Manual resubmissions will not be accepted at any other location. Applicants must submit a new FCC Form 175–M, complete in all respects, correcting the identified deficiency(ies) and signed with an original signature, including any supplementary information required, which must be received prior to the deadline, or the application will be dismissed. In addition, three (3) microfiche copies of the corrected applications are required for all applications in excess of five (5) pages. For this auction, the FCC will allow submission of a 3.5'' diskette, in lieu of microfiche, which contains ASCII text (.TXT) files of all exhibit documentation attached to the FCC Form 175–M.

Electronic Resubmission of Manual Application: The applicant, an authorized representative, or the certifying official, as designated on the applicant's FCC Form 175–M MUST APPEAR IN PERSON at the FCC Auction Headquarters located at 2 Massachusetts Avenue, N.E., Washington, D.C., with two forms of identification (one of which must be a photo identification) to receive a login code and password.

As described more fully in the Commission's *MDS Report and Order,* 10 FCC Rcd 9589 (1995), 60 Fed. Reg. 36,524 (July 17,1995), and in the general auction rules, applicants may make minor corrections to their FCC Form 175–M applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, modification of authorization selection(s), change in certifying official, change in *de facto* or *de jure* control of the applicant). *See* 47 CFR § 21.952(c)(2).

Upfront Payment Deadline: All applicants should note that upfront payments for this auction are due at Mellon Bank, Pittsburgh, Pennsylvania, on Monday, October 30, 1995, in accordance with the Procedures, Terms and Conditions for this auction as contained in the Bidder Information Package.

Payments made by cashier's check must be received by 11:59 p.m. Eastern Time, Monday, October 30, 1995.

[1] Our disposition of applications accompanied by waiver requests (as indicated by asterisks in Attachments A and B) may affect the qualifications of the applicant to hold MDS authorizations in particular Basic Trading Areas (BTAs), or may affect its status as an eligible small business.

Payments made by wire transfer must be received by 3:00 p.m. Eastern Time, Monday, October 30, 1995, in order to be recorded as received on this date. Failure to accurately complete the FCC Form 159 could result in a delay in processing the applicant's remittance.

Applicants who have filed applications classified as incomplete (by this Public Notice) must submit an upfront payment in order for the FCC to review their resubmitted application. If such an application remains incomplete following resubmission it will be dismissed and the applicant may file a request for refund of its upfront payment. Only those applicants who submit upfront payments by the due date and have submitted (or resubmitted) applications which are classified as accepted for filing will be eligible to participate in this auction.

Other Important Information: A final Public Notice listing all applicants qualified to bid at the auction will be released after upfront payments have been received and resubmitted FCC Form 175–M applications have been reviewed and processed.

After the October 10, 1995, short-form filing deadline, applicants are generally prohibited from communicating with other applicants for the same BTA(s) regarding bids or bid strategies. Winning bidders will be required to disclose in their long-form MDS applications (FCC Form 304) the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships and other arrangements the applicant has entered into relating to the competitive bidding process. *See* 47 CFR § 1.2107(d). Bidders found to have violated the Commission's anti-collusion rule may be subject to sanctions. *See* 47 CFR § 1.2109(d). In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace.

Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 CFR § 1.1208). *See* ''Commission Announces that Mutually Exclusive ''Short Form'' Applications (Form 175) to participate in Competitive Bidding Process (''Auctions'') are Treated as Exempt for Ex Parte Purposes,'' *Public Notice,* 9 FCC Rcd 6760 (1994).

For the MDS auction only, the Commission is offering free on-line access to the FCC Form 175–M Review program. Ordinarily, this service would cost $2.30 per minute. *See Report and Order* (WT Docket No. 95–69), 60 Fed. Reg. 38,276 (July 26, 1995). Please refer to the MDS Bidder Package for further information on the FCC Form 175–M Review program.

For additional information regarding this Public Notice, please contact John Spencer, Wireless Telecommunications Bureau, (202) 418–0660, or Sharon Bertelsen, Mass Media Bureau, at (202) 416–0892.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Attachment A—FCC Multipoint Distribution Srvc Auction, Form 175 Accepted List (Initial) Auction ID: 6

(Sorted by Applicant)

Date of Report: 10/13/95

The following Form 175 Applicants have been judged 'Acceptable' and have applied or the following licenses:

FCC Account No.	Name	Waiver requested
0541746373	AGL Inc.	
	The following License(s): B111–	
0370703673	Adams Telcom, Inc.	
	The following License(s): B061– B344– B367–	
0943221309	Alaska Wireless Cable, Inc.	
	The following License(s): B136–	
8034488125	Albert D. Ervin.	
	The following License(s): B147– B312– B436–	
5127081514	Allen Leeds.	

FCC Account No.	Name	Waiver requested
	The following License(s): B001– B002– B003– B004– B005– B006– B007– B008– B009– B010– B011– B012– B013– B014– B015– B016– B017– B018– B019– B020– B021– B022– B023– B024– B025– B026– B027– B028– B029– B030– B031– B032– B033– B034– B035– B036– B037– B038– B039– B040– B041– B042– B043– B044– B045– B046– B047– B048– B049– B050– B051– B052– B053– B054– B055– B057– B058– B059– B060– B061– B062– B063– B064– B065– B066– B067– B068– B069– B070– B071– B072– B073– B074– B075– B076– B077– B078– B079– B080– B081– B082– B083– B084– B085– B086– B087– B088– B089– B090– B091– B092– B093– B094– B095– B096– B097– B098– B099– B100– B101– B102– B103– B104– B105– B106– B107– B108– B109– B110– B111– B112– B113– B114– B115– B116– B117– B118– B119– B120– B121– B122– B123– B124– B125– B126– B127– B128– B129– B130– B131– B132– B133– B134– B135– B136– B137– B138– B139– B140– B141– B142– B143– B144– B145– B146– B147– B148– B149– B150– B151– B152– B153– B154– B155– B156– B157– B158– B159– B160– B161– B162– B163– B164– B165– B166– B167– B168– B169– B170– B171– B172– B173– B174– B175– B176– B177– B178– B179– B180– B181– B182– B183– B184– B185– B186– B187– B188– B189– B190– B191– B192– B193– B194– B195– B196– B197– B198– B199– B200– B201– B202– B203– B204– B205– B206– B207– B208– B209– B210– B211– B212– B213– B214– B215– B216– B217– B218– B219– B220– B221– B222– B223– B224– B225– B226– B227– B228– B229– B230– B231– B232– B233– B234– B235– B236– B237– B238– B239–. B240– B241– B242– B243– B244– B245– B246– B247– B248– B249– B250– B251– B252– B253– B254– B255– B256– B257– B258– B259– B260– B261– B262– B263– B264– B265– B266– B267– B269– B270– B271– B272– B273– B274– B275– B276– B277– B278– B279– B280– B281– B282– B283– B284– B285– B286– B287– B288– B289– B290– B291– B292– B293– B294– B295– B296– B297– B298– B299– B300– B301– B302– B303– B304– B305– B306– B307– B308– B309– B310– B311– B312– B313– B314– B315– B316–. B317– B318– B319– B320– B321– B322– B323– B324– B325– B326– B327– B328– B329– B330– B331– B332– B333– B334– B335– B336– B337– B338– B339– B340– B341– B342– B343– B344– B345– B346– B347– B348– B349– B350– B351– B352– B353– B354– B355– B356– B357– B358– B359– B360– B361– B362– B363– B364– B365– B366– B367– B368– B369– B370– B371– B372– B373– B374– B375– B376– B377– B378–. B379– B380– ..... B381– B382– B383– B384– B385– B386– B387– B388– B389– B390– B391– B392– B393– B394– B395– B396– B397– B398– B399– B400– B402– B403– B404– B405– B406– B407– B408– B409– B410–. B411– B412– B413– B414– B415– B416– B417– B418– B419– B420– B421– B422– B423– B424– B425– B426– B427– B428– B429– B430– B431– B432– B433– B434– B435– B436– B437– B438– B439– B440– B441– B442– B443–. B444– B445– B446– B447– B448– B449– B450– B451– B452– B453– ..... B454– B455– B457– B458– B459– B460– B461– B462– B463– B464– B465– B466– B467– B468– B469– B470– B471– B472– B473– B474– B475– B476– B477– B478– B479– B480– B481– B482– B483– B484– B485– B486– B487– B488– B489– B490– B491– B492– B493–.	
0650415345	Allied Properties, Inc. The following License(s): All.	
0860786531	Altron Communicatins, L.C. The following License(s): All.	
2028610106	American Car Telephone Co., Inc. The following License(s): B397– B412–	
0841265444	American Telecasting Development, Inc. The following License(s): All.	
0870480126	American Wireless, Inc. The following License(s): B392–	
3178798851	Andrew V. Saban. The following License(s): B457–	
0541698157	Applied Video Technologies, Inc.	

FCC Account No.	Name	Waiver requested
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0232778523	Pegasus Communications Portfolio Holdings, Inc.	

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	The following License(s): B001– B002– B003– B004– B005– B006– B007– B008– B009– B010– B011– B012– B013– B014– B015– B016– B017– B018– B019– B020– B021– B022– B023– B024– B025– B026– B027– B028– B029– B030– B031– B032– B033– B034– B035– B036– B037– B038– B039– B040– B041– B042– B043– B044– B045– B046– B047– B048– B049– B050– B051– B052– B053– B054– B055– B056– B057– B058– B059– B060– B061– B062– B063– B064– B065– B066– B067– B068– B069– B070– B071– B072– B073– B074– B075– B076– B077– B078– B079– B080– B081– B082– B083– B084– B085– B086– B087– B088– B089– B090– B091– B092– B093– B094– B095– B096– B097– B098– B099– B100– B101– B102– B103– B104– B105– B106– B107– B108– B109– B110– B111– B112– B113– B114– B115– B116– B117– B118– B119– B120– B121– B122– B123– B124– B125– B126– B127– B128– B129– B130– B131– B132– B133– B134– B135– B136– B137– B138– B139– B140– B141– B142– B143– B144– B145– B146– B147– B148– B149– B150– B151– B152– B153– B154– B155– B156– B157– B158– B159– B160– B161– B162– B163– B164– B165– B166– B167– B168– B169– B170– B171– B172– B173– B174– B175– B176– B177– B178– B179– B180– B181– B182– B183– B184– B185– B186– B187– B188– B189– B190– B191– B192– B193– B194– B195– B196– B197– B198– B199– B200– B201– B202– B203– B204– B205– B206– B207– B208– B209– B210– B211– B212– B213– B214– B215– B216– B217– B218– B219– B220– B221– B222– B223– B224– B225– B226– B227– B228– B229– B230– B231– B232– B233– B234– B235– B236– B237– B238– B239– B240– B241– B242– B243– B244– B245– B246– B247– B248– B250– B251– B252– B253– B254– B255– B256– B257– B258– B259– B260– B261– B262– B263– B264– B265– B266– B267– B268– B269– B270– B271– B272– B273– B275– B276– B277– B278– B279– B280– B281– B282– B283– B284– B285– B286– B287– B288– B289– B290– B291– B292– B293– B294– B295– B296– B297– B298– B299– B300– B301– B302– B303– B304– B305– B306– B307– B308– B309– B310– B311– B312– B313– B314– B315– B316– B317– B319– B320– B321– B322– B323– B324– B325– B326– B327– B328– B329– B330– B331– B332– B333– B334– B335– B336– B337– B338– B339– B340– B341– B342– B343– B344– B345– B346– B347– B348– B349– B350– B352– B353– B354– B355– B356– B357– B358– B359– B360– B361– B362– B363– B364– B365– B366– B367– B368– B369– B370– B371– B372– B373– B374– B375– B376– B377– B378– B379– B380– B381– B382– B383– B384– B385– B386– B387– B388– B389– B390– B391– B392– B393– B394– B395– B396– B397– B398– B399– B400– B401– B402– B403– B404– B405– B406– B407– B408– B409– B410– B411– B412– B413– B414– B415– B416– B417– B418– B419– B420– B421– B422– B423– B424– B425– B426– B427– B428– B429– B430– B431– B432– B433– B434– B435– B436– B437– B438– B439– B440– B441– B442– B443– B444– B445– B446– B447– B448– B449– B450– B451– B452– B453– B454– B455– B456– B457– B458– B459– B460– B461– B462– B463– B464– B465– B466– B467– B468– B469– B470– B471– B472– B473– B474– B475– B476– B477– B478– B479– B481– B482– B483– B484– B485– B486– B487– B488– B490– B491– B492– B493–.	
0527648061	Philip C. Merrill. The following License(s): all.	
0593327118	Phipps Wireless, Inc. The following License(s): all.	
0640861494	Pinnacle Communications Systems, Inc. The following License(s): all.	
0750806646	Poka Lambro Telephone Cooperative, Inc. The following License(s): B013– B087– B191– B264– B327–	
6109219500	Prestige Wireless Ltd. The following License(s): B370–	
0310969011	Progressive Communications, Inc. The following License(s): all	
0660177812	Puerto Rico Telephone Company. The following License(s): B488– B489–	
0541177673	R and B Communications, Inc. The following License(s): B376–	
8146841026	Randall W. Rahon d/b/a Air Cable Television Syst. The following License(s): all.	
0550697169	Redhawk Communications. The following License(s): B116– B398–	
0459689868	Richard S. Kimmons DBA Kimmons Financial Gr. The following License(s): all.	
5049276815	Robert A. Hart IV. The following License(s): all.	
8176653463	Rural Wireless South, Inc. The following License(s): all.	
0582136614	SWCC, Inc. The following License(s): B439–	
8024763426	Sanguinetti Investment Corp. The following License(s): B063– B388–	
0541619190	Satellite Microcable Corporation. The following License(s): B124– B168– B355–	
8024766567	Satellite Signals of New England, Inc. The following License(s): B063– B388–	
2173410721	Sheridan Ruggles. The following License(s): all.	
6034343881	Shreveport Wireless Cable, Inc. The following License(s): B419–	
0460402369	Sioux Valley Rural Television, Inc. The following License(s): B422–	

FCC Account No.	Name	Waiver requested
7196325544	Sioux Valley Wireless Cable, Inc. The following License(s): All.	
0391819183	SkyCable TV of Madison, L.L.C. The following License(s): B272–	
0650463745	Skyview Wireless Cable, Inc. The following License(s): B193– B211–	
7144994469	South Seas Satellite Communications Corporation. The following License(s): All.	
0431186710	Southwest Missouri Cable Television, Inc. The following License(s): B220–	
0470720815	Southwest Telecommunications Cooperative Ass., The following License(s): All.	
0421367457	Starcom, Inc. The following License(s): B150– B277– B285– B481–	
0760183743	Stephan L. Honore. The following License(s): All.	
0860672999	Superchannels of Las Vegas, Inc. The following License(s): All.	
0161470170	Syracuse Wireless, L.C. The following License(s): B438–	
3038409113	TCM Holdings, Inc. The following License(s): B052– B096– B098– B120– B149– B168– B263– B273– B336– B338– B339– B423– B449–	
0911695924	Teewinot Licensing, Inc. The following License(s): All.	
0592116828	The R Corp. The following License(s): All.	
3037512900	TV Communication Network, Inc. The following License(s): All.	
0593175814	Tel-Com Wireless Cable TV Corp. The following License(s): All.	
0112907608	Tel/Logic Inc. The following License(s): All.	
8053962460	Tharrell D. Ming. The following License(s): The following License(s): B001– B002– B003– B004– B005– B006– B007– B008– B009– B010– B011– B012– B013– B014– B015– B016– B017– B018– B019– B020– B021– B022– B023– B024– B025– B026– B027– B028– B029– B030– B031– B032– B033– B034– B035– B036– B037– B038– B039– B040– B041– B042– B043– B044– B045– B046– B047– B048– B049– B050– B051– B052– B053– B054– B055– B056– B057– B058– B059– B060– B061– B062– B063– B064– B065– B066– B067– B068– B069– B070– B071– B072– B073– B074– B075– B076– B077– B078– B079– B080– B081– B082– B083– B084– B085– B086– B087– B088– B089– B090– B091– B092– B093– B094– B095– B096– B097– B098– B099– B100– B101– B102– B103– B104– B105– B106– B107– B108– B109– B110– B111– B112– B113– B114– B115– B116– B117– B118– B119– B120– B121– B122– B123– B124– B125– B126– B127– B128– B129– B130– B131– B132– B133– B134– B135– B136– B137– B138– B139– B140– B141– B142– B143– B144– B145– B146– B147– B148– B149– B150– B151– B152– B153– B154– B155– B156– B157– B158– B159– B160– B161– B162– B163– B164– B165– B166– B167– B168– B169– B170– B171– B172– B173– B174– B175– B176– B177– B178– B179– B180– B181– B182– B183– B184– B185– B186– B187– B188– B189– B190– B191– B192– B193– B194– B195– B196– B197– B198– B199– B200– B201– B202– B203– B204– B205– B206– B207– B208– B209– B210– B211– B212– B213– B214– B215– B216– B217– B218– B219– B220– B221– B222– B223– B224– B225– B226– B227– B228– B229– B230– B231– B232– B233– B234– B235– B236– B237– B238– B239– B240– B241– B242– B243– B244– B245– B246– B247– B248– B249– B250– B251– B252– B253– B254– B255– B256– B257– B258– B259– B260– B261– B262– B263– B264– B265– B266– B267– B268– B269– B270– B271– B272– B273– B274– B275– B276– B277– B278– B279– B280– B281– B282– B283– B284– B285– B286– B287– B288– B289– B290– B291– B292– B293– B294– B295– B296– B297– B298– B299– B300– B301– B302– B304– B305– B306– B307– B308– B309– B310– B311– B312– B313– B314– B315– B316– B317– B318– B319– B320– B321– B322– B323– B324– B325– B326– B327– B328– B329– B330– B331– B332– B333– B334– B335– B336– B337– B338– B339– B340– B341– B342– B343– B344– B345– B346– B347– B348– B349– B350– B351– B352– B353– B354– B355– B356– B357– B358– B359– B360– B361– B362– B363– B364– B365– B366– B367– B368– B369– B370– B371– B372– B373– B374– B375– B376– B377– B378– B379– B380– B381– B382– B383– B384– B385– B386– B387– B388– B389– B390– B391– B392– B393– B394– B395– B396– B397– B398– B399– B400– B401– B402– B403– B404– B405– B406– B407– B408– B409– B410– B411– B412– B413– B414– B415– B416– B417– B418– B419– B420– B421– B422– B423– B424– B425– B426– B427– B428– B429– B430– B431– B432– B433– B435– B436– B437– B438– B439– B440– B441– B442– B443– B444– B445– B446– B447– B448– B449– B450– B451– B452– B453– B454– B455– B456– B457– B458– B459– B460– B461– B462– B463– B464– B465– B466– B467– B468– B469– B470– B471– B472– B473– B474– B475– B476– B477– B478– B479– B480– B481– B482– B483– B484– B485– B486– B487– B488– B489– B490– B491– B492– B493–.	
0411787309	The Corcoran Group Inc. The following License(s): All.	
8015326060	Transworld Holdings, Inc.	

