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Tuesday
February 20, 1996

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WHAT: Free public briefings (approximately 3 hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: February 21, 1996 at 9:00 am

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

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Contents

Federal Register

Vol. 61, No. 34

Tuesday, February 20, 1996

Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 61, No. 34
Tuesday, February 20, 1996

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Dairy Tariff-Rate Import Quota Licensing

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule; technical corrections to import regulation 1, revision 7.

SUMMARY: Import Regulation 1, Revision 7 (''Revision 7'') governs the administration of the import licensing system for certain dairy products. A license qualifies imports of certain dairy products for entry at the in-quota tariff rates established in the Harmonized Tariff Schedule of the United States (HTS). This document sets forth technical corrections to Appendix 3 of Revision 7 with respect to the in-quota quantities that may enter under supplementary license to be issued for certain cheeses from Poland and Hungary for quota year 1996.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Warsack, Import Programs Group, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, AG BOX 1021, Washington, DC 20250–1021, or telephone (202) 720–2916.

SUPPLEMENTARY INFORMATION:

Background

The Department of Agriculture (USDA) began to implement its Uruguay Round Agreement commitments for certain dairy articles when it published an interim rule on January 6, 1995 (60 FR 1989–1996) amending Revision 7. That interim rule added a new Appendix 3 which specified the quantities of articles of dairy products that, effective January 1, 1995, had become available for supplementary licenses during quota year 1995. The quantities specified reflected U.S. commitments to those countries which implemented their own Uruguay Round access commitments on January 1, 1995. On May 2, 1995, USDA published a second interim rule (60 FR 21425–21428) which again amended Revision 7 by revising Appendix 3 to reflect additional amounts of cheese and cheese products that became available, effective July 1, 1995, for supplementary licenses. These increases implemented U.S. access commitments to the six countries which began to implement their respective access commitments effective July 1, 1995. These countries included Poland and Hungary. That interim rule also added a footnote to Appendix 3 which clarified that the in-quota quantity allocated to Poland for Italian-type cheese was conditioned on the results of a bilateral agreement being negotiated between the Governments of the United States and Poland. On September 13, 1995, USDA published a third interim rule (60 FR 47453–47455) which again amended Revision 7 by amending Appendix 3 to reflect additional quantities of dairy articles that will be eligible, effective January 1, 1996, for supplementary licenses. These increases reflect the additional amounts of articles of dairy products available for supplementary licenses required to fulfill the second year of the six-year Uruguay Round access commitment. That interim rule inadvertently omitted the footnote regarding the in-quota quantity of Italian-type cheese for Poland and the in-quota quantity of Swiss cheese for Hungary.

Subsequent to the publication of the third interim rule, the United States and Poland signed a Record of Understanding between Poland and the United States of America on Agricultural Items which provides that the in-quota quantity for Italian-type cheese be increased. Presidential Proclamation 6859 of December 13, 1995 implemented this commitment by amending Additional U.S. Note 21 of chapter 4 of the HTS to increase the in-quota quantity of Italian-type cheese for Poland from 1,100,000 kilograms to 1,325,000 kilograms.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy Products, Imports, Reporting and recordkeeping requirements.

Technical Correction

Accordingly, 7 CFR Part 6, Subpart—Tariff-Rate Quotas is amended as follows:

PART 6—[AMENDED]

1. The authority citation for Subpart—Tariff-Rate Quotas continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16–23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S. C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 and 4959 (19 U.S.C. 3513 and 3601).

2. Appendix 3 is amended by revising the entry for Poland under ''Italian-Type cheeses'' and by adding an entry for Hungary preceding Sweden under ''Swiss and Emmenthaler cheese with eye formation'' to read as follows:

Appendix 3—Articles Subject to the Supplementary Licensing Provisions of Import Regulation 1, Revision 7, and Respective Annual Tariff-Rate Import Quotas for the 1996 Quota Year

Article by HTS note No.	Annual supplementary quota (kilograms)
* * * * *	
Italian-Type cheeses, made from cow's milk (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz, and Goya not in original loaves) and cheese and substitutes for cheese containing, or processed from, such Italian-Type cheeses, whether or not in original loaves:	
(Note 21)	4,765,000
Argentina	1,890,000
EC	233,333
Uruguay	750,000
Hungary	400,000
Poland	1,325,000
Romania	166,667
* * * * *	
Swiss and Emmenthaler cheese with eye formation:	
(Note 25)	1,873,333
Austria	73,333
EC	233,333
Hungary	400,000
Sweden	300,000
Switzerland	66,667
Czech Republic	400,000

Signed at Washington, DC, on February 8, 1996.

Timothy J. Galvin,

Acting Administrator, Foreign Agriculture Service

[FR Doc. 96–3528 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–10–P

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV96–932–1IFR]

Expenses and Assessment Rate for Marketing Order Covering Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenses and establishes an assessment rate for the California Olive Committee (Committee) under Marketing Order No. 932 for the 1996 fiscal year. The Committee is responsible for local administration of the marketing order which regulates the handling of California olives. Authorization of this budget enables the 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 beginning January 1, 1996, through December 31, 1996. Comments received by March 21, 1996, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. 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: Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone 209–487–5901; or Caroline C. Thorpe, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone 202–720–5127.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 932 (7 CFR part 932), as amended, regulating the handling of olives 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 rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, olives grown in California are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable olives during the 1996 fiscal year, beginning January 1, 1996, through December 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are 5 handlers of olives grown in California who are subject to regulation under the order and approximately 1,350 producers of olives in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. None of the olive handlers may be classified as small entities, while the majority of olive producers may be classified as small entities.

The order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable olives handled during the appropriate crop year, which for this season is August 1, 1995, through July 31, 1996. The budget of expenses for the 1996 fiscal year was prepared by the Committee and submitted to the Department for approval. The Committee consists of handlers and producers. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by actual receipts of olives by handlers during the crop year. Because that rate is applied to actual receipts, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses.

The recommended budget and rate of assessment is usually acted upon by the Committee after the crop year begins and before the fiscal year starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay its expenses.

The Committee met on December 14, 1995, and recommended 1996 marketing order expenditures of $2,600,785 for its budget. This is $280,865 less in expenses than the previous year. The major budget categories for the 1996 fiscal year include administration ($388,350), research ($213,000), and market development ($1,999,435).

The Committee also recommended an assessment rate of $28.26 per ton

covering olives from the appropriate crop year. This is $1.78 less than last year's assessment rate of $30.04. The assessment rate, when applied to actual handler receipts of 62,182 tons from the 1995 olive crop year, would yield $1,757,726 in assessment income. This along with approximately $829,000 from the Committee's authorized reserves will be adequate to cover estimated expenses. Reserve funds for the 1996 fiscal year are estimated at $210,000 which is within the maximum permitted by the order of one fiscal year's expenses.

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

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final 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 rule 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 1996 fiscal year began on January 1, 1996, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable olives handled during the fiscal year; (3) handlers are aware of this rule which was recommended by the Committee at a public meeting; 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 rule.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

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

2. A new § 932.229 is added to read as follows:

§ 932.229 Expenses and assessment rate.

Expenses of $2,600,785 for the California Olive Committee are authorized, and an assessment rate of $28.26 per ton of assessable olives is established for the 1996 fiscal year ending on December 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: February 12, 1996.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–3608 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 989

[FV95–989–5FIR]

Raisins Produced From Grapes Grown In California; Reduction in the Production Cap for the 1996 Raisin Diversion Program for Natural (sun-dried) Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which reduced the production cap for the 1996 Raisin Diversion Program (RDP) for Natural (sun-dried) Seedless raisins. The production cap, which limits the amount of raisin tonnage per acre for which an RDP participant can receive credit, was reduced from 2.75 tons per acre to 2.2 tons per acre for this program. This reduction is intended to bring the production cap for 1996 in line with 1995 production per acre, which was approximately 20 percent smaller than the 1994 crop yield per acre.

EFFECTIVE DATE: March 21, 1996.

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: 209–487–5901 or Mark A. Slupek, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: 202–205–2830.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes 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 rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have 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 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 exempt 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/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 20 handlers of California raisins who are subject to regulation under the raisin marketing order, and approximately 4,500 producers in the production area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than eight handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining eight handlers have sales less than $5,000,000, excluding receipts from any other sources.

This rule finalizes the establishment of a production cap of 2.2 tons per acre for the 1996 RDP. This action was unanimously recommended by the Raisin Administrative Committee (Committee), the body which locally administers the order.

The interim final rule being finalized was issued on December 26, 1995, and published in the Federal Register (61 FR 100, January 3, 1996), with an effective date of January 3, 1996. That rule added a new paragraph (t) to § 989.156 of the rules and regulations in effect under the order. That rule provided a 15-day comment period which ended January 18, 1996. No comments were received.

The authority for the RDP and implementing rules and regulations are specified in § 989.56 and 989.156, respectively. The purpose of the RDP is to give producers the means to voluntarily reduce their raisin production. Each approved producer who has removed grapes in accordance with rules and regulations receives a diversion certificate from the Committee. Such certificates represent reserve tonnage raisins equal to the amount of raisins diverted. That is, the certificates represent the amount of grape acreage removed from production (for RDP purposes) multiplied by the producer's previous crop year yield in tons per acre, or multiplied by the production cap if the previous year's actual yield exceeds the cap.

These certificates may be submitted by producers only to handlers. The handler pays the producer for the free tonnage applicable to the diversion certificate minus the established harvest cost for the entire tonnage shown on the certificate. Factors reviewed by the Committee in determining allowable harvest costs are specified in § 989.156(a)(1).

Any handler holding diversion certificates may redeem such certificates with the Committee for reserve pool raisins. To redeem a certificate, the handler must present the certificate to the Committee and pay the Committee an amount equal to the established harvest costs plus an amount equal to the payment for receiving, storing, fumigating, handling, and inspecting reserve tonnage raisins specified in § 989.401 for the entire tonnage represented on the certificate.

The marketing order requires the Committee to meet on or before November 30 of each crop year to review production data, supply data, demand data, inventory, and other matters relating to the quantity of raisins available to or needed by the market. If the Committee decides that the current crop year's reserve pool has more than enough raisins to meet projected market needs, it can announce the amount of such excess eligible for diversion during the subsequent crop year. The administrative rules and regulations established under the order require that such announcement be made on or before November 30 of each year.

A production cap of 2.75 tons of raisins per acre is established under the order for any production unit of a producer approved for participation in an RDP. When the diversion tonnage is announced, the Committee may recommend, subject to the approval of the Secretary, that the production cap for that RDP be less than 2.75 tons per acre. The production cap limits the yield that a producer can claim and is designed to allow most high yield producers to participate in an RDP. When the cap was added to the marketing order in 1989, only 8 percent of raisin producers exceeded the 2.75 tons per acre yield. Producers who historically produce yields above the production cap can choose to produce a crop rather than participate in a diversion program. No producer is required to participate in an RDP.

A producer who wants to participate in an RDP must apply to the Committee. The producer must specify, among other things, the raisin production and the acreage covered by the application. The Committee verifies producers' production claims using handler acquisition reports and other available information. However, a producer could misrepresent production by claiming that some raisins produced on one ranch were produced on another, and use an inflated yield on the RDP application. Thus, the production cap limits the amount of raisins for which a producer participating in an RDP may be credited, and protects the program from overstated production yields.

For example, a producer whose actual yield was 2.5 tons per acre might claim that the yield was 3.5 tons per acre on the RDP application. The current production cap would allow that producer to receive a diversion certificate for 2.75 tons per acre, which is 0.25 tons above the actual yield but far less than the 1.0 ton which would have been improperly credited if the diversion certificate had been based on a yield of 3.5 tons per acre. The production cap reduces the amount of inflated tonnage which could be improperly credited and allows more producers to participate. When the production cap is more in line with the actual yield per acre, the total quantity of raisins available under the RDP can be allocated to more applicants. A producer who actually produced 3.5 tons per acre might decide to produce a raisin crop rather than apply for the RDP and be subject to the production cap.

The Committee met on November 27, 1995, and reviewed data relating to the quantity of reserve pool raisins and anticipated market needs. The Committee decided that the 1995–96 reserve pool had more raisins than necessary to meet projected market needs and announced that 20,000 tons of Natural (sun-dried) Seedless raisins would be eligible for diversion under the 1996 RDP.

The 20,000 ton maximum eligible level was determined to be inappropriate since later information indicated that the excess tonnage in the 1995–96 reserve pool was not as large as had been earlier expected. The Committee met again on December 18, 1995, and announced, therefore, that applications from producers who intended to remove their grape vines would be accepted, but that other applications would be rejected. After reviewing the applications, the Committee determined that approximately 2,221 tons of Natural (sun-dried) Seedless raisins will be eligible for diversion under the 1996 RDP.

The Committee members also believed that the former production cap was too high because 1995 crop year yields per acre were down 20 percent compared to 1994. The Committee, therefore, unanimously recommended a reduction in the production cap of 20 percent, from 2.75 tons per acre to 2.2 tons per acre for the 1996 RDP, based on 1995 production. Reducing the production cap proportionately to the decrease in yield per acre more

accurately reflected actual production yields during the 1995 crop year.

The information collection requirement (i.e., the RDP application) referred to in this rule has been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and has been assigned OMB number 0581–0083.

Based on these considerations, 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 information presented, including the Committee's recommendations and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register (61 FR 100, January 3, 1996) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 989 is amended to read as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989, which was published at 61 FR 100 on January 3, 1996, is adopted as a final rule without change.

Dated: February 12, 1996.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–3609 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–02–P

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Parts 1901 and 1942

A–95 Review, Evaluation, and Coordination of Projects

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the Agencies' regulation that implemented OMB Circular A–95 concerning review, evaluation, and coordination of projects. OMB Circular A–95 was revoked in compliance with Executive Order 12372.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Susan G. Wieferich, Senior Environmental Protection Specialist, Environmental Support Branch, Program Support Staff, Rural Housing Service, U.S. Department of Agriculture, Room 6309, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250–0700; telephone (202) 720–9619.

SUPPLEMENTARY INFORMATION:

Classification

This action is not subject to the provisions of Executive Order 12866 since it only involves internal Agency management. This action is not published for proposed rulemaking because it involves only internal Agency management and publication for notice and comment is unnecessary.

Discussion

Executive Order 12372 terminated the Memorandum of November 8, 1968, (56 FR 16467, November 10, 1968) and required the Director of the Office of Management and Budget to revoke OMB Circular A–95, which was issued pursuant to that Memorandum. The Farmers Home Administration (predecessor to the Agencies issuing the rule) did not delete FmHA Instruction 1901–H when FmHA Instruction 1940–J, was issued December 23, 1983, in accord with the Executive Order due to a requirement in section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) that projects be reviewed under OMB Circular A–95. Section 2316(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101–624, November 28, 1990) amended Section 306(a)(3) to remove the requirement.

Programs Affected

These programs or activities are listed in the Catalog of Federal Domestic Assistance under the following numbers:

10.760—Water and Waste Disposal Systems for Rural Communities
10.766—Community Facilities Loans
10.770—Water and Waste Disposal Loans and Grants (Section 306C)

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0575–0094 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This final rule does not revise or impose any new information collection requirement from those previously approved by OMB.

Unfunded Mandate Reform Act

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

List of Subjects

7 CFR Part 1901

Intergovernmental relations.

7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal—Domestic, Water supply—Domestic.

Accordingly, under the Authority 5 U.S.C. 301, Chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart H—[Removed and Reserved]

1. Subpart H, consisting of §§ 1901.351–1901.360 and Exhibit A, is removed and reserved.

PART 1942—ASSOCIATIONS

2. The authority citation for the part 1942 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 16 U.S.C. 1005.

Subpart A—Community Facility Loans

3. In § 1942.2, the introductory text of paragraph (a)(1) is amended in the first sentence by revising the word ''inquires'' to ''inquiries'' and by revision of the third sentence to read as follows:

§ 1942.2 Processing applications.

(a) * * *

(1) * * * The District Director will assist applicants as needed in completing SF 424.2, and in filing written notice of intent and priority recommendation with the appropriate clearinghouse. * * *

* * * * *

Subpart C—Fire and Rescue Loans

4. Section 1942.106 is amended in paragraph (a) by removing the words ''subpart H of part 1901 and'' and in

paragraph (b) by removing the words ''A–95 and''.

Dated: November 29, 1995.

Jill Long Thompson,

Under Secretary for Rural Economic and Community Development.

Dated: January 11, 1996.

Eugene Moos,

Under Secretary for Farm and Foreign Agricultural Services.

[FR Doc. 96–3221 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–07–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 17

Reports by Futures Commission Merchants, Members of Contract Markets, and Foreign Brokers

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is amending rule 17.01 and modifying the form 102 required to be filed by clearing members, futures commission merchants (FCMs), and foreign brokers. This form identifies persons having financial interest in, or control of, special accounts in futures and options. The amendments being adopted clarify the information required on the form 102 for various kinds of special accounts reported to the Commission. The Commission is also amending rule 17.02 concerning the time in which a completed form 102 must be filed. The rule requires that firms provide certain specified identification information upon request by the Commission or its designee on the day when a special account is first reported, and that a completed form 102 be filed with the Commission within three business days.

EFFECTIVE DATE: August 20, 1996.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Supervisory Statistician, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418–5310.

SUPPLEMENTARY INFORMATION:

I. Background

A. Large Trader Reporting System

Part 17 of the Commission's regulations requires that FCMs, clearing members, and foreign brokers (firms) submit a daily report to the Commission with respect to futures positions in all special accounts on their books.[1] Information required to be provided to the Commission includes quantities of reportable futures positions, exchanges of futures for cash, and delivery notices issued or stopped by each special account.[2] For reporting purposes, futures positions in all accounts controlled by the same person and those in which a person has a ten percent or more financial interest must be combined and treated as if they are held in a single account. The firm assigns a reporting number to the special account and reports all information to the Commission using this number.[3]

In addition to the reporting number and the position and transaction information mentioned above, the firm must file a CFTC form 102 showing the information specified under § 17.01 of the regulations for each special account.[4] This information identifies persons who have a financial interest in or trading control of a special account, informs the Commission of the type of account that is being reported, and gives preliminary information whether positions and transactions are commercial or noncommercial in nature. The form must be filed when the account first becomes reportable, and updated when information concerning financial interest in, or control of, the special account changes.[5] In addition to its use by the Commission, the form 102 is used by the exchanges to identify accounts reported through their large trader reporting systems for both futures and options.[6]

B. Proposed Rulemaking

In June 1995 the Commission published in the Federal Register a proposal to change its form 102 and §§ 17.01 and 17.02 of its regulations to resolve some of the ambiguities in the present form, making it more useful to both the exchanges and the Commission (60 FR 31653 June 16, 1995). The Commission also requested comment on a proposal set forth by the Chicago Mercantile Exchange (CME) to obtain information on the form 102 in machine-readable form.

The Futures Industry Association (FIA), two exchanges, and two FCMs commented on the Commission's proposal. All commentors supported Commission efforts to clarify information requested on its form 102 and supported the initiative of the CME to obtain data in machine-readable form. Some commentors took issue with certain of the new requirements, asking that they be eliminated or modified. These comments are discussed in detail below.[7] Commission staff will continue to explore the feasibility of obtaining information on the form 102 electronically, both with the FIA and the exchanges.

II. Comments on Proposed Rule Changes

A. Special Account Identifying Information

The proposed form requires that firms provide registration information if the person reported is registered as a commodity trading advisor (CTA) or securities investment advisor (SIA). The FIA opined that the responsibility for monitoring compliance with persons' registration status rested with the National Futures Association (NFA) and the Securities and Exchange Commission (SEC). In view of this, they recommended that this requirement be eliminated.

The Commission currently collects information concerning persons' registration status through means other than the form 102.[8] The request for firms to provide registration information on the form 102 comes principally from the exchanges. As explained in the notice of proposed rulemaking, the rules of some exchanges require that they obtain this information for enforcement purposes. The exchanges, however, collect information only from their

[1] Special account means any commodity futures or option account in which there is a reportable position, 17 CFR 15.00 (1994). Firms report futures information to the Commission and option information to the exchanges.

[2] A reportable position is any open position held or controlled by a trader at the close of business in any one futures contract of a commodity traded on any one contract market that is equal to or in excess of the quantities fixed by the Commission in § 15.03 of the regulations, 17 CFR 15.03 (1994).

[3] The firm's reporting number may be the account number carried on its books. However, as noted above, the number may refer to a collection of accounts that are owned and/or controlled by the same person.

[4] 17 CFR 17.01 (1994).

[5] 17 CFR 17.02 (1994).

[6] Part 17 of the regulations requires that firms identify large traders in options on the form 102 and transmit the form to the appropriate exchange in accordance with their rules. Those exchanges that maintain a futures large trader reporting system also use the CFTC form 102 for identifying futures large traders.

[7] The Commission also proposed to amend rule 17.01 to require that option and futures accounts be reported using the same designator, which may be any string of alphanumeric characters up to the maximum number permitted. Commentors supported this proposal, since using the same designator for both types of accounts for the same persons reduces the number of form 102s that firms must file and that the Commission must process. In view of this, the Commission is adopting this rule as proposed.

[8] This is generally through the form 40 filed by reportable traders and through the NFA (17 CFR § 18.04, 1994).

members, not from their members' customers. The exchanges, therefore, rely solely on the form 102 for routine information concerning futures trading participants. Although the exchanges could design their own account identification forms to collect this information, a proliferation of such forms would be burdensome for the industry. Adding the requirement that this information be included on the form 102 will result in an overall reduction in paperwork and a savings for all parties involved. Moreover, if the firms provide this information to the Commission, it will be more timely and complete. In view of the above, the Commission is adopting this requirement as proposed.

The FIA also sought clarification concerning identifying information that must be provided in four different circumstances. The Commission announced in its notice of proposed rulemaking that Commission staff, after consulting with the exchanges, would provide written advisories on reporting issues raised by firms. The Commission believes that the questions raised by FIA are in this category and has asked that the Division of Economic Analysis respond to these issues.

B. Reporting Controlled Accounts

When identifying special accounts controlled by independent account controllers, the Commission proposed that firms provide the following information:

1. For publicly-offered managed or guided account programs in which ten or more accounts participate, the name and account number used for the program and, in addition, for commodity pools that participate in the program, the name and address of the commodity pool operator; and

2. For each controlled account not included in 1 above, the account number and the names and addresses of persons having a ten percent or more financial interest in the account.

As explained in the Federal Register release, amendments to rule 17.01 were made in June of 1993 to limit the information provided about controlled accounts (58 FR 33329 June 17, 1993).[9]

The FIA and the exchanges questioned the need for firms to provide a name for each customer trading program. The FIA noted that, since no definition or purpose is provided on the form itself for program name, firms are likely to provide the wrong information. The Commission agrees and has changed its form 102 accordingly. Rather than asking for program names, firms will only indicate whether a person controls ten or more accounts. Further instructions for reporting will be based on the answer to this question.

The FIA was also concerned that providing the proposed additional information for controlled accounts would often pose an administrative burden on the reporting firms. Except for requiring account numbers, the proposed requirements are the same as current requirements in regulation 17.01(b)(6). The Commission believes this information is important for properly combining accounts for the same traders and will adopt these amendments as proposed. The proposed amendments also provide that the required information be updated whenever it changes. The Commission is amending its proposal so that updates to the information required by these rules must be provided only on call by the Commission or its designee. The Commission believes this will alleviate much of the administrative burden imposed by these requirements.

C. Two-Part Filing Requirements

The Commission proposed that certain identification information be provided to the Commission on the first day that an account is reported to the Commission, and that a completed form be provided within three business days of that date. The FIA was concerned that the two-part filing requirement would not be beneficial to the industry and may impose additional administrative burdens upon operations' personnel. The FIA proposed that firms provide the identifying information by facsimile or telephone on the first day that a special account is reported only in response to a request by the Commission or its designee. In a majority of cases, Commission staff currently request form 102s when accounts are first reported. In view of this, the Commission is amending its proposal as recommended by the FIA. The Commission emphasizes however, that these amendments in no way alleviate the responsibility of firms to appropriately combine and report accounts. Accounts that are not combined to determine reporting status and for reporting may lead to a loss of important surveillance information.[10]

Two exchanges commenting on the Commission's proposal also expressed some concern about the two-part filing requirement. Under Commission regulations, firms report large trader option positions only to the exchanges which in turn report them to the Commission (17 CFR 16.02). Firms identify reportable option accounts on the form 102 and provide these to the exchanges. These also are provided to the Commission by the exchanges. The exchanges expressed concern that the two-part requirement would affect the current turnover period allowed the exchanges. Both exchanges suggested that, if it were necessary to obtain option account identification quickly, the Commission do so independently through the reporting firms. One exchange suggested that the Commission receive both the position information and form 102s for option traders directly from reporting firms to reduce duplication of effort and avoid delays.

In light of the final rule, which permits filing of the form 102 in three days unless called for by the Commission, the turnover time for the exchanges will be unaffected. Moreover, calls for information will go directly to the reporting firms as the exchanges suggested.

D. Clarification of Required Information

The FIA requested clarification concerning the distinction the Commission made, if any, between an individual and sole proprietorship, since both terms were used on the form. The Commission recognizes that there may be little, if any, distinction between the terms. At times, however, accounts have been reported in the name of a business organized as a sole proprietorship. This term has been included on the form only to prevent confusion when firms specify the organization of the trader being reported.[11]

The FIA also asked whether the omnibus clearing status of a United States or offshore bank trading for customers was discernible from the information requested on the form. The regulations require that firms determine if an account they carry is a house or customer omnibus account. The Commission relies on reporting firms to

[9] Previous to these amendments, firms were required to identify the beneficial owners of all controlled accounts even though, in general, accounts that were a part of customer trading programs were held by small traders whose identity for surveillance purposes was not needed on a routine basis.

[10] The Commission also proposed amendments to rule 17.02 concerning the submission of position and transaction information in hard-copy form. The Commission proposed that this information be supplied by facsimile or in accordance with instructions by the Commission or its designee. Since no comments were received concerning this requirement, the Commission is adopting this amendment as proposed.

[11] If the owner of a sole proprietorship trades an account in the name of the business and separately an individual account, the accounts should be aggregated and can be reported either in the name of the individual or the business.

obtain accurate information concerning the omnibus clearing status for accounts in whatever manner is necessary. This may require that firms obtain information not included on the form.

E. Effective Date

One exchange has asked for a substantial period of time between publication of the final rules in the Federal Register and the effective date of the amendments in order to change computer software that captures information on the form. A delayed effective date may also assist firms in implementing use of the new forms. Accordingly, the Commission has determined that the effective date of these amendments be six months after they are published in the Federal Register. However, the Commission can process the new forms immediately. Therefore, if at any time prior to the effective date exchanges request that the new form be used by firms reporting to them, the firms may also use the new form to identify accounts to the Commission.

III. Other Related Matters

A. The Regulatory Flexibility Act (RFA)

The RFA requires that agencies consider the impact of substantive rules on small businesses. These amendments affect large traders, FCMs, commodity pools, CTAs and other similar entities, such as foreign brokers and foreign traders. The Commission has defined ''small entities'' in evaluating the impact of its rule in accordance with the RFA, 47 FR 18618–18621 (April 30, 1982).

In that statement, the Commission concluded that large traders and FCMs are not considered to be small entities for purposes of the RFA. In this regard, the amendments to reporting requirements relating to the form 102 fall mainly upon FCMs. Similarly, foreign brokers and foreign traders report only if carrying or holding reportable positions, *i.e.*, large positions. Thus, pursuant to section 3(a) of the RFA (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certified in its proposal for rulemaking that these proposed rules would not have a significant economic impact on a substantial number of small entities. The Commission however, invited comments from any firm which believed that these rules would have a significant economic impact upon its operation. No comments were received.

B. Paperwork Reduction Act (PRA)

The PRA of 1980, 44 U.S.C. 3501 *et seq.*, imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has submitted these rules and their associated information-collection requirements to the Office of Management and Budget (OMB). OMB approved the requirements associated with this rule on September 14, 1995.

The burden associated with the entire collection, including this rule, is as follows:

Average Burden Hours Per Response—.1587 hour.

Number of Respondents—3709.

Frequency of Response—Daily.

The burden associated with this specific proposed rule, is as follows:

Average Burden Hours Per Response—0.2 hour.

Number of Respondents—6,592.

Frequency of Response—On occasion.

Copies of the OMB-approved information-collection requirements may be obtained from Jeff Hill, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 17

Brokers, Commodity Futures, Reporting and Recordkeeping Requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act and, in particular, sections 4g, 4i, 5, and 8a of the Act, 7 U.S.C. 6g, 6i, 7, and 12a (1994), the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS AND FOREIGN BROKERS

1. The authority citation for part 17 continues to read as follows:

Authority: 7 U.S.C. 6a, 6d, 6f, 6g, 6i, 7, and 12a.

2. Section 17.01 is revised to read as follows:

§ 17.01 Special account designation and identification.

When a special account is reported for the first time, the FCM, clearing member, or foreign broker shall identify the account to the Commission or to the contract market on form 102 showing the information in paragraphs (a) through (f) of this section.

(a) Special account designator. A unique identifier for the account. *Provided,* that the same designator is assigned for option and futures reporting, and the identifier is not changed or assigned to another account without prior approval of the Commission or its designee.

(b) Special account identification. The name, address, business phone, and for individuals, the person's job title and employer for the following:

(1) The person originating the account, if the special account is a house omnibus or customer omnibus account; or

(2) The person (*i.e.*, individual, corporation, partnership, etc.) who owns the special account, if such person (or an employee or officer) also controls the trading of the special account. And, in addition:

(i) The registration status of the person as a commodity trading advisor or a securities investment advisor;

(ii) the legal organization of the person and the person's principal business or occupation;

(iii) account numbers and account names included in the special account, if different than supplied in paragraph (b)(2) of this section;

(iv) the name and location of all persons not identified in paragraph (b)(2) of this section having a ten percent or more financial interest in the special account, indicating those having discretionary trading over the account; and

(v) for special accounts with five or fewer persons having trading authority, the names and locations of all persons with trading authority that have not been identified in paragraphs (b)(2) or (b)(2)(iv) of this section; or

(3) the account controller, if trading of the special account is controlled by a person or legal entity who is an independent account controller for the account owners as defined in § 150.1(e). And, in addition:

(i) the registration status of the person as a commodity trading advisor or a securities investment advisor;

(ii) if ten or more accounts are controlled by the independent advisor, the account number and the name of each commodity pool that is controlled by the advisor and the name and location of the commodity pool operator;

(iii) if fewer than ten accounts are under control of the independent advisor, for each account the account number and the name and location of each person having a ten percent or more financial interest in the account. For commodity pools, provide the account number, name of the pool, and name and location of the commodity pool operator; and

(iv) on call by the Commission or its designee, for each account controlled by

the independent advisor, the account number and account name and the name and location of each person having a ten percent or more financial interest in the account.

(c) Other accounts. If the person identified in paragraphs (b)(1), (b)(2) or (b)(3) of this section either controls or has a financial interest of ten percent or more in an account *not* included in this special account, report the account number and the name of the account.

(d) Commercial use. For futures or options, commodities in which positions or transactions in the account are associated with a commercial activity of the account owner in a related cash commodity or activity (*i.e.*, those considered as hedging, risk-reducing, or otherwise off-setting with respect to the cash commodity or activity).

(e) Account executive. The name and business telephone number of the associated person of the FCM who has solicited and is responsible for the account or, in the case of an introduced account, the name and business telephone number of the introducing broker who introduced the account.

(f) Reporting firm. The name and address of the FCM clearing member, or foreign broker carrying the account, the signature, title, and business phone of the authorized representative of the firm filing the report, and the date of signing the form 102.

(g) Form 102 updates. If, at the time an account is in special account status and a form 102 filed by an FCM, clearing member, or foreign broker is then no longer accurate because there has been a change in the information required under paragraph (b) of this section since the previous filing, the FCM, clearing member, or foreign broker shall file an updated form 102 with the Commission or the contract market, as appropriate, within three business days after such change occurs.

3. Section 17.02 is amended by revising the introductory text and paragraph (b), and adding a new paragraph (c) to read as follows:

§ 17.02 Place and time of filing reports.

Unless otherwise instructed by the Commission or its designee, the reports required to be filed by FCMs, clearing members, and foreign brokers under §§ 17.00 and 17.01 shall be filed at the nearest appropriate Commission office as specified in paragraphs (a), (b), and (c) of this section, wherein the times stated are eastern times for information concerning markets located in that time zone, and central time for information concerning all other markets.

(a) * * *

(b) For data submitted in hard-copy form pursuant to §§ 17.00 (a), or (h) at a Commission office by facsimile or as otherwise specified in accordance with instructions by the Commission or its designee. Data in hard-copy form required under § 17.00(a) shall be submitted no later than 9 a.m. on the business day following that to which the information pertains.

(c) For data submitted pursuant to § 17.01 on the form 102;

(1) on call by the Commission or its designee, the type of special account specified in 1(a), 1(b), or 1(c) of form 102, and the name and location of the person to be identified in 1(d) on the form 102 by facsimile or telephone on the same day that the special account in question is first reported to the Commission; and

(2) a completed form 102 within three business days of the first day that the special account in question is reported to the Commission.

Note: The following form will not appear in the Code of Federal Regulations.

Issued in Washington, DC, February 12th, 1996, by the Commission.

Jean A. Webb,

Secretary of the Commission.

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION
Identification of "Special Accounts"

CFTC Form 102 (Revised 01/96)

OMB No. 3038-0009

For Administrative Use Only	
Trader Code:	**Firm Code:**

NOTICE: Failure to file a report required by the Commodity Exchange Act and the regulations thereunder, or the filing of a false or fraudulent report may be a basis for administrative action under 7 U.S.C. Sec. 9, and may be punishable by fine or imprisonment, or both, under 7 U.S.C. Sec. 13 or 18 U.S.C. Sec. 1001.

INSTRUCTIONS TO FUTURES COMMISSION MERCHANTS, CLEARING MEMBERS, AND FOREIGN BROKERS

Assign a reporting number to each special account when it is reportable for the first time in futures or options. If an account has been assigned a number for reporting in futures (options), use the same number for reporting options (futures). Such reporting number must not be changed or assigned to any other special account without prior approval of the Commodity Futures Trading Commission. For a futures account, transmit the form to the Commission. For an option account, transmit the form to the appropriate contract market in accordance with their instructions.

PLEASE TYPE OR PRINT

1. Check one of (a), (b) or (c) for the special account and give identifying information as directed below:

(a) ☐ House omnibus or ☐ Customer omnibus account of an FCM, clearing member, or foreign broker. Report the information in (d) below for that firm. In addition, complete items 6-12.

(b) ☐ Account(s) owned and controlled by the same person or legal entity, such as a corporation or partnership (or controlled by an employee or officer of the entity). Report the information in (d) below for the person or other legal entity who owns and controls the accounts. In addition, complete items 2 and 4-12.

(c) ☐ Accounts controlled by an advisor or legal entity who is independent of the account owners. Report the information in (d) below for the advisor or legal entity controlling the special account. In addition, complete items 3 through 12.

(d) Name: _____ Reporting Number: _____
If individual, Last, First, Middle Initial

Street: _____ Business Phone: _____

City: _____ State/Country: _____ Zip/Postal Code: _____

If individual, Employer : _____ Job Title: _____

If (b) or (c) is checked, is the above-identified person or legal entity registered as a:

commodity trading advisor ☐ Yes ☐ No

securities investment advisor ☐ Yes ☐ No

If this special account is reported in the name of a business, such as a corporation, give the name of an officer or employee to contact:

Name: _____ Job Title: _____
Last, First, Middle Initial

2. If item 1(b) is checked, complete the following:

(a) Check as many as apply to the legal entity identified in 1(d) above:

☐ Individual ☐ Trust ☐ Partnership ☐ Joint

☐ Sole Proprietorship ☐ Corporation ☐ Other (Specify) _____

(b) Principal Business or Occupation: _____

(Continued on Reverse Side)

(c) Report on an attachment all account numbers and account names included in this special account if different than identified in 1(d) above.

(d) Report all persons or entities not identified in 1(d) above who have a 10% or more financial interest in this special account, including limited partners, indicating with an asterisk those having discretionary trading authority with respect to this account . If none, write "none". Use a continuation sheet, if necessary.

Name: _____
Last, First, Middle Initial

Location: _____
City and State or Country

(e) Report all persons other than those above who control the trading of accounts included in the special account. Use a continuation sheet, if necessary. If there are more than five such persons, show "mulltiple controllers" in the space below.

Name: _____
Last, First, Middle Initial

Location: _____
City and State or Country

3. Controlled Accounts. If you checked item 1(c), complete (a) or (b) below.

(a) If ten or more accounts are controlled by the advisor, provide on an attachment the account number and name of each pool controlled by the advisor, and the name and location of the CPO.

(b) If fewer than ten accounts are controlled by the advisor, provide on an attachment for each account the account number and names and locations of persons having a ten percent or more financial interest in the account. For commodity pools, provide the account number, name of the pool, and name and location of the CPO.

4. If the person or entity identified in 1(d) has trading authority over, or a 10% or more financial interest in, accounts not included in the special account, complete the information below for each such account. If none, write "none". Use a continuation sheet if necessary. Check "F" for financial interest and "C" for control.

Name: _____ Account Number: _____ ☐ F ☐ C

Name: _____ Account Number: _____ ☐ F ☐ C

5. Are trades and positions in this special account usually associated with commercial activity of the account owner in related cash commodities (i.e., positions considered as hedging in futures or options)? ☐ Yes ☐ No

If "yes," list those specific futures or option markets in which the trader hedges. Use a continuation sheet if necessary.

_____ _____ _____ _____ _____

6. Name, location and business phone number of the account executive handling the account. (If account executive is in a foreign country, list country and city.)

Name: _____ Business Phone: _____
Last, First, Middle Initial

Location: _____
City and State or Country

7. Firm Name and Address:	8. Name (Print):	
	9. Title:	
	10. Business Phone:	11. Date:
	12. Signature:	

[FR Doc. 96–3568 Filed 2–16–96; 8:45 am]
BILLING CODE 6351–01–C

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 113–96]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice, Bureau of Prisons (BOP), is exempting a Privacy Act system of records from subsections (c)(3) and (4), (d), (e)(2), and (3), (e)(5) and (e)(8), (f), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the BOP ''Telephone Activity Record System (JUSTICE/BOP–011).'' Information in this system relates to inmate telephone activity and may include information relating to official Federal investigations and matters of law enforcement of the BOP pursuant to 18 U.S.C. 2510 et. seq., 3621, 4003, 4042, and 4082. The exemptions are necessary to protect third party privacy and to avoid interference with law enforcement activities, e.g., to preclude the disclosure of investigative techniques, to prevent subjects of investigations from frustrating the investigative process, and to more effectively ensure the safety, security and good order of Federal correctional facilities.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely (202–616–0178).

SUPPLEMENTARY INFORMATION: On April 21, 1995 (60 FR 19871), a proposed rule was published in the Federal Register with invitation to comment by May 22, 1995. On May 26, 1995 (60 FR 27933), BOP extended the comment period to June 26, 1995. BOP informally provided a further extension of the comment period to the record subjects until July 26, 1995.

One comment was received from a record subject (an inmate) who contended that the proposed exemption would violate privacy rights of the record subjects. Although the basis for this contention is not clear, it appears to be based upon the commenter's belief that the exemptions are unnecessary since ''conversations are monitored now and obviously this would deter anyone in his right mind from conducting criminal activities over the phone while incarcerated.'' However, while the monitoring of inmate telephone calls is successful in deterring many inmates from using BOP telephones to conduct criminal activities or violate BOP regulations, it nevertheless does not deter all inmates or all cases. Therefore, these exemptions are essential for the reasons stated in this final rule.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have a ''significant economic impact on a substantial number of small entities.''

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedure, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by the Attorney General Order No. 793–78, 28 CFR part 16 is amended as set forth below.

Dated: February 7, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

The authority for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

2. 28 CFR 16.97 is amended by adding and reserving paragraph (d) and by adding paragraphs (e) and (f) to read as follows:

§ 16.97 Exemption of Federal Bureau of Prisons (BOP) Systems—limited access.

* * * * *

(d) [Reserved]

(e) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(5) and (e)(8), (f) and (g):

Telephone Activity Record System (JUSTICE/BOP–011).

(f) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and/or (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, the applicable exemption may be waived, either partially or totally, by the BOP. Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) to the extent that this system of records is exempt from subsection (d), and for such reasons as those cited for subsection (d) in paragraph (f)(3) below.

(2) From subsection (c)(4) to the extent that exemption from subsection (d) makes this exemption inapplicable.

(3) From the access provisions of subsection (d) because exemption from this subsection is essential to prevent access of information by record subjects that may invade third party privacy; frustrate the investigative process; jeopardize the legitimate correctional interests of safety, security, and good order to prison facilities; or otherwise compromise, impede, or interfere with BOP or other law enforcement agency activities.

(4) From the amendment provisions from subsection (d) because amendment of the records may interfere with law enforcement operations and would impose an impossible administrative burden by requiring that, in addition to efforts to ensure accuracy so as to withstand possible judicial scrutiny, it would require that law enforcement information be continuously reexamined, even where the information may have been collected from the record subject. Also, some of these records come from other Federal criminal justice agencies or State, local and foreign jurisdictions, or from Federal and State probation and judicial offices, and it is administratively impossible to ensure that the records comply with this provision.

(5) From subsection (e)(2) because the nature of criminal and other investigative activities is such that vital information about an individual can be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to rely solely upon information furnished by the individual concerning his/her own activities since it may result in inaccurate information.

(6) From subsection (e)(3) because in view of BOP's operational responsibilities, application of this provision to the collection of information is inappropriate. Application of this provision could provide the subject with substantial information which may in fact impede the information gathering process or compromise an investigation.

(7) From subsection (e)(5) because in the collection and maintenance of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely and complete. Material which may seem unrelated, irrelevant or incomplete when collected may take on added meaning or significance at a later date or as an investigation progresses. Also, some of these records may come from other Federal, State, local and foreign law

enforcement agencies, and from Federal and State probation and judicial offices and it is administratively impossible to ensure that the records comply with this provision. It would also require that law enforcement information be continuously reexamined even where the information may have been collected from the record subject.

(8) From subsection (e)(8) because the nature of BOP law enforcement activities renders impractical the notice of compliance with compulsory legal process. This requirement could present a serious impediment to law enforcement such as revealing investigative techniques or the existence of confidential investigations, jeopardize the security of third parties, or otherwise compromise law enforcement efforts.

(11) From subsections (f) and (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d).

[FR Doc. 96–3681 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–05–M

28 CFR Part 16

[AAG/A Order No. 114–96]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e)(5) and (e)(8), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the ''Bureau of Prisons, Office of Internal Affairs Investigative Records, Justice/BOP–012.'' Information in this system relates to official Federal investigations and law enforcement matters of the Office of Internal Affairs (OIA) of the Federal Bureau of Prisons (BOP), pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act amendments of 1988. The exemptions are necessary to avoid interference with the law enforcement functions of the BOP. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; to preclude the disclosure of investigative techniques; to protect the identities and physical safety of confidential informants and of law enforcement personnel; to ensure OIA's ability to obtain information from information sources; to protect the privacy of third parties; and to safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, 202–616–0178.

SUPPLEMENTARY INFORMATION: On August 29, 1995 (60 FR 44901), a proposed rule with invitation to comment was published in the Federal Register.

One late comment was received in which the individual was under the erroneous impression that the exemption of a Privacy Act system of records is promulgated to protect the record from disclosure to third parties. Subsection (b) of the Privacy Act already prohibits disclosure to third parties, except as otherwise expressly authorized by that subsection. As permitted by subsections (j) and (k) of the Privacy Act, the proposed rule was promulgated to permit BOP, where necessary and appropriate, to exempt itself from certain of the Act's provisions as they apply to the record subject. The exemptions are essential for the reasons stated in this final rule.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have ''a significant economic impact on a substantial number of small entities.''

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR part 16 is amended as set forth below.

Dated: February 7, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR 16.97 is amended by adding paragraphs (g) and (h) to read as follows:

§ 16.97 Exemption of the Federal Bureau of Prisons (BOP) Systems-limited access.

* * * * *

(g) The following system of records is exempt pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e)(5) and (e)(8), and (g) of 5 U.S.C. 552a. In addition, the following system of records is exempt pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), and (e)(1) of 5 U.S.C. 552a:

Bureau of Prisons, Office of Internal Affairs Investigative Records, JUSTICE/BOP–012

(h) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g., public source materials, the applicable exemption may be waived, either partially or totally, by the Office of Internal Affairs (OIA). Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of disclosure accounting could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation and the fact that they are subjects of the investigation, and reveal investigative interest by not only the OIA but also by the recipient agency. Since release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, release could result in activities that would impede or compromise law enforcement such as: the destruction of documentary evidence; improper influencing of witnesses; endangerment of the physical safety of confidential sources, witnesses, and law enforcement personnel; fabrication of testimony; and flight of the subject from the area. In addition, release of disclosure accounting could result in the release of properly classified information which could compromise the national defense or disrupt foreign policy.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could provide the subject of an investigation with information concerning law enforcement activities such as that relating to an actual or potential criminal, civil or regulatory violation; the existence of an investigation; the

nature and scope of the information and evidence obtained as to his activities; the identity of confidential sources, witnesses, and law enforcement personnel; and information that may enable the subject to avoid detection or apprehension. Such disclosure would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation; endanger the physical safety of confidential sources, witnesses, and law enforcement personnel; and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which could compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because the application of this provision could impair investigations and interfere with the law enforcement responsibilities of the OIA for the following reasons:

(i) It is not possible to detect relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(ii) During the course of any investigation, the OIA may obtain information concerning actual or potential violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIA should retain this information as it may aid in establishing patterns of criminal activity, and can provide valuable leads for Federal and other law enforcement agencies.

(iii) In interviewing individuals or obtaining other forms of evidence during an investigation, information may be supplied to an investigator which relates to matters incidental to the primary purpose of the investigation but which may relate also to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement for the following reasons:

(i) The subject of an investigation would be placed on notice as to the existence of an investigation and would therefore be able to avoid detection or apprehension, to improperly influence witnesses, to destroy evidence, or to fabricate testimony.

(ii) In certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct must be obtained from other sources.

(iii) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) From subsection (e)(3) because the application of this provision would provide the subject of an investigation with substantial information which could impede or compromise the investigation. Providing such notice to a subject of an investigation could interfere with an undercover investigation by revealing its existence, and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) From subsection (e)(5) because the application of this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as an investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigation report, and thereby impede effective law enforcement.

(8) From subsection (e)(8) because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation, and could reveal investigation techniques, procedures, and/or evidence.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j)(2), (k)(1), and (k)(2) of the Privacy Act.

[FR Doc. 96–3680 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–05–M

28 CFR Part 16

[AAG/A Order No. 115–96]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice, Bureau of Prisons (BOP), is exempting a Privacy Act system of records from the following subsections of the Privacy Act: (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(5) and (e)(8), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the ''Access Control Entry/ Exit System (JUSTICE/BOP–010).''

The exemptions are necessary to preclude the compromise of institution security, to ensure the safety of inmates, Bureau personnel and the public, to protect third party privacy, to protect law enforcement and investigatory information, and/or to otherwise ensure the effective performance of the Bureau's law enforcement functions.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely (202) 616–0178.

SUPPLEMENTARY INFORMATION: On October 4, 1995 (60 FR 51962), a proposed rule with invitation to comment was published in the Federal Register. No comments were received.

This Order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, this order will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedure, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR part 16 is amended as set forth below.

Dated: February 7, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

2. 28 CFR 16.97 is amended by redesignating paragraph (c) as paragraph (i), by revising the first sentence of newly-redesignated paragraph (i), and by adding paragraphs (c) and (d) to read as follows:

§ 16.97 Exemption of Federal Bureau of Prisons (BOP) Systems—limited access.

* * * * *

(c) The following system of records is exempted pursuant to 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(5) and (e)(8), and (g). In addition, the following system of records is exempted pursuant to 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d), and (e)(1):

Bureau of Prisons Access Control Entry/Exit, (JUSTICE/BOP–010).

(d) These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g. public source materials, or those supplied by third parties, the applicable exemption may be waived, either partially or totally, by the BOP. Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) for similar reasons as those enumerated in paragraph (3).

(2) From subsection (c)(4) to the extent that exemption from subsection (d) will make notification of corrections or notations of disputes inapplicable.

(3) From the access provisions of subsection (d) to the extent that exemption from this subsection may appear to be necessary to prevent access by record subjects to information that may jeopardize the legitimate correctional interests of safety, security, and good order of Bureau of Prisons facilities; to protect the privacy of third parties; and to protect access to relevant information received from third parties, such as other Federal State, local and foreign law enforcement agencies, Federal and State probation and judicial offices, the disclosure of which may permit a record subject to evade apprehension, prosecution, etc.; and/or to otherwise protect investigatory or law enforcement information, whether received from other third parties, or whether developed internally by the BOP.

(4) From the amendment provisions of subsection (d) because amendment of the records would interfere with law enforcement operations and impose an impossible administrative burden. In addition to efforts to ensure accuracy so as to withstand possible judicial scrutiny, it would require that law enforcement and investigatory information be continuously reexamined, even where the information may have been collected from the record subject. Also, where records are provided by other Federal criminal justice agencies or other State, local and foreign jurisdictions, it may be administratively impossible to ensure compliance with this provision.

(5) From subsection (e)(1) to the extent that the BOP may collect information that may be relevant to the law enforcement operations of other agencies. In the interests of overall, effective law enforcement, such information should be retained and made available to those agencies with relevant responsibilities.

(6) From subsection (e)(2) because primary collection of information directly from the record subject is often highly impractical, inappropriate and could result in inaccurate information.

(7) From subsection (e)(3) because compliance with this subsection may impede the collection of information that may be valuable to law enforcement interests.

(8) From subsection (e)(5) because in the collection and maintenance of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely and complete. Data which may seem unrelated, irrelevant or incomplete when collected may take on added meaning or significance as an investigation progresses or with the passage of time, and could be relevant to future law enforcement decisions.

(9) From subsection (e)(8) because the nature of BOP law enforcement activities renders notice of compliance with compulsory legal process impractical and could seriously jeopardize institution security and personal safety and/or impede overall law enforcement efforts.