FCC Account No.	Name	Waiver requested
	The following License(s): B016– B020– B036– B055– B072– B074– B079– B091– B110– B133– B147– B157– B174– B177– B178– B189– B228– B291– B303– B312– B331– B335– B358– B371– B372– B389– B395– B402– B404– B413– B425– B434– B436– B458– B460– B468– B482– B485–	
0640849646	TruVision Cable, Inc.	
	The following License(s): All.	
0470779045	USA Wireless Cable, Inc.	
	The following License(s): B053– B149– B167– B172– B185– B224– B277– B300– B378– B411–	
0003476562	USLink, Inc.	
	The following License(s): B001– B037– B05– B54– B113– B119– B123– B138– B142– B166– B199– B207– B277– B298– B299– B301– B378– B391– B422– B464– B476– B477– B481.	
0742556235	United States Wireless Cable, Inc	
	The following License(s): B001– B002– B003– B004– B005– B006– B007– B008– B009– B010– B011– B012– B013– B014– B015– B016– B017– B018– B019– B020– B021– B022– B023– B024– B025– B026– B027– B028– B029– B030– B031– B032– B033– B034– B035– B036– B037– B038– B039– B040– B041– B042– B043– B044– B045– B046– B047– B048– B049– B050– B051– B052– B053– B054– B055– B056– B057– B058– B059– B060– B061– B062– B063– B064– B065– B066– B067– B068– B069– B070– B071– B072– B073– B074– B075– B076– B077– B078– B079– B080– B081– B082– B083– B084– B085– B086– B087– B088– B089– B090– B091– B092– B093– B094– B095– B096– B097– B098– B099– B100– B101– B102– B103– B104– B105– B106– B107– B108– B109– B110– B111– B112– B113– B114– B115– B116– B117– B118– B119– B120– B121– B122– B123– B124– B125– B126– B127– B128– B129– B130– B131– B132– B133– B134– B135– B136– B137– B138– B139– B140– B141– B142– B143– B144– B145– B146– B147– B148– B149– B150– B151– B152– B153– B154– B155– B156– B157– B158– B159– B160– B161– B162– B163– B164– B165– B166– B167– B168– B169– B170– B171– B172– B173– B174– B175– B176– B177– B178– B179– B180– B181– B182– B183– B184– B185– B186– B187– B188– B189– B190– B191– B192– B193– B194– B195– B196– B197– B198– B199– B200– B201– B202– B203– B204– B205– B206– B207– B208– B209– B210– B211– B212– B213– B214– B215– B216– B217– B218– B219– B220– B221– B222– B223– B224– B225– B226– B227– B228– B229– B230– B231– B232– B233– B234– B235– B236– B237– B238– B239– B240– B241– B242– B243– B244– B245– B246– B247– B248– B249– B250– B251– B253– B254– B255– B256– B257– B258– B259– B260– B261– B262– B263– B264– B265– B266– B267– B268– B269– B270– B271– B272– B273– B274– B275– B276– B277– B278– B279– B280– B281– B282– B283– B284– B285– B286– B287– B288– B289– B290– B291– B292– B293– B294– B295– B296– B297– B298– B299– B300– B301– B302– B303– B304– B305– B306– B307– B308– B309– B310– B311– B312– B313– B314– B315– B316– B317– B318– B319– B320– B321– B322– B323– B324– B325– B326– B327– B328– B329– B330– B331– B332– B333– B334– B335– B336– B337– B338– B339– B340– B341– B342– B343– B344– B345– B346– B347– B348– B349– B350– B351– B352– B353– B354– B355– B356– B357– B358– B359– B360– B361– B362– B363– B364– B365– B366– B367– B368– B369– B370– B371– B372– B373– B374– B375– B376– B377– B378– B379– B381– B382– B383– B384– B385– B386– B387– B388– B389– B390– B391– B392– B393– B394– B395– B396– B397– B398– B399– B400– B401– B402– B403– B404– B405– B406– B407– B408– B409– B410– B411– B412– B413– B414– B415– B416– B417– B418– B419– B420– B421– B422– B423– B424– B425– B426– B427– B428– B429– B430– B431– B432– B433– B434– B435– B436– B437– B438– B439– B440– B441– B442– B443– B444– B445– B446– B447– B448– B449– B450– B451– B452– B453– B454– B455– B456– B457– B458– B459– B460– B461– B462– B463– B464– B465– B466– B467– B468– B469– B470– B471– B472– B473– B474– B475– B476– B477– B478– B479– B480– B481– B482– B483– B484– B485– B486– B487– B488– B489– B490– B491– B492– B493–.	
0411625664	Upsala Telecommunications Technetronics, Inc.	
	The following License(s): B391–	
0860479381	Valley Telecommunications, Inc.	
	The following License(s): B244– B347– B420–	
0030324249	Vermont Rural Communications Development	
	The following License(s): B063– B249– B352– B388–	
0581816252	Vidcomm, Inc.	
	The following License(s): All.	
0860529254	Virginia Communications, Inc.	
	The following License(s): All.	
0341680207	W.A.T.C.H. TV Company	
	The following License(s): All.	
8097227815	WHTV Broadcasting Corp.	
	The following License(s): B488– B489–	
0383198317	WJT Enterprise, Inc.	
	The following License(s): B033– B039– B209– B223– B310	
0870440922	Walter Communications, Inc.	
	The following License(s): All.	
0541499768	Wave International, Inc.	
	The following License(s): All.	
0570336544	West Carolina Rural Telephone Cooperative, Inc.	
	The following License(s): B016– B178–	
2174836444	Western Horizons, Inc.	
	The following License(s): All.	
5152772333	Western States Wireless, L.P.	
	The following License(s): B041– B053– B064–, B069– B077– B089– B149– B168– B171– B172– B188– B224– B300– B366– B375– B381–	
3036491195	Wireless Boardcasting Systems of America, Inc.	
	The following License(s): All.	

FCC Account No.	Name	Waiver requested
0223378353	Wireless Cable International Inc. The following License(s): B362–	
0330549489	Wireless Cable, Ltd., Ptrs. The following License(s): B190–	
0650150718	Wireless Cable of Florida, Inc. The following License(s): B408– B410–	
5049267778	Wireless One of North Carolina, L.L.C. The following License(s): B020– B062– B074– B141– B165– B174– B176– B177– B189– B214– B284– B316– B324– B368– B377– B382– B478	
0721256021	Wireless One, Inc. The following License(s): B006– B009– B016– B017– B022– B024– B026– B032– B034– B042– B044– B047– B048– B049– B052– B058– B059– B066– B067– B072– B076– B081– B083– B085– B091– B092– B093– B094– B096– B098– B102– B107– B108– B115– B120– B125– B135– B146– B147– B151– B152– B154– B158– B159– B160– B175– B178– B180– B186– B195– B196– B197– B198– B210– B211– B212– B219– B229– B232– B236– B238– B239– B246– B252– B257– B260– B263– B265– B269– B271– B273– B289– B290– B292– B293– B295– B302– B304– B305– B308– B312– B313– B314– B315– B320– B326– B334– B335– B336– B338– B339– B340– B343– B348– B359– B384– B408– B410– B415– B419– B423– B436– B439– B440– B441– B449– B450– B452– B454– B455– B456– B467– B469– B474– B491–	
0232743641	Wireless Telecommunications, Inc. The following License(s): B116– B124– B179– B181– B201– B227– B240– B249– B252– B266– B313– B342– B357– B360– B370– B398– B405– B406– B408– B483–	
4076827104	World Wide Wireless, L.P. The following License(s): All.	

Attachment B—FCC Multipoint Distribution Srvc Auction, Form 175 Incomplete List (Initial), Auction ID: 6

(Sorted by Applicant)

Date of Report: 10/13/95

The following entries have been found to be deficient in completing their Form 175 for the following reasons:

FCC Account No.	Name	Error description	Waiver requested
0411616965	American Wireless Systems, Inc	Invalid Attachments.	
4076473952	Arch Family Limited Partnership, James A	Missing Fax Number.	
0954459481	Beaumont Broadcasting Company	Missing Fax Number.	
371261027	Bolin communications, Inc	Missing/Invalid FCC Account Number.	
7706671145	CARL DAVIS	Missing Contact Person, Missing Authorized Name, Missing Certifying Title.	
0592554589	Gulfstream Communications Co	Invalid License Data.	
630090050	Gulf Coast Services, Inc	Missing/Invalid FCC Account Number.	
0470781314	Harders Broadcasting	Invalid Attachments.	
7178464738	ICC	Invalid License Data.	
3015591382	Isis International, Inc	Missing Contact Person.	
7038934699	Kristen E. Huber	Invalid Attachments.	
421387946	Metro Business Journal, Inc	Missing/Invalid FCC Account Number.	
0408248111	Mike Cooper Company	Missing Certifying Title.	
0850366523	Multimedia Development Corpor	Invalid Attachments.	
000000000	Melvin Porter Watson Watson Enterprise	Missing Date, Missing Fax Number, Missing/Invalid FCC Account Number.	
0364005710	Midwest PCS Incorporated	Missing Contact Person.	
0030330109	New England Wireless, Inc	Invalid License Data.	
8045232549	Phoenix Data Communications, Inc	Missing Contact Person.	
9082332205	Shilpa K. Patel M.M.R.S. Inc	Missing Fax Number.	
0223399351	Shilpa K. Patel KPA Inc	Missing Fax Number, Invalid License Data.	
8608891016	Shoreline Wireless Cable T.V. Peter Papp	Missing Fax Number.	
954394011	Wireless Enterprises, Inc	Missing/Invalid FCC Account Number.	

[FR Doc. 95–26799 Filed 10–27–95; 8:45 am]
BILLING CODE 6712–01–M&P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1068–DR]

Commonwealth of Puerto Rico; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA–1068–DR), dated September 16, 1995, and related determinations.

EFFECTIVE DATE: October 20, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Jose Bravo as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–26850 Filed 10–27–95; 8:45 am]
BILLING CODE 6718–02–P

[FEMA–1067–DR]

U.S. Virgin Islands; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the U.S. Virgin Islands (FEMA–1067–DR), dated September 16, 1995, and related determinations.

EFFECTIVE DATE: October 20, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jose A. Bravo of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of G. Clay Hollister as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–26849 Filed 10–27–95; 8:45 am]
BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

Royal Caribbean Cruises Ltd., 1050 Caribbean Way, Miami, Florida 33132–2096

Vessels: ENCHANTMENT OF THE SEAS and RHAPSODY OF THE SEAS

Dated: October 25, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–26861 Filed 10–27–95; 8:45 am]
BILLING CODE 6730–01–M

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Black Sea Shipping Company (d/b/a Royal Venture Cruise Line), c/o Odessa America Cruise Company, 170 Old Country Road, Suite 608, Mineola, New York 11501

Vessel: UKRAINA

Dated: October 23, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–26783 Filed 10–27–95; 8:45 am]
BILLING CODE 6730–01–M

[Docket No. 95–17]

Dot Trading, Inc. and Danny Apelboim v. Ocean Eagle Container Line, Inc. and Nathaniel Abrams and Daniel Abrams; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Dot Trading, Inc. and Danny Apelboim (''Complainants'') against Ocean Eagle Container Line, Inc. and Nathanie Abrams and Daniel Abrams (''Respondents'') was served October 25, 1995. Complainants allege that Respondents have violated sections 10(b)(6)(D), 10(b)(12), and 10(d)(1) of the Shipping Act of 1984, 46 U.S.C. app. section 1709(b)(6)(D), (b)(12) and (d)(1), in connection with a shipment of dented cans of food from Miami, Florida to Port Au Prince, Haiti.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by October 25, 1996, and the final decision of the Commission shall be issued by February 25, 1997.

Joseph C. Polking,

Secretary.

[FR Doc. 95–26859 Filed 10–27–95; 8:45 am]
BILLING CODE 6730–01–M

[Docket No. 95–18]

United Van Lines, Inc. and United Van Lines International, Inc. v. United Shipping USA, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by United Van Lines, Inc. and United Van Lines International, Inc. (''Complainants'') against United Shipping USA, Inc. (''Respondent'') was served October 25, 1995. Complainants allege that Respondent has violated sections 10(d)(1) and 19(a) of the Shipping Act of 1984, 46 U.S.C. app. § 1709(d)(1) and § 1718(a) by illegally appropriating complainants' name and good will as an NVOCC and by utilizing complainants' name and goodwill in acting and holding itself out as a freight forwarder without being licensed by the Commission.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing the cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by October 25, 1996, and the final decision of the Commission shall be issued by February 25, 1997.

Joseph C. Polking,

Secretary.

FR Doc. 95–26860 Filed 10–27–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Roy Edward Aldwell, II; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than November 13, 1995.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Roy Edward Aldwell, II, New York, New York; to acquire an additional 1.62 percent, for a total of 11.35 percent, of the voting shares First Sonora Bancshares, Inc., Sonora, Texas, and thereby indirectly acquire First National Bank, Sonora, Texas.

Board of Governors of the Federal Reserve System, October 24, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26863 Filed 10–27–95; 8:45 am]

BILLING CODE 6210–01–F

Hibernia Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has 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)).

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 to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received not later than November 24, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Hibernia Corporation, New Orleans, Louisiana; to merge with Bunkie Bancshares, Inc., Bunkie, Louisiana, and thereby indirectly acquire Bunkie Bank & Trust Company, Bunkie, Louisiana.

Board of Governors of the Federal Reserve System, October 24, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26864 Filed 10–27–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–99]

Quarterly Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice is a quarterly announcement which contains the following: A list of sites for which ATSDR has completed public health assessments during the period April–June 1995. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL), and non-NPL sites for which ATSDR has prepared a public health assessment, and a site for which an assessment was prepared in response to a request from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments and public health assessments with addenda was published in the Federal Register on August 22, 1995, [60FR 43597]. The quarterly announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities [42 CFR Part 90]. This rule sets forth ATSDR's procedures for the conduct of

public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)].

Availability

The completed public health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. A charge is applied by NTIS for these public health assessments. The NTIS order numbers are listed in parentheses following the site name.