(10) From subsection (g) to the extent that the system is exempted from subsection (d).

* * * * *

(i) Consistent with the legislative purpose of the Privacy Act of 1974 (Pub. L. 93–579) the BOP has initiated a procedure whereby federal inmates in custody may gain access and review their individual prison files maintained at the institution of incarceration. * * *

[FR Doc. 96–3679 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL–5345–3]

Underground Storage Tank Program: Approved State Program for Rhode Island

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule codifies in 40 CFR part 282 the prior approval of Rhode Island's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

DATES: This regulation is effective April 22, 1996, unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on the codification of Rhode Island's underground storage tank program must be received by the close of business March 21, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of April 22, 1996, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to the Docket Clerk (Docket No. UST 5–2), Underground Storage Tank Program, HPU–CAN7, U.S. EPA Region I, JFK Federal Building, Boston, MA 02203–

2211. Comments received by EPA may be inspected in the public docket, located in the Waste Management Division Record Center, 90 Canal St., Boston, MA 02203 from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Stuart F. Gray, Underground Storage Tank Program, HPU–CAN7, U.S. EPA Region I, JFK Federal Building, Boston, MA 02203–2211. Phone: (617) 573–9655.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows the U.S. Environmental Protection Agency to approve state underground storage tank programs to operate in the state in lieu of the federal underground storage tank program. EPA published a Federal Register document announcing its decision to grant approval to Rhode Island. (57 FR 220, November 13, 1992). Approval was effective on February 10, 1993.

EPA codifies its approval of state programs in 40 CFR part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of the Rhode Island underground storage tank program. This codification reflects only the state underground storage tank program in effect at the time EPA granted Rhode Island approval under section 9004(a), 42 U.S.C. 6991c(a). EPA provided notice and opportunity for comment earlier during the Agency's decision to approve the Rhode Island program. EPA is not now reopening that decision nor requesting comment on it.

Codification provides clear notice to the public of the scope of the approved program in each state. By codifying the approved Rhode Island program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in Rhode Island, the status of federally approved requirements of the Rhode Island program will be readily discernible. Only those provisions of the Rhode Island underground storage tank program for which approval has been granted by EPA will be incorporated by reference for enforcement purposes.

To codify EPA's approval of Rhode Island's underground storage tank program, EPA has added Section 282.89 to Title 40 of the CFR. § 282.89 incorporates by reference for enforcement purposes the state's statutes and regulations. Section 282.89 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the underground storage tank program under Subtitle I of RCRA.

The Agency retains the authority under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, EPA will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogs to these provisions. Therefore, the approved Rhode Island enforcement authorities will not be incorporated by reference. Forty CFR § 282.89 lists those approved Rhode Island authorities that would fall into this category.

The public also needs to be aware that some provisions of Rhode Island's underground storage tank program are not part of the federally approved state program. These are:

- Registration requirements for farm or residential tanks less than or equal to 1,100 gallons containing motor fuels for non-commercial use;
- Registration requirements for tanks used for storing heating oil for consumptive use on the premises; and
- Permanent closure requirements for tanks containing heating oil consumed on the premises where stored.

These non-approved provisions are not part of the RCRA Subtitle I program, because they are ''broader in scope'' than Subtitle I of RCRA. See 40 CFR 281.12(a)(3)(ii). As a result, state provisions which are ''broader in scope'' than the federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.89 of the codification simply lists for reference and clarity the Rhode Island statutory and regulatory provisions which are ''broader in scope'' than the federal program and which are not, therefore, part of the approved program being codified today. ''Broader in scope'' provisions cannot be enforced by EPA. The State, however, will continue to enforce such provisions.

Certification Under the Regulatory Flexibility Act

This rule codifies the decision already made (57 FR 220, Nov. 13, 1992) to approve the Rhode Island underground storage tank program and thus has no separate effect. Therefore, this rule does not require a regulatory flexibility analysis. Thus, pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12866

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

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: September 14, 1995.

John P. DeVillars,

Regional Administrator.

For the reasons set forth in the preamble, 40 CFR part 282 is amended as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

2. Subpart B is amended by adding § 282.89 to read as follows:

Subpart B—Approved State Programs

§ 282.89 Rhode Island State-Administered Program.

(a) The State of Rhode Island is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Rhode Island Department of Environmental Management, was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of 40 CFR. EPA approved the Rhode Island program on

January 11, 1993, and the approval was effective on February 10, 1993.

(b) Rhode Island has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Rhode Island must revise its approved program to adopt new changes to the federal Subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Rhode Island obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the Federal Register.

(d) Rhode Island has final approval for the following elements submitted to EPA in Rhode Island's program application for final approval and approved by EPA on January 11, 1995. Copies may be obtained from the Underground Storage Tank Program, Rhode Island Department of Environmental Management, 291 Promenade Street, Providence, RI 02908. The elements are listed as follows:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Rhode Island Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Rhode Island Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended.

(B) The regulatory provisions include: The State of Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended, insofar as they refer to registration and closure requirements for tanks containing heating oil consumed on the premises where stored; and farm or residential tanks less than or equal to 1,100 gallons containing motor fuels for non-consumptive use.

(B) Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials, Section 8, Facility Registration and Notification, and Section 15, Closure; insofar as they refer to tanks less than or equal to 1,100 gallons containing motor fuels for non-commercial use and for tanks containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) ''Attorney General's Statement for Final Approval and appendixes'' signed by the Attorney General of Rhode Island on July 1, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Rhode Island to EPA July 1, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application in July 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in July 1992, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* On October 19, 1992, EPA and the Rhode Island Department of Environmental Management signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to part 282 is amended by adding in alphabetical order ''Rhode Island'' and its listing.

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Rhode Island

(a) The statutory provisions include Rhode Island Statute Title 46 of the General Laws of Rhode Island, 1956, as amended:

Chapter 12 Water Pollution
Chapter 12.1 Underground Storage Tanks
Chapter 12.3 The Environmental Injury Compensation Act
Chapter 12.5 Oil Pollution Control
Chapter 13.1 Groundwater Protection
Chapter 14 Contamination of Drinking Water

(b) The statutory provisions include Title 42 of the General Laws of Rhode Island, 1956, as amended.

Chapter 35 Administrative Procedures

(c) The statutory provisions include Title 38 of the General Laws of Rhode Island, 1956, as amended.

Chapter 2 Access to Public Records

(d) The statutory provisions include Title 37 of the General Laws of Rhode Island, 1956, as amended.

Chapter 18 Narragansett Indian and Management Corp.

(e) The statutory provisions include Title 23 of the General Laws of Rhode Island, 1956, as amended.

Chapter 19.1 Hazardous Waste Management

(f) The regulatory provisions include State of Rhode Island, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:

Section 1.00 Purpose
Section 2.00 Authority
Section 3.00 Superseded Rules and Regulations
Section 4.00 Severability
Section 5.00 Applicability
Section 6.00 Administrative Findings
Section 7.00 Definitions
Section 8.00 Facility Registration and Notification
Section 9.00 Financial Responsibility
Section 10.00 Minimum Existing Facility Requirements
Section 11.00 New Facility and Replacement Tank Requirements
Section 12.00 Facility Modification
Section 13.00 Maintaining Records
Section 14.00 Leak and Spill Response
Section 15.00 Closure
Section 16.00 Leak Detection Methods and Precision Tester Licensing Requirements

[FR Doc. 96–3284 Filed 2–16–96; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

[Docket No. 951207292–5292–1; I.D. 102595A]

RIN 0648–AI55

Fishermen's Contingency Fund; Simplification of Regulations

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

ACTION: Final rule.

SUMMARY: NMFS amends the Fishermen's Contingency Fund (FCF) regulations for purposes of clarification and simplification in accordance with the President's Regulatory Reform Initiative.

EFFECTIVE DATE: February 20, 1996.

ADDRESSES: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles L. Cooper, Program Leader, 301–713–2396.

SUPPLEMENTARY INFORMATION: Title IV of the Outer Continental Shelf Lands Act Amendments (43 U.S.C. 1841 *et seq.*) established the FCF to compensate commercial fishermen for property or economic loss caused by oil and gas activities on the U.S. Outer Continental Shelf. The FCF comprises assessments collected from offshore energy interests.

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reform Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations with an emphasis on eliminating or modifying those that are obsolete or otherwise in need of reform. In response to this initiative, FCF regulations were reviewed to determine how they could be reformed. This rule implements the results of that review by making several changes to the FCF regulations. Regulatory provisions that do not facilitate accurate and expeditious adjustment of claims as well as those that impose unnecessary burdens upon claimants have been dropped. Program addresses and phone numbers have been updated. Program procedures have been streamlined by dropping regulatory provisions that stated that the amounts awarded in an initial determination would be disbursed only after the claimant (1) stated in writing that he/she would not appeal the initial determination, (2) signed an agreement to repay any subsequent reduction of the award, and (3) signed an agreement assigning his/her rights against those causing the casualty to NMFS. NMFS will incorporate agreements (2) and (3) into the application, thereby expediting the payment of claims. The claimant's right to appeal the initial determination within 30 days is preserved in the regulations, whether the amount awarded has been disbursed or not.

Classification

Because this rule only simplifies existing regulations without making any substantive changes, no useful purpose would be served by providing prior notice and opportunity for comment on this rule. Accordingly, under 5 U.S.C. 553(b)(B), it is unnecessary to provide such notice and opportunity for comment. Also, because this rule is only administrative in nature and is not a substantive rule it is not subject to the 30-day delay in effective date provision of 5 U.S.C. 533(d). As such, this rule is effective upon publication.

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

List of Subjects in 50 CFR Part 296

Claims, Continental shelf, Fisheries, Fishing vessels, Oil and gas exploration, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 296 is amended as follows:

PART 296—FISHERMEN'S CONTINGENCY FUND

1. The authority citation for part 296 continues to read as follows:

Authority: Public Law 97–212 (43 U.S.C. 1841 *et seq.*).

2. Section 296.2 is amended in the definition for ''Area affected by Outer Continental Shelf activities'' by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; in the definition for ''Negligence or fault'' by redesignating paragraphs (a) through (e) as paragraphs (1) through (5), respectively; and by revising the definition for ''Chief, FSD'' to read as follows:

§ 296.2 Definitions.

* * * * *

Chief, FSD means Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; telephone: (301) 713–2396.

* * * * *

§ 296.4 [Amended]

3. In § 296.4, paragraphs (c) and (d) are removed, and paragraph (e) is redesignated as paragraph (c).

4. In § 296.5, paragraph (a)(3) is removed and paragraph (a)(4) is redesignated as paragraph (a)(3); in paragraph (e)(6)(ii) the word ''hauled'' is removed and the word ''deployed'' is added in its place; and paragraph (a)(2) is amended by removing the phrase ''The fifteen-day report must be made to one of the following NMFS Offices:'' and the list that follows it and adding the following sentence in its place:

§ 296.5 Instructions for filing claims.

(a) * * *

(2) * * * The fifteen-day report must be made to the Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; telephone: (301) 713–2396.

* * * * *

§ 296.6 [Amended]

5. In § 296.6, in paragraph (b)(1), the phrase ''Convert the casualty coordinates into latitude and longitude,'' is removed and the word ''plot'' is capitalized.

6. Section 296.13 is revised to read as follows:

§ 296.13 Payment of award for claim.

(a) Upon an initial determination, the Chief, Financial Services Division, shall immediately disburse the claim awarded if the claimant signed as part of his/her application a statement

agreeing to repay all or any part of the award if the award should for any reason be subsequently reduced.

(b) [Reserved]

7. In § 296.14, paragraph (a) introductory text is revised to read as follows:

§ 296.14 Subrogation.

(a) The claim application will contain a subrogation statement signed by the claimant as a condition of payment of the claim which:

* * * * *

[FR Doc. 96–3628 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 675

[Docket No. 960129019–6019–01; I.D. 021396A]

Groundfish of the Bering Sea and Aleutian Area; Atka Mackerel in the Eastern Aleutian District and the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the specification of Atka mackerel in these areas.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 14, 1996, until 12 midnight, A.l.t., December 31, 1996.

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.

In accordance with § 675.20(a)(7)(ii), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI established 22,695 metric tons (mt) as the initial total allowable catch of Atka mackerel for the Eastern Aleutian District and the Bering Sea subarea.

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Atka mackerel initial total allowable catch in the Eastern Aleutian District and Bering Sea subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 21,695 mt after determining that 1,000 mt will be taken as incidental catch in directed fishing for other species in the Eastern Aleutian District and Bering Sea subarea. NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea to prevent exceeding the directed fishing allowance.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

Classification

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

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

Dated: February 13, 1996.

Richard W. Surdi,

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

[FR Doc. 96–3626 Filed 2–13–96; 4:27 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 34
Tuesday, February 20, 1996

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 316, 335, and 338

RIN 3206–AG19

Promotion and Internal Placement; Accelerated Qualifications

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise the Federal merit promotion program to give agencies greater flexibility to design internal merit selection procedures consistent with merit principles and other applicable laws, to assign employees to other positions appropriate to the appointments, and to utilize intensive training programs for employees to acquire qualifications at an accelerated rate. These changes are consistent with recommendations of the National Performance Review.

DATES: Comments must be submitted on or before April 22, 1996.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Associate Director of Employment, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415 (FAX 202–606–2329).

FOR FURTHER INFORMATION CONTACT: Lee Edwards on 202–606–0830, TDD 202–606–0023, or FAX 202–606–2329.

SUPPLEMENTARY INFORMATION: The National Performance Review (NPR) recommended changes in the way the Government operates. Consistent with the NPR recommendations, these proposals would streamline regulations to give agencies more authority to design internal merit selection procedures (merit promotion plans), assign employees to other positions, and utilize intensive training programs for employees to acquire qualifications at an accelerated rate. These proposals would revise the current merit promotion program requirements in 5 CFR part 335 published in the Federal Register on December 29, 1994 (59 FR 67121) and effective on January 1, 1995.

Merit Promotion Program

A continuing thread throughout the history of the merit promotion program has been the balancing of merit considerations and uniformity with agency need for flexibility to tailor programs to meet their organizational needs. Up to the 1950's, agencies could promote any employee who met minimum qualification standards. In 1950, agencies received a set of basic principles to observe in their promotion programs but still retained much latitude.

In 1959, the first real Federal Merit Promotion Program was established in response to employee, Presidential, and Congressional concerns over the limited use of systematic means of selection. For the first time, agencies were required to have specific promotion plans for the systematic and competitive consideration of employees for promotion. But the program continued to give agencies the flexibility to design programs to meet their needs.

In 1969, the program underwent a major revision to assure equitable consideration of qualified employees and selection of the most able, and to strengthen employee confidence in the fairness of the program. At that point, very detailed requirements were introduced concerning such matters as areas of consideration, methods of locating candidates, use of supervisory performance appraisals, evaluation methods to determine the best-qualified candidates, limits on use of written tests, limits on the number of best-qualified candidates that could be referred for selection, and training requirements for new supervisors.

In 1973, OPM began the process of easing back on such detailed requirements by providing more room for collective bargaining. Then in 1979, agencies were given broad authority to develop, negotiate, and manage their own promotion programs. Adoption of the revised program coincided with implementation of the Civil Service Reform Act of 1978, which expanded delegation of personnel authority to agencies and broadened the scope of collective bargaining. In this current proposal, OPM would continue to move in the same direction by further relaxing OPM detailed requirements but emphasizing the statutory platform underpinning agency merit staffing programs.

Several of the earlier program revisions were undertaken to emphasize the need for open competition and selection from among the best-qualified applicants. Those same principles are at the heart of this proposal, with the intent to foster and environment in which agencies feel free to develop different approaches to satisfy these merit considerations. Whether justified or not, some agencies feel OPM's guidance has boxed them into a set way of filling positions. The process has created delays in filling jobs and often is very labor and paper intensive, resulting in a lack of confidence in the system by both managers and employees.

While speed and efficiency in filling positions are critical to effective operations, the process must also be in accord with merit principles. One suggestion has been to allow managers to promote their ''logical'' candidates or anyone having an exceptional performance rating and dispense with open competition and comparison with other candidates. Not only does that proposal conflict with merit principles, but it is the very type of action that led to widespread complaints and subsequent adoption of the first set of program requirements in 1959.

This proposal is not intended to return agencies to the loose policies of that earlier era nor to sacrifice principles of merit and open competition. Instead, by eliminating most OPM operational requirements, we hope to encourage agencies to be more creative in developing legal practices appropriate to their unique needs, resulting in more timely promotions and greater confidence of managers and employees that deserving employees are promoted. Agencies, for example, could design their programs around unique needs, try different evaluation techniques, use automated systems, use a variety of ways to satisfy open competition, and involve managers in the process more. Furthermore, while some problems with the system are due to OPM requirements, others flow from agency rules. OPM hopes that this proposal would also generate agency initiatives to review and eliminate procedural burdens unrelated to merit and open competition.

Following is a discussion of each proposed regulation section.

Section 335.102

Agencies must continue to adopt promotion plans that provide for systematic and competitive selection from among the best-qualified candidates, based on job-related criteria, after fair and open competition. Agencies would consult or negotiate, as appropriate, with employees and unions in developing policies and practices that are accepted as fair and result in selections of the best-qualified candidates.

The foundation of agency promotion plans would be existing laws. Some of the major laws are:.

—Merit system principles, which include equal employment opportunity (5 U.S.C. 2301).
—Prohibited personnel practices (5 U.S.C. 2302).
—Reporting of certain job announcements to OPM (5 U.S.C. 3329) as implemented by 5 CFR 335.105.
—Consideration of employees absent because of military duty (38 U.S.C. chapter 43), compensable injury that does not exceed 1 year (5 U.S.C. 8151), or service with international organizations (5 U.S.C. 3582).
—Due weight for incentive awards (5 U.S.C. 3362).
—Results of performance appraisals (5 U.S.C. 4302).
—Minimum qualification requirements (5 U.S.C. 5105 and 16 U.S.C. 470h–4).
—Management's right to select or not select from among properly ranked and certified candidates and to select from other appropriate sources of candidates (5 U.S.C. 7106 and 5 CFR 7.1).
—Employment practices (including job analysis) and antidiscrimination policy (5 U.S.C. 7201–7204) as implemented by 5 CFR Part 300, Subpart A, and Part 720.

These laws are incorporated into a framework of seven requirements contained in revised § 335.102

Requirement 1 would require agencies to adopt merit staffing plans for selecting employees for advancement based solely on relative ability, knowledge, and skills after fair and open competition which assures that all receive equal opportunity. Agencies would be required to assure that promotion practices conform to the merit system principles. Agency accountability mechanisms, as recommended by the NPR, would appropriately contain a human resource management accountability component, including actions under merit staffing plans. To assist agencies in this effort, OPM is offering agencies training in the merit system principles and assistance in refocusing their accountability efforts on the principles.

Requirement 2 deals with competition requirements. At present, part 335 lists promotions and six other actions that must be competitive and six actions that agencies may except from competition. Over the last several years, OPM made several changes in these exceptions. For example, employees who accept voluntary downgrades are no longer required by OPM rules to compete to regain their former grade levels. Many employees are being encouraged to change jobs voluntarily to avoid reduction in force situations, and this change eliminated a barrier that discouraged career transitions.

The need for revisions and the rapidly changing circumstances brought about by widespread reorganizations and downsizing have convinced us that OPM no longer should specify very detailed coverage and exceptions. Agencies need the flexibility to respond to changing needs without seeking waivers or regulatory changes. At the same time, employees need assurance that merit is the focus of promotion programs.

This proposal would continue to require competition for positions at higher grades or with greater advancement potential than an employee previously held. Agencies could continue to select employees competitively for a training opportunity that results in placement in a target position.

This proposal would continue to provide for the noncompetitive promotion of employees whose position are upgraded to correct a classification error or implement a new classification standard. The exclusion of reduction in force actions also would remain unchanged.

As under the current program, agencies could except actions from competition where an employee previously held an equivalent position. Actions for brief periods could be excepted from competition, but the agency rather than OPM would determine the cut-off point for competition. Agencies could continue noncompetitive promotions for job reclassifications due to accretion of higher grade duties, but the higher grade position would have to absorb the duties of the old position.

Where agencies fill positions below the performance grade level, they could continue to provide for noncompetitive career ladder promotions. In addition, the proposal expands on the career ladder concept by adding the flexibility to permit noncompetitive movement to any position within an occupational group with a career ladder that does not exceed the journey level for that occupation.

While traditional career ladders have several advantages for both employee and manager, they focus entirely on individual positions and not on career fields or broad occupational needs of the agency. Employees selected under the same competitive process for employment in the same occupational grouping often are assigned to positions having different career ladders, or full performance levels. As a result, some employees in similar positions have to compete further for the same level of advancement that others receive noncompetitively.

Under this proposal, agencies could move employees noncompetitively within an occupational group to similar positions with a higher full performance level that does not exceed the journey level for most positions in that occupational group. Competition would be required for assignment to positions above the journey level.

The agency would determine journey levels on the basis of job classification standards. Journey level is the nonsupervisory full performance grade level at which most positions in that occupational grouping under the first level of supervision could be classified. The agency also would determine occupational groupings of similar or closely related positions based on position classified and qualification standards. An occupational grouping might include all positions in an occupational family, such as all positions in the GS–200 family. Or, the agency might set more limited groupings, such as all positions in the GS–235 series, or even more narrow.

Use of this option could expand placement opportunities for surplus employees as well as meet broader occupational needs of the agency.

Finally, this proposal would delegate to agencies the authority to adopt other exceptions in their merit staffing plans when they determine the actions would be consistent with the spirit and intent of merit principles. The exceptions must be made a part of an agency's merit staffing plan.

Requirement 3 continues existing requirements concerning recruitment and job announcements.

Requirement 4 addresses evaluation procedures. An issue that continues to arise is whether different procedures

may be used on the number of applicants. This proposal requires that selection be from among the best-qualified candidates, without any reference to numbers. Identification of the best qualified requires a qualitative review, either by the selecting official or others. This proposal does not specify how the agency determines which applicants are the best qualified, except to require that the evaluation be based on job-related requirements and be applied fairly and consistently. Within these parameters, each agency would determined the specific job-related evaluation procedure to use.

Examples of abbreviated processes that some agencies use to identify the best-qualified candidates from among small numbers of applicants: a selecting official distinguishes the best-qualified candidates based on a key knowledge, skill, or ability, and selects from that group; a subject matter expert certifies that the referred candidates are the best qualified based on job-related criteria.

Requirement 5 covers existing management selection options.

Requirement 6 covers complaints and corrective actions. The existing part 335 allows employee complaints under appropriate grievance procedures except that an employee may not grieve nonselection from among a group of properly ranked and certified candidates. We have continued that policy in this proposal.

An agency would be required to take corrective action where a violation of law, regulation, or agency plan has occurred. OPM plans to develop nonregulatory guidance to assist agencies in taking corrective action.

Requirement 7 continues existing recordkeeping requirements.

Section 335.103

Revised § 335.103 contains a provision that would enable an agency to request OPM approval to adopt policies different from those in 5 CFR part 335 if not in conflict with law. Individual agency programs or occupations may be unique or highly specialized, justifying a different approach. For example, an agency might wish to experiment with alternative dispute resolution techniques, instead of grievance procedures, to settle complaints about promotion actions. Also, agencies might seek exceptions for pilot programs under the Government Performance and Results Act (Pub. L. 103–62, August 3, 1993) to improve the management and efficiency of agency programs. In no circumstance, however, could the merit system principles, prohibited personnel practices, or other requirements of law be waived.

Section 335.104

The current § 335.104 sets minimum performance requirements for noncompetitive career ladder promotions. These promotions should rest on high performance levels, but OPM believes eligibility requirements are an appropriate agency responsibility (beyond existing OPM requirements such as qualification standards). Furthermore, the level of performance to be met is only one of several factors, such as the range of skills to be acquired, the existence of higher level work, and sufficient funds, that an agency might wish to address. We propose to delete § 335.104 and instead provide in § 335.102 that agencies will establish requirements for noncompetitive promotions.

Agency Authority To Promote, Demote, or Reassign

Inherent in the agency power to appoint employees is the power to assign employees to other duties, consistent with any applicable law (5 U.S.C. 301). However, the current 5 CFR 335.102 limits the extent to which agencies may promote, demote, or reassign certain employees in the competitive service.

OPM proposes to eliminate these restrictions and authorize agencies in revised § 335.101 to move employees to other positions consistent with the appointments under which the employees serve. The proposed change would enable agencies to utilize employees in other positions where needed and for employees to seek other opportunities. This action would primarily benefit employees under temporary appointment pending establishment of a register (TAPER). Other provisions would continue to apply, such as competition provisions of § 335.102, the reduction in force retention rights in 5 U.S.C. chapter 35, and the procedural protections and appeal rights relating to performance based and adverse actions under 5 U.S.C. chapters 43 and 75.

Vacancy Announcements

This is a reminder that § 335.105 implements 5 U.S.C. 3330, which requires that information be given to the public about certain job vacancy announcements. In addition, OPM has issued career transition assistance requirements in part 330, under which agencies must notify OPM of competitive service vacancies to be filled for more than 90 days when applications will be accepted from outside an agency's own work force.

Accelerated Qualifications

The former Federal Personnel Manual authorized agencies to establish training agreements under which employees could acquire qualifications for a higher grade position at an accelerated rate. These intensive training programs are traditionally used for critical shortage occupations at entry levels where employees are given accelerated training to obtain the necessary skills more quickly. The programs provide a valuable recruitment incentive in filling positions where qualified applicants are in extremely short supply.

To establish continuing agency authority for employees to acquire qualifications at an accelerated rate under intensive training programs, OPM proposes to add such authority to part 338. Related to this, 5 CFR 300.603(b)(6) prohibits more than two promotions in any 52-week period on the basis of a training agreement and requires OPM approval of a training agreement that provides for consecutive promotions in less than 1 year. (OPM proposed to abolish the year-in-grade waiting period [59 FR 30717, June 15, 1994, and 60 FR 2546, January 10, 1995] but has not acted on the proposal.)

Other Related Actions

Under the current 5 CFR § 335.101(b), generally a position change does not change an employee's tenure except as shown in § 316.703, which deals with status quo employees. These are primarily individuals who fail to qualify for career-conditional employment when their excepted or nonfederal positions are brought into the competitive service. They are retained as nonpermanent employees in tenure group III and are called status quo employees.

Section 316.703 requires agencies to change status quo employees to a different type of nonpermanent appointment in tenure group III when changing the employee to a different position. If the agency moves the employee back to the original position, it must change the employee back to status quo.

We propose to eliminate § 316.703 as unnecessary. This would mean that a status quo employee would remain under a status quo appointment regardless of any position change. The employee would not gain or lose any benefits by the elimination of § 316.703.

Another exception to the general rule that tenure is not affected by a position change is contained in § 335.101(c). This provides that a career-conditional employee becomes a career employee when promoted, demoted, or reassigned

to a position paid under chapter 45 of title 39, United States Code, which covers the Postal Service. This reference to title 39 positions is obsolete because the Postal Service was removed from the competitive service in 1971 by legislation. Since then, the Postal Service has operated under its own independent excepted service personnel system. Because these OPM regulations on competitive service appointments no longer apply to the Postal Service, we are eliminating the obsolete references in revised § 335.101(c) to positions paid under title 39.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Parts 316, 335, and 338

Government employees.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend parts 316, 335, and 338 of title 5, Code of Federal Regulations, as follows:

PART 316—TEMPORARY AND TERM EMPLOYMENT

1. The authority citation for part 316 is revised to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218. Sections 316.302 and 316.402 also issued under 5 U.S.C. 3112 and 3304(c), 22 U.S.C. 2506, 38 U.S.C. 2014, and E.O. 12721.

§ 316.703 [Removed]

2. Section 316.703 is removed.

PART 335—PROMOTION AND INTERNAL PLACEMENT

3. The authority citation for part 335 is revised to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3330; E.O. 10577, 3 CFR 1954–58 Comp., p. 218.

§ 335.104 [Removed and reserved]

4. Sections 335.101, 335.102, and 335.103 are revised and § 335.104 is removed and reserved, to read as follows:

§ 335.101 Position changes.

(a) Consistent with § 335.102 and, when applicable, part 319 of this chapter, an agency head is authorized to promote, demote, or reassign an employee to any competitive service position appropriate to the type of appointment under which the employee serves and consistent with all applicable statutory and regulatory requirements.

(b) The authority in this section includes time-limited promotion for a definite period. The return of an employee at any time to the position from which temporarily promoted, or a position of equivalent grade and pay, is not subject to the procedures in parts 351, 432, or 752 of this chapter if the agency had given the employee advance written notice of the conditions of the time-limited promotion.

(c) This section covers all types of appointments in the competitive service except temporary appointments not to exceed 1 year authorized by subpart D of part 316 of this chapter.

(d) A position change does not change an employee's competitive status or tenure except that:

(1) A career-conditional employee who is promoted, demoted, or reassigned to a position required by law to be filled on a permanent basis becomes a career employee; and

(2) A career employee who is promoted, demoted, or reassigned from a position required by law to be filled on a permanent basis becomes a career-conditional employees unless he or she has completed the service requirement for career tenure in § 315.201 of this chapter.

§ 335.102 Internal merit selection programs.

An agency head may promote, demote, and reassign competitive service employees in accordance with § 335.101, detail them in accordance with § 300.301 of this chapter, and reinstate and transfer individuals in accordance with part 315 of this chapter, only to positions for which the agency is administering a merit-based selection program that ensures a systematic means of competitive selection from among the best-qualified candidates available. These programs shall conform with all applicable law, including the following requirements.

(a) *Requirement 1.* Each agency must establish a merit staffing plan(s) for selecting employees for advancement base solely on relative ability, knowledge, and skills after fair and open competition which assures that all receive equal opportunity. The plans must be available in writing and list exceptions to competition. All actions are subject to the merit system principles of 5 U.S.C. 2301 and the prohibited personnel practices of 5 U.S.C. 2302. (5 U.S.C. 2301, 2302, 3301, 3341, and 3361)

(b) *Requirement 2.* (1) Competition is required in assignment or detail, for other than a limited specified period, to a position at a higher grade or with a higher full performance grade level than an employee previously held on a permanent basis. Selection requirements for training are defined in part 410 of this chapter.

(2) Competition does not apply to reduction in force actions under part 351 of this chapter, and to the upgrading of a position without significant change in an employee's duties and responsibilities due to issuance of a new classification standard or correction of an initial classification error.

(3) An agency may except (and must document in its merit staffing plan) other types of actions from competition that it determines are consistent with the spirit and intent of merit principles, including:

(i) Movement within the same occupational grouping from one position to another position that has a higher full performance grade level but does not exceed the established journey level of that occupational grouping. Journey level is the nonsupervisory full performance grade level at which most positions in that occupational grouping under the first level of supervision could be classified, as determined by the agency (or component) based on position classification standards. Occupational grouping is a group of similar or closely related positions, as determined by the agency (or component) based on position classification and qualification standards; and

(ii) The upgrading of an employee's position due to accretion of additional higher grade duties and responsibilities where the successor position absorbs the old position.

(4) A noncompetitive action under this part may be based on a previously held excepted service position only when held under another merit system with which OPM has an interchange agreement approved under § 6.7 of this chapter. A Senior Executive Service career appointee who is eligible for reinstatement under § 315.401 of this chapter may be noncompetitively reinstated or assigned to any position or grade in the competitive service for which qualified. Agencies are authorized to establish eligibility criteria for noncompetitive promotions.

(c) *Requirement 3.* Recruitment methods should be designed to attract qualified individuals from appropriate sources in an endeavor to achieve a diverse work force that represents all segments of society, including persons with disabilities. The area of recruitment should be sufficiently broad to attract quality candidates. Procedures must provide for consideration of

employees absent because of military duty, compensable injury that does not exceed 1 year, and service with international organizations, individuals on a re-employment priority list, and for any other reasons required by law or regulation or determined by the agency. Agencies must give advance notice to OPM of all competitive service positions to be filled for more than 90 days when applications will be accepted from an outside agency's own work force (5 U.S.C. 2301, 2302, 3330, 3402(a)(1)(A), 3582, 7201–7204, and 8151; 38 U.S.C. chapter 43; 5 CFR § 330.102, § 330.706, § 335.105, and part 720).

(d) *Requirement 4.* To be eligible for placement, a candidate must meet an appropriate provision of the applicable OPM qualification manual and any other legal requirements that apply. Evaluation criteria must be based on the requirements of the job to be filled and applied in a fair and consistent manner. In qualification and selection decisions, due weight, as determined by the agency, shall be given to performance appraisals and to any incentive awards or other performance recognition received by applicants. Competitive selection must be from among the best-qualified available candidates. The agency may determine how to identify the best-qualified candidates, but that identification may not be waived (5 U.S.C. 2301, 3301, 3362, 4302, and 5105; 16 U.S.C. 470h–4; 5 CFR part 300, subpart A).

(e) *Requirement 5.* Agency procedures must provide for management's right to select or not select from among properly ranked and certified candidates and to select from other appropriate sources of candidates (5 U.S.C. 7106; 5 CFR part 7.1).

(f) *Requirement 6.* An individual may seek redress, under applicable procedures, of a complaint relating to a promotion decision or action other than nonselection from a group of properly ranked and certified candidates. There is no right of appeal to OPM of individual promotion actions. An agency must take appropriate action to correct violations of the agency's merit selection procedures identified through grievances or any other means and shall follow OPM instructions concerning violations of statute of OPM regulation (5 U.S.C. 1103, 1104, and 7121; 5 CFR part 5).

(g) *Requirement 7.* Each agency shall maintain a record of each competitive action sufficient to allow reconstruction. These records may be destroyed after 2 years or after OPM has evaluated the program, whichever comes first, if the time limit for complaints has expired. The basis for each noncompetitive promotion must be documented on the personnel action (5 U.S.C. 1103 and 1104; 5 CFR part 5).

§ 335.103 Exceptions.

At the request of an agency head, OPM may approve an exception to any provision in this part when the exception is consistent with applicable statutory provisions and would enable the agency to address more effectively a specific agency need in the administration of merit staffing programs.

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

5. The authority citation for part 338 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

6. Subpart C consisting of § 338.301 is added to read as follows:

Subpart C—Accelerated Qualifications

§ 338.301 Accelerated qualifications through intensive training programs.

Agencies are authorized to establish training programs that provide intensive and directly job-related training to employees selected in accordance with parts 335 and 410 of this chapter. Such training may be substituted for all or part of the experience required by an OPM qualification standard. Agencies are not authorized to substitute such intensive training for minimum educational requirements established by OPM, or for licensing, certification, or other specific credentials required by OPM qualification standards.

[FR Doc. 96–3122 Filed 2–16–96; 8:45 a.m.]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV95–959–3PR]

Onions Grown in South Texas; Change in Regulatory Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would change the end of the regulatory period for onions grown in South Texas under Marketing Order 959 from June 15 to June 4 of each year. Terminating the handling regulation on June 4 would relieve restrictions on handlers who ship late season onions and help them become more competitive with handlers from non-marketing order areas without diminishing South Texas marketing order objectives. A corresponding change in the dates for the import regulation also would be made in a second document.

DATES: Comments which are received by March 21, 1996 will be considered prior to issuance of any 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, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456, FAX 202–720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, Marketing Order Administration Branch, F&V, AMS, USDA, 1313 E. Hackberry, McAllen, TX 78501; telephone: 210–682–2833; FAX 210–682–5942; or Robert F. Matthews, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: 202–690–0464; FAX 202–720–5698.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR part 959), as amended, regulating the handling of onions grown in South Texas, hereinafter referred to as the ''order.'' This 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 proposing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with

law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 35 handlers of South Texas onions who are subject to regulation under the marketing order and 89 producers in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of South Texas onions may be classified as small entities.

At a public meeting on November 8, 1994, the South Texas Onion Committee (committee) unanimously recommended, under the authority of § 959.52(c) of the order, changing the termination date of the regulatory period for all varieties of regulated onions from June 15 to June 4. Currently, order regulations are in effect from March 1 through June 15 each year. The early and mid-season crop is produced in the Lower Rio Grande Valley (District 1), which generally accounts for about 80 percent of the total. The remaining crop, generally 20 percent, is produced in the Laredo-Winter Garden area of South Texas (District 2). These are the last regulated shipments to leave the production area each season.

In April 1994, based on a committee recommendation, the regulatory period was extended from May 20 to June 15 [59 FR 17265; April 12, 1994]. At that time, the committee believed that the application of quality control requirements over a longer time was necessary to enhance the South Texas onion industry's market research and promotion efforts, and protect its quality image. The committee also believed that District 2 handlers should pay assessments on more of their shipments for the research and promotion programs that benefit the entire industry.

After one season's experience, District 2 growers and handlers requested the committee to reconsider the regulatory extension. Although assessment funds are still needed and maintaining the quality of the shipments remains of great importance, experience appears to indicate that the strong competition from other growing areas outweighs these problems.

Shipments made from District 2 compete with onions produced in West Texas and other areas of the United States not regulated under Federal marketing orders. Onion prices are usually quite low during this period and these unregulated areas have a competitive advantage over District 2 because inspection costs for quality control purposes and administrative assessments are not incurred by shippers from these areas. Ending regulations on June 4, rather than June 15, apparently would relieve restrictions on District 2 shippers and help them become more competitive with shippers from these production areas without diminishing program objectives.

Section 8e provides that whenever certain specified commodities, including onions, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity, subject to concurrence by the United States Trade Representative. The Act further provides that when two or more marketing orders covering the same commodity are concurrently in effect, imports will be subject to the requirements established for the commodity grown in the area with which the imported commodity is in most direct competition. Because this rule would change the regulatory period under the South Texas onion marketing order, corresponding changes would be needed in the onion import regulations. Such changes are to be addressed in a separate onion import rule.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is proposed to be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 959.322, the introductory text is revised to read as follows:

§ 959.322 Handling regulation.

During the period beginning March 1 and ending June 4, no handler shall handle any onions unless they comply with paragraphs (a) through (d), or (e), or (f) of this section. In addition, no handler may package or load onions on Sunday during the period March 1 through May 20.

* * * * *

Dated: February 12, 1996.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–3610 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 985

[Docket No. A0–79–2; FV95–985–4]

Spearmint Oil Produced in the Far West; Emergency Final Decision and Referendum Order on Proposed Amendment of Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This emergency final decision would amend the Federal marketing order for spearmint oil produced in the Far West (Order). The amendment was proposed by the Department of Agriculture (Department). The proposed amendment would remove from the regulated production area, the portions of California and Montana currently regulated under the Order.

DATES: A referendum shall be conducted from March 2 through March 15, 1996, for the purpose of determining whether the proposed amendment is favored by producers who were engaged in the production of spearmint oil in the production area during the representative period. The

representative period for the purpose of the referendum herein ordered is June 1, 1994, to May 31, 1995.

FOR FURTHER INFORMATION CONTACT: (1) Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, AMS, room 2526–S, P.O. Box 96456, Washington, DC 20090–6456; telephone, (202) 720–5127, or FAX: (202) 720–5698.

(2) Robert Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, Oregon, 97204; telephone: (503) 326–2725, or FAX: (503) 326–7440.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued October 4, 1995, and published in the Federal Register on October 11, 1995 (60 FR 52869); Correction to Notice of Hearing issued November 8, 1995, and published in the Federal Register on November 13, 1995 (60 FR 57144); and Notice of Order Filed on Proposed Rulemaking concerning the filing of post-hearing briefs issued November 30, 1995, and published in the Federal Register on December 5, 1995 (60 FR 62229).

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

Preliminary Statement

A public hearing was held on November 14, 1995, to consider a proposed amendment of Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West, 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 one proposal by the Department, which redefined the production area under the Order to exclude those portions of the area with no historic record of commercial production of spearmint oil.

After the conclusion of the hearing, the deadline for filing post-hearing briefs was set at December 22, 1995. Briefs and comments which were filed, are ruled upon elsewhere in this decision.

The material issues of record are as follows: (1) Should areas with no historic record of commercial production of spearmint oil continue to be regulated under the Order? (2) Does the ''production area'' as defined in the Order constitute the smallest practicable area which should be regulated consistent with carrying out the policy of the Act? (3) Do existing circumstances warrant expediting the amendment process by omitting the recommended decision?

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 the 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 with 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 amendment to the Order would have on small businesses.

During the 1994–95 marketing year from June 1, 1994, through May 31, 1995, approximately 8 handlers were regulated under the Order. In addition, there are about 260 growers of spearmint in the regulated area. The Act requires the application of uniform rules on regulated handlers. A minority of handlers and producers covered under the Order are small businesses. The Order itself is tailored to the size and nature of these small businesses. Marketing orders, and amendments thereto, are unique in that they are normally brought about through group action of entities on their own behalf. Thus, both the RFA and the Act are compatible with respect to small entities.

The proposed amendment to the Order would delete portions of the production area currently covered by the Order which have no historic record of commercial production of spearmint oil. This change would provide that the Order cover the smallest regional production area practicable, consistent with program objectives. The proposed amendment should not have a significant economic impact on handlers or producers.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of 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.

Findings and Conclusions

The following findings and conclusions are based on evidence presented at the hearing and the record thereof:

(1) Should areas with no historic record of commercial production of spearmint oil continue to be regulated under the Order?

The Order regulates Far West spearmint oil through the establishment of annual allotment percentages and salable quantities. The objective of such regulation is to balance supplies with market demand, thereby reducing price fluctuations and improving returns to producers. The Order, and regulations issued thereunder, apply only to spearmint oil produced in the defined ''production area''. The Order currently defines the production area as all the area within the States of Washington, Idaho, Oregon; that portion of California and Nevada north of the 37th parallel; and that portion of Montana and Utah west of the 111th meridian. This definition was established when the Order came into effect on April 14, 1980 (45 F.R. 25039), and was based on the

record of a hearing held in October 1979.

At the time the Order became effective, the production area as defined was found to be the smallest regional production area practicable to effectuate the declared policy of the Act. This included all the areas in the Far West and northwestern United States having the potential of commercially producing quality spearmint oil.

Witnesses who testified at this amendment hearing included Department employees, a representative of the Spearmint Oil Administrative Committee (committee), a grower from Nevada, an official with the Montana Department of Agriculture, and representatives of the Montana Mint Growers' Association. All witnesses supported the proposal to no longer regulate portions of California and Montana under the Order.

The record supports excluding these two areas from coverage primarily because there has been no historic record of commercial production of spearmint oil in those areas. Record evidence shows that in 1994, there were 1,500 acres of spearmint harvested in Idaho, 10,500 acres in Washington, 1,700 acres in Oregon, and 160 acres in Utah and Nevada combined. No harvested acreage was recorded for those parts of California and Montana included under the Order. Likewise, evidence shows that spearmint oil was produced in all States regulated under the Order with the exception of California and Montana. There has been no recorded commercial production of spearmint oil in California or Montana since the inception of the Order. Testimony at the hearing also indicated that there is no evidence of current commercial production in those states.

2. Does the ''production area'' as defined in the Order constitute the smallest practicable area which should be regulated consistent with carrying out the policy of the Act?

The evidence of record is that the Order has been successful in establishing orderly marketing conditions for Far West spearmint oil. Specifically, the establishment of the Order has reduced price volatility and ensured market stability. In the 13 years preceding the Order's promulgation, prices for spearmint oil fluctuated between $4.16 and $11.62 per pound. From 1982 to 1992, while the Order was in effect, prices ranged between $11.29 and $14.03 per pound.

Inclusion in the production area requires a demonstration that the areas covered have similar crop and marketing conditions. When the Order was promulgated, the finding for including California and Montana in the production area was based on evidence that production and marketing conditions in those areas would be similar to those of other spearmint-producing States. This has proven to be incorrect. The record indicates that land in California and Montana suitable for the production of spearmint oil is limited, and weather conditions are a deterrent to consistent spearmint production. Amending the Order by removing California and Montana, would result in the Order covering the smallest regional production area practicable to effectuate the declared policy of the Act.

For the above reasons, it is concluded that the production area should be redefined to exclude California and Montana. Accordingly, the production area as defined in this amendment is found to be the smallest practicable area which should be regulated consistent with carrying out the policy of the Act.

Modification of Proposed Amendment

As a modification to the proposal, testimony was submitted for the record in support of the proposed amendment that further proposed the production area not be reduced again by amendment for at least 5 years. The intent of the modification was to provide sufficient time to gather and analyze data on the impact of removing California and Montana from Order coverage. As submitted for the record, the 5-year period would provide stability for the industry before any other amendments to reduce the production area are considered.

However, a prohibition on amending the Order's definition of production area for 5 years would unduly limit the Secretary's discretion and authority to administer the Order consistent with the terms of the Act. Therefore, this modification is denied.

One grower from Nevada testified that the hearing should be reopened to consider excluding Nevada from the production area. According to his testimony, there are only 37 acres of commercial spearmint production in the State of Nevada. As such, the witness concluded that Nevada is not a significant producer of spearmint oil and should be excluded from Order coverage.

One post-hearing brief and one comment were submitted in support of removing Nevada from regulation under the Order. There was no other information provided by those in the spearmint industry to support this action.

Record evidence shows that Nevada, unlike California and Montana, currently has commercial production of spearmint oil, and there has been production of spearmint oil in that State every year since the inception of the Order. Record evidence indicates that producing acreage in Nevada has been as high as 230 acres.

The evidence supports excluding from Order coverage only those areas with no history of commercial production of spearmint oil. There was no other evidence presented at the hearing as to whether there is a ''significant'' level of production that should justify an area's inclusion under the Order, nor any evidence as to what that threshold level should be. Also, no evidence was presented to show that the marketing of spearmint oil grown in Nevada does not impact or compete with the marketing of spearmint oil grown in other areas covered by the Order.

For these reasons, the proposal to exclude Nevada from the production area is denied.

This decision calls for a referendum to be conducted among producers of spearmint oil to determine if they support the proposed amendment to remove California and Montana from the Order's production area. If a sufficient number of producers support the amendment, the Order will continue in its amended form. To become effective, the amendment must be approved by a two-thirds majority, either by number of voters favoring it or by volume of production represented in the referendum. If the amendment is not approved by producers, the Secretary would consider terminating the Order.

As previously discussed, the Act requires that the Order must cover the smallest regional production area practicable. Based on the record evidence it is found that the production area as proposed to be amended constitutes the smallest practicable area.

3. Do existing circumstances warrant expediting the amendment process by omitting a recommended decision in this proceeding?

Witnesses who testified at the hearing strongly supported expedited handling of this formal rulemaking proceeding. The record indicates that there has been uncertainty within the spearmint oil industry for some time with respect to the possible redefinition of the Order's production area. Record evidence shows that such uncertainty has the potential of hampering the ability of individual producers and handlers to make sound economic decisions concerning their operations. The proposed amendment could affect planting, contracting, lending and other important economic decisions of those in the industry. There

was no evidence provided in opposition to expediting this proceeding.

Only through omission of a recommended decision in this proceeding is it possible to have the outcome of the amendment and the future of the Order determined prior to the next marketing year, which begins June 1, 1996. As stated on the record, this is very important to producers and handlers of spearmint oil who need to plan their marketing and production strategies for next year.

It is therefore found that good cause exists for omission of a recommended decision in accordance with § 900.12(d) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900).

Rulings on Briefs Filed by Interested Persons

Four briefs and comments were filed in this proceeding. None opposed the proposed amendment.

One brief and one comment were filed after the filing deadline. However, they did not introduce issues which were different from those covered at the hearing or in the other briefs and comments.

The comments and briefs were carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in any of the briefs or arguments are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with this decision.

Marketing Order

Annexed hereto and made a part hereof is a document entitled, ''Order Amending the Order Regulating the Handling of Spearmint Oil Produced in the Far West.'' 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 spearmint oil produced in the Far West 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 spearmint oil in the Far West.

The representative period for the conduct of such referendum is hereby determined to be June 1, 1994, through May 31, 1995.

The agents of the Secretary to conduct such referendum are hereby designated to be Gary D. Olson and Robert J. Curry, Marketing Order Administration Branch, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue Room 369 Portland, Oregon 97204, telephone (503) 326–2724; or FAX (503) 326–7440.

In accordance with the Paperwork Reduction Act of 1980 [44 U.S.C. chapter 35], the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0065 for spearmint oil. It has been estimated that it will take an average of 10 minutes for each of the approximately 260 producers of Far West Spearmint to cast a ballot. Participation is voluntary. Ballots postmarked after February 24, 1996, will not be included in the vote tabulation.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

Dated: February 13, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

Order Amending the Order Regulating the Handling of Spearmint Oil Produced in the Far West [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 on the proposed amendment to the Marketing Agreement and Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West.

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

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

(2) The order, as hereby proposed to be amended, regulates the handling of spearmint oil produced in the Far West in the same manner as, and is applicable only to persons in the respective classes of oil specified in the marketing order upon which hearings have been held;

(3) The order, as hereby proposed to be 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 hereby proposed to be 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 spearmint oil grown in the production area; and

(5) All handling of spearmint oil produced 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 spearmint oil produced in the Far West 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:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 985.5 is revised as follows:

§ 985.5 Production area.

Production area means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. State of Washington.

(b) District 2. The State of Idaho and that portion of the States of Nevada and Utah included in the production area.

(c) District 3. The State of Oregon.

[FR Doc. 96–3653 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–02–P

[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.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

19 CFR Part 132

Administration of Tobacco Tariff-Rate Quota

AGENCY: Office of the United States Trade Representative.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the United States Trade Representative (USTR) is soliciting comments and views on the administration of the tariff-rate quota on leaf tobacco, established on September 13, 1995, which is currently operating on a first-come, first-served basis.

DATES: Public comments are due by noon May 20, 1996.

ADDRESSES: Comments may be sent to: Sybia Harrison, room 222, Office of the U.S. Trade Representative, 600 17th Street NW., Washington, DC 20508, attention: Tobacco Tariff-Rate Quota.