Public Health Assessments Completed or Issued

Between April 1, 1995 and June 30, 1995, public health assessments were issued for the sites listed below:

NPL Sites

California
- McCormick & Baxter Creosoting Company—Stockton—(PB95–203667)

Colorado
- Asarco, Incorporated (Globe Plant)—Denver—(PB95–219716)

Florida
- Chevron Chemical Company (Ortho Division)—Orlando—(PB95–219184)
- Escambia Wood—Pensacola (A/K/A Escambia Treating Company)—Pensacola—(PB95–226239)
- Hipps Road Landfill—Jacksonville—(PB95–226171)

Illinois
- Velsicol Chemical Corporation (Illinois)—Marshall—(PB95–220703)

Louisiana
- Combustion, Incorporated—Denham Springs—(PB95–227807) Gulf Coast Vacuum Services—Abbeville—(PB95–227799)

Massachusetts
- New Bedford Site—New Bedford—(PB95–216875)

New Hampshire
- New Hampshire Plating Company—Merrimack—(PB95–240586)

New Jersey
- Curcio Scrap Metal, Incorporated—Saddle Brook Township—(PB95–219390)
- Garden State Cleaners—Minotola—(PB95–216974)
- South Jersey Clothing Company—Minotola—(PB95–216974)

New York
- Carroll & Dubies Sewage Disposal—Port Jervis—(PB95–216842)

Ohio
- North Sanitary Landfill—Dayton—Dayton—(PB95–219333)

Oregon
- McCormick & Baxter Creosoting Company (Portland)—Portland—(PB95–232765)

Pennsylvania
- Crater Resources/Keystone Coke/Alan Wood—King of Prussia—(PB95–216628)
- UGI Columbia Gas Plant—Columbia—(PB95–226411)

Wisconsin
- Ripon City Landfill—Ripon—(PB95–209458)

Non-NPL Petitioned Site

Pennsylvania
- Cabot-Wrought Products—Division of Cabot Corporation (A/K/A NGK Metals/Cabot Berylco, Incorporated)—Muhlenberg—(PB95–242533)

Dated: October 24, 1995.

Claire V. Broome,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 95–26823 Filed 10–27–95; 8:45 am]

BILLING CODE 4163–70–P

Agency For Toxic Substances and Disease Registry

[ATSDR–102]

Availability of Draft Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9604(i)(3)) directs the Administrator of ATSDR to prepare toxicological profiles of priority hazardous substances and to revise and republish each toxicological profile as necessary. This notice announces the availability of eight updated drafts and three new draft toxicological profiles prepared by ATSDR for review and comment.

DATES: Comments on these draft toxicological profiles must be received on or before February 20, 1996. Comments received after the close of the public comment period will be considered at the discretion of ATSDR based upon what is deemed to be in the best interest of the general public.

ADDRESSES: Requests for copies of the draft toxicological profiles or comments regarding the draft toxicological profiles should be sent to the attention of Ms. Kim E. Jenkins, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Requests for the draft toxicological profiles must be in writing. Please specify the profiled hazardous substance(s) you wish to receive. ATSDR reserves the right to provide only one copy of each profile requested, free of charge. In case of extended distribution delays, requestors will be notified.

Written comments and other data submitted in response to this notice and the draft toxicological profiles should bear the docket control number ATSDR–102. Send one copy of all comments and three copies of all supporting documents to the Division of Toxicology at the above address by the end of the comment period. All written comments and draft profiles will be available for public inspection at the ATSDR, Building 4, Executive Park Drive, Atlanta, Georgia (not a mailing address), from 8:00 a.m. until 4:30 p.m., Monday through Friday, except for legal holidays. Because all public comments regarding ATSDR toxicological profiles are available for public inspection, no confidential business information should be submitted in response to this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Kim E. Jenkins, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (404) 639–6357.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99–499) amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (42 U.S.C. 9601 et seq.) by establishing certain responsibilities for the ATSDR and the Environmental Protection Agency (EPA) with regard to hazardous substances which are most commonly found at

facilities on the CERCLA National Priorities List (NPL). Among these statutory provisions is that the Administrator of ATSDR prepare toxicological profiles for substances included on the priority lists of hazardous substances. These lists identified 275 hazardous substances that ATSDR and EPA determined pose the most significant potential threat to human health. The availability of the revised priority list of 275 hazardous substances was announced in the Federal Register on February 28, 1994 (59 FR 9486). For prior versions of the list of substances see Federal Register notices dated April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17, 1990 (55 FR 42067); October 17, 1991 (56 FR 52166); and October 28, 1992 (57 FR 48801). CERCLA also requires ATSDR to assure the initiation of a research program to fill data needs associated with the substances.

Section 104(i)(3) of CERCLA [42 U.S.C. 9604(i)(3)] outlines the content of these profiles. Each profile is required to include an examination, summary and interpretation of available toxicological information and epidemiologic evaluations. This information and these data are to be used to ascertain the levels of significant human exposure for the substance and the associated health effects. The profiles must also include a determination of whether adequate information on the health effects of each substance is available or in the process of development. When adequate information is not available, ATSDR, in cooperation with the National Toxicology Program (NTP), is required to assure the initiation of research to determine these health effects.

Although key studies for each of the substances were considered during the profile development process, this Federal Register notice is to solicit any additional studies, particularly unpublished data and ongoing studies, for possible addition to the profiles now or in the future.

The following draft toxicological profiles are expected to be available to the public on or about October 17, 1995.

Document	Hazardous substance	CAS No.
1	Benzene	000071–43–2
2	Chlorfenvinfos	470–90–6
3	Chloroform	000067–66–3
4	Chlorpyrifos	002921–88–2
5	Cyanide	000057–12–5
	Ammonium Thiocyanate.	001762–95–4
	Cyanazine	021725–46–2
	Hydrogen Cyanide ...	000074–90–8
	Sodium Cyanide	000143–33–9
	Thiocyanate	000302–04–5
	Potassium Cyanide .	151–50–8
	Calcium Cyanide	592–01–8
	Copper(I) Cyanide ...	544–92–3
	Potassium Silver Cyanide.	506–61–6
	Cyanogen	460–19–5
	Cyanogen Chloride ..	506–77–4
6	Dichlorvos	62–73–7
7	Nickel	007440–02–0
	Nickel Chloride	007718–54–9
	Nickel Oxide	1313–99–1
	Nickel Sulfate	7786–81–4
	Nickel Subsulfide	12035–72–2
	Nickel Acetate	373–02–4
	Nickel Nitrate	13138–45–9
8	Polychlorinated Biphenyls.	001336–36–3
	Aroclor 1016	012674–11–2
	Aroclor 1221	011104–28–2
	Aroclor 1232	011141–16–5
	Aroclor 1242	053469–21–9
	Aroclor 1248	012672–29–6
	Aroclor 1254	011097–69–1
	Aroclor 1260	011096–82–5
	Aroclor 1262	37324–23–5
	Aroclor 1268	11100–14–4
9	Tetrachloroethylene .	000127–18–4
10	Trichloroethylene	000079–01–6
11	Vinyl Chloride	000075–01–4

All profiles issued as ''Drafts for Public Comment'' represent the agency's best efforts to provide important toxicological information on priority hazardous substances in compliance with the substantive and procedural requirements of Section 104(i)(3) of CERCLA, as amended. As in the past, we are seeking public comments and additional information which may be used to supplement these profiles. ATSDR remains committed to providing a public comment period for these documents as a means to best serve public health and our clients.

Dated: October 24, 1995.

Claire V. Broome,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 95–26824 Filed 10–27–95; 8:45 am]

BILLING CODE 4163–70–P

[ATSDR–101]

Availability of Final Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of five final and six updated final toxicological profiles of priority hazardous substances comprising the seventh set prepared by ATSDR.

FOR FURTHER INFORMATION CONTACT: Ms. Kim E. Jenkins, Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road, NE., Mailstop E–29, Atlanta, Georgia 30333, telephone (404) 639–6357.

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99–499) amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (42 U.S.C. 9601 et seq.) by establishing certain requirements for ATSDR and the Environmental Protection Agency (EPA) with regard to hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority lists of hazardous substances. These lists identified 275 hazardous substances that ATSDR and EPA determined pose the most significant potential threat to human health. The availability of the revised list of the 275 most hazardous substances was announced in the Federal Register on February 28, 1994 (59 FR 9486). For prior versions of the list of substances see Federal Register notices dated April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17, 1990 (55 FR 42067); October 17, 1991 (56 FR 52166) and October 28, 1992 (57 FR 48801).

Notice of the availability of drafts of the seventh set of 11 toxicological profiles for public review and comment was published in the Federal Register on October 18, 1993 (57 FR 53739), with notice of a 90-day public comment period for each profile, starting from the actual release date. Following the close of each comment period, chemical-specific comments were addressed, and where appropriate, changes were incorporated into each profile. The public comments, the classification of and response to those comments, and other data submitted in response to the Federal Register notice bear the docket control number ATSDR–75. This material is available for public inspection at the Division of Toxicology, Agency for Toxic Substances and Disease Registry, Building 4, Suite 2400, Executive Park Drive, Atlanta, Georgia, (not a mailing address) between 8 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

Availability

This notice announces the availability of five final and six updated final toxicological profiles comprising the seventh set. The following toxicological profiles are now available through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, telephone 1–800–553–6847. There is a charge for these profiles as determined by NTIS.

Toxicological profile	NTIS Order No.	CAS No.
Seventh Set:		
1. Asbestos (UPDATE)	PB95–264305	1332–21–4
Actinolite		13768–00–8
Amosite		12172–73–5
Anthophyllite		17968–78–9
Chrysotile		12001–29–5
Crocidolite		12001–28–4
Tremolite		14567–73–8
2. Benzidine (UPDATE)	PB95–264313	92–87–5
3. Dinitrocresols	PB95–264321	2167–18–9
4,6-Dinitro-O-cresol		534–52–1
Dinitro-O-cresol		335–85–9
		497–56–3
Dinitro-P-cresol		609–93–8
		63989–82–2
Dinitro-M-cresol		616–73–9
4. Dinitrophenols	PB95–264339	.....
2,4-Dinitrophenol		51–28–5
2,6-Dinitrophenol		573–56–8
2,5-Dinitrophenol		329–71–5
2,3-Dinitrophenol		66–56–8
3,5-Dinitrophenol		586–11–8
3,4-Dinitrophenol		577–71–5
5. Disulfoton	PB95–264347	298–04–4
6. Mirex	PB95–264354	2385–85–5
Chlordecone		143–50–0
7. Naphthalene (UPDATE)	PB95–264362	91–20–3
2-Methylnaphthalene		91–57–6
1-Methylnaphthalene		90–12–0
8. Polycyclic Aromatic Hydrocarbons (PAHs) (UPDATE)	PAHs	PB95–264370
Acenaphthene		83–32–9
Acenaphthylene		208–96–8
Anthracene		120–12–7
Benzo(a)anthracene		56–55–3
Benzo(a)pyrene		50–32–8
Benzo(e)pyrene		192–97–2
Benzo(b)fluoranthene		205–99–2
Benzo(j)fluoranthene		205–82–3
Benzo(k)fluoranthene		207–08–9
Benzo(g,h,i)perylene		191–24–2
Chrysene		218–01–9
Dibenzo(a,h)anthracene		53–70–3
Fluoranthene		206–44–0
Fluorene		86–73–7
Indeno(1,2,3-cd)pyrene		193–39–5
Phenanthrene		85–01–8
Pyrene		129–00–0
9. Polybrominated Biphenyls (PBBs)	PB95–264388	.....
Hexabromobiphenyls		67774–32–7
		59536–65–1
		36355–01–8
Octabromobiphenyls		612288–13–9
Decabromobiphenyls		13654–09–6
		39282–95–6
10. 1,1,1-Trichloroethane (UPDATE)	PB95–264396	71–55–6
11. Xylenes (UPDATE)	PB95–264404	1330–20–7

Dated: October 24, 1995.

Claire V. Broome,

Deputy Administrator, Agency for Toxic Substances and Disease Registry

[FR Doc. 95–26826 Filed 10–27–95; 8:45 am]

BILLING CODE 4163–70–P

Centers for Disease Control and Prevention (CDC)

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

Name: Review of the proposed protocol for the study: ''Epidemiologic Study of Adult Leukemia and Workplace Exposure to Ionizing Radiation.''

Time and Date: 9 a.m. to 4:30 p.m., November 28, 1995.

Place: Alice Hamilton Laboratory, Conference Room C, NIOSH 5555 Ridge Avenue, Cincinnati, Ohio 45213.

Status: Open to the public for observation and comment, limited only by space available.

Purpose: The purpose of this meeting is to obtain individual advice and guidance regarding the technical and scientific merits of the proposed epidemiologic study of adult leukemia and workplace exposure to ionizing radiation being conducted by NIOSH investigators. Participants will review the proposed study protocol, recommend changes based on scientific merit, and advise on the conduct of the study. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Thurman Wenzl, Sc.D., Research Industrial Hygienist, Health-Related Energy Research Branch, Division of Surveillance, Hazard Evaluations and Field Studies, NIOSH, 4676 Columbia Parkway, M/S R–44, Cincinnati, Ohio 45226, telephone 513/841–4490.

Dated: October 23, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–26809 Filed 10-27–95; 8:45 am]

BILLING CODE 4163–19–M

Lung Cancer and Diesel Exhaust Among Non-Metal Miners; Cohort Mortality Study With Nested Case-Control Study; Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Review of proposed protocol for the study: ''A Cohort Mortality Study with a Nested Case-control Study of Lung Cancer and Diesel Exhaust among Non-metal Miners.''

Time and Date: 9 a.m.–5 p.m., November 27, 1995.

Place: Room 503–A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington DC 20201.

Status: Open to the public for observation and comment, limited only by the space available. The room accommodates approximately 50 people.

Purpose: The purpose of the meeting is to obtain comment and guidance regarding the technical and scientific merits of the study: ''A Cohort Mortality Study with a Nested Case-control Study of Lung Cancer and Diesel Exhaust among Non-metal Miners,'' being conducted jointly by NIOSH and NCI.

Matters to be Discussed: Agenda items include short presentations concerning the study protocol by the study investigators, comments from the review panel members, responses and discussion of the submitted comments, and discussion open to all meeting attendees. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited. Written comments will be part of the review, and should be received by the contact person listed below no later than November 13, 1995.

Contact Person for More Information: Michael D. Attfield, Ph.D., NIOSH Project Director, NIOSH, Division of Respiratory Disease Studies, (DRDS), Mailstop 234, 1095 Willowdale Road, Morgantown, West Virginia 26505–2888, telephone 304/285–5751.

Dated: October 19, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–26810 Filed 10–27–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 95N–0343]

In Vitro Diagnostic Devices; Tier/Triage Management Initiative; Notice of Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop to consider a tier/triage management initiative for in vitro diagnostic devices (IVD's). This management initiative is intended to improve the balance between FDA resources and workload based on a tier/triage device risk assessment. The purpose of the workshop is to obtain public comments and suggestions that will help FDA assess potential extensions and applications of the tier/triage management initiative of the Office of Device Evaluation (ODE), Center for Devices and Radiological Health (CDRH). A transcript of the meeting will be available from the Dockets Management Branch (address below).

DATES: The public workshop will be held on October 30, 1995, from 9 a.m. to 4 p.m. Submit written notices of participation as soon as possible.

ADDRESSES: The public workshop will be held at the Parklawn Building, conference rooms D and E, 5600 Fishers Lane, Rockville, MD. Submit written requests to make a presentation at the meeting, including an outline of comments, to Kaiser Aziz or Clara Sliva, FAX 301–594–5941. Submit written comments on the management initiative to the Dockets Management Branch, (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. A transcript of the meeting will be available through the Dockets Management Branch. A limited number of overnight accommodations have been reserved at the Doubletree Hotel, Rockville, MD. Attendees requiring overnight accommodations may contact the hotel at 301–468–1100 and reference the FDA meeting group: ''GBG.'' Reservations will be confirmed at the group rate based on availability. Persons with disabilities who require special assistance to attend or participate in the workshop can be accommodated if advance notification is provided to Sociometrics, Inc., Alice Hayes, 8300 Colesville Rd., suite 550, Silver Spring, MD 20910, or FAX 301–608–3542. The availability of appropriate accommodations cannot be assured unless prior notification is provided. There is no registration fee for this meeting.

FOR FURTHER INFORMATION CONTACT: Kaiser Aziz, or Clara Sliva, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–3084, FAX 301–594–5941.

SUPPLEMENTARY INFORMATION:

Over the past few years, ODE, CDRH, has made an effort to raise the quality of the premarket review of medical devices. In the Division of Clinical Laboratory Devices (DCLD) this has resulted in a movement from a descriptive to a data driven review process with emphasis on using voluntary standards or published design or statistical methodologies as a basis for product review. One consequence of this heightened review process has been an imbalance between workload and workforce resulting in a backlog of submissions.

In June 1993, in order to address this backlog problem, ODE introduced a comprehensive management action plan for improving the efficiency of its administrative work process. One key item in this plan was introduction of a tier/triage program for applications. The tier/triage program was designed to allow levels of review to be commensurate with the device risk. Three review levels were established in an effort to ensure proper allocation of agency resources among device submissions:

1. Tier I review: For submissions of low risk products, a review that focuses on labeling for intended use.

2. Tier II review: For products associated with moderate risk, a review of labeling and scientific data that includes evaluation of data to substantiate product performance claims.

3. Tier III review: For products associated with high risk or for products with technical features requiring detailed analysis to determine safety and effectiveness, a heightened review of labeling and scientific data. Frequently, advisory panel review and recommendations would be sought as a component of this type of review.

After an assessment of how DCLD would participate in this important management initiative, it was decided that the review of IVD products would be divided between the Tier I and Tier II categories based on the assessment of the need to evaluate specific performance parameters (such as accuracy, precision, analytical sensitivity, and analytical specificity) as part of the review.