FOR FURTHER INFORMATION CONTACT: Tom Perkins, Senior Economist, Office of Agricultural Affairs, USTR, (202) 395–6127; or Rachel Shub, Assistant General Counsel, USTR, (202) 395–7305.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation 6821 (60 FR 47663 (September 13, 1995)) established a tariff-rate quota (TRQ) on imports of flue-cured, burley and other light air-cured tobaccos that are imported for the manufacture of cigarettes. Under the TRQ, a tariff equal to the concession rates negotiated in the Uruguay Round is applied to tobacco imports until the in-quota quantity is filled, after which a tariff rate of 350% ad valorem is applied. For the quota year beginning on September 13, 1995, the in-quota quantity of the TRQ is 150,450 tons, which is subdivided into specific allocations for Argentina, Brazil, Chile, the European Union, Guatemala, Malawi, Philippines, Thailand, Zimbabwe, and a general allocation for countries other than those allocated specific TRQ quantities. Presidential authority to establish the TRQ is provided by section 125(c) of the Trade Act of 1974 (19 U.S.C. 2135(c)), section 421 of the Uruguay Round Agreements Act (19 U.S.C. 2135 note) and other provisions of law referenced in Presidential Proclamation 6821. The proclamation also provides that the quantitative limitations of the TRQ are subject to regulations as may be issued by USTR or its designated agency.

The TRQ is currently operating on a first-come, first-served basis, under the U.S. Customs Service's quota regulations at 19 CFR 132 (''Customs Quota regulations''). These regulations establish requirements for determining priority and status for importers presenting tobacco for importation and set forth specific procedures for prorating a TRQ category (such as a country-specific allocation) in the event the category is oversubscribed. Customs Quota regulations currently are applied to U.S. TRQs on beef, peanuts, peanut butter, certain sugar-containing products, certain cotton and cotton waste, and certain dairy products, as well as TRQ's applicable to Mexico (under the North American Free Trade Agreement) on orange juice, tomatoes and other safeguard products commodities.

Some cigarette manufacturers have suggested that the TRQ should be administered by means of import licenses issued to manufacturers in order to permit the orderly marketing of tobacco in the U.S. market. Accordingly, the Office of the United States Trade Representative (USTR) is soliciting comments on the administration of the TRQ. If comments reflect substantial problems or concerns regarding the current operation of the TRQ, USTR will consider alternative approaches, including an import licensing program. Any alternative method should aim to facilitate reasonable, efficient and orderly access to the U.S. tobacco market for those countries to which a quota allocation has been made, and provide equitable and efficient access for U.S. importers, manufacturers and other entities that import or use tobacco affected by the TRQ.

To better assess the need for change and the significance of that need, USTR invites public comment on the current operation of the TRQ. Comments should address the extent to which the current system is orderly, economically efficient and equitable. USTR is interested in aspects of the current system such as (1) the costs and benefits to the U.S. economy as a whole as well as firms, foreign and domestic, that participate in the markets for imported tobacco and related markets; (2) the distribution across firms of the TRQ, including market competition and concentration; (3) market access for small businesses; (4) the effect on the U.S. price support program; and (5) the impact on timing and storage of imports, and related costs and benefits; (6) the impact on exporters if other countries were to adopt similar practices for TRQs on products from the U.S.; and (7) administrative costs.

With respect to any alternative approaches, USTR would appreciate views on how such programs might be administered. For example, for licensing, comments could address: (1) the reasons and legal basis for adopting such an approach; (2) to whom and by what mechanism import licenses should be issued; (3) on what basis licenses should be issued (including eligibility criteria, license validity period and license renewability); (4) how licenses could be issued in light of the country-specific allocations and market demand for different types of tobacco; (5) how to address failure of importers to utilize their licenses; (6) the extent to which new importers should be issued licenses, taking into account the desirability of issuing licenses in sizes that are commercially viable; (7) whether licenses should be transferable, and under what conditions; (8) the benefits, costs, and administrative and distributional considerations associated with a market in licenses, including secondary markets; (9) the effect of any proposed alternative on the U.S. economy as a whole as well as firms, foreign and domestic, that participate in the markets for imported tobacco and related markets; (10) any effect on the U.S. price support program for tobacco; (11) effect of any proposed alternatives on small businesses; (12) effect of any proposed alternatives on market competition and concentration; (13) administrative costs that might be associated with a proposed alternative; (14) the impact of proposed alternatives on timing and storage of imports, and related costs and benefits; (15) the impact on exporters if other countries were to adopt similar practices for TRQs on products from the U.S.; and (16) any other issues arising in the context of a particular alternative to the current operation of the TRQ.

Persons submitting written comments should provide a statement, in ten copies, by noon, May 20, 1996 to Sybia Harrison, Office of the U.S. Trade Representative, Room 222, 600 17th Street, NW., Washington, DC 20508, attention: Tobacco Tariff-Rate Quota. Non-confidential information received will be available for public inspection by appointment, in the USTR Reading Room, Room 101, Monday through Friday, 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. For an appointment call Brenda Webb at (202) 395–6186. Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page,

and must be accompanied by a non-confidential summary thereof.

Michael Kantor,

United States Trade Representative.

[FR Doc. 96–3652 Filed 2–16–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 3500

[Docket No. FR–3780–N–05]

RIN 2502–AG40

Mortgage Broker Fee Disclosure Rule: Notice of Future Meetings of Negotiated Rulemaking Advisory Committee

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

ACTION: Notice of committee meetings.

SUMMARY: The Department has established a Negotiated Rulemaking Advisory Committee to address certain issues concerning indirect payments to mortgage brokers and certain other mortgage originators (retail lenders) and volume-based compensation. The committee, which consists of representatives with a definable stake in the outcome of a proposed rule, convened on two prior occasions, the first time on December 13–14, 1995, and again on January 18–19, 1996, in Washington, DC. This notice announces the time and place for the next meeting, and the tentative schedule for subsequent meetings of the committee. Any changes in the schedule will be announced in the Federal Register as far in advance of the meetings as possible. All of these meetings are open to the public.

DATES: The third meeting of the committee will be on February 22–23, 1996. On Thursday, February 22, the meeting will start at 9:00 a.m. and will end at 5:00 p.m., and on Friday, February 23, the meeting will start at 9:00 a.m. and run until approximately 4:00 p.m. Additional meeting dates are included in the text of this notice.

ADDRESSES: The next meeting of the committee will be held in Courtroom A of the International Trade Commission Building, 500 E Street SW., Washington, D.C. 20436. Subsequent meetings announced in this notice are also expected to be held at the International Trade Commission Building.

FOR FURTHER INFORMATION CONTACT: David R. Williamson, Director, RESPA Enforcement Unit, Department of Housing and Urban Development, Room 5241, 451 Seventh Street, S.W., Washington, D.C. 20410–0500; telephone (202) 708–4560 (this is not a toll-free number); e-mail through Internet at david__r.__williamson@hud.gov. Persons who are hearing- or speech-impaired may access the above phone number by calling the Federal Information Relay Service at 1–800–877–TDDY (1–800–877–8339).

SUPPLEMENTARY INFORMATION: On December 8, 1995 (60 FR 63008), HUD published a notice announcing the establishment and first meeting of the Negotiated Rulemaking Advisory Committee on Mortgage Broker Disclosures, to discuss and negotiate a proposed rule on the treatment under RESPA, including disclosure requirements, of indirect payments to retail lenders and of volume-based compensation to mortgage brokers. The committee convened in Washington, D.C., on December 13–14, 1995, and January 18–19, 1996. The committee has decided on a schedule of subsequent meetings to continue its discussions, as follows:

- January 18–19, 1996;
- February 22–23, 1996;
- March 18–19, 1996; and
- April 8–9, 1996.

The meeting on February 22–23, 1996, will be at the International Trade Commission Building, 500 E Street SW., Washington, D.C., and is expected to continue substantive discussions on regulatory treatment of fees paid to mortgage brokers. Because of the difficulties in confirming arrangements for the meeting space and the intervening Federal Government shutdown and inclement weather, which affected HUD operations, the Department was unable to publish this notice earlier. It is expected that subsequent meetings will also be held at the International Trade Commission Building in Washington, D.C. Any changes in the schedule will be announced in the Federal Register as far in advance of the meetings as possible. The meetings are open to the public, with limited seating available on a first-come, first-served basis.

Authority: 42 U.S.C. 1437g, 3535(d).

Dated: February 14, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–3826 Filed 2–15–96; 11:39 am]

BILLING CODE 4210–27–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 91–045]

RIN 2115–AF27

Structural Measures To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting; extension of comment period.

SUMMARY: The Coast Guard is holding a public meeting on its proposed regulations under the Oil Pollution Act of 1990 (OPA 90) relating to structural measures for certain existing tank vessels of 5,000 gross tons or more that do not have double hulls. There is substantial public interest in the rulemaking. The Coast Guard also is extending the comment period an additional 14 days beyond the original 90 day comment period.

DATES: The meeting will be held March 19, 1996, and will begin at 9:00 a.m. Comments must be received on or before April 10, 1996.

ADDRESSES: The meeting will be held in room 4436–38 and 4436–40, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Written comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 91–045), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593–0001 or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters. Upon the request of the Department of Transportation, a new Regulatory Identification Number (RIN) has been assigned to the structural portion of this rulemaking. The former RIN was 2115–AE01.

FOR FURTHER INFORMATION CONTACT: LCDR Suzanne Englebert, Project Manager, Standards and Evaluation and Development Division, at (202) 267–6490. This number is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION: The supplemental notice of proposed rulemaking (SNPRM) (60 FR 67226),

published on December 28, 1995, represents part of the Coast Guard's three-step effort to establish structural and operational measures that are economically and technologically feasible for reducing the threat of oil spills from tank vessels without double hulls, as required by the Oil Pollution Act of 1990 (OPA 90). It analyzes a number of measures and describes the results of extensive cost and benefit research on those measures deemed technologically feasible.

As stated in the SNPRM, the Coast Guard will hold a public meeting on March 19, 1996. The public is invited to comment on the technological and economic feasibility of structural measures analyzed in the SNPRM. The public meeting will also enable the public to receive clarification on the regulatory assessment as published in the SNPRM, if needed.

Attendance is open to the public. With advance notice, and as time permits, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the person listed above under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting. Written material may be submitted prior to, during, or after the meeting.

The Coast Guard finds that extending the comment period is appropriate in conjunction with holding a public meeting. Persons unable to attend the public meeting are encouraged to submit written comments. The comment period is extended until April 10, 1996.

Dated: February 13, 1996.

Joseph J. Angelo,

Director for Standards, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96–3695 Filed 2–16–96; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–9; RM–8736]

Radio Broadcasting Services; Ukiah, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by LifeTalk Broadcasting Association (''petitioner''), seeking the allotment of Channel 246A to Ukiah, California, as that community's fourth local FM transmission service. Coordinates used for this proposal are 39–09–00 and 123–12–30.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: LifeTalk Broadcasting Association, Attn: Rudy H. Dolinsky, 402 E. Yakima Avenue, Suite 1320, Yakima, WA 98901.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–9, adopted January 26, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–3659 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–147; RM–8694]

Radio Broadcasting Services; Meredosia, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, dismissal of.

SUMMARY: The Commission dismisses the request of Larry K. and Cathy M. Price to allot Channel 228A to Meredosia, IL, as the community's first local aural service. Neither the petitioners nor any other interested party expressed continuing interest in the allotment. Therefore, in accordance with Commission policy, the petition is dismissed.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–147, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–3660 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–10; RM–8738]

Radio Broadcasting Services; Farmersville, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Galen O. Gilbert proposing the allotment of Channel 260C3 at Farmersville, Texas, as the community's first local aural transmission service. Channel 260C3 can be allotted to Farmersville in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.9 kilometers (11.2 miles) north in order to avoid short-spacing conflicts

with the licensed sites of Station KPLX(FM), Channel 258C, Fort Worth, Texas; Station WACO(FM), Channel 260C, Waco, Texas, and Station KJMZ(FM), Channel 262C, Dallas, Texas. The coordinates for Channel 260C3 at Farmersville are 33–19–22 and 96–22–41.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Riley and Anne Goodwin Crump, Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, Eleventh Floor, Rosslyn, Virginia 22209 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–10, adopted January 30, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–3661 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–11; RM–8742]

Radio Broadcasting Services; Waverly, NY, Altoona, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WSKG Public Telecommunications Council seeking the allotment of UHF TV Channel 57– to Waverly, NY, and its reservation for noncommercial educational use. To accommodate the Waverly allotment, petitioner also requests that the allotment reference coordinates for vacant and unapplied-for channel *57+ at Altoona, PA, be modified. Channel *57– can be allotted to Waverly in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.6 kilometers (4.7 miles) north, at coordinates 42–04–33 North Latitude and 76–30–48 West Longitude, to avoid a short-spacing to Station WGBY-TV, Channel 57+, Springfield, MA, and Station CITY-TV, Channel 57, Toronto, Ontario, Canada. The proposed allotment reference coordinates for Channel *57+ at Altoona, 40-24–30; 78–31–30, are 16.2 kilometers (10.1 miles) southwest. Waverly and Altoona are both located within 400 kilometers (250 miles) of the U.S.-Canadian border. Therefore, concurrence of the Canadian Government will be obtained for these allotments. Waverly is not affected by the Commission's temporary freeze on new television allotments in certain metropolitan areas. Altoona, however, lies within the Pittsburgh, PA, freeze zone. Therefore, even if the proposed change at Altoona is adopted, the freeze on applications will continue in force.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard D. Marks, Esq., Margaret L. Miller, Esq., Dow, Lohnes & Albertson, 1255 Twenty-third Street, NW. , Suite 500, Washington, DC 20037 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–11, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–3662 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–12; RM–8741]

Radio Broadcasting Services; The Dalles, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by LifeTalk Broadcasting Association seeking the allotment of Channel 268C3 to The Dalles, OR, and its reservation for noncommercial educational use. The allotment could provide The Dalles with its fourth local FM and first local noncommercial educational service. Channel 268C3 can be allotted to the community with a site restriction of 8.8 kilometers (5.5 miles) southwest, at coordinates 45–31–28 NL; 121–07–22 WL, to avoid a short-spacing to Station KPLZ, Channel 268C, Seattle, Washington. Use of this channel at the proposed reference coordinates requires an antenna tower of at least 209 meters (686) feet. Therefore, petitioner and any

other interested parties are requested to affirmative state an intention to apply for and construct a station with the necessary high tower.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Rudy H. Dolinsky, Vice President for Technical Development, LifeTalk Broadcasting Association, 402 E. Yakima Avenue, Suite 1320, Yakima, Washington 98901 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–12, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–3663 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–13; RM–8740]

Radio Broadcasting Services; Georgetown and Millsboro, DE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Great Scott Broadcasting requesting the substitution of Channel 228B for Channel 228B1 at Georgetown, Delaware, and reallotment of the channel to Millsboro, Delaware. Great Scott also requests modification of its license for Station WZBH to show Channel 228B at Millsboro. The coordinates for Channel 228B at Millsboro are 38–18–53 and 75–13–50. We shall propose to modify the license for Station WZBH in accordance with Section 1.420(g) and (i) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availaility of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 5, 1996, and reply comments on or before April 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis P. Corbett, Deborah R. Coleman, Leventhal, Senter & Lerman, 2000 I Street, NW., Suite 600, Washington, DC 20006–1809.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–13, adopted January 31, 1996, and released February 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–3664 Filed 2–16–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 960206024–6024–01; I.D. 122795A]

RIN 0648–AG32

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Reporting and Recordkeeping

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NMFS requests comments on this advance notice of proposed rulemaking. If these proposed regulations were implemented, they would require operators of processor vessels participating in the pollock fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) to install scales to weigh catch. This document is necessary to obtain information from the operators of processing vessels about problems involved in the proposed installation, testing, and operation of marine scales to weigh fish more accurately.

DATES: Comments must be submitted by March 21, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907–586–7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI FMP). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Public comment is requested on the following issues:

1. Is the three-part scale evaluation and approval process recommended by weights and measures officials necessary to assure that scales on processor vessels provide accurate information about fish weight?

2. How would ''authorized weights and measures inspectors'' be provided to perform scale inspections if they are not available from Federal or state weights and measures agencies due to staff and budget constraints? Are contract inspectors available? If so, what qualifications would be required for contracted inspectors?

3. If weights and measures inspectors can be identified, how can the location and timing of scale inspections be established to minimize the cost to processor vessels?

4. Belt-conveyor or ''in-line flow'' scales initially should be tested by comparing the recorded weight of several tons of fish with the known weight of this fish as determined by an independent certified scale. How will relatively small amounts of groundfish be provided to dockside locations in Washington or Alaska over a period of several months in order to test scales on 48 processor vessels?

5. What effect does NMFS' recommendation that scales be used to weigh total catch prior to discard or processing and that the weight of individual species in the catch be determined by applying observers' species composition data to the scale weight have on industry?

6. Are NMFS' cost estimates for purchase and installation of marine scale systems accurate?

The Council Recommendation

The Council initially requested NMFS to analyze a requirement to weigh catch processed at sea in 1990. In June 1994, the Council reviewed an initial draft Environmental Analysis/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) on improving total catch weight estimates in the groundfish fisheries, and the draft analysis was revised based on recommendations from the Council's Statistical and Scientific Committee and Advisory Panel. The revised draft analysis was sent out for public review on September 6, 1994, and presented to the Council at its September 1994 meeting.

The draft EA/RIR/IRFA explained current methods to estimate catch weight by species for all processor and catcher vessel types, and the potential problems with each method. Although NMFS can identify potential sources of uncertainty with current catch estimation procedures, NMFS currently is unable to quantify how these sources of uncertainty affect the accuracy of catch weight estimates.

The draft EA/RIR/IRFA analyzed several alternatives to improve total catch weight estimates including requirements that (1) trawl catcher/processors and motherships provide measured, marked, and certified fish receiving bins to improve observers' volumetric estimates of catch weight, (2) all processors with 100 percent observer coverage weigh all catch before processing or discard, (3) all processors, regardless of observer coverage, weigh all catch, and (4) all processors and catcher vessels weigh all catch. In addition, the Council considered an option to require that catch weight be assessed using any method that would provide estimates within a specified range of accuracy.

The draft EA/RIR/IRFA stated that the use of scale weights would not address all of the potential problems identified in the analysis. Observer species composition sampling would still be applied to the total catch weight to estimate the weight of each species or species group in the catch. Although properly designed and maintained marine scale systems provide the equipment necessary to account accurately for fish harvested by any vessel or processor type, no security or monitoring system exists that will guarantee that all fish will be weighed or that information from the scales will be accurately reported to NMFS. The observer can provide an important compliance monitoring role but, even with an observer aboard at all times, compliance cannot be assured. Observers can periodically test the accuracy of the scale and monitor use of the scale when they are on duty, but all activities on vessels that operate round the clock cannot be monitored by one person.

At its September 1994 meeting, the Council recommended that NMFS prepare proposed regulations to require all processors participating in the pollock fisheries to weigh their pollock catch on a scale, rather than to provide for improved volumetric estimates of total catch weight. The Council decided to focus initially only on processors participating in the pollock fisheries for two reasons. First, these fisheries represent the majority of groundfish catch off Alaska. Second, the Council expressed the need for parity in the methods used to estimate catch weight for purposes of the pollock allocations for processing by the inshore and offshore components.

These proposed regulations do not include additional requirements on shoreside processing plants because these scales already are regulated by state weights and measures agencies. NMFS believes that referencing these requirements or including additional requirements for shoreside plant scale testing or certification would be redundant.

What Will be Weighed?

Although the Council only specified that pollock was to be weighed, NMFS is recommending that all catch in the pollock fisheries be weighed. All catch in the pollock fisheries includes the catch of all pollock, all other groundfish species, and all nonallocated species. In other words, all fish and marine invertebrates must be weighed prior to discard or processing, unless otherwise specified in the regulations (e.g., prohibited species). For trawl catcher/processors or processor vessels taking deliveries of unsorted codends, all catch in each haul or delivery that occurred during a week in which the processor vessel was participating in the pollock fisheries would have to be weighed before discard or processing. For processors taking deliveries from trawl catcher vessels, all fish delivered by a catcher vessel participating in the pollock fisheries must be weighed before discard or processing. Operators of trawl catcher vessels could continue to discard at-sea before they delivered their catch. Processors could sort catch before weighing if the processors wish to weigh retained catch separately from discarded catch.

NMFS is considering requiring that all catch in the pollock fisheries be weighed for two reasons. First, if scales are to be required on processor vessels, NMFS believes that these scales should be used to improve estimates of the mortality of all fish and marine

invertebrates—not just the pollock. Second, this requirement more closely follows current catch estimation procedures for trawl processor vessels, which apply observers' species composition sampling data to total catch weight estimates to estimate the weight of each species in the catch.

Observers currently use one of two methods to make volumetric-based estimates of total catch weight—codend volume estimates or bin volume estimates. For a codend volume estimate, the observer estimates the volume of fish in the net. For a bin volume estimate, the observer estimates the volume of fish in one or more of the holding bins into which fish are dumped from the net. After the volumetric estimate of catch weight is made, fish are conveyed from the fish holding bins into the factory. Observers sample unsorted catch as it is being conveyed out of the bins to estimate the species composition of the total catch. Almost immediately after the fish are conveyed out of the holding bins, vessel crew sort retained catch from discards.

The use of an accurate and reliable scale to weigh total catch would eliminate the need for the observers' volumetric estimates of total catch weight. However, observers would still need to sample unsorted catch to estimate the distribution of various species in the catch, including prohibited species. A requirement to weigh only pollock rather than total catch would result in the observer continuing to make volumetric estimates of total catch weight in order to estimate the weight of all nonpollock species in the catch. In addition, the requirement to weigh only pollock may add a step to processors' groundfish sorting, unless they are retaining all pollock and putting small and damaged fish into a meal plant. Weighing pollock separately from other groundfish catch would require processors to first sort all pollock from other groundfish, then weigh the pollock, and then sort out the pollock to be retained from that to be discarded.

Weighing at Sea

Scales in shoreside plants are regulated by state and local government agencies, based on national standards established by the National Conference on Weights and Measures (NCWM) and published by the U.S. Department of Commerce, National Institute for Standards and Technology (NIST) in Handbook 44. Handbook 44 includes design, use, and performance standards for many different weighing and measuring devices, including several different types of scales. All of the catch from the BSAI and GOA pollock fisheries landed at a shoreside processing plant is reported to be landed in Alaska and is regulated by the Alaska Division of Measurement Standards.

Under Handbook 44 standards, scales in shoreside processing plants usually must weigh certified test weights to within 0.20 percent of their known weight. These scales are required to be inspected once or twice a year, and most scales in large processing plants are inspected every 6 months. However, scales in smaller processing plants or in remote locations are often tested less than once a year due to limited staff and budget resources in the Alaska Division of Measurement Standards.

Groundfish catch processed at sea is not regulated by any weights and measures agency for two reasons. First, no commercial transaction occurs when a catcher/processor catches and processes groundfish. Second, even in circumstances where a processor vessel is purchasing catch from an independent catcher vessel in the EEZ, no state or local government has jurisdiction over this transaction. The only activity on processor vessels operating in the EEZ that is regulated by a weights and measures agency is the packaging of processed product by weight (e.g., a 10–kg box of fillets). Although the scales used to pack the fish product by weight are not required to be certified, the accuracy of the net weight indicated on the package label is regulated by the state in which the fish are landed and sold. In other words, while operators processor vessels are not required to have certified scales on board, they are required to report accurate weights on their packaged products. Testing of packaged product weight by a weights and measures inspector generally occurs on shore, if it occurs at all.

Obtaining an accurate weight at sea requires a scale that has the capability to compensate for vessel motion. Marine scales in use, or proposed for use, use information from two weighing units (or ''load cells'') to calculate an adjustment factor to apply to the scale weight of fish to compensate for the effect of vessel motion. However, most other features of the marine scales are similar to scales of the same general design, such as belt-conveyor scales or hopper scales, that are used on land. Handbook 44 includes standards that can be used to evaluate a marine scale's performance on land, but additional standards will have to be developed to evaluate the scale's performance at-sea or in motion. These standards have not yet been developed because, to date, no marine scale has been used for commercial purposes or within the jurisdiction of a weights and measures agency.

In December 1993, NMFS hosted a meeting with representatives from U.S. and international scale manufacturers. These representatives stated that scales designed to compensate for the effect of vessel motion could achieve a very high level of accuracy, perhaps to within 1 percent of known weight. Three processor vessels currently have motion compensated conveyor scales and weigh fish as the fish move along the conveyor belt between the holding bins and the factory. The same motion compensation technology currently is used in platform scales used to weigh packaged product and in roe grading machines.

NMFS believes that a requirement that a scale weigh standard test weights to within 3 percent of their known weight is achievable under all circumstances under which sorting and processing of groundfish would occur. This accuracy level is well within the accuracy standard recommended by the scale manufacturers and would provide a satisfactory estimate for fishery management purposes.

A proposed rule to govern the use of scales in the pollock fishery would include requirements that NMFS believes are necessary to monitor effectively the use of scales and to assure that accurate information is being obtained from the scales in the absence of direct oversight by a weights and measures agency. These requirements are discussed below.

Compliance Monitoring

Processors would be required to notify NMFS as to the type of scale that would be used on the processor vessel. Notification would include a written description of the scale system that would be used to weigh catch and a diagram of the location of the scale or scales on the processor vessel and the location where the observer would sample unsorted catch. Notification would be required 6 months prior to initial installation, major modification, or relocation of a scale. The purpose of this proposed requirement is to assure that on-board test procedures for the particular type of scale have been developed by NMFS in consultation with the scale manufacturer and the weights and measures agencies. In addition, NMFS-certified observers, U.S. Coast Guard personnel, NMFS Enforcement officers, and scale inspectors must be notified in advance of the types of scales they may be expected to evaluate. Currently, NMFS is proposing test procedures only for belt-conveyor scales and hopper scales.

No other type of scale would be approved for use by NMFS until the appropriate test procedures have been developed and included in NMFS regulations.

Processors would decide which particular scale or scales to use and where to install these scales, as long as installation or use of the scale does not prevent observers from taking random samples of unsorted catch.

NMFS proposes a monitoring system for scales on-board processor vessels that would comprise three elements. The first element of the scale monitoring program would be a one-time approval of each model of scale under the National Type Evaluation Program (NTEP). NTEP approval would assure that the scale is constructed and performs in the laboratory according to standards set forth in Handbook 44. In addition, the scale would be evaluated under a variety of ''influence factors,'' such as temperature changes and voltage fluctuations. NTEP approval would be expected to take between 6 months and 1 year from the time the scale is submitted to the testing laboratory. No marine scale has NTEP approval or has been submitted for NTEP approval. NMFS believes that NTEP approval is an important first step in the monitoring process, because it would provide an independent assessment of the performance of the scales against established scale standards before a particular type of scale is purchased or installed on a processor vessel. Assuring that only high quality scales are installed on processor vessels would prevent NMFS and the industry from spending time or money on evaluating scales that cannot meet minimum standards. In addition, the State of Alaska would require NTEP approval for motion-compensated belt-conveyor scales, before they can be certified for use in shoreside processing plants.

Scale manufacturers would submit their scales for NTEP approval and provide processors with certification of approval. This certification must be kept on the processor vessel with the scale and be made available to the authorized officer. Four laboratories in the United States are approved by NCWM to provide NTEP certification. The State of California, Division of Measurement Standards in Sacramento, operates the NTEP laboratory for the West Coast.

The second element of the monitoring system would be inspection by a weights and measures inspector of each scale after it is installed on the processor vessel. The inspection of each scale would be necessary to assure that the scale is installed properly, the scale weighs accurately when not in motion, the appropriate on-board test weights are calibrated, and the vessel crew understands how to perform the on-board test procedure. The inspection would be based on Handbook 44 standards with two exceptions. First, accuracy standards for the scales would be specified in NMFS regulations. Second, scales would be exempted from Handbook 44 requirements for sealed calibration units, because this requirement would prevent the processor vessel crew from performing periodic, necessary calibration of the scale at sea.

Belt-conveyor scale systems, or flow scales, would be evaluated through a ''material test,'' which tests the performance of the scale while weighing the material (i.e., fish) that it was designed to weigh in the specific installation. Because the weight reading from a belt-conveyor scale is a combination of information about the load on the scale and the speed at which material is passing across the scale, static testing, or the placement of a test weight on the scale, would not adequately evaluate the scale's accuracy. The scale must be tested by running material across the scale to evaluate the effect of the conveyor belt installation, the loading and unloading of fish from the scale, the belt speed, and other factors related to the installation of the scale that may affect its accuracy. Simply running a series of metal test weights across the scale is not considered an adequate test of the scale's performance for an annual inspection, because the material will not flow across the scale in the same way as fish, and because it would be difficult to supply enough test weights to test the scale at a capacity similar to its actual use capacity.

Once the scale has passed the material test, a standard test weight would be certified by the weights and measures inspector. The test weight would be a flat, stainless steel bar that could be placed on the scale in contact with the weighing unit of the scale, but not the belt. It would act as a continuous load on the scale for a 10–minute test period. The accumulated weight recorded by the scale at the time of the annual certification would be stamped on the test weight.

The initial inspection by a weights and measures inspector would require vessel owners to schedule and pay for an inspection by either a state weights and measures agency (i.e., State of Alaska or State of Washington inspectors) or a contracted inspector. Officials of the State of Alaska have notified NMFS that it cannot commit to providing inspectors at this time due to budget and staff constraints.

Handbook 44 requires that a belt-conveyor scale be tested with an amount of material equal to the capacity of the scale for 10 minutes. Flow scales with capacities between 50 metric tons per hour (mt/hr) and 80 mt/hr, would need to be tested with between 8 and 13 mt of fish. The material test of the flow scale could take a full day and would require that an appropriate amount of fish and a certified platform or hanging scale be available at a dockside location for the weights and measures inspector. Because the tests likely would be done outside of the commercial fishing seasons, the Council and NMFS would have to make approximately 500 mt of groundfish available for scale testing. Vessels owners would have to request authorization from the Director, Alaska Region, NMFS (Regional Director) to catch the amount of fish needed for their tests if the tests were performed outside of regular seasons.

The third element of the scale monitoring system would be periodic testing of each scale using the standard test weight. This element would be required because the NTEP approval process and the dockside inspections do not test the scale's performance in motion. It is only through periodic tests at sea that the efficacy of the ''motion compensation'' devices can be assessed. The test weight would be placed on the scale, the scale would run for 10 minutes, and a printed record of the scale weight would be compared with the number stamped on the test weight. The scale would be in compliance with these regulations if the percent difference in the number stamped on the test weight and the number recorded by the scale was 3 percent or less. As long as the scale weighed the standard test weight accurately, and absent other information, NMFS would assume that the scale was continuing to operate as it did upon successful completion of the initial certification.

The certification and monitoring of hopper scales (similar in design to those currently used in several shoreside processing plants) would be much less complicated than belt-conveyor scales. The hopper scales weigh successive batches of fish rather than a flow of fish. For the initial certification, a weights and measures inspector would evaluate the scale using standard, metal test weights in a range of sizes. No test materials or fish would be required. The on-board test procedure would involve the use of standard test weights that would periodically be placed on the scale. A comparison of the known weight of the test weights with the

scale's recorded weight at sea would indicate whether the scale was weighing within the accuracy standard.

As an additional security measure, the scale would be required to maintain a cumulative record of the number of hours the scale has been operating and the weight of catch passing over or through the scale. This record must be permanent and accessible to the scale operator, the observer, or an authorized officer (read only) but must not be changed or deleted (no write capability). The purpose of this requirement is to provide information about the total catch weighed by the scale with the cumulative reports of catch weight from each haul.

Printed output from the scale on each haul must provide the following information: Starting date and time of haul, total weight of catch in each haul, and end date and time of haul. In addition, the scale must provide a printed record of the scale tests.

Initial Tests of At-sea Scales

One company participating in the 1995 pollock Community Development Quota (CDQ) fisheries installed two different models of belt-conveyor scales on two processors. Two observers were aboard each processor vessel during the CD fisheries, and an additional NMFS staff person was aboard for about 2 weeks. Observers performed limited material tests on these scales by weighing 20 baskets of fish (up to 50 kg of fish per basket) on either a motion-compensated or a beam-balance platform scale and then on the belt-conveyor scales. Test results were highly variable, ranging from less than 0.10 percent difference to almost 50 percent difference in weight between the platform and belt-conveyor scales. The scale on one of the vessels was judged to be improperly installed, because fish were allowed to fall onto the scale rather than flow across it. This likely resulted in inaccurate weights. In addition, the electric motor that drove the conveyor malfunctioned and was not successfully repaired by vessel crew.

These limited tests of scales on processor vessels illustrate several important points. The technology to accurately weigh fish processed at sea exists. However, accurate weight depends on the proper technology, proper installation of the scale, and the proper use of the scale. In other words, an improper installation can negate any benefits of a high quality scale. The proper functioning and installation of the scale must be verified by a qualified weights and measures official prior to use in the fishery. In the absence of this evaluation process, NMFS cannot be assured that accurate weight can be obtained from the scale. NMFS-certified observers cannot perform ''material tests'' involving weighing a ton of fish on two different scales each day due to time, space, and energy limitations. In addition, observers are not trained to determine whether the scale is properly installed or other technical aspects of the scale installation or operation.

The Number of Processors Affected

In 1994, 66 processor vessels reported as either trawl catcher/processors or motherships taking deliveries from trawl catcher vessels. Of these, 45 trawl catcher/processors and three motherships reported catch in the pelagic or bottom trawl pollock fisheries in the GOA or BSAI. Each of these 48 processor vessels would be required to provide a scale system that is capable of weighing catch before it is processed or discarded. Although these processors could choose to weigh catch in the other groundfish fisheries in which they participate, they would not be required to do so.

Cost of the Scale Requirement to Industry

NMFS estimates that each processor vessel would pay about $50,000 for each marine scale. One scale manufacturer estimates that a hopper scale system in development will cost about $20,000 each. However, this scale currently is not available for sale, so the price estimate is uncertain. Installation costs are much more difficult to estimate. Due to space constraints on many processor vessels, the likely need to relocate sorting space and processing equipment, the possibility that more than one scale would be required on some vessels, and the wide range of configurations on individual vessels, the installation cost range for the scales could be between $5,000 and $250,000 per vessel. Therefore, the total cost of purchasing and installing marine scales to weigh groundfish catch on processor vessels may range between $55,000 and $300,000 per vessel.

A variety of other costs are associated with a requirement for vessels to install marine scales, including the cost of reduced efficiency as a result of changes in procedures for harvesting, sorting, discarding, or processing groundfish. For example, sorting space may be reduced and processing equipment may have to be moved to accommodate the scale, possibly reducing the efficiency of the factory. These costs also will vary among the vessels, depending on factory configuration. Additional crew time may be required to monitor and record information from the scale and to test, maintain, and repair the scale. Finally, vessel operators may choose to purchase spare parts or a back-up scale depending on the amount of fishing time that could be lost if the scales break down.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 12, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.2, the definitions for ''Belt-conveyor scale'' and ''Hopper scale'' are added, in alphabetical order, to read as follows:

§ 672.2 Definitions.

* * * * *

Belt-conveyor scale means a device that employs a weighing element in contact with a belt to sense the weight of the material being conveyed and the speed (travel) of the material, and integrates these values to produce total delivered weight.

* * * * *

Hopper scale means a scale designed for weighing bulk commodities whose load-receiving element is a tank, box, or hopper mounted on a weighing element. The scale may be adapted to the automatic weighing of bulk commodities in successive drafts of predetermined amounts.

* * * * *

3. In § 672.24, paragraph (g) is added to read as follows:

§ 672.24 Gear limitations.

* * * * *

(g) *Weighing catch in the pollock fisheries in the EEZ*—(1) *Applicability.* Processor vessels participating in the pollock fisheries in the EEZ must weigh all catch on a scale that meets the requirements of this paragraph. A processor vessel is participating in the pollock fisheries if directed fishing for pollock is not prohibited and if, during any weekly reporting period, the round weight equivalent amount of retained pollock is greater than the round weight equivalent amount of any other retained groundfish species or species groups for

which a TAC has been specified under § 672.20 or § 675.20.

(2) *Required equipment.* (i) The processor vessel must provide a scale or scale system, a printer capable of providing printed output from the scale or scale system, and the appropriate standard test weights as described in paragraphs (g)(3)(ii)(A) and (B) of this section. Only belt-conveyor scales and hopper scales as defined at § 672.2 and meeting the certification and use requirements of this paragraph (g) are authorized for use.

(ii) *Installation.* The scale or scale system must be installed in the conveyor belt system that carries fish from fish holding bins to either processing equipment or a discard chute. The location or use of the scale or scales must not prevent the observer from sampling unsorted catch.

(iii) *Notification of proposed scale system.* Processor vessel operators must provide the Regional Director with a written description of the scale system that will be used to weigh catch, including: The name, manufacturer, and model number of the scale or scales; a diagram of the location of the scale or scales on the processor vessel; and the location where observers will obtain samples of unsorted catch. This notification is required only prior to initial installation, major modification, or relocation of a scale and must be received by the Regional Director 6 months prior to using the scale to meet the requirements of this paragraph.

(3) *Scale certification.* Each scale used to weigh catch under this paragraph (g) must meet the requirements of the following three-part scale certification process:

(i) *National Type Evaluation Program Certificate of Conformance.* The particular model of scale must be certified under the National Type Evaluation Program of the National Conference on Weights and Measures. Application forms may be obtained from the National Institute for Standards and Technology (NIST), Office of Weights and Measures, Building 820, Room 223, Gaithersburg, MD 20899–0000. A copy of the certificate of conformance for each model of scale must be maintained on board the processor vessel at all times.

(ii) *Initial installation or modification inspection.* Each scale or scale system must be tested and certified by an authorized weights and measures inspector upon initial installation, after major modification or installation of the scale at a different location on the vessel, or at the request of the Regional Director. Scales will be tested in accordance with the National Institute of Standards and Technology (NIST) Handbook 44, ''Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices'', 1995 edition adopted by the 79th National Conference on Weights and Measures, which are incorporated by reference, with the exceptions listed in paragraphs (g)(3)(ii)(A) and (B) of this section. Copies of Handbook 44 may be obtained from the National Institute for Standards and Technology, Office of Weights and Measures, Building 820, Room 223, Gaithersburg, MD 20899–0000. Copies may be inspected at the NMFS Alaska Regional Office. Written certification must be provided to the Regional Director prior to January 1 of each year and a copy must be maintained on board the processor vessel at all times. A certification signed by the authorized weights and measures inspector must identify the vessel name, scale model, and date of test; and certify that the scale or scale system meets the standards specified for either belt-conveyor scale systems or hopper scales, with the following additional requirements or exceptions.

(A) *Belt-conveyor scale systems.* Belt-conveyor scales are not required to meet Handbook 44 provisions for sealing in section 2.21, paragraphs S.1.7, S.2.2, and UR.1.2. Certification of a belt-conveyor scale requires accurate weighing of fish as determined by a material test followed by calibration of a standard test weight to be used in on board tests of the scale under paragraph (g)(3)(iii) of this section.

(*1*) *Material test.* An official test of a belt-conveyor scale system is a material test. The material test must be performed with fish that have been preweighed on the day of the material test on a scale approved by the authorized weights and measures inspector. The scale used to preweigh fish must be tested by the authorized weights and measures inspector immediately prior to running the material test. The weight of fish used in the material test must be equal to the full capacity of the scale operating for 10 minutes. The belt-conveyor scale must weigh the fish to within 1 percent of the weight determined through preweighing.

(*2*) *Standard test weight.* The processor vessel must provide a stainless steel bar that fits on the carriage of the scale to be used as a standard test weight for on-board scale testing. Calibration of the standard test weight by the weights and measures inspector must be referenced to the results of the material test. The serial number of the scale and the target weight after a 10–minute simulated load test must be stamped on the standard test weight upon successful completion of the material test. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(B) *Hopper scales.* Hopper scales are not required to meet Handbook 44 provisions for sealing in section 2.20 paragraph S.1.11. An official test of a hopper scale system is an increasing-load and decreasing-load test using certified standard test weights provided by the authorized weights and measures inspector and used according to procedures specified in Handbook 44. In addition, a set of standard test weights must be provided by the processor vessel to be used for on-board scale testing. The standard test weights must be stainless steel, must not exceed 10 kg each or 50 kg in total, and must be stamped with the serial number of the scale and the certified weight of the standard. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(iii) *On-board tests of scale performance.* The NMFS certified observer or any other authorized officer may perform, or witness vessel crew performing, a test of the scale's performance at any time. The procedure for testing a scale's performance must be based on the use of a standard test weight or weights certified by an authorized weights and measures inspector as described in paragraphs (g)(3)(ii)(A) and (B) of this section. The standard test weights must be placed on, in, or across the weighing element of the scale while the scale is operating. The scale must record the weight of the certified test weight to within 3 percent of its certified weight as calculated by subtracting the scale weight from the known weight of the test weights, dividing this difference by the scale weight, and multiplying by 100 [–3.0 <= (((certified weight-scale weight)/scale weight)*100) <= 3.0]. The vessel operator must provide the observer with a printed record of the known weight of the certified test weights and the weight recorded by the scale for each test and a printed record of any adjustments to or calibrations of the scale.

(4) *Printed reports from the scale.* Printed reports from the scale must be maintained on board the processor vessel and be made available to observers and other authorized officers at any time during the current calendar year. Reports must be printed at least once each 24–hour period in which the scale is being used to weigh catch or

before any information stored in the scale computer memory is replaced. A printed report must include the following information for each haul: The haul number; month, day, year, and time (to the nearest minute) weighing catch from the haul started; month, day, year, and time (to the nearest minute) weighing catch from the haul ended; and the total cumulative weight of catch in the haul for each haul brought on board the vessel. Scale weights may not be adjusted for the weight of water. The haul number recorded on the scale print-out must correspond with haul numbers recorded in the processor's daily cumulative production logbook. A printed report of any tests, adjustments, calibrations, or other procedures performed on the scale including month, day, year, and time (to the nearest minute) of procedure, name or description of procedure, result of procedure also must be provided. All printed output from the scale must be signed by the operator of the processor vessel.

(5) The scale system must record the cumulative number of hours in operation and the cumulative weight recorded by the scale in a format that cannot be edited or erased and that is accessible to the scale operator at any time. This information must be provided in printed form at any time at the request of an observer or other authorized officer.

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for part 675 continues to read as follows:

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

5. In § 675.24, paragraph (h) is added to read as follows:

§ 675.24 Gear limitations.

* * * * *

(h) Weighing catch harvested in the pollock fisheries. Requirements are set out at § 672.24(g).

[FR Doc. 96–3553 Filed 2–16–96; 8:45 am]

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Notices

Federal Register
Vol. 61, No. 34
Tuesday, February 20, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 96–004–1]

Boll Weevil Control Program; Availability of Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and a finding of no significant impact for a program to eradicate the boll weevil in the South Texas/Wintergarden area. The environmental assessment provides a basis for our conclusion that the methods employed to eradicate the pest will not have a significant impact on the quality of the human environment.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Wickheiser, Writer/Editor, Environmental Analysis and Documentation, BBEP, APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1237, (301) 734–8565. Copies of the environmental assessment and finding of no significant impact may be obtained by contacting Ms. Wickheiser or by calling Plant Protection and Quarantine's Central Region Office at (210) 504–4154.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 7 U.S.C. 147a, 148, and 450, the Secretary of Agriculture is authorized to cooperate with the States and certain other organizations and individuals to control and eradicate plant pests.

The boll weevil (*Anthonomus grandis Boheman*) is a destructive pest of cotton which causes annual economic losses to the agricultural industry and consumers. Since its introduction in southern Texas in the late 1800's, the boll weevil has spread across the area of the United States known as the Cotton Belt. Since the early 1950's, the United States agricultural community has acknowledged the need for a beltwide strategy for controlling the boll weevil. Since the first pilot program in 1971, programs implemented in an incremental fashion have been successful in eradicating the boll weevil from over 3.5 million acres in major areas of the Cotton Belt.

The U.S. Department of Agriculture (USDA), in cooperation with the State of Texas, the Texas Boll Weevil Eradication Foundation, Inc., and local cotton producers, has developed a program to eradicate boll weevil from cotton fields in the South Texas/Wintergarden area.

The Animal and Plant Health Inspection Service (APHIS), USDA, has prepared an environmental assessment to analyze the potential effects of this eradication program on the human environment. Based on the environmental assessment, APHIS has determined that the program to eradicate boll weevil in the South Texas/Wintergarden area will not significantly impact the quality of the human environment.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 13th day of February 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–3706 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Priest Lake Noxious Weed Control Project, Idaho Panhandle National Forests, Bonner and Boundary Counties, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) to disclose the potential environmental effects of noxious weed treatment on the Priest Lake Ranger District. Treatment sites would be at various locations across the district and are within the Priest River Ecosystem, Priest Lake Ranger District, Idaho Panhandle National Forests, Bonner and Boundary Counties, Idaho and Pend Oreille County, Washington. Most treatment sites are located near or along forest roads, trails, powerline corridors, recreation sites and meadows within grazing allotments.

The proposed action to control populations of noxious and undesirable weeds on certain travel corridors and areas is designed to prevent the spread of these weeds and promote the retention and health of native and/or desirable plants within this ecosystem. The proposed action would use an integrated pest management approach to control weeds. This approach includes mechanical, biological, cultural, and chemical control.

Over 13 new or potential species of weed will be considered for control. The major species considered for control include spotted knapweed (Centaurea maculosa), orange hawkweed (Hieracium aurantiacum), meadow hawkweed (Hieracium pratense), dalmation toadflax (Linaria dalmatica), Canada thistle (Cirsium arvense), goat weed (Hypericum perforatum L.), hound's tongue (cynoglossum officinale) and common tansy (Tanacetum vulgare). Other species may include diffuse knapweed (Centaurea diffusa), purple loosestrife (Lythrum salicaria),

yellow starthistle (Centaurea solstitialis), musk thistle (Carduus nutans), and bull thistle (Cirsium vulgare).

This project level EIS will tier to the Idaho Panhandle National Forests Weed Pest Management EIS, October 1989; the Idaho Panhandle National Forests Land and Resource Management Plan (Forest Plan), September 1987; the Final EIS Noxious Weed Management Project, Bonners Ferry Ranger District, September 1995.

DATES: Written comments and suggestions should be received on or before April 5, 1996.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or requests to be placed on the project mailing list to Kent Dunstan, District Ranger, Priest Lake Ranger District, HCR 5, Box 207, Priest River, ID 83856–9612.

FOR FURTHER INFORMATION CONTACT: Judy York, EIS Team Leader, Sandpoint Ranger District, phone number (208) 263–5111.

SUPPLEMENTARY INFORMATION: Weed control is proposed on 128 sites that have been identified on the Priest Lake Ranger District. These sites range in size from single plants to approximately 25 acres. The total project area covers approximately 2,610 gross acres; of this area, approximately 313 net acres will be specifically treated. These sites represent less than 1% of the 322,527 acres in the Priest Lake Ranger District.

There are a variety of purposes for weed control on the Priest Lake Ranger District. The primary purposes are: (1) To protect the natural condition and biodiversity of the Priest River Ecosystem by preventing or limiting the spread of aggressive, non-native plant species that displace native vegetation; (2) prevent or limit the spread of weeds into areas containing little or no noxious weeds; (3) reduce weed seed sources at recreation sites and along main travel routes including roads and trails; (4) reduce the social and economic impacts of spreading noxious weed populations; (5) comply with Federal and State Laws regulating management of noxious weeds; and (6) protect sensitive and unique habitats.

The treatment sites are in scattered locations across the district. The Idaho Panhandle National Forests Land and Resource Management Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The Forest Plan directed that forest pests be managed by an integrated pest management approach.

The decision to be made is what actions, if any, should be taken to control weeds in the Priest River ecosystem, where treatment should be applied, and what type of treatment(s) should be used.

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative, in which none of the proposed treatment activities would be implemented. Additional alternatives will represent the range of control methods currently available for treatment of weeds, including non-chemical methods.

Public participation is an important part of the analysis and will play an important role in developing the alternatives. The initial scoping process (40 CFR 1501.7) will occur during February, March, and April, 1996. The mailing list for public scoping will be developed from responses to this NOI, and to the Idaho Panhandle National Forests Quarterly Schedule of Proposed Actions, October, 1995. In addition, the public is encouraged to visit with Forest Service officials during the analysis and prior to the decision. The Forest Service will also be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed actions.

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.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e., cumulative effects).

Some public concerns have already been identified from initial interdisciplinary review of the weed control proposal. The following significant issues have been identified so far:

1. Current and potential impacts of the spread of noxious weeds on the physical, biological, and social environment within the Priest Lake Ranger District.
2. Potential impacts, effectiveness, and economics of various weed control methods.
3. Potential effects upon human health from the application of herbicides.

This list will be verified, expanded, or modified based on public scoping and interdisciplinary review of this proposal.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in June, 1996. At that time, the EPA will publish a Notice of Availability of the draft environmental impact statement in the Federal Register. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of 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 statement stage but that are not raised until after completion of the final environmental statement may be waived or dismissed by the courts (*City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritage, 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 scoping 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 and concerns 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. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the 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 Priest Lake Ranger District,

HCR 5, Box 207, Priest River, ID, 83856–9612.

Dated: February 9, 1996.

Kent L. Dunstan,

District Ranger.

[FR Doc. 96–3625 Filed 2–16–96; 8:45 am]

BILLING CODE 3410–11–M

ASSASSINATION RECORDS REVIEW BOARD

Formal Determinations and Corrections on Release of Records

AGENCY: Assassination Records Review Board.

ACTION: Notice of Formal Determinations and Corrections.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on January 30–31, 1996, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the Federal Register within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel and Associate Director for Research and Analysis, Assassination Records Review Board, Second Floor, 600 E Street, NW., Washington, DC 20530, (202) 724–0088, fax (202) 724–0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. 2107.9(c)(4)(A) (1992). On January 30–31, 1996, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives. For each document, the number of releases of previously redacted information immediately follows the record identification number, followed in turn by the number of postponements sustained, the status of the document, and, where appropriate, the date the document is scheduled to be released or re-reviewed.