Products that did not require a review of performance characteristics prior to use, such as urine cups, and general purpose media, were assigned Tier I status. Products that did require a review of performance characteristics, such as sodium, glucose, hemoglobin and other common analytes, were placed into the Tier II category.

Because classification panels meeting in the late 1970's and early 1980's had already exempted from the requirement for premarket review most IVD's for which performance characteristics were not considered important, only a handful of IVD's were assigned to the Tier I category. These, along with other Tier I products, were exempted from premarket notification in a final rule published in the Federal Register on December 7, 1994 (59 FR 63005) and another final rule published in the Federal Register on July 28, 1995 (60 FR 38896).

The Health Industry Manufacturer's Association (HIMA) strongly believes that there are more premarket submissions for familiar and low risk products that should be subject to a Tier I or similar type review. As a result, last year HIMA developed and provided a flowchart for assigning products into the three tier categories based on classification status, clinical use of the product (stand-alone versus adjunct), and the familiarity of the analyte and method used. Their model is reported to be very reproducible and would provide for a significant increase in the number of products assigned Tier I status.

The DCLD has extensively reviewed the HIMA proposal and has developed a slightly adjusted model also based on a flowchart methodology. Although there are moderate differences when the DCLD model is compared to the HIMA proposal, the effect of the DCLD modified triage flowchart is the same, that is, a significant number of products can be identified that are low risk and/or that represent well understood analytes or methodologies. Therefore, an increased number of products would trigger Tier I reviews.

The DCLD is very interested in ways to redirect its work force to deal with newer and more complex submissions. However, DCLD is concerned with the implications of taking widely used, although familiar products, and subjecting them to a Tier I review and/or exempting them from review. The October 30, 1995, workshop is intended to provide an opportunity for public dialogue on these issues, and will include a presentation by HIMA and distribution of both the HIMA and DCLD flowcharts.

Dated: October 25, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–26927 Filed 10–26–95; 11:12 am]

BILLING CODE 4160–01–F

National Institutes of Health

Notice of Meeting

Notice is hereby given of the second meeting of the Task Force on Genetic Testing of the National Institutes of Health—Department of Energy Joint Working Group on the Ethical, Legal, and Social Implications of Human Genome Research on Tuesday, November 14, 1995, 8:30 am to recess, and Wednesday, November 15, 1995, 8:30 am to adjournment at the Holiday Inn BWI Airport, 890 Elkridge Landing Road, Linthicum, Maryland 21090–2978, (410) 859–8400.

Contact Person: Joshua H. Brown, J.D., Genetics and Public Policy Studies, The Johns Hopkins Medical Institutions, 550 North Broadway, Suite 511, Baltimore, Maryland 21205, (410 955–7894.

This meeting will be open to the public with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations should contact Mr. Brown in advance of the meeting.

Dated: October 24, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–26802 Filed 10–27–95; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: November 6–8, 1995.

Time: 6–8 pm.

Place: The Antheneum Suite Hotel and Conference Center Detroit, Michigan.

Contact Person: Marilyn Semmes, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate a grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: October 23, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–26801 Filed 10–27–95; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Biomedical Uses of CPX (8-Cyclopentyl-1,3-Dipropylxanthine) and Related Compounds for Cystic Fibrosis and Other Human Diseases

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a worldwide, limited field of use, exclusive license to practice the inventions embodied in the patents and patent applications referred to below to SciClone Pharmaceuticals, Inc. of San Mateo, California. The patent rights in these inventions have been assigned to the government of the United States of America. The patents and patent applications to be licensed are: ''Method of Treating Cystic Fibrosis Using 8-Cyclopentyl-1,3-Dipropylxanthine or Xanthine Amino Congeners,'' U.S. Patent Application Serial No. 07/952,965 filed 29 Sep 92 (U.S. Patent No. 5,366,977 issued 22 Nov 94); ''A Method of Identifying CFTR-Binding Compounds Useful for Activating Chloride Conductance in Animal Cells,'' U.S. Patent Application Serial No. 08/343,714 filed 22 Nov 94; and all continuations, divisionals, continuations-in-part, and foreign counterparts of these two patent applications.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the contemplated license should be directed to: J. Peter Kim, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852. Telephone: 301/496–7056, ext. 264; Facsimile: 301/402–0220. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NIH on or before December 29, 1995, will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

SUPPLEMENTARY INFORMATION: Cystic fibrosis is caused by mutations in the cystic fibrosis transmembrane regulator (CFTR) gene. Chloride (Cl-) and sodium transport across epithelial membranes of an individual afflicted with cystic fibrosis is abnormal. CPX activates impaired Cl- conductance channels and exhibits high potency, low toxicity, and little or no specificity for adenosine receptors.

Many of the present efforts to combat the disease have focused on drugs that are capable of either activating the mutant CFTR gene product or otherwise causing additional secretion of Cl^- from affected cells. Antagonism of the A_1 adenosine receptor has been shown to result in stimulating Cl^- efflux from cystic fibrosis cells. Many of the drugs currently in use or under development function by antagonizing the A_1 adenosine receptor, but lack specificity for the receptor. As a result, they can produce undesirable side effects. Similarly, antagonism of A_1 adenosine receptors will likely have an additional impact on an animal that is unrelated to the cystic fibrosis affliction. Since CPX has little or no specificity for adenosine receptors, it should be effective while minimizing side effects.

Dated: October 20, 1995.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 95–26800 Filed 10–27–95; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3853–N–02]

Housing Opportunities for Persons With AIDS Program; Announcement of Funding Awards—Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces the funding decisions made by the Department in a competition for funding under the Fiscal Year 1995 Housing Opportunities for Persons with AIDS (HOPWA) program. The notice contains the names of award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Fred Karnas, Jr., Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Room 7154, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1934. The TDD number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The purpose of the competition was to award grants for housing assistance and supportive services by two types of projects: (1) Grants for special projects of national significance which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of low-income persons living with HIV/AIDS and their families; and (2) grants for projects which are part of long-term comprehensive strategies for providing housing and related services for low-income persons living with HIV/AIDS and their families in areas that do not receive HOPWA formula allocations.

The assistance made available in this announcement is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and was appropriated by the HUD Appropriations Act of 1995 (Pub. L. 103–327, approved September 28, 1994) and by the HUD Appropriations Act of 1994 (Pub. L. 103–124, approved October 28, 1993), as amended by Pub. L. 104–19, approved July 27, 1995 (the Rescissions Act). The competition was announced in a Notice of Funding Availability (NOFA) published in the Federal Register on February 16, 1995 (60 FR 9260). Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

A total of $17,673,957 was awarded for 21 applications under two categories of assistance: $13,406,336 in 16 grants for special projects of national significance; and $4,267,621 in 5 grants for projects which are part of long-term comprehensive strategies for providing housing and related services. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban

Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: October 24, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

APPENDIX A.—1995 HOPWA COMPETITIVE GRANTS

Grant recipient	Project location	Award amount
AIDS Task Force of Alabama, Inc.	Birmingham, Alabama	$756,992
Alaska Housing Finance Corp.	Fairbanks & Juneau, Alaska	716,166 LT
Marin County Community Development Agency	San Francisco metro area, California	1,100,000
State of Connecticut Dept. of Social Services	State-wide, Connecticut	998,648
Cornerstone Services, Inc.	Joliet, Illinois	465,991
Travelers & Immigrants Aid of Chicago	Chicago, Illinois	1,030,000
UNITY for the Homeless	New Orleans, Louisiana	1,099,230
City of Baltimore Department of Housing and Community Development	Baltimore, Maryland	1,076,718
State of Maryland, Department of Health and Mental Hygiene	Eastern Shore & Western Maryland	1,000,000 LT
AIDS Housing Corporation	Boston, Massachusetts	990,534
Hospice of Southeastern Michigan	Detroit metro area, Michigan	572,932
State of Missouri, Department of Health	Areas outside of St. Louis and Kansas City, Missouri.	888,065 LT
Community Counseling & Mediation	Brooklyn, New York	66,950
Episcopal Social Services of New York, Episcopal Action	Harlem neighborhood of New York City, NY	1,099,999
Greyston Foundation, Inc	Yonkers, New York	1,100,000
Southside Community Mission	Brooklyn, New York	975,572
Asociacíon de Puertorriquenos en Marcha	Philadelphia, Pennsylvania	1,030,000
State of Rhode Island, Housing and Mortgage Finance Corporation	Providence, Rhode Island	943,440 LT
State of Vermont, Housing and Conservation Board	State-wide, Vermont	719,950 LT
AIDS Housing of Washington (2 projects)	National & Seattle area projects, Washington	1,042,770
Total HOPWA 1995 Awards	21 Grants	17,673,957

LT denotes Long-term projects; others are Special Projects of National Significance.

[FR Doc. 95–26794 Filed 10–27–95; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–060–01–4410–04–ADVB]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet in formal session Friday, December 1, 1995, from 8:00 a.m. to 5:00 p.m., and Saturday, December 2, 1995, from 8:00 a.m. to noon. The session will be held at city council chambers located at 6136 Adobe Road, Twentynine Palms, California.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

On Thursday, November 30, 1995, from 7:30 a.m. to 5:00 p.m., Council members will participate in a field tour. The council will focus on management programs for the area. The tour will assemble at 7:15 a.m. at the Best Western Gardens Motel parking lot located at 71487 29 Palms Highway, Twentynine Palms, California. The public is welcome to participate in the field tour, but should plan on providing their own transportation and beverage, as well as sack lunch and hat, jacket, and comfortable shoes. Anyone interested in participating should contact BLM at (909) 697–5215 for more information.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714. Written comments are also accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507; (909) 697–5215.

Dated: October 23, 1995.

J. Simpson,

Acting District Manager.

[FR Doc. 95–26747 Filed 10–27–95; 8:45 am]
BILLING CODE 4310–40–M

[NV–050–96–4370–03]

Hearing To Discuss the Use of Helicopters and Motorized Vehicles To Gather Wild Horses

AGENCY: Bureau of Land Management, Forest Service, Interior.

ACTION: Public hearing to discuss the use of helicopters and motorized vehicles to gather wild horses during FY 96.

SUMMARY: In accordance with Public Law 92–195, as amended by Public Law 94–579 and Public Law 95–514, this notice sets forth the public hearing data to discuss the use of helicopters and motorized vehicles to gather wild horses from the Las Vegas District during FY 96.

The hearing will convene at 2 p.m. on Wednesday, November 15, 1995, in the Conference Room of the Las Vegas District BLM Office, 4765 Vegas Drive, Las Vegas, Nevada.

The hearing is open to the public. Interested persons may make oral or written statements. Anyone wishing to make oral comments should contact Gary McFadden, Las Vegas District Wild Horse Specialist, by November 15, 1995. Written statements must also be received by this date.

DATES: November 15, 1995.

ADDRESSES: Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

FOR FURTHER INFORMATION CONTACT: Gary McFadden (702) 647–5024.

Dated: October 23, 1995.

Michael F. Dwyer,

District Manager.

[FR Doc. 95–26825 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–HC–M

[OR–050–1020–00: GP6–0015]

Meeting of John Day-Snake Resource Advisory Council

AGENCY: Bureau of Land Management, Prineville District.

ACTION: Meeting of John Day-Snake Resource Advisory Council: Walla Walla, Washington; November 27–28, 1995.

SUMMARY: A meeting of the John Day-Snake Resource Advisory Council will be held on November 27, 1995, from 8:00 am to 4:30 pm, and November 28, 1995 from 7:00 am to 3:00 pm at the Interior Columbia Basin Ecosystem Management Project Office, 112 East Poplar Street, Walla Walla, Washington 99362. At an appropriate time each day, the Council meeting will recess for approximately one hour for lunch. Public comments will be received from 1:00 pm to 2:00 pm on Tuesday, November 28, 1995. Topics to be discussed are: administrative activities of the Council, Council training needs, relationship to other Advisory Groups, the Interior Columbia Basin Ecosystem Management Project, and standards for rangeland health and guidelines for livestock grazing of the public lands.

FOR FURTHER INFORMATION CONTACT: James L. Hancock, Bureau of Land Management, Prineville District Office, 3050 NE Third Street, Prineville, Oregon 97754 or call (503) 447–4115.

Dated: October 24, 1995.

James L. Hancock,

District Manager.

[FR Doc. 95–26803 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–33–M

[CA930–06–1430–01; CACA 35558]

Notice of Public Meeting

AGENCY: Bureau of Land Management, Interior.

DATES: Thursday November 30, 1995, 6:30 p.m.

LOCATION: Red Rock/Chimney Peak Room at the Kerr McGee Center located at 100 West California Avenue in Ridgecrest, California.

SUMMARY: The Bureau of Land Management and the State of California, Red Rocks State Park, will hold a public meeting at the Red Rock/Chimney Peak Room, Kerr McGee Center located at 100 West California Avenue in Ridgecrest, California on Thursday, November 30, 1995, at 6:30 p.m.

The public meeting will address the proposed land withdrawal, mining and unpatented federal mining claims located on public lands identified for transfer from United States government ownership to State of California ownership in accordance with the provisions of Section 701 of the California Desert Protection Act, PL 103–433, dated October 31, 1994.

FOR FURTHER INFORMATION CONTACT: On the withdrawal, contact Nancy Alex, BLM California State Office, 916–979–2858. On mining, contact Linn Gum, Ridgecrest Resource Area Office, 619–384–5400.

Dated: October 24, 1995.

David McIlnay,

Chief, Branch of Lands.

[FR Doc. 95–26867 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–40–P

[WY–920–1310]

Notice of Change to Competitive Oil and Gas Lease Sale Notice Process

October 20, 1995.

Since passage of the Federal Onshore Oil and Gas Leasing Reform Act of 1987, the BLM Wyoming State Office has always offered all eligible and available lands for sale by competitive oral auction. Some of the lands offered were formerly embraced in expired, terminated, relinquished and canceled leases which were recycled and put back through the competitive leasing process. In an effort to continue to encourage the timely development of Federal onshore oil and gas resources and to more quickly respond to the specific needs of the oil and gas industry, this official will no longer automatically offer lands from recycled leases for competitive sale. Rather, our leasing efforts will concentrate on those lands which you, the oil and gas industry, are specifically interested in leasing. Therefore, beginning with the June 1996 competitive oil and gas lease sale, the only lands that will be offered for sale at the oral auction will be those lands requested by industry, lands selected by Bureau motion, and lands selected by other government agencies. Nominations may be made either by submitting an informal Expression of Interest or by filing a noncompetitive offer prior to the posting of the sale notice (pre-sale offer). The requirements for filing a noncompetitive pre-sale offer can be found in the regulations codified at 43 CFR 3110. Informal Expressions of Interest may be made either by letter or on the nomination form available at the Wyoming State Office. *Telephone requests will not be accepted.*

Informal Expressions of Interest and noncompetitive pre-sale offers must describe the lands by specific legal land description (township, range, section and aliquot part) and will be processed using the legal land description provided. Therefore, please ensure that your request accurately describes the lands requested. If an informal Expression of Interest contains all of the lands in a former lease number, please provide that number in addition to the legal land description. Whenever possible, sale parcels will be configured as requested. However, BLM reserves the right to adjust the parcel size as needed.

In general, if the lands requested are eligible and available for oil and gas leasing, they will be listed on the competitive oil and gas lease sale notice being worked at the time of receipt. However, we cannot guarantee that the requested lands will always be included on a particular sale notice. We begin processing lands for inclusion on a sale notice 6 months in advance of the sale date. Therefore, it is imperative that your requests reach us as far in advance as possible for inclusion on the next available sale notice. For 1996, competitive oil and gas lease sales by oral auction are scheduled for February 6, April 2, June 4, August 6, October 15, and December 3.

If you have any questions, please contact Pamela J. Lewis at (307) 775–6176.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 95–26866 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–22–M

[AK–931–1430–01; AA–57747]

Order Providing for Opening of Land Subject to Section 24 of the Federal Power Act; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this order is to open for selection by the State of Alaska, approximately 263 acres of public land reserved for the Federal Energy Regulatory Commission (FERC) Power Project No. 2307, if such land is otherwise available.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Shirley J. Macke, BLM Alaska State Office, 222 West 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 24 of the Federal Power Act (FPA) of June 10, 1920, as amended, 16 U.S.C. 818 (1988), and pursuant to the determination by the FERC in DVAK–148–Alaska, it is ordered as follows:

Subject to valid existing rights, at 8 a.m. Alaska Standard Time, on October 30, 1995, the following described land is hereby opened for selection by the State of Alaska under the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), subject to the provisions of Section 24 of the FPA:

That land reserved for the FERC Power Project No. 2307 (Salmon Creek Hydroelectric Water Power Project), located within:

Copper River Meridian

T. 41 S., R. 67 E.,
Secs. 1, 2, 3, 9, 10, 15, 22, and 23.

The area affected by this order contains approximately 263 acres.

The State of Alaska applications for selection made under Section 6(b) of the Alaska Statehood Act and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), become effective without further action by the State upon publication of this order in the Federal Register, if such land is otherwise available.

The land described herein has been and will continue to be subject to the provisions of the FERC Power Project No. 2307, pursuant to the authority set forth in Section 24 of the FPA, as amended, 16 U.S.C. 818 (1988).