FBI Documents: Open in Full

124–10023–10241; 1; 0; n/a
124–10023–10242; 1; 0; n/a
124–10027–10402; 9; 0; n/a
124–10034–10056; 8; 0; n/a
124–10063–10017; 1; 0; n/a
124–10068–10068; 1; 0; n/a
124–10069–10030; 1; 0; n/a
124–10069–10051; 5; 0; n/a
124–10069–10394; 5; 0; n/a
124–10070–10076; 2; 0; n/a
124–10070–10088; 3; 0; n/a
124–10070–10350; 3; 0; n/a
124–10072–10150; 4; 0; n/a
124–10072–10402; 1; 0; n/a
124–10081–10324; 1; 0; n/a
124–10084–10205; 5; 0; n/a
124–10087–10331; 13; 0; n/a
124–10087–10336; 1; 0; n/a
124–10095–10117; 1; 0; n/a
124–10100–10265; 2; 0; n/a
124–10111–10170; 8; 0; n/a
124–10119–10143; 4; 0; n/a
124–10119–10221; 2; 0; n/a
124–10119–10228; 3; 0; n/a
124–10119–10261; 3; 0; n/a
124–10128–10024; 1; 0; n/a
124–10142–10166; 4; 0; n/a
124–10163–10135; 7; 0; n/a
124–10167–10052; 5; 0; n/a
124–10171–10143; 1; 0; n/a
124–10171–10193; 9; 0; n/a
124–10178–10262; 9; 0; n/a
124–10183–10178; 1; 0; n/a
124–10184–10259; 1; 0; n/a
124–10228–10062; 1; 0; n/a
124–10228–10069; 1; 0; n/a
124–10229–10111; 1; 0; n/a
124–10230–10423; 1; 0; n/a
124–10240–10290; 1; 0; n/a
124–10249–10417; 9; 0; n/a
124–10257–10477; 5; 0; n/a

CIA Documents: Open in Full

104–10001–10008; 1; 0; n/a
104–10001–10035; 2; 0; n/a
104–10001–10103; 2; 0; n/a
104–10002–10039; 1; 0; n/a
104–10002–10084; 4; 0; n/a
104–10003–10006; 1; 0; n/a
104–10003–10030; 14; 0; n/a
104–10003–10032; 2; 0; n/a
104–10003–10179; 14; 0; n/a
104–10003–10193; 2; 0; n/a
104–10015–10032; 6; 0; n/a
104–10015–10298; 6; 0; n/a
104–10015–10305; 17; 0; n/a
104–10015–10339; 5; 0; n/a
104–10015–10344; 2; 0; n/a
104–10016–10042; 10; 0; n/a
104–10017–10056; 11; 0; n/a

HSCA Documents: Open in Full

180–10075–10092; 1; 0; n/a
180–10076–10011; 1; 0; n/a
180–10077–10207; 1; 0; n/a
180–10077–10208; 1; 0; n/a
180–10078–10450; 2; 0; n/a
180–10089–10019; 1; 0; n/a
180–10089–10024; 1; 0; n/a
180–10089–10215; 1; 0; n/a
180–10089–10227; 1; 0; n/a
180–10110–10082; 1; 0; n/a
180–10110–10106; 1; 0; n/a
180–10117–10177; 167; 0; n/a
180–10118–10068; 3; 0; n/a

NARA Documents: Open in Full

178–10004–10022; 1; 0; n/a
179–40001–10233; 1; 0; n/a
179–40001–10430; 1; 0; n/a
179–40001–10431; 1; 0; n/a

FBI Documents: Postponed in Part

124–10003–10038; 2; 2; 01/2006
124–10012–10057; 0; 1; 10/2017
124–10027–10396; 5; 1; 10/2017
124–10049–10006; 4; 2; 01/2006
124–10049–10007; 8; 2; 01/2006
124–10065–10076; 4; 2; 01/2006
124–10068–10016; 0; 1; 01/2006
124–10068–10034; 0; 1; 01/2006
124–10069–10000; 9; 1; 01/2006
124–10069–10065; 5; 5; 01/2006
124–10070–10083; 0; 1; 01/2006
124–10070–10297; 0; 1; 01/2006
124–10070–10309; 7; 3; 04/1996
124–10070–10347; 3; 3; 01/2006
124–10072–10190; 0; 2; 01/2006
124–10074–10030; 9; 1; 01/2006
124–10074–10142; 9; 1; 01/2006
124–10075–10040; 2; 2; 01/2006
124–10075–10086; 9; 1; 01/2006
124–10075–10087; 8; 2; 01/2006
124–10075–10088; 8; 2; 01/2006
124–10075–10121; 0; 1; 01/2006
124–10075–10209; 0; 1; 01/2006
124–10076–10049; 1; 1; 01/2006
124–10077–10025; 0; 3; 01/2006
124–10077–10059; 1; 2; 01/2006
124–10077–10195; 0; 1; 01/2006
124–10081–10142; 3; 3; 01/2006
124–10081–10224; 0; 1; 01/2006
124–10081–10228; 0; 1; 10/2017
124–10087–10328; 2; 1; 10/2017
124–10087–10332; 0; 5; 01/2006
124–10100–10040; 3; 3; 01/2006
124–10100–10306; 0; 1; 01/2006
124–10102–10077; 3; 3; 01/2006
124–10102–10200; 7; 3; 04/1996
124–10103–10219; 1; 1; 01/2006
124–10105–10245; 0; 1; 01/2006
124–10108–10046; 0; 1; 01/2006
124–10108–10090; 1; 2; 01/2006
124–10108–10141; 0; 2; 01/2006
124–10110–10420; 1; 1; 01/2006
124–10112–10058; 0; 1; 01/2006
124–10119–10129; 0; 3; 01/2006
124–10119–10134; 0; 1; 01/2006
124–10119–10142; 0; 1; 01/2006
124–10119–10287; 7; 3; 04/1996
124–10125–10102; 1; 1; 01/2006
124–10126–10080; 0; 1; 01/2006
124–10126–10124; 0; 1; 01/2006
124–10126–10345; 1; 1; 01/2006
124–10127–10018; 3; 3; 01/2006
124–10133–10055; 2; 2; 01/2006
124–10143–10394; 1; 1; 01/2006
124–10160–10009; 0; 1; 01/2006
124–10163–10133; 3; 1; 10/2017
124–10169–10052; 2; 2; 01/2006
124–10178–10493; 1; 1; 01/2006
124–10182–10122; 2; 1; 10/2017
124–10272–10091; 1; 1; 01/2006

CIA Documents: Postponed in Part

104–10015–10030; 18; 6; 01/2006
104–10015–10035; 13; 11; 01/2006
104–10015–10037; 5; 3; 01/2006
104–10015–10058; 5; 1; 01/2006
104–10015–10129; 1; 7; 03/1996
104–10015–10150; 20; 6; 01/2006
104–10015–10158; 7; 1; 03/1996
104–10015–10178; 11; 1; 03/1996
104–10015–10220; 4; 3; 03/1996
104–10015–10223; 7; 1; 03/1996

104–10015–10227; 4; 1; 03/1996
104–10015–10240; 12; 1; 01/2006
104–10015–10259; 9; 3; 01/2006
104–10015–10269; 4; 3; 01/2006
104–10015–10330; 1; 6; 01/2006
104–10015–10348; 5; 1; 01/2006
104–10015–10364; 5; 1; 01/2006
104–10015–10375; 18; 6; 01/2006
104–10015–10385; 15; 7; 03/1996
104–10015–10396; 13; 1; 03/1996
104–10015–10402; 11; 4; 01/2006
104–10015–10403; 7; 4; 01/2006
104–10015–10410; 5; 2; 03/1996
104–10015–10435; 8; 1; 01/2006
104–10015–10448; 5; 1; 01/2006
104–10016–10007; 5; 1; 01/2006
104–10016–10021; 7; 5; 01/2006
104–10016–10022; 5; 1; 03/1996
104–10017–10000; 10; 4; 01/2006
104–10017–10008; 14; 3; 01/2006
104–10017–10009; 13; 8; 03/1996
104–10017–10010; 15; 3; 01/2006
104–10017–10011; 6; 6; 01/2006
104–10017–10021; 13; 2; 01/2006
104–10017–10035; 13; 2; 01/2006
104–10017–10048; 5; 2; 03/1996
104–10017–10052; 8; 3; 03/1996
104–10017–10062; 9; 3; 01/2006
104–10017–10063; 10; 7; 01/2006
104–10017–10068; 9; 4; 01/2006
104–10017–10076; 12; 6; 01/2006
104–10017–10080; 9; 2; 03/1996
104–10018–10000; 6; 4; 03/1996
104–10018–10004; 41; 16; 03/1996
104–10018–10005; 7; 6; 03/1996
104–10018–10006; 5; 2; 03/1996
104–10018–10041; 4; 4; 03/1996
104–10018–10048; 5; 1; 01/2006
104–10018–10055; 6; 2; 03/1996
104–10018–10065; 13; 9; 01/2006
104–10018–10082; 8; 3; 01/2006
104–10018–10092; 8; 1; 01/2006
104–10018–10094; 18; 11; 01/2006
104–10018–10096; 12; 6; 03/1996
104–10095–10001; 9; 10; 09/2017

HSCA Documents: Postponed in Part

180–10084–10094; 0; 1; 01/2017
180–10086–10235; 0; 1; 01/2017
180–10101–10053; 0; 1; 01/2017
180–10102–10278; 0; 2; 01/2017
180–10106–10011; 0; 1; 01/2017
180–10107–10194; 0; 1; 01/2017
180–10111–10065; 615; 1; 01/2017
180–10112–10049; 0; 1; 01/2017
180–10115–10028; 0; 1; 01/2017
180–10120–10343; 0; 2; 01/2017

Additional Releases

After consultation with appropriate Federal Agencies, the Review Board determined that the following records from the House Select Committee on Assassinations may now be opened in full: 180–10110–10034; 180–10110–10035; 180–10110–10036; 180–10110–10037; 180–10110–10038; 180–10110–10039; 180–10110–10040; 180–10110–10041; 180–10110–10042; 180–10110–10043; 180–10110–10044; 180–10110–10045; 180–10110–10046; 180–10110–10047; 180–10110–10048; 180–10110–10049; 180–10110–10070; 180–10110–10072; 180–10110–10077; 180–10110–10096; 180–10110–10097; 180–10110–10110; 180–10110–10136; 180–10110–10137; 180–10110–10138; 180–10110–10139; 180–10110–10140; 180–10110–10141; 180–10110–10142; 180–10110–10143; 180–10110–10092; 180–10110–10093; 180–10110–10095.

On January 30, 1996, the Review Board adopted a policy to release duplicates of records on the same terms and conditions as those records on which it previously voted. The following determinations are noticed pursuant to that policy:

FBI Documents: Postponed in Part

124–10035–10420; 6; 5; 10/2017
124–10144–10355; 0; 1; 10/2017
124–10173–10071; 0; 1; 10/2017
124–10242–10265; 0; 1; 10/2017
124–10023–10245; 1; 1; 10/2017
124–10143–10038; 1; 1; 11/2005

FBI Documents: Open in Full

124–10230–10106; 7; 0; n/a

Corrections: On December 12 and 13, 1995, the Review Board made formal determinations that were published in the Tuesday, January 2, 1996, Federal Register (FR Doc. 95–31560, 61 FR 48). For that notice make the following corrections and additions:

On page 49, in the second, third, fourth, and fifth columns of the FBI documents table, make the following corrections and additions:

Record No.	Previously published	Corrected data
124–10079–10230	20, 13, Postponed in Part, 12/2005	15, 0, Open in Full, n/a.
124–10058–10007	[Omitted]	5, 13, Postponed in Part, 12/2005.

Dated: February 14, 1996.

David G. Marwell,

Executive Director.

[FR Doc. 96–3708 Filed 2–16–96; 8:45 am]

BILLING CODE 6118–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: February 20, 1996.

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

The Department has received timely requests, in accordance with 19 CFR 353.22(a) and 355.22(a) (1994), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

Initiation of Reviews

In accordance with sections 19 CFR 353.22(c) and 355.22(c), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. The Department is not initiating an administrative review of any exporters and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under section 353.22(a) (19 CFR 353.11(a)). We intend to issue the final results of these reviews not later than January 31, 1997.

	Period to be reviewed
Antidumping Duty Proceedings	
Canada:	
Brass Sheet and Strip—A–122–601	
Wolverine Tube Inc.	01/01/95–12/31/95

	Period to be reviewed
Color Picture Tubes—	
A–122–605	
Mitsubishi Electronics Industries Canada Inc	01/01/95–12/31/95
France:	
Anyhdrous Sodium Metasilicate—	
A–427–098	
Rhone-Poulene, Poulenc, S.A	01/01/95–12/31/95
Certain Stainless Steel Wire Rods—	
A–427–811	
Imphy, S.A. Ugine-Savoie	01/01/95–12/31/95
Japan:	
Color Picture Tubes—	
A–588–609	
Mitsubishi Electronics Corp	01/01/95–12/31/95
Countervailing Duty Proceedings	
None.	
Suspension Agreements	
Colombia:	
Roses and other cut flowers—	
C–301–003	01/01/95–12/31/95
Miniature Carnations—C–301–601	01/01/95–12/31/95

If requested within 30 days of the date of publication of this notice, the Department will determine whether antidumping duties have been absorbed by an exporter or producer subject to any of these reviews if the subject merchandise is sold in the United States through an importer which is affiliated with such exporter or producer.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: February 13, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3747 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–489–805]

Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Michelle Frederick, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5288 or (202) 482–0186, respectively.

APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Rounds Agreements Act (URAA).

Scope of Investigation

The scope of this investigation consists of certain non-egg dry pasta in packages of five pounds (or 2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of this investigation are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise under investigation is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Case History

On December 14, 1995, the Department of Commerce (the Department) made its affirmative preliminary determination of sales at less than fair value (*Preliminary Determination*) in the above-referenced investigation (61 FR 1351, January 19, 1996). On January 18 and 19, 1996, we disclosed our calculations for the preliminary determination to the respondents, Filiz Gida Sanayii ve Ticaret (Filiz) and Maktas Makarnacilik ve Ticaret T.A.S (Maktas), and to the petitioners, respectively, pursuant to their requests. On January 25, 1996, we received a submission from the petitioners alleging ministerial errors in the Department's preliminary determination calculations. The respondents, in their January 26, 1996, submission alleged that the Department made a ministerial error by failing to include appropriate language instructing Customs to limit the duration of provisional measures to four months.

For both Filiz and Maktas, the petitioners alleged two ministerial errors. First, the petitioners alleged that the Department understated U.S. packing expenses by mistakenly converting the expenses from Turkish lira to U.S. dollars twice. Second, the petitioners alleged that the Department inadvertently omitted selling expenses from its calculation of an amount for profit included in constructed value (CV).

With regard to U.S. packing expenses, we agree that the error as alleged by the petitioners constitutes a ministerial error within the meaning of 19 CFR 353.28(d). With regard to the petitioners' allegation concerning the calculation of CV profit, we disagree that the error alleged by the petitioners is a ministerial error. The Department in its margin programs correctly calculated the amount for CV profit for both respondents. (For specific details of these allegations and our analysis of them, see Memorandum from the Team to Barbara R. Stafford dated February 6, 1996.) With regard to the respondents' allegation concerning provisional measures, we have determined that their allegation does not constitute a ministerial error. For further discussion on this issue, see Memorandum from Marguerite Trossevin to Susan G. Esserman dated February 7, 1996.

Amendment of Preliminary Determination

The Department has stated that it will amend a preliminary determination only to correct for significant ministerial errors (*i.e.*, corrections that result in a difference of at least 5 absolute percentage points and that are at least 25 percent greater or less than the preliminary margin, and corrections resulting in a margin of zero or de minimis). See Notice of Amendment to Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Bicycles From

the People's Republic of China, 60 FR 64016 (December 13, 1995).

Given the facts of this investigation, as noted above, we are amending Filiz's and Maktas' preliminary dumping margins to correct for the ministerial error regarding U.S. packing expenses, since the correction of this ministerial error results in a difference of at least five absolute percentage points and is at least 25 percent greater than the preliminary margin. The corrected dumping margins for Filiz and Maktas are 34.04 and 45.84 percent, respectively. As a result the ''All Others'' rate is now 41.33 percent.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of pasta from Turkey that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this amended preliminary determination notice in the Federal Register. As discussed in the *Preliminary Determination,* we are subtracting for deposit purposes, the rate attributable to the export subsidies found in the concurrent countervailing duty investigation (14.72 percent and 19.80 percent for Filiz and Maktas, respectively) from the antidumping margin percentages for Filiz and Maktas. The ''All Others'' deposit rate is based on subtracting the rate attributable to the export subsidies included in the countervailing duty investigation for those companies that are respondents in the antidumping investigation and that are found to have dumping margins. In keeping with Article 17.4 of the WTO Agreement on Subsidies and Countervailing Measures, the Department will terminate the suspension of liquidation in the companion countervailing duty investigation of Certain Pasta From Turkey, effective February 14, 1996, which is 120 days after the date of publication of the preliminary determination. Accordingly, on February 14, 1996, the antidumping deposit rate will revert to the full amount calculated in this amended preliminary determination. These suspension of liquidation instructions will remain in effect until further notice.

Manufacturer/producer/exporter	Original margin percentages	Revised margin percentages	Deposit percentages
Filiz	10.44	34.04	19.32
Maktas	18.80	45.84	26.04
All Others	15.61	41.33	23.41

ITC Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission of our amended preliminary determination.

This amended preliminary determination is published in accordance with section 733(f) of the Act.

Dated: February 12, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3618 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–702]

Stainless Steel Butt-Weld Pipe and Tube Fittings From Japan; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Termination of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from Taikei Industries Co., Ltd. (Taikei) and Daido Steel Co., Ltd. (Daido), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on stainless steel butt-weld pipe and tube fittings (SSPFs) from Japan. The review, initiated on April 14, 1995, covers imports of SSPFs from Japan by Taikei and Daido during the period March 1, 1994, through February 28, 1995. We received a timely request for withdrawal from this review from Taikei on July 7, 1995. On November 9, 1995, Daido requested that the Department formally terminate the administrative review since the products it sold to the United States during the period of review were outside the scope of the order on SSPFs from Japan. Because no other interested parties requested a review of these companies, we are terminating this review.

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed after January 1, 1995.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: David Genovese or Joseph Hanley, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482–4697/3058.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1995, Daido and Taikei requested that the Department conduct an administrative review of the antidumping duty order on SSPFs from Japan for the period March 1, 1994, through February 28, 1995. On April 14, 1995, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order.

On July 7, 1995, we received a timely request for withdrawal from the review from Taikei. On August 24, 1995, Daido requested that the Department determine that the merchandise produced by Daido and sold in the United States during the period of review is not subject to the antidumping duty order on SSPFs from Japan since such merchandise does not fall within the scope of the antidumping duty order on SSPFs from Japan.

On October 24, 1995, the Department issued its ruling on Daido's scope inquiry and determined that Daido's products produced and exported to the United States during the period of review do not fall within the scope of the antidumping duty order on SSPFs from Japan. Subsequently, on November 9, 1995, Daido requested that the Department formally terminate the review of SSPFs from Japan for the period March 1, 1994, through February 28, 1995.

Pursuant to 19 CFR 353.22(a)(5) of the Department's regulations, the Department may allow a party that requests an administrative review to withdraw such request not later than 90 days after the date of publication of the notice of initiation of the administrative review. 19 CFR 353.22 (a)(5). The regulations further provide that the Department may extend this time limit

if the Department determines it is reasonable to do so. Although Daido's request for termination was submitted beyond the 90-day time limit, termination of the review is reasonable under the circumstances of this case, *i.e.*, because the Department has determined that merchandise produced by Daido and sold to the United States during the period of review is not within the scope of the antidumping duty order on SSPF's from Japan. Moreover, there were no requests for review from other interested parties. Accordingly, we are terminating this review.

This notice is published in accordance with 19 CFR 353.22(a)(5).

Dated: February 9, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–3620 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–823–803]

Titanium Sponge From Ukraine; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On November 22, 1995, the Department of Commerce (the Department) published the preliminary results of review of the antidumping duty order on titanium sponge from Ukraine (57 FR 36070, August 12, 1992). The review covers one manufacturer, Zaporozhye Titanium and Magnesium Combine (Zaporozhye) and exports of the subject merchandise to the United States from Ukraine during the period from August 1, 1992, through July 31, 1993.

We gave interested parties an opportunity to comment on the preliminary results of review. Since the Department received no comments, these final results of review remain unchanged from the preliminary results of review.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: David Genovese or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5254.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1993 and August 31, 1993, respectively, two U.S. producers of titanium sponge, Oregon Metallurgical Corporation (OREMET) and Titanium Metals Corporation (TIMET), requested an administrative review of the antidumping finding on titanium sponge from Ukraine. The Department initiated the review on September 30, 1993, (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. On November 22, 1995, the Department published the preliminary results of review. In the preliminary results of review, the Department determined that Zaporozhye was a non-shipper for the purposes of an antidumping review since all entries of the subject merchandise were entered under temporary importation bond (TIB) procedures.[1] The Department has now completed 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 the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

The merchandise covered by this review is all imports of titanium sponge from Ukraine. 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) item number 8108.10.50.10. The HTS item number is provided for convenience and Customs purposes; our written description of the scope of this finding is dispositive.

This review covers sales and entries by Ukrainian exporters, producers, sellers, and resellers of the subject merchandise during the period August 1, 1992, through July 31, 1993.

[1] Merchandise entered under TIB procedures are not entries for consumption, and therefore, cannot be considered merchandise subject to an antidumping duty order and included within a determination resulting from a 751(a) administrative review. Moreover, a review of TIB entries cannot serve as the basis for the assessment of antidumping duties on entries of the merchandise included within the determination and for deposits of estimated duties, which is the purpose of an administrative review.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. Since the Department received no comments, we have continued to treat Zaporozhye as a non-shipper of the subject merchandise for these final results. Accordingly, as provided by section 751(a)(1) of the Act, the cash deposit rate for all shipments of titanium sponge from Ukraine, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, will be 83.96 percent. 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 final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3621 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–821–803]

Titanium Sponge From Russia; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On October 30, 1995, the Department of Commerce (the Department) published the preliminary results of review of the antidumping finding on titanium sponge from Russia (33 FR 12138, August 28, 1968). 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 gave interested parties an opportunity to comment on the preliminary results of review. Since the Department received no comments, these final results of review remain unchanged from the preliminary results of review.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: David Genovese or Zev Primor, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482–5254.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1993, Oregon Metallurgical Corporation (OREMET), a petitioner, requested an administrative review of TENEX and AVISMA. On August 27 and 31, 1993, Titanium Metals Corporation (TIMET), also a petitioner, requested an administrative review of VILS, VSMPO, TENEX, and AVISMA. The Department initiated the review on September 30, 1993 (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. On October 30, 1995, the Department published the preliminary results of review (60 FR 55241). The Department has now completed 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.

Final Results of Review

In the preliminary results of review, the Department determined that while there were entries of the subject merchandise during the period of review, AVISMA was a non-shipper since it lacked knowledge at the time of sale of the ultimate destination of the merchandise. We gave interested parties an opportunity to comment on the preliminary results. The Department received no comments. Accordingly, we have determined that, consistent with the preliminary results, the margin for Russian titanium 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. The Department will issue appraisement instruction directly to the U.S. Customs Service.

Furthermore, as provided by section 751(a)(1) of the Act, the cash deposit rate for all shipments of titanium sponge from Russia, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, will be 83.96 percent. 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 final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–3619 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[Docket No. 951213300–5300–01; I.D. 120795A]

Weakfish; Interstate Fishery Management Plans

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

ACTION: Notice of determination of noncompliance; notice of intent to implement a moratorium.

SUMMARY: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (Act), the Secretary of Commerce (Secretary) has determined that the State of Maryland is not in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Coastal Fishery Management Plan (FMP) for weakfish and that the measures Maryland has failed to implement are necessary for the conservation of the fishery in question. Pursuant to the Act, a Federal moratorium on weakfish-fishing within Maryland State waters is hereby declared. This moratorium will become effective on April 15, 1996, unless, by April 1, 1996, Maryland adopts measures to come into compliance with the Commission's FMP.

DATES: Date of moratorium declaration: January 31, 1996.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, NMFS, 301–713–2334.

SUPPLEMENTARY INFORMATION:

Background

The Act, 16 U.S.C. 5101 *et seq.*, was enacted to support and encourage the development, implementation, and enforcement of the Commission's Interstate Coastal FMPs to conserve and

manage Atlantic coastal fishery resources.

Section 807 of the Act specifies that, after notification by the Commission that an Atlantic coastal state is not in compliance with a Commission's coastal FMP, the Secretary shall make a finding, no later than 30 days after receipt of the Commission's determination, on: (1) Whether the state has failed to carry out its responsibilities to implement and enforce the Commission's FMP; and (2) whether the measures that the state has failed to implement and enforce are necessary for the conservation of the fishery in question. If the Secretary finds that the state is not in compliance with the Commission's FMP, and if the measures the state has failed to implement are necessary for the conservation of the fishery, the Secretary shall declare (i.e., impose) a moratorium on fishing in that fishery within the waters of the noncomplying state. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium. In making such a finding, the Secretary shall carefully consider the comments of the Commission, the coastal state found out of compliance by the Commission, and the appropriate Regional Fishery Management Councils.

Activities Pursuant to the Act

On November 17, 1995, the Secretary received a letter from the Commission prepared pursuant to section 806(b) of the Act. The Commission's letter stated that the State of Maryland's weakfish regulations did not meet the provisions of the Commission's FMP, and, therefore, the Commission found the State of Maryland out of compliance with the FMP as described below:

Maryland failed to implement appropriate mesh size restrictions in gill nets and finfish trawl nets in appropriate times and areas by July 1, 1995, to achieve 75 percent escapement of Maryland's minimum size weakfish.