Dated: October 24, 1995.

Gene R.Terland,

Resource Group Administrator.

[FR Doc. 95–26822 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–JA–P

[NV–930–1430–01; N–36101)]

Order Providing for Opening of Public Land; Nevada

October 17, 1995.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice opens land, reconveyed to the United States by private exchange, to appropriation under the public land laws, including the mineral leasing laws, the material disposal laws, and the general mining laws, subject to valid existing rights.

EFFECTIVE DATE: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–785–6532.

SUPPLEMENTARY INFORMATION: The following described land was reconveyed to the United States by private exchange under Section 8 of the Taylor Grazing Act of June 28, 1934:

Mount Diablo Meridian, Nevada

T. 36 N., R. 41 E.,
Sec. 3, all.

The area described contains 637.46 acres in Humboldt County.

The land was reconveyed to the United States on October 16, 1945, but an opening order was never issued.

At 9 a.m. on November 29, 1995, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 29, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 9 a.m. on November 29, 1995, the land will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing and material disposal laws, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Date: October 17, 1995.

William K. Stowers,

Lands Team Lead.

[FR Doc. 95–26819 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–HC–P

[MT–034–1430–01–P]

Realty Action, Non-Competitive Sale of Public Lands; Lawrence County, SD (SDM–84498)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action SDM–84498; Sale of public land in Lawrence County, SD.

SUMMARY: The following described public surface has been determined suitable for disposal by direct sale, at not less than fair market value of $500 to Dennis and Paula Katon pursuant to 43 CFR 2710 and under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). The public surface land to be acquired by Dennis and Paula Katon in Lawrence County, South Dakota:

Black Hills Meridian,

T. 5 N., R. 3 E.,
Sec. 27, lot 7.

Containing approximately 00.13 acres

DATES: Interested parties may submit comments to the District Manager, Bureau of Land Management, Dakotas District Office, 2933 Third Avenue West, Dickinson, North Dakota 58601–2619. Comments shall be submitted by December 14, 1995. Any adverse comments will be evaluated by the BLM Montana State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION: Information related to this sale including the environmental assessment is available for review at the Bureau of Land Management, South Dakota Resource Area Office, 310 Roundup Street, Belle Fourche, SD 57717.

SUPPLEMENTARY INFORMATION: The public lands and minerals described above are segregated from settlement, location and entry under the public land laws, including the mining laws, but not from the mineral leasing laws nor from sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, for a period of 270 days from the date of publication of this notice. The sale will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with U.S.C. 945.

2. The reservation to the United States of all minerals in the Federal lands being transferred.

3. All valid existing rights of record.

4. Any other applicable terms and conditions.

This sale is consistent with BLM policies and the South Dakota Resource Management Plan, dated 1985, and has been discussed with state and local officials. The public interest will be served by completion of this direct sale to the surrounding landowner because it will enable the BLM to sell a potential problem parcel and will increase management efficiency of public lands in the area.

Dated: October 12, 1995.

Douglas J. Burger,

District Manager.

[FR Doc. 95–26821 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–DN–P

[ES–960–9800–02] ES–047657, Group 189, Florida

Filing of Plat of Survey; Florida

The plat of the dependent resurvey of a portion of the north and south boundaries, a portion of the subdivisional lines, and the survey of the subdivision of sections 3, 4, 9, 10, 15, 22, 27, 33 and 34 and the metes-and-bounds survey of certain parcels in sections 27 and 34, Township 13 South, Range 24 East, Tallahassee Meridian, Florida, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on December 7, 1995.

The survey was requested by the U.S. Forest Service.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., December 7, 1995.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $2.75 per copy.

Dated: October 23, 1995.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 95–26868 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–GJ–P

Fish and Wildlife Service

Zebra Mussel Coordination Committee of the Aquatic Nuisance Species Task Force

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Zebra Mussel Coordination Committee, a committee of the Aquatic Nuisance Species Task Force. A number of subjects will be discussed during the meeting including: status of the spread of zebra mussels in the United States, research needs for zebra mussels, activities of various agencies concerning zebra mussels, and education efforts pertaining to zebra mussels.

DATES: The Zebra Mussel Coordination Committee will meet from 2:00 p.m. to 5:00 p.m. on Monday, November 27, 1995.

ADDRESSES: The Zebra Mussel Coordination Committee meeting will be held in the Maywood B Room, Doubletree Hotel, 300 Canal Street, New Orleans, Louisiana, telephone (504) 581–1300.

FOR FURTHER INFORMATION CONTACT: Dr. Edwin Theriot, Zebra Mussel Research Branch, Waterways Experiment Station, Corps of Engineers, telephone (601) 634–2678.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Zebra Mussel Coordination Committee established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101–646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of the meetings will be maintained by the Coordinator, Aquatic Nuisance Species Task Force, Room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203, and the Waterways Experiment Station, Corps of Engineers, 3909 Halls Ferry Road, Vicksburg, Mississippi, 39180–6199, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: October 24, 1995

Gary Edwards,

Assistant Director—Fisheries, Co-Chair, Aquatic Nuisance Species Task Force.

[FR Doc. 95–26754 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Availability of Plan of Operations; Mining Operations; Adams Claim Group; Mojave National Preserve, San Bernardino County, CA

Notice is hereby given in accordance with Section 9.17(a) of Title 36 of the Code of Federal Regulations, Part 9, Subpart A, that the National Park Service has received from Blair 7IL Ranch a Plan of Operations to conduct exploratory mining operations on the Anna Ore claim in the Adams claim group, in the Mojave National Preserve, located within San Bernardino County, California.

The Plan of Operations is available for public review and comment for a period of 30 days from the publication date of this notice. Analysis of the proposal will not be conducted until a validity study is conducted in accordance with the California Desert Protection Act, Section 509. The document can be viewed during normal business hours at the Office of the Superintendent, Mojave National Preserve, 222 East Main Street, Suite 202, Barstow, CA 92311.

Dated: October 18, 1995.

Stanley T. Albright,

Field Director, Pacific West Area.

[FR Doc. 95–26872 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–70–P

Notice of Realty Action

SUMMARY: Proposed Exchange of Federal Property for Private Property, Chattahoochee River National Recreation Area.

FOR FURTHER INFORMATION CONTACT: Superintendent, Chattahoochee River National Recreation Area, 1978 Island Ford Parkway, Dunwoody, Georgia 30350.

SUPPLEMENTARY INFORMATION: Public comments will be accepted for a period of 45 days from the date of this notice.

I. The following described Federally-owned lands which were acquired by the National Park Service have been determined to be suitable for disposal by exchange. The authority of this exchange is the Act of August 15, 1978 (16 U.S.C. 460ii, *et seq.*) which established Chattahoochee River National Recreation Area (CRNRA).

The selected Federal lands lie within the boundaries of the Bowmans Island unit of the CRNRA and are generally described as follows:

A parcel of land containing 24.46 acres of land located within Land Lots 53, 65, and 66 of the 14th District and 1st Section of Forsyth County, Georgia.

The lands have been surveyed for cultural resources and endangered and threatened species. An Environmental Assessment has been prepared that indicates this property be exchanged as the preferred alternative.

Both the surface and the mineral estates are to be exchanged. There are no leases or permits affecting these lands.

II. In exchange for the lands identified in Paragraph I the United States of America will acquire fee simple title to one parcel of land located along the Chattahoochee River and an adjoining

conservation easement. Both the surface and mineral estates are to be exchanged and these lands will be administered by the National Park Service as a part of the CRNRA upon completion of the exchange. The lands are being acquired subject only to rights-of-way and easements of records.

The lands to be acquired by the United States of America are generally described as follows: A 200 foot strip of land containing 18.83 acres located along the Chattahoochee River within Land Lots 169, 170, 171, 173, 174 and 175 of the 14th District, 1ST Section, Forsyth County, Georgia to be conveyed in fee simple title and an adjoining 50 foot strip of land containing 4.53 acres to be conveyed as a Conservation Easement.

The value of the properties to be exchanged shall be determined by a current fair market value appraisal and if they are not approximately equal, the values shall be equalized by payment of cash and/or donation as circumstances require.

Detailed information concerning this exchange including precise legal description, Land Protection Plan, environmental assessment, and cultural reports are available at the address identified above.

For a period of 45 calendar days from the date of this notice, interested parties may submit comments to the above address. Comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, this realty action will become the final determination of the Department of the Interior.

Dated: October 4, 1995.

Paul B. Hartwig,

Acting Field Director, Southeast Area.

[FR Doc. 95–26873 Filed 10–27–95; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32530]

Kansas City Southern Railway Company; Construction and Operation Exemption; Geismar Industrial Area Near Gonzales and Sorrento, LA

The Commission's Section of Environmental Analysis (SEA) notifies all interested parties that SEA will prepare an Environmental Impact Statement (EIS) in this proceeding and conduct a public scoping meeting, Thursday, November 30, 1995. The Kansas City Southern Railway Company (KCS) filed a petition for exemption for authority to construct and operate an 8.8 mile rail line from the KCS mainline near Sorrento to the Geismar Industrial area in Ascension Parish, Louisiana. Because of the potential for significant environmental impacts which may be associated with the proposed construction and operation, SEA has determined that preparation of an EIS is appropriate.

SEA will prepare a Draft EIS (DEIS) that will address the environmental impacts associated with this proposed construction and operation. SEA will serve the DEIS on all the parties to the proceeding and will make it available to the public upon request. There will be a 45-day comment period from the date the DEIS is served to allow the public opportunity to comment. After assessing all of the comments to the DEIS, SEA will then issue a Final Environmental Impact Statement (FEIS) that will include SEA's final recommendations to the Commission. The Commission will consider the FEIS and the environmental record in making its decision.

The purpose of the scoping process is to identify significant environmental issues and determine the scope of issues SEA will address in the DEIS. Issues typically addressed include alternatives to the proposed action, including the no-build alternative, impacts on transportation systems, land use, socio-economic impacts directly related to changes in the physical environment, energy resources, air quality, noise, public health and safety, biological resources, water quality, historic resources, coastal zone management consistency review, and mitigation to reduce or avoid impacts on the environment.

Anyone who cannot attend the scoping meeting may submit questions and comments regarding environmental concerns in writing by December 30, 1995 (30 days after the date of the scoping meeting). Attendees may also submit written comments at the scoping meeting or directly to the Commission by December 30, 1995. SEA will hold a public scoping meeting on the following date: Thursday, November 30, 1995, Gonzales Civic Center, 219 South Irma Boulevard, Gonzales, LA.

SEA will begin the scoping meeting at 4:30 p.m. with a one hour informal discussion period. At 5:30 p.m., SEA will open the formal portion of the scoping meeting with a brief overview of the environmental review process, and introduce the independent third party contractors and the KCS representatives who will also make brief presentations. At approximately 6:00 p.m., SEA will open the meeting for questions and/or comments from the audience concerning the issues to be addressed during the environmental review process. To allow all interested persons the opportunity to comment on the proposal, speakers will have up to five (5) minutes for their oral comments.

FOR FURTHER INFORMATION CONTACT: Michael Dalton at (202) 927–6202 or Elaine Kaiser at (202) 927–6248, Section of Environmental Analysis, Room 3219, Office of Economic and Environmental Analysis, 12th and Constitution Avenue, NW., Interstate Commerce Commission, Washington, DC. TDD for hearing impaired: (202) 927–5721.

By the Commission, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 95–26843 Filed 10–27–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–406 (Sub-No. 4X)]

Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Harper County, KS

Central Kansas Railway, Limited Liability Company (CKR) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 9-mile portion of its H & S Subdivision between milepost 59.7 at or near Harper and milepost 68.7 at or near Anthony, in Harper County, KS.[1] CKR proposes to consummate the abandonment on or after November 29, 1995.[2]

CKR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of

[1] CKR is a subsidiary of OmniTRAX, Inc. (OmniTRAX), a noncarrier holding company. Notice of a corporate family reorganization was given by the Commission in *Patrick D. Broe, The Broe Companies, The Great Western Railway Company, Railco Inc., Chicago West Pullman Transportation Corp., et al.—Corporate Family Reorganization Exemption*, Finance Docket No. 32531 (ICC served July 12, 1994). Under the reorganization, OmniTRAX was authorized to control 11 rail carriers and Patrick D. Broe was authorized to continue to control OmniTRAX.

[2] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least 50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice, indicated a proposed consummation date of October 15, 1995. Because the verified notice was not filed until October 10, 1995, consummation should not have been proposed to take place before November 29, 1995. Applicant's representative has subsequently agreed that the proposed consummation date is on or after November 29, 1995.

such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 29, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29[5] must be filed by November 9, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 20, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Michael J. Ogborn, 252 Clayton St., 4th Floor, Denver, CO 80206.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

CKR has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 3, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: October 24, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–26945 Filed 10–27–95; 8:45 am]

BILLING CODE 7035–01–P

[3] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[4] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[5] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

DEPARTMENT OF LABOR

Office of the Secretary

Labor Research Advisory Council; Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act, and after consultation with General Services Administration (GSA), I have determined that renewal of the Labor Research Advisory Council is in the public interest in connection with the performance of duties imposed on the Department of Labor.

The Council will advise the Commissioner of Labor Statistics regarding the statistical and analytical work of the Bureau of Labor Statistics, providing perspectives on these programs in relation to the needs of the labor unions and their members.

Council membership and participation in the Council and its subcommittees are broadly representative of union organizations of all sizes of membership, with national coverage that reflects the geographical, industrial, and occupational sectors of the economy.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The Charter is being filed simultaneously herewith with the Library of Congress and the appropriate congressional committees.

Interested persons are invited to submit comments regarding renewal of the Labor Research Advisory Council. Such comments should be addressed to: William G. Barron, Jr., Bureau of Labor Statistics, Department of Labor, Postal Square Building, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone: 202–606–7802.

Signed at Washington, DC this 24th day of October 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95–26817 Filed 10–27–95; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Application for Alien Employment Certification

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the information collection of the Application for Alien Employment Certification, Form ETA 750, Parts A and B.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before December 29, 1995. Written comments should evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: Flora T. Richardson, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4456, 200 Constitution Avenue, NW., Washington, DC 20210, 202–219–5263 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 212(a)(5)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(5)(A)) certain aliens may not obtain a visa for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that: (1) There are not sufficient United States workers, who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work, and (2) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

II. Current Actions

This is a request for OMB approval under [the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)] of an extension to an existing collection of information previously approved and assigned OMB Control No. 1205–0015. There is no change in burden.

Type of Review: Extension.

Agency: Employment and Training Administration, Labor.

Title: Application for Alien Employment Certification.

OMB Number: 1205–0015.

Frequency: On occasion.

Affected Public: Individuals or households, State or local governments and Businesses or other for-profit/not for-profit institutions.

Number of Respondents: 54,000.

Estimated Time Per Respondent: 2.80 hours per response.

Total Estimated Cost: Approximately $49.9 million.

Total Burden Hours: 151,200.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 24, 1995.

John M. Robinson,

Deputy Assistant Secretary, Employment Training Administration.

[FR Doc. 95–26815 Filed 10–27–95; 8:45 am]

BILLING CODE 4510–30–P

Mine Safety and Health Administration

Renewal of Advisory Committee Charter

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of renewal of advisory committee charter.

SUMMARY: After consultation with the General Services Administration, the Department of Labor is renewing the charter for the Mine Safety and Health Administration's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners for a period of one year.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director; Office of Standards, Regulations, and Variances; Mine Safety and Health Administration; 4015 Wilson Boulevard, Room 631, Arlington, VA 22203; 703–235–1910.

SUPPLEMENTARY INFORMATION: By this notice and after consultation with the General Services Administration, the Department of Labor is renewing the charter of the Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners for a period of one year, until September 30, 1996. The charter was to expire on September 30, 1995. This action is necessary and in the public interest.

The committee will develop recommendations for improved standards, or other appropriate actions, addressing: permissible exposure limits to eliminate black lung disease and silicosis; the means to control respirable coal mine dust levels; improved monitoring of respirable coal dust levels and the role of the miner in that monitoring; and the adequacy of operator sampling programs to determine the actual levels of dust concentrations to which miners are exposed.

The Committee will consist of nine members and includes two representatives from labor, and two representatives of the coal mining industry. The Committee's statutorily mandated majority will be composed of five individuals who have no economic interests in the coal or other mining industry and who are not operators, miners, or officers or employees of the Federal government or any State or local government. The Committee's charter will be filed under the Federal Advisory Committee Act 15 days from the date of publication of this notice.

Dated: October 24, 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95–26816 Filed 10–27–95; 8:45 am]

BILLING CODE 4510–43–M

Occupational Safety and Health Administration

Grants and Cooperative Agreements; Availability, etc: Energy Department's Safety and Health Review Programs at Government-Owned-Contractor-Operated Facilities

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Notice of availability of funds and request for grant applications.

SUMMARY: The Occupational Safety and Health Administration (OSHA) wishes to award funds to a non-profit organization to study items specified in a recent Memorandum of Understanding (MOU) between the Department of Energy and OSHA. The MOU covers potential assumption by OSHA of health and safety related jurisdictional responsibilities currently being performed by DOE at its Government-Owned-Contractor-Operated (GOCO) facilities.

DATES: All applications must be received no later than 4:30 p.m. Eastern Standard Time, November 20, 1995.

ADDRESSES: Grant applications must be submitted to: U.S. Department of Labor—Occupational Safety and Health Administration, Office of Finance, Division of Grants Management, 200 Constitution Avenue, NW, Washington, DC 20210, Attn: E. Tyna Coles.

FOR FURTHER INFORMATION CONTACT: Rick Cee, Division Director, OSHA Salt Lake Technical Center, 1781 South 300 West, Salt Lake City, UT 84165.

SUPPLEMENTARY INFORMATION:

Background

Section 20(c) of the Occupational Safety and Health Act provides for the Secretary to enter into contracts, agreements or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act.

Scope

The purpose of this notice is to announce the availability of funds for one grant to review the Department of Energy's safety and health programs.

In addition to the Assistant Secretary of Labor for the Occupational Safety and Health Administration, the final report shall be submitted concurrently to the Assistant Secretary of Energy for Environment, Safety, and Health.

The advisory services requested will have considerable impact regarding the transfer of health and safety oversight from the Department of Energy (DOE) to OSHA. The operations and systems to be studied are highly sophisticated, requires a high level of security when examining certain issues, and has a large magnitude of scope. To provide OSHA advice regarding these systems and operations requires the contractor to be familiar with the operations of DOE, OSHA, and other aspects of the Federal government, to be capable of handling any security issues as they arise (security clearances, confidentiality, etc.), to be capable of grasping the highly sophisticated nature of work performed at the GOCO sites, to have impartiality and independence during any deliberations, and have the technical expertise available to make sound recommendations concerning critical health and safety issues. Respondents should have the capability to assemble as committee or board of the Nation's eminent scholars which are then able to render advice and guidance of high quality and objectivity to address high priority national problems.

The study must include but is not limited to:

—An inventory of DOE facilities and identification of the types of hazards likely to be found at each of these facilities;

—An examination of DOE's current occupational safety and health program and the role that this corporate program could assume if there is a transition to OSHA enforcement;

—An investigation of the additional resources required by OSHA if it were to assume the transferred regulatory and enforcement authority and of the external costs associated with maintaining regulatory and enforcement authority within DOE.

—The development of a transition schedule for OSHA if it were to assume enforcement authority over working conditions at DOE GOCO facilities;

—Identification and consideration of recent occupational safety and health program improvements within the DOE community such as the establishment of safety and health committees;

—An examination of lessons learned from OSHA special emphasis programs and existing DOE external enforcement activities [e.g., transfer of the gaseous diffusion plants to OSHA enforcement, Nuclear Regulatory Commission (NRC), and

—Environmental Protection Agency (EPA) enforcement activities; OSHA enforcement of worker protection matters on non-exempt DOE facilities] as well as future findings of the Advisory Committee on External Regulation of DOE Nuclear Safety; and

—An examination of the worker protection-related roles of other external enforcement activities and clarification of institutional relations between: OSHA and DOE; DOE and its management and operating (M&O) contractors; M&O contractors and subcontractors; and between Federal, State, and Tribal jurisdictions.

Eligible Applicants

Any nonprofit organization that is not an agency of a State or local government is eligible to apply. However, State or local government supported institutions of higher education are eligible to apply in accordance with 29 CFR 97.4(a)(1). Applicants other than State or local government supported institutions of higher education will be required to submit evidence of nonprofit status, from the Internal Revenue Service.

A consortium of two or more eligible applicants is also eligible to apply. Each consortium must have a written agreement that spells out roles and responsibilities for each consortium member and designates one member as the lead agency. The lead agency will receive the grant and be responsible for grant administration.

Nonsupportable Activities

Statutory and regulatory limitations, as well as the objectives of the grant program, prevent reimbursing grantees for certain activities. These limitations include the following.

1. Any activities inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.

2. Activities for the benefit of State, county or municipal workers unless those workers are covered by a State Plan funded by OSHA under section 23(g) of the Occupational Safety and Health Act.

3. Activities that provide assistance to workers in arbitration cases or other actions against employers, or that provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.

4. Activities that directly duplicate services offered by OSHA, a State under a State Plan, or consultation programs provided by State designated agencies under section 7(c)(1) of the Occupational Safety and Health Act.

5. Activities directly or indirectly intended to generate membership in the grant recipient's organization. This includes activities to acquaint nonmembers with the benefits of membership, inclusion of membership appeals in materials produced with grant funds, and membership drives.

Administrative Requirements

Grantees will comply with applicable requirements of the following OMB Circulars.

1. *A–110*, which covers grant requirements for nonprofit organizations, including universities and hospitals. The Department of Labor regulations implementing this circular can be found at 29 CFR Part 93.

2. *A–21*, which gives cost principles applicable to educational institutions.

3. *A–122*, which gives cost principles applicable to other nonprofit organizations.

4. *A–133*, which provides audit requirements. The Department of Labor regulations implementing this circular can be found at 29 CFR Part 96.

All applicants will be required to certify to a drug-free workplace in accordance with 20 CFR Part 98 and to comply with the New Restrictions on Lobbying published at 29 CFR Part 93.

Evaluation Process and Criteria

Applications for grants solicited in this notice will be evaluated on a competitive basis by the Assistant Secretary for Occupational Safety and Health with assistance and advice from OSHA staff.

The following factors, which are not ranked in order of importance, will be considered in evaluating grant applications.

1. Program Design

a. The plan for evaluating the program's effectiveness in achieving its objectives.

b. The feasibility and soundness of the proposed work plan in achieving the program objectives effectively.

2. Program Experience

a. The occupational safety and health experience of the applicant organization.

b. The experience of the applicant organization in developing and conducting complex scientific studies.

c. The technical and professional expertise of present or proposed project staff in occupational safety and health.

3. Administrative Capability

a. The managerial expertise of the applicant as evidenced by the variety and complexity of programs it has administered over the past five years.

b. The experience of the applicant in administering Federal and/or State grants.

d. The completeness of the application, including budget detail, narrative and workplans.

4. Budget

a. The reasonableness of the budget in relation to the proposed study.

b. The compliance of the budget, with Federal cost principles contained in applicable OMB Circulars.

Availability of Funds

There is approximately $500,000 available for this grant which will be awarded for a six-month period.

Notification of Selection

Following review and evaluation, an organization will be selected and will be notified by a representative of the Assistant Secretary. Any applicant whose proposal is not selected will be notified in writing to that effect. Notice of selection as a potential grant recipient will not constitute approval of the grant application as submitted. Prior to the actual grant award, representatives of the potential grant recipient and OSHA will enter into negotiations concerning such items as review guidelines, final funding levels, and administrative systems. If negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this 20th day of October, 1995.

Joseph A. Dear,

Assistant Secretary.

[FR Doc. 95–26685 Filed 10–27–95; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review or continued approval of information collection under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Parts 20 Standards for Protection Against Radiation.

2. Current OMB approval number: 3150–0014.

3. How often is the collection required: Annually.

4. Who is required or asked to report: NRC licensees.

5. The number of respondents: 773.

6. The number of hours needed annually to complete the requirement or request: 209,605.

7. Abstract: 10 CFR Part 20 establishes standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC. These standards in part require the establishment of radiation protection programs, the maintenance of radiation records, the recording of radiation received by workers, the reporting of incidents which could cause exposure to radiation and the submittal of an annual report to NRC of the results of individual monitoring. These mandatory requirements are needed to protect occupationally exposed individuals from undue risks of excessive exposure to ionizing radiation and to protect the health and safety of the public.

Submit, by December 29, 1995, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC 20555–0001. Members of the public who are in the Washington, DC area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library) NRC subsystem at FedWorld, 703–321–3339. Members of the public located outside of the Washington, DC area can dial FedWorld, 1–800–303–9672, or use the FedWorld internet address: fedworld.gov (Telnet). This document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608.

Comments and questions can be directed the NRC Clearance Officer, Brenda J. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001 or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@nrc.gov.

Dated at Rockville, Maryland, this 24th day of October, 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official, for Information Resources Management.

[FR Doc. 95–26806 Filed 10–27–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Connecticut Yankee Atomic Power Company (the licensee) to withdraw its August 3, 1995, application for proposed amendment to Facility Operating License No. DPR–61 for the Haddam Neck Plant, located in Middlesex County, Connecticut.

The proposed amendment would have revised the facility technical specifications pertaining to the water temperature of the ultimate heat sink.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on August 30, 1995 (60 FR 45179). However, by letter dated October 12, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 3, 1995, and the licensee's letter dated October 12, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 24th day of October 1995.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–26804 Filed 10–27–95; 8:45 am]

BILLING CODE 7590–01–P

Atomic Safety and Licensing Board

[Docket No. 50–160–Ren ASLBP No. 95–704–01–Ren; Docket No. 50–160–OM ASLBP No. 95–710–01–OM]

Georgia Institute of Technology, Atlanta, GA; Georgia Tech Research Reactor; Renewal of Facility License No. R–97 and Order Modifying Facility Operating License No. R–97

October 24, 1995.

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Jerry R. Kline, Dr. Peter S. Lam.

Notice of Prehearing Conferences

Notice is hereby given that prehearing conferences will be held in each of these proceedings, on Wednesday, November 15, 1995, beginning at 9:30 a.m., at the Richard B. Russell Federal Building, Room 224, 75 Spring St., Atlanta, Georgia.

The conference in the license-renewal proceeding will amount to a status conference, authorized by 10 CFR 2.752, following issuance by the Commission on October 12, 1995 of CLI–95–12, which upheld our earlier decision in LBP–95–6 that Georgians Against Nuclear Energy (GANE) has standing to participate in this proceeding and that its contention 9 is admissible. (Contention 5 has been remanded to us and we are preparing a decision on the mootness of that contention.) Matters to be discussed will include discovery matters, including several motions as to which we deferred decision pending the Commission's resolution of the appeals before it, identification of potential witnesses, and future schedules.

The matters to be discussed in the fuel proceeding (which is an enforcement proceeding governed by 10 CFR 2.200 *et seq.*) are similar to those normally discussed at an initial prehearing conference authorized by 10 CFR 2.751a for licensing proceedings, including GANE's standing, the technical bases for its single proposed contention and other matters pertinent to the proceeding.

Members of the public are invited to attend the conferences but may not otherwise participate in the proceeding.

Dated: October 24, 1995.

For the Atomic Safety and Licensing Boards.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 95–26808 Filed 10–27–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Company; Point Beach Nuclear Plant, Units 1 and 2 Correction to Notice of Exemption

On July 24, 1995, the Federal Register published the Notice of Exemption from certain technical requirements of Appendix R to 10 CFR Part 50 for Point Beach Nuclear Power, Units 1 and 2. On page 37909, the fifth sentence in the third full paragraph in the third column incorrectly refers to cable tray GCO1–O2 instead of cable tray GGO1–O4. On page 37910, the second sentence in the second full paragraph in the second column incorrectly states the separation between the steam-driven auxiliary feedwater pumps as 29 feet instead of 44 feet. These corrections do not impact the findings providing the basis for granting the exemption.

Dated at Rockville, Maryland, this 24th day of October 1995.

For the Nuclear Regulatory Commission.

Allen G. Hansen,

Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–26807 Filed 10–27–95; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Order No. 1086; Docket No. A96–2]

Kinross, Iowa 52250 (Kathleen Enz Allison, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued October 25, 1995.

Docket Number: A96–2

Name of Affected Post Office: Kinross, Iowa 52250

Name(s) of Petitioner(s): Kathleen Enz Allison, *et al.*

Type of Determination: Closing

Date of Filing of Appeal Papers: October 20, 1995

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by November 3, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

October 20, 1995
Filing of Appeal letter
October 25, 1995
Commission Notice and Order of Filing of Appeal
November 14, 1995
Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)]
November 24, 1995
Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)]
December 14, 1995
Postal Service's Answering Brief [see 39 CFR 3001.115(c)]
December 29, 1995
Petitioners' Reply Brief should Petitioner choose to file one [*see* 39 CFR 3001.115(d)]
January 5, 1996
Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]
February 17, 1996
Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95–26878 Filed 10–27–95; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21435; 811–3164]

Dreyfus Cash Reserves, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICATION: Dreyfus Cash Reserves, Inc.

RELEVANT ACTION SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On April 1, 1981, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26839 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21441; 881–3399]

Dreyfus Financial Institution Securities, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notidce of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Financial Institution Securities, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On February 17, 1982, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1993. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26833 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21446; 811–3008]

Dreyfus Liquid Assets II, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Liquid Assets II, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On March 17, 1980, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was declared effective on April 8, 1980, but applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26828 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21434; 811–4225]

Dreyfus Market Opportunity Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Market Opportunity Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT:

Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On February 11, 1985, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26840 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21445; 811–4120]

Dreyfus New York Tax Exempt Money Market Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus New York Tax Exempt Money Market Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was field on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On October 10, 1984, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26829 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21433; 811–2709]

Dreyfus New York Tax Exempt Bond Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus New York Tax Exempt Bond Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On November 23, 1976, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was declared effective on November 15, 1977, but applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it proposed to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26841 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21444; 811–3936]

Dreyfus Qualified Dividend Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Qualified Dividend Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writers interest, the reasons for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On December 28, 1983, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26830 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21439; 811–4365]

Dreyfus Target Maturities Fund; Notice of Application

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Target Maturities Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. On July 26, 1985, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26835 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21437; 811–4907]

Dreyfus Taxable Municipals Fund; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dreyfus Taxable Municipals Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. On November 19, 1986, applicant filed a notice of registration pursuant to Section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, or does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26837 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21442; 811–3086]

The Forest Fund, Inc.; Notice of Application

October 23, 1995

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: The Forest Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On August 11, 1980, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26832 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21436; 811–2961]

Lexington Short Term Tax Exempt Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities an Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Lexington Short Term Tax Exempt Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On October 15, 1979, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26838 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21443; 811–4073]

Park Avenue Equity Fund, Inc.; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Park Avenue Equity Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On July 19, 1984, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as Maryland corporation and to liquidate its assets and distribute the proceeds to the Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26831 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21438; 811–5031]

Park Avenue Tax Exempt Money Market Fund; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Park Avenue Tax Exempt Money Market Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. On February 19, 1987, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret M. McFarland,

Deputy Secretary.

[FR Doc. 95–26836 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21440; 811–4200]

1784 Government Money Market Fund; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: 1784 Government Money Market Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. On January 4, 1985, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, the applicant's sole director determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26834 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21432; 811–4199]

1784 Money Market Fund; Notice of Application

October 23, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: 1784 Money Market Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 28, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 144 Glenn Curtiss Boulevard, Uniondale, New York 11556–0144.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Alison Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. On January 4, 1985, applicant filed a notice of registration pursuant to section 8(a) of the Act on Form N–8A and a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement has not been declared effective and applicant has not made a public offering of its shares.

2. Applicant has not issued or sold any securities, except to its sole shareholder and sponsor, The Dreyfus Corporation. As of the date of the filing of the application, applicant has no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent the applicant's sole director determine that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company, terminate its existence as a Maryland corporation and to liquidate its assets and distribute the proceeds to The Dreyfus Corporation.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26842 Filed 10–27–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc., Special Committee 184, Minimum Performance and Installation Standards for Runway Guard Lights; Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 184 meeting to be held November 13–14, 1995, starting at 9:30 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Administrative Announcements; (2) Chairman's Introductory Remarks; (3) Review and Approval of Meeting Agenda; (4) Review and Approval of Minutes of the Previous Meeting; (5) Review Sections of Draft Document on Elevated Runway Guard Lights; (6) Review of Draft Document Input for In-Pavement Runway Guard Lights; (7) Work Group Drafting Session; (8) Other Business; (9) Date and Place of Next Meeting.

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 Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, D.C. 20036; (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 23, 1995.

Janice L. Peters,

Designated Official.

[FR Doc. 95–26764 Filed 10–27–95; 8:45 am]

BILLING CODE 4810–13–M

RTCA, Inc., Special Committee 183, Standards for Airport Security Access Control Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 183 meeting to be held November 14, 1995, beginning at 1:00 p.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC, 20036. The agenda will include: (1) Administrative Announcements; (2) General Introductions; (3) Review and Approval of Agenda; (4) Review and Approval of Minutes of the Previous Meeting; (5) Review of SC–183 Meeting Schedule for December 1995; (6) Review of Draft Material; (7) Working Group Issues; (8) Other Business; (9) Date and Place of Next Meeting.

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 Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, D.C. 20036; (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 23, 1995.

Janice L. Peters,

Designated Official.

[FR Doc. 95–26765 Filed 10–27–95; 8:45 am]

BILLING CODE 4810–13–M

RTCA, Inc., Special Committee 172, Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held November 15–17, 1995, starting at 9:30 a.m. on

November 15. The meeting will be held at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Introductory Remarks; (2) Review and Approval of the Agenda; (3) Wednesday, November 15: Work Group 2, VHF Data Radio Signal-in-Space MASPS, and continue refinement of upper layers; (4) Thursday, November 16: Work Group 3, Review an advance ''straw-draft'' of the VHF digital radio MOPS document program; (5) Friday, November 17: Plenary Session Convenes at 9:00 a.m.; (6) Review Summary of the Previous Plenary Session; (7) Reports from Working Groups 2 and 3; (8) Reports on ICAO AMCP, CSMA Validation, and FAA Vocoder Activity; (9) Other Business; (10) Address Future Work; (11) Date and Place of Next Meetings.

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 Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, D.C. 20036; (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 23, 1995.

Janice L. Peters,

Designated Official.

FR Doc. 95–26766 Filed 10–27–95; 8:45 am]

BILLING CODE 4810–13–M

Notice of Intent To Rule on an Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Binghamton Regional Airport, Binghamton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to the notice of Intent to Rule on Application to impose and use the revenue from a Passenger Facility Charge (PFC) at Binghamton Regional Airport, Binghamton, New York.

SUMMARY: This correction amends the information included in the previously published notice.

In notice document 95–25299 beginning on page 53240 in the issue of Thursday October 12, 1995, on the second column under **SUPPLEMENTAL INFORMATION,** the second paragraph should read as follows:

''On July 31, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by Broome County Department of Aviation was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 24, 1995.''

FOR FURTHER INFORMATION CONTACT: Philip Brito, Manager New York Airports District Office, 600 Old Country Road, Suite 446 Garden City, New York, 15530, (516) 227–3803.

Issued in Jamaica, New York State on October 20, 1995.

William DeGraaff,

Manager, Planning and Programming Branch, Airports Division, Eastern Region.

[FR Doc. 95–26772 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Metropolitan Oakland International Airport, Oakland, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Metropolitan Oakland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 29, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA. 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA. 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Charles Foster, Executive Director of the Port of Oakland, at the following address: Post Office Box 2064, Oakland, California 94604–2064. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Port of Oakland under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodriguez, Supervisor, Planning and Programming Section, Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA. 94010–1303, Telephone: (415) 876–2805. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from Metropolitan Oakland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). On September 28, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Port of Oakland was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 29, 1995.

The following is a brief overview of the impose and use application number AWP–95–05–C–00–OAK.

Level of proposed PFC: $3.00

Charge effective date: March 1, 1996

Estimated charge expiration date: July 31, 1996

Brief description of the impose and use project: Construct Passenger Corridor Between Terminal One and Two

Total estimated net PFC revenue to be used on this use project: $5,400,000.00

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd. Lawndale, CA. 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Port of Oakland.

Issued in Hawthorne, California, on September 28, 1995.

Herman C. Bliss,

Manager, Airports Division, Western Pacific Region.

[FR Doc. 95–26769 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–68; Notice 2]

Decision That Nonconforming 1972 MG–B Roadster Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1972 MG–B Roadster passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1972 MG–B Roadster passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1972 MG–B Roadster), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of October 30, 1995.

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) 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 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.

Champagne Imports, Inc. of Landsdale, Pennsylvania (Registered Importer R–90–009) petitioned NHTSA to decide whether 1972 MG–B Roadster passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on August 25, 1995 (60 FR 44376) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–136 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1972 MB–G Roadster not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1972 MG–B Roadster originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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: October 24, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–26811 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–67; Notice 2]

Decision That Nonconforming 1994 and 1995 Dodge Ram Pickup Trucks Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1994 and 1995 Dodge Ram pickup trucks are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1994 and 1995 Dodge Ram pickup trucks manufactured in Mexico that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S.—certified versions of the 1994 and 1995 Dodge Ram), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective October 30, 1995.

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) 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 591. 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.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (Registered Importer R–90–005)

petitioned NHTSA to decide whether 1994 and 1995 Dodge Ram pickup trucks manufactured in Mexico are eligible for importation into the United States. NHTSA published notice of the petition on August 25, 1995 (60 FR 44377) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–135 is the eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1994 and 1995 Dodge Ram pickup trucks manufactured in Mexico that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1994 and 1995 Dodge Ram pickup trucks originally manufactured for sale in the United States and certified under 49 U.S.C. § 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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: October 24, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–26812 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–81; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1992 and 1993 Mercedes-Benz 320SL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 and 1993 Mercedes-Benz 320SL 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 1992 and 1993 Mercedes-Benz 320SL passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 29, 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.

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer 90–007) has petitioned NHTSA to decide whether 1992 and 1993 Mercedes-Benz 320SL (Model ID 129.063) passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are the 1992 and 1993 Mercedes-Benz 300SL passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1992 and 1993 Mercedes-Benz 320SL passenger cars to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the non-U.S. certified 1992 and 1993 Mercedes-Benz 320SL passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1992 and 1993 Mercedes-Benz 320SL passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standards 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*.

Petitioner 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) placement of a seat belt

symbol on the seat belt warning lamp; (c) 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 headlamp assemblies and front sidemarkers; (b) installation of U.S.—model taillamp assemblies and rear sidemarkers; (c) installation of a high mounted stop lamp.

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:* rewiring of 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 vehicles are equipped with Type 2 seat belts in both designated seating positions. The petitioner further states that vehicles manufactured before September 1993 are equipped with driver's side air bags and knee bolsters and that vehicles manufactured after September 1993 are equipped with both driver's and passenger's side air bags and knee bolsters.

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 1992 and 1993 Mercedes-Benz 320SL 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, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the 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: October 24, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–26813 Filed 10–27–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

October 16, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below in a timely manner, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by October 27, 1995. To obtain a copy of this survey, please write to the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1349
Project Number: SOI–13
Type of Review: Revision
Title: 1996 Automated TeleFile Customer Satisfaction Survey
Description: Building on 1994 written and 1995 automated survey data from TeleFile users we plan to administer an automated survey data from TeleFile users, we plan to administer an automated survey to a random systematic sample of taxpayers who successfully file their tax return January 1 through April 15, 1996 using TeleFile. The 1996 automated survey will obtain an overall measure of satisfaction and collect data to determine if one of the primary target populations for TeleFile, namely students, are using the service.
Respondents: Individuals or households
Estimated Number of Respondents:
Spanish Speaking—4,000
Non-Spanish Speaking—4,714
Estimated Burden Hours Per Respondent:
Spanish Speaking—2 minutes
Non-Spanish Speaking—2 minutes
Frequency of Response: Other
Estimated Total Reporting Burden: 247 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–26855 Filed 10–27–95; 8:45 am]

BILLING CODE 4830–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences; Expedited Review of Products That Are Eligible for a ''De Minimis'' Waiver Based on 1994 Import Statistics

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and opportunity for public comment.

SUMMARY: This notice invites public comments on whether any ''de minimis'' waivers should be granted to eligible articles from beneficiary countries that exceed the 50-percent competitive need limit in 1994, but which are eligible for ''de minimis'' waivers because total U.S. imports of the products in 1994 did not exceed the ''de minimis'' limit.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, N.W., Room 518, Washington, D.C. 20508. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. The GSP Program

The GSP program grants duty-free treatment to designated eligible articles that are imported from designated beneficiary developing countries. The GSP program is authorized by Title V of the Trade Act of 1974, as amended (''Trade Act'') (19 U.S.C. 2461 *et seq.*), and was implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive Orders and Presidential Proclamations. The GSP regulations provide for an annual GSP review, unless otherwise specified by Federal Register notice (15 CFR 2007.3).

The GSP program expired on July 31, 1995 (see section 505(a) of the Trade Act (19 U.S.C. 2465(a)). A bill to renew the program is pending in Congress. This notice solicits public comments on whether to grant any so-called ''de minimis'' waivers, but the Administration cannot take any action unless and until the GSP program is reauthorized.

II. Competitive Need Limits

Section 504(c) of the Trade Act (19 U.S.C. 2464(c)) provides, in part, that any country, which has exported to the United States a quantity of an eligible article equal to or exceeding 50 percent of the appraised value of the total U.S. imports of the article during the most recent calendar year, shall lose GSP privileges for that article not later than July 1 of the next calendar year.

III. ''De Minimis'' Waivers

Section 504(d)(2) of the Trade Act (19 U.S.C. 2464(d)(2)) provides, however, that the President may disregard the 50-percent limit with respect to any eligible article if the value of the total U.S. imports of the article during the most recent calendar year did not exceed $5 million, indexed to the nominal growth of U.S. GNP since 1979. The ''de minimis'' limit for 1994 is $13,346,358.

The countries/products in the annex to this notice exceeded the 50-percent limit in 1994, but total U.S. imports were less than the ''de minimis'' limit. In accordance with section 504(c) of the Trade Act, all such countries/products lost GSP on July 1, 1995 because the Administration did not conduct an annual GSP review for 1994 and the President did not grant any ''de minimis'' waivers (see 60 FR 28184).

The Administration has now decided to solicit public comments and to consider ''de minimis'' waivers on the merits. This notice invites public comments on whether ''de minimis'' waivers should be granted to the eligible articles from the beneficiary countries that are set forth in the annex to this notice. The Administration will not take any action unless and until the GSP program is reauthorized by the Congress.

IV. Public Comments

All written comments on whether ''de minimis'' waivers should be granted to the countries/products that are set forth in the annex to this notice should be addressed to: GSP Subcommittee, Office of the U.S. Trade Representative, 600 17th Street, N.W., Room 518, Washington, D.C. 20508. All submissions must be in English and should conform to the information requirements of 15 CFR 2007. Furthermore, each party providing comments should indicate on the first page of the submission its name, the relevant subheading of the Harmonized Tariff Schedule of the United States and the relevant beneficiary country.

A party must provide fourteen copies of its statement which must be received by the Chairman of the GSP Subcommittee no later than 5 p.m., Wednesday, November 22. Comments received after the deadline will not be accepted. If the comments contain business confidential information, fourteen copies of a non-confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, the submissions containing confidential information should be clearly marked ''confidential'' at the top and bottom of each page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential''.

Written comments submitted in connection with these decisions, except for information granted ''business confidential'' status pursuant to 15 CFR 2007.7, will be available for public inspection shortly after the filing deadline by appointment only with the staff of the USTR Public Reading Room. Other requests and questions should be directed to the GSP Information Center at USTR by calling (202) 395–6971.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

ANNEX.—GSP COUNTRIES EXCEEDING THE 50-PERCENT COMPETITIVE NEED LIMIT IN 1994 AND TOTAL U.S. IMPORTS WERE LESS THAN $13,346.358

HTSUS	Partner	Description
0304.20.50	Argentina	Hake fillets.
0703.10.20	Chile	Onion sets.
0708.10.20	Guatemala	Peas.
0708.10.40	Guatemala	Peas.
0709.10.00	Chile	Artichokes.
0709.20.10	Peru	Asparagus.
0710.22.15	Guatemala	Lima beans.
0710.29.05	Turkey	Chickpeas.
0710.29.30	Dominican Republic	Pigeon peas.
0710.80.50	Dominican Republic	Tomatoes.
0710.80.65	Guatemala	Brussels sprouts.
0710.80.93	Guatemala	Okra.
0711.30.00	Turkey	Capers.
0711.40.00	Sri Lanka (Ceylon)	Cucumbers.
0714.10.00	Costa Rica	Cassava.
0714.20.00	Dominican Republic	Sweet potatoes.
0714.90.10	Costa Rica	Fresh dasheens.
0802.50.20	Turkey	Pistachios.
0802.50.40	Turkey	Pistachios.
0804.50.80	Thailand	Guavas, mangoes.
0811.20.20	Chile	Raspberries.

ANNEX.—GSP COUNTRIES EXCEEDING THE 50-PERCENT COMPETITIVE NEED LIMIT IN 1994 AND TOTAL U.S. IMPORTS WERE LESS THAN $13,346.358—Continued

HTSUS	Partner	Description
0811.20.40	Chile	Blackberries.
0811.90.50	Costa Rica	Pineapples.
0811.90.55	Guatemala	Melons.
0813.30.00	Argentina	Apples.
0813.40.10	Thailand	Papayas.
0813.40.80	Thailand	Tamarinds.
1106.30.20	Ecuador	Banana flour.
1301.90.40	Brazil	Turpentine gum.
1519.11.00	Malaysia	Stearic acid.
1519.12.00	Malaysia	Oleic acid.
1601.00.40	Brazil	Sausages.
1604.14.50	Thailand	Tunas, skipjack.
1604.16.30	Morocco	Anchovies.
1604.30.20	Russia	Caviar.
1605.10.05	Thailand	Crab products.
1701.99.05	Colombia	Cane/beet sugar.
1701.99.10	Colombia	Cane/beet sugar.
1702.90.35	Belize	Invert molasses.
1703.90.30	Lebanon	Molasses.
1902.11.40	Thailand	Uncooked pasta.
2005.80.00	Thailand	Sweet corn.
2007.99.40	Thailand	Pineapple jam.
2009.99.48	Argentina	Apple pastes.
2008.19.30	Turkey	Pignolia.
2008.50.20	Argentina	Apricot pulp.
2008.99.28	Turkey	Figs.
2008.99.35	Thailand	Lychees.
2106.90.52	Philippines	Juice.
2202.90.36	Colombia	Juice.
2202.90.37	Dominican Republic	Mixed juices.
2207.10.30	Ecuador	Ethyl alcohol.
2208.90.10	Trinidad and Tobago	Bitters.
2208.90.70	Russia	Vodka.
2309.90.70	Hungary	Vitamin B12 feed.
2401.10.21	Dominican Republic	Wrapper tobacco.
2401.10.29	Honduras	Tobacco.
2401.20.45	Indonesia	Tobacco.
2401.20.55	Indonesia	Tobacco.
2516.90.00	South Africa	Building stone.
2804.29.00	Ukraine	Rare gases.
2805.40.00	Russia	Mercury.
2825.30.00	South Africa	Vanadium oxides.
2825.70.00	Chile	Molybdenum oxides.
2840.11.00	Turkey	Refined borax.
2843.21.00	Chile	Silver nitrate.
2903.14.00	Brazil	Carbon tetrchlrde.
2903.23.00	Brazil	Tetrachloro.
2907.15.10	Russia	alpha-Naphthol.
2907.23.00	Brazil	Bisphenol.
2908.90.24	India	4,6-Dinitro.
2910.20.00	Brazil	Methyloxirane.
2915.34.00	Venezuela	Isobutyl aceta.
2915.35.00	Venezuela	2-Ethoxyethyl.
2917.14.10	Brazil	Maleic anhydrid.
2917.32.00	Brazil	Dioctyl ortho.
2917.37.00	Romania	Dimethyl tereph.
2921.42.21	India	Metanilic acid.
2922.29.25	India	Fast color bases.
2933.40.08	Hungary	4,7-Dichlor.
2938.10.00	Brazil	Rutoside.
3301.24.00	India	Essential oils.
3806.30.00	Argentina	Ester gums.
3920.93.00	India	Plates, sheets.
4006.10.00	Brazil	Rubber.
4104.31.20	Thailand	Buffalo leather.
4106.19.30	Pakistan	Goat leather.
4106.20.30	India	Goat leather.
4106.20.60	Pakistan	Goat leather.
4109.00.70	Brazil	Patent leather.
4202.22.35	Philippines	Handbags.
4205.00.60	Argentina	Reptile leather.

ANNEX.—GSP COUNTRIES EXCEEDING THE 50-PERCENT COMPETITIVE NEED LIMIT IN 1994 AND TOTAL U.S. IMPORTS WERE LESS THAN $13,346.358—Continued

HTSUS	Partner	Description
4411.19.20	Brazil	Fiberboard.
4412.12.15	Brazil	Plywood.
4412.19.10	Brazil	Plywood.
4412.19.30	Russia	Plywood.
4412.19.40	Indonesia	Plywood.
4412.29.40	Brazil	Plywood.
4412.99.10	Brazil	Plywood.
4412.99.40	Indonesia	Plywood.
4417.00.60	Brazil	Wooden brush.
4421.90.10	Honduras	Wood dowel pins.
4802.60.10	Brazil	Writing paper.
4823.90.20	Philippines	Papier-mache.
5208.31.20	India	Cotton fabrics.
5208.32.10	India	Cotton fabrics.
5208.41.20	India	Cotton fabrics.
5208.42.10	India	Cotton fabrics.
5208.51.20	India	Cotton fabrics.
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5209.31.30	India	Cotton fabrics.
5209.41.30	India	Cotton fabrics.
5209.51.30	India	Cotton fabrics.
5307.20.00	India	Yarn of jute.
5607.30.20	Philippines	Twine, cordage.
5609.00.20	Philippines	Article of Yarn.
5702.20.10	India	Floor coverings.
5702.99.20	India	Carpets.
5703.90.00	India	Carpets.
6304.99.25	India	Wall hangings.
6501.00.60	Czech Republic	Hat forms.
7002.10.20	Malaysia	Glass in balls.
7109.00.00	Chile	Base metals.
7113.20.21	Oman	Rope necklace.
7114.19.00	Chile	Goldsmith wares.
7202.21.10	Macedonia (Skopje)	Ferrosilicon.
7308.20.00	Brazil	Steel towers.
7319.20.00	Malaysia	Safety pins.
7403.12.00	Peru	Wire bars.
7407.29.15	Chile	Copper profiles.
7603.10.00	Bahrain	Aluminum powders.
7614.10.50	Brazil	Stranded wire.
7614.90.20	Venezuela	Electrical cable.
7614.90.50	Venezuela	Stranded wire.
8107.90.00	Bulgaria	Cadmium.
8112.11.60	Kazakhstan	Berryllium.
8112.91.50	Chile	Rhenium.
8213.00.60	Brazil	Pinking shears.
8402.20.00	Colombia	Water boilers.
8414.90.30	Slovenia	Stators, rotors.
8450.90.40	Brazil	Furniture.
8483.50.40	Malaysia	Awning pulleys.
8519.21.00	Malaysia	Record players.
8519.31.00	Malaysia	Turntables.
8528.10.04	Hungary	TV receivers.
8528.10.34	Malaysia	TV receivers.
8546.10.00	Brazil	Electrical insulators.
8802.50.90	Russia	Spacecraft.
9018.11.60	Argentina	Circuit assembles.
9102.29.04	Philippines	Wrist watchead.
9303.90.80	Russia	Firearms.
9401.90.15	Czech Republic	Parts of seats.
9506.61.00	Philippines	Lawn-tennis balls.
9606.29.20	Thailand	Button of resin.
9614.20.60	Turkey	Smoking pipes.
9614.20.80	Turkey	Smoking pipes.

[FR Doc. 95–26875 Filed 10–27–95; 8:45 am]

BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 209
Monday, October 30, 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).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 31, 1995.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway., Bethesda, MD 20207 (301) 504–0800.

Dated: October 25, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–26981 Filed 10–26–95; 3:02 pm]

BILLING CODE 6355–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 30, November 6, 13, and 20, 1995.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of October 30

There are no meetings scheduled for the Week of October 30.

Week of November 6—Tentative

Monday, November 6

9:30 a.m.
Briefing on Risk Harmonization Recommendations (Public Meeting)
(Contact: Mike Weber, 301–415–7297)

Thursday, November 9

2:00 p.m.
Briefing on Browns Ferry 3 Restart (Public Meeting)
(Contact: William Russell, 301–415–1270)

Week of November 13—Tentative

Wednesday, November 15

10:00 a.m.
Briefing on Accident Sequence Percursor Program (Public Meeting)
(Contact: Patrick O'Reilly, 301–415–7570)
2:00 p.m.
Briefing on Measures to Ensure Integrity of Research Data (Public Meeting)
(Contact: Owen Gormley, 301–415–6793)

Thursday, November 16

10:00 a.m.
Briefing by Commonwealth Edison (Public Meeting)
2:00 p.m.
Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
(Contact: John Larkins, 301–415–7360)

Week of November 20—Tentative

There are no meetings scheduled for the Week of November 20.

Note: The Nuclear Regulatory Commission is operating under a delegation of authority to Chairman Shirley Ann Jackson, because with three vacancies on the Commission, it is temporarily without a quorum. As a legal matter, therefore, the Sunshine Act does not apply; but in the interests of openness and public accountability, the Commission will conduct business as though the Sunshine Act were applicable.

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 Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

Dated: October 25, 1995.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 95–26932 Filed 10–26–95; 11:05 am]

BILLING CODE 7590–01–M

Federal Register

Monday
October 30, 1995

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 23 and 52
Federal Acquisition Regulation; Federal Acquisition and Community Right-to-Know; Interim Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 23 and 52

[FAC 90–34; FAR Case 95–305]

RIN 9000–AG68

Federal Acquisition Regulation; Federal Acquisition and Community Right-to-Know

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to an interim rule amending the Federal Acquisition Regulation (FAR) Parts 23 and 52 to implement Executive Order 12969. The Executive Order establishes the policy that contracting agencies contract with companies that report in a public manner on toxic chemicals released to the environment. The interim rule provides a solicitation provision which requires certification of compliance with the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) (EPCRA) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109) (PPA), and a contract clause which incorporates the reporting requirements of EPCRA and PPA into Federal Government contracts.

This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: *Effective Date:* October 30, 1995.

Comment Date: Comments on the interim rule should be submitted in writing to the FAR Secretariat at the address shown below on or before December 29, 1995, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets NW., Room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405.

Please cite FAC 90–34, FAR case 95–305 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph De Stefano at (202) 501–1758 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAC 90–34, FAR case 95–305.

SUPPLEMENTARY INFORMATION:

A. Background

The addition of FAR Subpart 23.9 and its associated solicitation provision and contract clause implement the requirements of Executive Order (E.O.) 12969 of August 8, 1995 (60 FR 40989, August 10, 1995), ''Federal Acquisition and Community Right-to-Know,'' and the Environmental Protection Agency's ''Guidance Implementing Executive Order 12969; Federal Acquisition; Community Right-to-Know; Toxic Chemical Release Reporting'' (60 FR 50738, September 29, 1995). This interim rule requires offerors in competitive acquisitions over $100,000 (including options) to certify that they will comply with applicable toxic chemical release reporting requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109). This rule does not apply to acquisitions of commercial items under FAR Part 12 or contractor facilities located outside the United States. This rule does not apply to subcontractors beyond the first tier.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule only applies to competitive acquisitions exceeding $100,000 (including options) in value, and will only impact those companies that do not comply with existing laws regarding reporting of toxic chemical release. Also, the rule does not apply to acquisitions of commercial items under FAR Part 12 or contractor facilities located outside the United States. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90–34, FAR Case 95–305), in correspondence.

C. Paperwork Reduction Act

Under the emergency processing provisions of the Paperwork Reduction Act of 1995 (Public law 104–13), the Federal Acquisition Regulation (FAR) Secretariat has requested and obtained approval (OMS Control No. 9000–0139) from the Office of Management and Budget (OMB) for a new collection of information requirement under Executive Order (O.E.) 12969 of August 8, 1995, Federal Acquisition and Community Right-to-Know.

DATES: Comments may be submitted on or before December 29, 1995.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the FAR Secretariat at the address listed below for comments on the information collection requirement.

Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the 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 General Services Administration, FAR Secretariat, 18th and F Streets, NW., Room 4037, Washington, DC 20405, and to the FAR Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The annual reporting burden is estimated to be $3,517,248 as a result of the following estimated number of hours of labor for compliance: Respondents, *167,487*; responses per respondent, *1*; total annual responses, *167,487*; preparation hours per response, *0.50*; and total response burden hours, *83,744*.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because Executive Order 12969 requires incorporation of its policies into the FAR by November 6, 1995. However, pursuant to Public Law 98–577 and FAR 1.501, public comments received in response to this interim rule will be considered in the formation of the final rule .

List of Subjects in 48 CFR Parts 23 and 52

Government procurement.

Dated: October 26, 1995.

Ida M. Ustad,

Associate Administrator, Office of Acquisition Policy.

Federal Acquisition Circular

Number 90–34

Federal Acquisition Circular (FAC) 90–34 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–34 is effective October 30, 1995.

Dated: October 25, 1995.

Eleanor R. Spector,

Director, Defense Procurement.

Dated: October 26, 1995.

Ida M. Ustad,

Associate Administrator, Office of Acquisition Policy.

Dated: October 25, 1995.

Deidre Lee,

Associate Administrator for Procurement, NASA.

Therefore, 48 CFR parts 23 and 52 are amended as set forth below:

PART 23—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY AND DRUG-FREE WORKPLACE

1. The authority citation for 48 CFR parts 23 and 52 continued to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Subpart 23.9, consisting of sections 23.901 through 23.907, is added to read as follows:

Subpart 23.9—Toxic Chemical Release Reporting

Sec.

23.901 Purpose.
23.902 General.
23.903 Applicability.
23.904 Definition.
23.905 Policy.
23.906 Requirements.
23.907 Solicitation provision and contract clause.

23.901 Purpose.

This subpart implements the requirements of Executive Order (E.O.) 12969 of August 8, 1995, Federal Acquisition and Community Right-to-Know.

23.902 General.

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and the Pollution Prevention Act of 1990 (PPA) established programs to protect public health and the environment by providing the public with important information on the toxic chemicals being released by manufacturing facilities into the air, land and water in its communities.

Under the EPCRA, section 313 (42 U.S.C. 11023), and the PPA, section 6607 (42 U.S.C. 13106), manufacturers are required to submit annual reports on toxic chemical releases and waste management activities to the Environmental Protection Agency (EPA) and the States.

23.903 Applicability.

(a) This subpart applies to all competitive contracts expected to exceed $100,000 (including all options) and competitive 8(a) contracts.

(b) This subpart does not apply to—

(1) Acquisitions of commercial items under FAR part 12; or

(2) Contractor facilities located outside the United States. (*The United States*, as used in this subpart, includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.)

23.904 Definition.

Toxic chemicals means reportable chemicals currently listed and added pursuant to EPCRA sections 313 (c), (d), and (e), except for those chemicals deleted by EPA using the statutory criteria of EPCRA, sections 313 (d) and (e).

23.905 Policy.

(a) It is the policy of the Government to purchase supplies and services that have been produced with a minimum adverse impact on community health and the environment.

(b) Federal agencies, to the greatest extent practicable, shall contract with companies that report in a public manner on toxic chemicals released to the environment.

23.906 Requirements.

(a) E.O. 12969 requires that solicitations for competitive contracts expected to exceed $100,000 include, to the maximum extent practicable, as an award eligibility criterion, a certification by the offeror that either—

(1) If awarded a contract, facilities it owns or operates to be used in the performance of the contract will file, and will continue to file throughout the life of the contract, a Toxic Chemical Release Inventory Form (Form R) as described in EPCRA sections 313 (a) and (g) and the PPA section 6607; or

(2) Such facilities are otherwise exempt from the filing and reporting requirements.

(b) A determination that it is not practicable to include the solicitation provision at FAR 52.223–13, Certification of Toxic Chemical Release Reporting, in a solicitation or class of solicitations shall be approved by a procurement official at a level no lower than the head of the contracting activity. Prior to making such a determination for a solicitation or class of solicitations with an estimated value in excess of $500,000 (including all options), the agency shall consult with EPA.

(c) Award shall not be made to offerors who do not certify in accordance with paragraph (a) of this section when the provision at FAR 52.223–13, Certification of Toxic Chemical Release Reporting, is included in the solicitation.

(d) The contracting officer shall cooperate with EPA representatives and provide such advice and assistance as may be required to aid EPA in the performance of its responsibilities under E.O. 12969.

(e) EPA, upon determining that a contractor is not filing the necessary forms or is filing incomplete information, may recommend to the head of the contracting activity that the contract be terminated for convenience. The head of the contracting activity shall consider the EPA recommendation and determine if termination or some other action is appropriate.

23.907 Solicitation provision and contract clause.

Except for acquisitions of commercial items made under part 12, the contracting officer shall:

(a) Insert the provision at 52.223–13, Certification of Toxic Chemical Release Reporting, in all solicitations for competitive contracts expected to exceed $100,000 (including all options) and competitive 8(a) contracts, unless it has been determined that it is not practicable in accordance with 23.906(b); and

(b) When the solicitation contains the provision at 52.223–13, Certification of Toxic Chemical Release Reporting, insert the clause at 52.223–14, Toxic Chemical Release Reporting, in the resulting contract, if the contract is expected to exceed $100,000 (including all options).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Sections 52.223–13 and 52.223–14 are added to read as follows:

52.223–13 Certification of Toxic Chemical Release Reporting.

As prescribed in 23.907(a), insert the following provision:

CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (OCT 1995)

(a) The offeror, by signing this offer, certifies that—

(Note: The offeror must check the appropriate box(es).)

☐ (1) To the best of its knowledge and belief, it is not subject to the filing and reporting requirements described in Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) sections 313(a) and (g) and Pollution Prevention Act of 1990 (PPA) section 6607 because none of its owned or operated facilities to be used in the performance of this contract currently—

☐ (i) Manufacture, process or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c).

☐ (ii) Have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A).

☐ (iii) Meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA).

☐ (iv) Fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in FAR section 19.102.

☐ (2) If awarded a contract resulting from this solicitation, its owned or operated facilities to be used in the performance of this contract, unless otherwise exempt, will file and continue to file for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in EPCRA sections 313(a) and (g) and PPA section 6607 (42 U.S.C. 13106).

(b) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995 (60 FR 40989–40992).

(End of provision)

52.223–14 Toxic Chemical Release Reporting.

As prescribed in 23.907(b), insert the following clause:

TOXIC CHEMICAL RELEASE REPORTING (OCT 1995)

(a) Unless otherwise exempt, the Contractor owned or operated facilities used in the performance of this contract shall file by July 1 for the prior calendar year an annual Toxic Chemical Release Inventory Form (Form R) as described in sections 313 (a) and (g) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023 (a) and (g)), and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106). Such Contractor facilities shall file the annual Form R throughout the life of the contract.

(b) A Contractor is exempt from the requirement to file an annual Form R if none of the Contractor owned or operated facilities used in the performance of this contract—

(1) Manufacture, process or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(2) Have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(3) Meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA); or

(4) Fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in FAR 19.102.

(c) If the Contractor has certified to be exempt in accordance with one or more of the criteria in paragraph (b) of this clause, and after award of the contract circumstances change so that any one of its owned or operated facilities used in the performance of this contract is no longer exempt—

(1) The Contractor shall notify the Contracting Officer; and

(2) The Contractor owned and operated facilities used in the performance of this contract, unless otherwise exempt, shall (i) submit a Toxic Chemical Release Inventory Form (Form R) on or before July 1 for the prior calendar year during which the Contractor becomes eligible; and (ii) continue to file the annual Form R for the life of the contract.

(d) The Contracting Officer may terminate this contract or take other action as appropriate, if the Contractor fails to comply accurately and fully with the EPCRA and PPA toxic chemical release filing and reporting requirements.

(e) Except for acquisitions of commercial items, as defined in FAR Part 12, the Contractor shall—

(1) For competitive subcontracts expected to exceed $100,000 (including all options), include a solicitation provision substantially the same as the provision at FAR 52.223–13, Certification of Toxic Chemical Release Reporting; and

(2) Include in any resultant subcontract exceeding $100,000 (including all options), with subcontractors having SIC designations of major groups 20 through 39 as set forth in FAR 19.102, the substance of this clause, except this paragraph (e).

(End of clause)

[FR Doc. 95–26943 Filed 10–27–95; 8:45 am]

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Federal Register

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Monday, October 30, 1995

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1, 2 (2 Reserved)	(869–026–00001–8)	$5.00	Jan. 1, 1995
3 (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
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27 Parts:			
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200–End	(869–026–00107–3)	13.00	[8] Apr. 1, 1994
28 Parts:			
1-42	(869–026–00108–1)	27.00	July 1, 1995
43-end	(869-026-00109-0)	22.00	July 1, 1995
29 Parts:			
0–99	(869–026–00110–3)	21.00	July 1, 1995
100–499	(869–026–00111–1)	9.50	July 1, 1995
500–899	(869–026–00112–0)	36.00	July 1, 1995
900–1899	(869–026–00113–8)	17.00	July 1, 1995
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
1926	(869–022–00114–1)	33.00	July 1, 1994
1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–026–00120–1)	20.00	July 1, 1995
700–End	(869–026–00121–9)	30.00	July 1, 1995
31 Parts:			
0–199	(869–026–00122–7)	15.00	July 1, 1995
200–End	(869–026–00123–5)	25.00	July 1, 1995
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–026–00125–1)	38.00	July 1, 1995
400–629	(869–026–00126–0)	26.00	July 1, 1995
630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
700–799	(869–026–00128–6)	21.00	July 1, 1995
800–End	(869–026–00129–4)	22.00	July 1, 1995
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–026–00132–4)	24.00	July 1, 1995
34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
300–399	(869–026–00134–1)	21.00	July 1, 1995
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–026–00136–7)	12.00	July 1, 1995
36 Parts			
1–199	(869–026–00137–5)	15.00	July 1, 1995
200–End	(869–026–00138–3)	37.00	July 1, 1995
37	(869–026–00139–1)	20.00	July 1, 1995
38 Parts:			
0–17	(869–026–00140–5)	30.00	July 1, 1995
18–End	(869–026–00141–3)	30.00	July 1, 1995
39	(869–026–00142–1)	17.00	July 1, 1995
40 Parts:			
1–51	(869–026–00143–0)	40.00	July 1, 1995
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
*60	(869-026-00146-4)	36.00	July 1, 1995
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–026–00152–9)	17.00	July 1, 1995
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–026–00159–6)	9.50	July 1, 1995
101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
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48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
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7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
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29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–022–00193–1)	24.00	Oct. 1, 1994
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–022–00195–7)	21.00	Oct. 1, 1994
200–399	(869–022–00196–5)	30.00	Oct. 1, 1994
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–022–00198–1)	19.00	Oct. 1, 1994
1200–End	(869–022–00199–0)	15.00	Oct. 1, 1994
50 Parts:			
1–199	(869–022–00200–7)	25.00	Oct. 1, 1994
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

[8] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.