In order to come into compliance with Amendment #2 for the fishing year ending March 31, 1996, Maryland would have to increase its minimum otter trawl mesh-sizes to 3–3/4 inches diamond (inside measurement) and 3–3/8 inches square (inside measurement). Alternatively, Maryland could increase total seasonal reductions to 40.5 percent for the diamond mesh otter trawl fishery and 35.8 percent for the square mesh otter trawl fishery.

The Commission's letter also suggested that the Secretary use his discretionary authority under the Act to delay the date of the moratorium for up to 6 months, because Maryland appears to be taking administrative action to implement the management measures necessary to bring the State into compliance. On December 4, 1995, officials representing the Secretary met with representatives from Maryland's Department of Natural Resources, Tidal Fisheries Division. Maryland officials noted that Maryland had implemented most measures necessary under the Commission's weakfish FMP, such as a 12–inch (30–cm) size limit and seasonal restrictions to fishing, but had not, as yet, implemented the required mesh sizes. They noted that administrative procedures were underway to implement the required mesh sizes. The NMFS representatives received from the Maryland officials a memorandum that presented Maryland's intent to take administrative actions necessary to bring Maryland into compliance with the Commission's FMP. Their administrative actions would implement the required mesh sizes by February 12, 1996. Further comments were received from the New England, Mid-Atlantic, and South Atlantic Regional Fishery Management Councils; NMFS' Northeast and Southeast Science Centers; and the Department of the Interior's U.S. Fish and Wildlife Service.

Determination Regarding Compliance by the State of Maryland

Based on a careful analysis of all relevant information, and taking into account comments presented by the State of Maryland during the meeting on December 4, 1995, the Secretary has determined that the State of Maryland is not in compliance with the Commission's coastal FMP for weakfish. This determination is based on Maryland's failure to implement and enforce regulatory measures established in the Commission's weakfish FMP. Further, the Secretary has determined that enforcement of these measures is necessary for the conservation of weakfish.

Although it has been determined that the State of Maryland is not in compliance with the Commission's FMP for weakfish, it is recognized that expeditious efforts are being made to implement State regulations which would bring Maryland into compliance by February 12, 1996. In recognition of these efforts, the Secretary has agreed to allow Maryland until April 1, 1996, to promulgate appropriate regulations. If the State of Maryland has not complied by that date, a moratorium will be implemented on weakfish-fishing within the waters of the State of Maryland effective April 15, 1996. The delay of the effective date of the moratorium will not diminish conservation efforts, because the fishing season for this species has ended and will not resume until spring.

NMFS will notify the Governor of Maryland of this action and will promulgate regulations necessary to implement this moratorium in the Federal Register. This moratorium will be terminated immediately upon receipt of notification from the Commission, and concurrence by the Secretary, that the State has taken appropriate remedial actions to bring the State into compliance.

Dated: February 12, 1996.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–3607 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 020896A]

Gulf of Maine Aquaculture-Pinniped Interaction Task Force; Hearing

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

ACTION: Notice of availability; public hearing; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), the Gulf of Maine Aquaculture-Pinniped Interaction Task Force (Task Force) was established to advise NMFS of issues and problems regarding pinnipeds interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. That advice comprises the Task Force's final report to NMFS, which is complete and is available to the public upon request (see **ADDRESSES**).

NMFS is required by the MMPA to consider the Task Force report and to prepare a separate report to Congress that will recommend alternatives to mitigate the effects of the aquaculture-pinniped interactions. To that end, NMFS is seeking public comment on the Task Force report, and will hold a public hearing.

DATES: Comments on the Task Force report must be submitted on or before March 21, 1996.

The hearing will be held on February 20, 1996 in two sessions from 3:00–5:00 p.m. and 6:30–8:00 p.m. Sessions will be extended if necessary.

ADDRESSES: The hearing will be held at the Washington County Technical College, Marine Trade Center, RR#1, Eastport, ME, 04631–9618. Written comments should be sent to, and copies of the Task Force report are available from Chief, Marine Mammal Division,

Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Daniel Morris (508) 281–9388, or Dr. Edward Cyr (301) 713–2319.

SUPPLEMENTARY INFORMATION: The salmon aquaculture industry in the northeastern United States has grown substantially in the last decade and so have regional populations of harbor seals (*Phoca vitulina*) and gray seals (*Halichoerus grypus*). The seals occasionally attack the salmon pens. Industry proponents claim the losses caused by the seals are substantial and the frequency of attacks has increased in recent years. Seals are protected under the MMPA, and the actions salmon growers can take to protect their pens are thereby limited to non-lethal deterrence measures.

Per MMPA section 120(h), a seven-member Task Force was established by NMFS to examine the issues and problems associated with pinniped-aquaculture interactions in the Gulf of Maine. Task Force members were selected from the aquaculture industry, state government, the scientific community, and conservation organizations. The Task Force convened three times for multi-day meetings, visited pen-sites, conducted public hearings, met with salmon growers, conducted surveys, and reviewed literature related to the issue. The Task Force prepared a report consisting its findings along with recommendations to mitigate the seal predation, all of which represent the consensus of the Task Force. The report includes measures the Task Force believes would mitigate problems due to interactions.

At the hearing, the public will have an opportunity to provide oral or written testimony regarding the Task Force report. Persons planning to speak at the hearing must provide a written copy of their testimony to the NMFS representative at the hearing. Task Force members will be at the hearing to answer questions regarding the report and the Task Force process. The hearing is physically accessible to people with disabilities. Arrangements for sign language interpretation or other auxiliary aids will be made if NMFS is notified of such needs at least three days prior to the hearing (see **FOR FURTHER INFORMATION CONTACT**).

Dated: February 13, 1996.

Ann Terbush,

Chief, Permits Division, National Marine Fisheries Service.

[FR Doc. 96–3724 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 020796B]

Marine Mammals

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

ACTION: Receipt of application to modify permit no. 840 (P351D).

SUMMARY: Notice is hereby given that Mr. Craig O. Matkin, North Gulf Oceanic Society, P.O. Box 15244, Homer, Alaska 99603, has requested a modification to Permit No. 840.

DATES: Written comments must be received on or before March 21, 1996.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668.

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, National Marine Fisheries Service, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject modification is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Permit Holder is currently authorized to take by harassment up to 3,500 killer whales (*Orcinus orca*) annually, over a 5-year period, during photo-identification and behavioral observation studies, a total of 94 of which may be biopsy sampled over the course of the permit. The permit is valid through October 31, 1998.

The Permit Holder is now requesting to expand the research area to include all Alaska waters.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 7, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–3627 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Pakistan

February 13, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: February 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of of each Customs port or call (202) 927–6714. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being increased by recrediting unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 609 FR 65299, published on December 19, 1995). Also see 61 FR 62393, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the

implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 13, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on February 21, 1996, you are directed to amend the November 29, 1995 directive to increase the limits for the following categories, as provided for under the terms of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
363	40,163,970 numbers.
369–F/369–P [2]	2,007,571 kilograms.
369–R [3]	9,368,664 kilograms.
369–S [4]	612,925 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 369–F: only HTS number 6302.91.0045; Category 369–P: only HTS numbers 6302.60.0010 and 6302.91.0005.

[3] Category 369–R: only HTS number 6307.10.2020.

[4] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–3723 Filed 2–16–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on International Arms Cooperation

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on International Arms Cooperation will meet in closed session on February 26–27 and March 25–26, 1996 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will develop a generic model of international arms cooperation for the 21st century and also identify specific management actions that must be implemented to allow successful program execution on international efforts.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c) (1) (1988), and that accordingly these meetings will be closed to the public.

Dated: February 14, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–3709 Filed 2–16–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Information Warfare Defense

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Information Warfare Defense will meet in closed session on March 12–13, 1996 at Science Applications International Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will focus on protection of information interests of national importance through establishment and maintenance of a credible information warfare defensive capability in several areas, including deterrence. This study will be used to assist in analysis of information warfare procedures, processes, and mechanisms, and illuminate future options in defensive information warfare technology and policy.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: February 14, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–3710 Filed 2–16–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Logistics Agency

Privacy Act of 1974; Notice to Alter a Record System.

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a record system.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration will add a routine use.

DATES: The alteration will be effective on March 21, 1996, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Defense Logistics Agency, DASC-RP, Alexandria, VA 22304–6100.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Christensen at (703) 617–7583.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

An altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on February 5, 1996, to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated June 15, 1994 (59 FR 37906, July 25, 1994). The specific changes to the record system are set forth below followed by the system notice as altered in its entirety.

Dated: February 14, 1996.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base *(April 20, 1995, 60 FR 19738).*

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add the following to paragraph 4(b) '; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.'

Insert a new paragraph 20 'To Federal and Quasi-Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of the active duty and veteran population. DMDC will disclose information from this system of records for research purposes when DMDC:

a. Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.'

* * * * *

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location - W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Back-up files maintained in a bank vault in Hermann Hall, Naval Postgraduate School, Monterey, CA 93943–5000.

Decentralized segments - Portions of this file may be maintained by the military and non-appropriated fund personnel and finance centers of the military services, selected civilian contractors with research contracts in manpower area, and other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All uniformed services officers and enlisted personnel who served on active duty from July 1, 1968, and after or who have been a member of a reserve component since July 1975; retired military personnel; participants in Project 100,000 and Project Transition, and the evaluation control groups for these programs. All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later.

DOD civilian employees since January 1, 1972. All veterans who have used the GI Bill education and training employment services office since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute and all individuals who ever participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969.

Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services National Longitudinal Survey.

Individuals responding to recruiting advertisements since January 1987; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Department of Veteran Affairs; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors.

Individuals receiving disability compensation from the Department of Veteran Affairs or who are covered by a Department of Veteran Affairs' insurance or benefit program; dependents of active duty military retirees, selective service registrants.

Individuals receiving a security background investigation as identified in the Defense Central Index of Investigation. Former military and civilian personnel who are employed by DOD contractors and are subject to the provisions of 10 U.S.C. 2397.

All U.S. Postal Service employees.

All Federal Civil Service employees.

All non-appropriated funded individuals who are employed by the Department of Defense.

Individuals who were or may have been the subject of tests involving chemical or biological human-subject testing; and individuals who have inquired or provided information to the Department of Defense concerning such testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized personnel/ employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; civilian and military acquisition work force warrant location, training and job specialty information; military personnel information such as rank, length of service, military occupation, aptitude scores, post-service education, training, and employment information for veterans; participation in various inservice education and training programs; military hospitalization records; home and work addresses; and identities of individuals involved in incidents of child and spouse abuse,

and information about the nature of the abuse and services provided.

CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax I.D. of providers or potential providers of care.

Selective Service System registration data.

Department of Veteran Affairs disability payment records.

Credit or financial data as required for security background investigations.

Criminal history information on individuals who subsequently enter the military.

U.S. Postal Service employment/personnel records containing Social Security Number, name, salary, home and work address. U.S. Postal Service records will be maintained on a temporary basis for approved computer matching between the U.S. Postal Service and DOD.

Office of Personnel Management (OPM) Central Personnel Data File (CPDF), an extract from OPM/GOVT–1, General Personnel Records, containing employment/personnel data on all Federal employees consisting of name, Social Security Number, date of birth, sex, work schedule (full-time, part-time, intermittent), annual salary rate (but not actual earnings), occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier. Extract from OPM/CENTRAL–1, Civil Service Retirement and Insurance Records, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching.

Non-appropriated fund employment/personnel records consist of Social Security Number, name, and work address.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Assistant Secretaries of Defense; Appointment Powers and Duties; 10 U.S.C. 2358; Research Projects; 5 U.S.C. App. 3 (Pub. L. 95–452, as amended (Inspector General Act of 1978)); and E.O. 9397.

PURPOSE(S):

The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, support personnel functions, to perform longitudinal statistical analyses, identify current and former DOD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs, to register current and former DoD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified, and to collect debts owed to the United States Government and state and local governments.

Information will be used by agency officials and employees, or authorized contractors, and other DoD Components in the preparation of the histories of human chemical or biological testing or exposure; to conduct scientific studies or medical follow-up programs; to respond to Congressional and Executive branch inquiries; and to provide data or documentation relevant to the testing or exposure of individuals

All records in this record system are subject to use in authorized computer matching programs within the Department of Defense and with other Federal agencies or non-Federal agencies as regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Department of Veteran Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans benefits, validating benefit eligibility and maintaining the health and well being of veterans.

b. To provide identifying military personnel data to the DVA and its contractor, the Prudential Insurance Company, for the purpose of notifying members of the Individual Ready Reserve (IRR) of their right to apply for Veteran's Group Life Insurance coverage.

c. To register eligible veterans and their dependents for DVA programs.

d. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

(1) Providing full identification of active duty military personnel, including full-time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program (38 U.S.C. 3104(c), 3006–3008). The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment.

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 106 – Selected Reserve and Title 38 U.S.C., Chapter 30 – Active Duty). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full-time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 684) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law (38 U.S.C. 3104(c)) requires recoupment of severance payments before DVA disability compensation can be paid.

(5) Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 3104(c), 3006–3008). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

2. To the Office of Personnel Management (OPM):

a. Consisting of personnel/employment/financial data for the purpose of carrying out OPM's management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub. L. 83–598, 84–356, 86–724, 94–

455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

b. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

(1) Exchanging personnel and financial information on certain military retirees, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military retired pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

(2) Exchanging personnel and financial data on civil service annuitants (including disability annuitants under age 60) who are reemployed by DOD to insure that annuities of DOD reemployed annuitants are terminated where applicable, and salaries are correctly offset where applicable as required by law (5 U.S.C. 8331, 8344, 8401 and 8468).

(3) Exchanging personnel and financial data to identify individuals who are improperly receiving military retired pay and credit for military service in their civil service annuities, or annuities based on the 'guaranteed minimum' disability formula. The match will identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) 5 U.S.C. 8331 and the Federal Employees' Retirement System Act (FERSA) 5 U.S.C. 8411. DOD's legal authority for monitoring retired pay is 10 U.S.C. 1401.

(4) Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so that a choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Services.

3. To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of DOD personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to lifestream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non-compliance and delinquent filers.

4. To the Department of Health and Human Services (DHHS):

a. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DOD employees and military members who may be improperly receiving funds under the Aid to Families of Dependent Children Program.

b. To the Office of Child Support Enforcement, DHHS, pursuant to 42 U.S.C. 653 and Pub. L. 94–505, to assist state child support offices in locating absent parents in order to establish and/or enforce child support obligations; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

c. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns or residents are counted for HCFA reimbursement to hospitals.

d. To the Center for Disease Control and the National Institutes of Mental Health, DHHS, for the purpose of conducting studies concerned with the health and well being of the active duty and veteran population.

5. To the Social Security Administration (SSA):

a. To the Office of Research and Statistics for the purpose of conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings.

b. To the Bureau of Supplemental Security Income to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of verifying information provided to the SSA by applicants and recipients who are retired military members or their survivors for Supplemental Security Income (SSI) benefits. By law (42 U.S.C. 1383) the SSA is required to verify eligibility factors and other relevant information provided by the SSI applicant from independent or collateral sources and obtain additional information as necessary before making SSI determinations of eligibility, payment amounts or adjustments thereto.

6. To the Selective Service System (SSS) for the purpose of facilitating compliance of members and former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

7. To DOD Civilian Contractors and grantees for the purpose of performing research on manpower problems for statistical analyses.

8. To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DOD civilian employees and military members by the states. To the Department of Labor to survey military separations to determine the effectiveness of programs assisting veterans to obtain employment.

9. To the U.S. Coast Guard (USCG) of the Department of Transportation (DOT) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of exchanging personnel and financial information on certain retired USCG military members, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the U.S. Coast Guard and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

10. To the Department of Housing and Urban Development (HUD) to provide data contained in this record system that includes the name, Social Security Number, salary and retirement pay for the purpose of verifying continuing eligibility in HUD's assisted housing programs maintained by the Public Housing Authorities (PHAs) and subsidized multi-family project owners or management agents. Data furnished will be reviewed by HUD or the PHAs with the technical assistance from the HUD Office of the Inspector General

(OIG) to determine whether the income reported by tenants to the PHA or subsidized multi-family project owner or management agent is correct and complies with HUD and PHA requirements.

11. To Federal and Quasi-Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. To assist in the return of unclaimed property or assets escheated to states of civilian employees and military member and to provide members and former members with information and assistance regarding various benefit entitlements, such as state bonuses for veterans, etc. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

12. To private consumer reporting agencies to comply with the requirements to update security clearance investigations of DOD personnel.

13. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

14. To Defense contractors to monitor the employment of former DOD employees and members subject to the provisions of 10 U.S.C. 2397.

15. To financial depository institutions to assist in locating individuals with dormant accounts in danger of reverting to state ownership by escheatment for accounts of DOD civilian employees and military members.

16. To any Federal, state or local agency to conduct authorized computer matching programs regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a) for the purposes of identifying and locating delinquent debtors for collection of a claim owed the Department of Defense or the United States Government under the Debt Collection Act of 1982 (Pub. L. 97–365).

17. To state and local law enforcement investigative agencies to obtain criminal history information for the purpose of evaluating military service performance and security clearance procedures (10 U.S.C. 2358).

18. To the United States Postal Service:

a. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

b. Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and who cannot be released for extended active duty in the event of mobilization. The Postal Service is informed of the reserve status of those affected personnel so that a choice of terminating the position on the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Forces.

c. Exchanging personnel and financial information on certain military retirees who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of retired military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and permit adjustments to military retired pay to be made by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

19. To the Armed Forces Retirement Home (AFRH), which includes the United States Soldier's and Airmen's Home (USSAH) and the United States Naval Home (USNH) for the purpose of verifying Federal payment information (military retired or retainer pay, civil service annuity, and compensation from the Department of Veterans Affairs) currently provided by the residents for computation of their monthly fee and to identify any unreported benefit payments as required by the Armed Forces Retirement Home Act of 1991, Pub.L. 101-510 (24 U.S.C. 414).

20. To Federal and Quasi-Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of the active duty and veteran population. DMDC will disclose information from this system of records for research purposes when DMDC:

a. Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

The 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices also apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

W.R. Church Computer Center - Tapes are stored in a locked cage in a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Back-up location - Tapes are stored in a bank-type vault; buildings are locked after hours and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

U.S. Postal Service records are temporary and are destroyed after the computer matching program results are verified.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The military services, the Department of Veteran Affairs, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, Federal and Quasi-Federal agencies, Selective Service System, and the U.S. Postal Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 96–3711 Filed 2–16–96; 8:45 am]

BILLING CODE 5000–04–F

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.95 each ($10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the copies of patent applications sold to avoid premature disclosure.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of Naval Research (Code OOCC), 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Patent 5,427,709: ENVIRONMENTALLY SAFE, READY-TO-USE, NON-TOXIC, NON-FLAMMABLE, INORGANIC AQUEOUS CLEANING COMPOSITION; filed 14 January 1994; patented 27 June 1995.

Patent 5,430,380: SENSOR FOR LOCATING OBJECTS IN THE SEA HAVING A CONDUCTIVE SHELL TO INJECT ELECTRIC CURRENT INTO THE SEA AND A SENSOR COIL IN THE SHELL; filed 26 February 1993; patented 4 July 1995.

Patent 5,430,813: MODE-MATCHED COMBINATION TAPER FIBER OPTIC PROBE; filed 30 December 1993; patented 4 July 1995.

Patent 5,432,302: HYDROSTATIC SEALING SLEEVE FOR SPLICED WIRE CONNECTIONS; filed 19 November 1992; patented 11 July 1995.

Patent 5,432,349: FOURIER TRANSFORM MICROSCOPE FOR X-RAY AND/OR GAMMA RAY IMAGING; filed 15 March 1993; patented 11 July 1995.

Patent 5,432,725: SELF-ADAPTING FILTER; filed 15 December 1993; patented 11 July 1995.

Patent 5,432,750: VERTICAL ARRAY DEPLOYMENT DEVICE (VADD); filed 7 November 1983; patented 11 July 1995.

Patent 5,432,942: DATA STRUCTURE EXTRACTION, CONVERSION AND DISPLAY TOOL; filed 10 June 1993; patented 11 July 1995.

Patent 5,433,002: FABRICATION PROCESS FOR COMPLEX COMPOSITE PARTS; filed 5 May 1994; patented 18 July 1995.

Patent 5,434,501: POLARIZATION INSENSITIVE CURRENT AND MAGNETIC FIELD OPTIC SENSOR; filed 29 April 1994; patented 18 July 1995.

Patent 5,434,583: COMMUNICATION WITH REENTRY VEHICLE THROUGH MODULATED PLASMA; filed 23 May 1994; patented 18 July 1995.

Patent 5,434,584: SUBMARINE COMMUNICATIONS SYSTEM; filed 11 December 1973; patented 18 July 1995.

Patent 5,435,224: INFRARED DECOY; filed 4 April 1979; patented 25 July 1995.

Patent 5,435,264: PROCESS FOR FORMING EPITAXIAL BAF2 ON GAAS; filed 19 May 1994; patented 25 July 1995.

Patent 5,436,565: NON-CONTACTING CAPACITANCE PROBE FOR DIELECTRIC CURE MONITORING; filed 14 September 1992; patented 25 July 1995.

Patent 5,436,832: FUZZY CONTROLLER FOR BEAM RIDER GUIDANCE; filed 5 November 1993; patented 25 July 1995.

Patent 5,437,058: WIRELESS SHIPBOARD DATA COUPLER; filed 28 May 1993; patented 25 July 1995.

Patent 5,437,821: PROCESS FOR MAKING CARBON-CARBON COMPOSITES BY USING ACETYLENE TERMINATED CONJUGATED SCHIFF'S BASE MONOMERS; filed 30 September 1993; patented 1 August 1995.

Patent 5,438,411: ELECTRONIC PHASE-TRACKING OPEN LOOP FIBER OPTIC GYROSCOPE; filed 31 August 1992; patented 1 August 1995.

Patent 5,438,572: MICROWAVE NON-LOGARITHMIC PERIODIC MULTIPLEXER WITH CHANNELS OF VARYING FRACTIONAL BANDWIDTH; filed 29 January 1993; patented 1 August 1995.

Patent 5,438,945: SLIDE VALVE ASSEMBLY; filed 27 July 1994; patented 8 August 1995.
Patent 5,438,948: ELASTOMERIC LAUNCH SYSTEM FOR SUBMARINES; filed 22 August 1994; patented 8 August 1995.
Patent 5,439,402: DESIGN OF AN INTEGRATED INLET DUCT FOR EFFICIENT FLUID TRANSMISSION: filed 30 September 1994; patented 8 August 1995.
Patent 5,440,232: SYSTEM FOR MONITORING AND ANALYZING FIELD ENERGY EXPOSURE; filed 6 December 1993; patented 8 August 1995.
Patent 5,440,414: ADAPTIVE POLARIZATION DIVERSITY DETECTION SCHEME FOR COHERENT COMMUNICATIONS AND INTERFEROMETRIC FIBER SENSORS; filed 2 February 1990; patented 8 August 1995.
Patent 5,440,481: SYSTEM AND METHOD FOR DATABASE TOMOGRAPHY; filed 28 August 1992; patented 8 August 1995.
Patent 5,440,660: FIBER OPTIC MICROCABLE PRODUCED WITH FIBER REINFORCED ULTRAVIOLET LIGHT CURED RESIN AND METHOD FOR MANUFACTURING SAME; filed 7 June 1994; patented 8 August 1995.
Patent 5,441,591: SILICON TO SAPPHIRE BOND; filed 7 June 1993; patented 15 August 1995.
Patent 5,441,720: PENTAFLUOROSULFANYLNITRAMIDE SALTS; filed 13 July 1993; patented 15 August 1995.
Patent 5,441,876: PROCESS FOR THE PREPARATION OF HEADGROUP-MODIFIED PHOSPHOLIPIDS USING PHOSPHATIDYLHYDROXALKANOLS AS INTERMEDIATES; filed 30 July 1993; patented 15 August 1995.
Patent 5,442,139: INSULATED MOUNTING SUPPORT FOR LADDER-LINE; filed 27 September 1993; patented 15 August 1995.
Patent 5,442,356: AIRBORNE SYSTEM FOR OPERATION IN CONJUNCTION WITH A MARKER BEACON; filed 23 March 1994; patented 15 August 1995.
Patent 5,442,364: ALIGNMENT AND BEAM SPREADING FOR GROUND RADIAL AIRBORNE RADAR; filed 22 July 1993; patented 15 August 1995.
Patent 5,442,365: TECHNIQUE FOR PROCESSING INTERFERENCE CONTAMINATED RADAR ENERGY; filed 2 September 1975; patented 15 August 1995.
Patent 5,442,510: CONTROL SYSTEM FOR TRACKING NONLINEAR SYSTEMS; filed 23 June 1993; patented 15 August 1995.
Patent 5,442,594: RIB STIFFENED SOUND WAVE PROJECTOR PLATE; filed 14 September 1994; patented 15 August 1995.
Patent 5,442,721: FIBER OPTIC ROTARY JOINT WITH BUNDLE COLLIMATOR ASSEMBLIES; filed 8 August 1994; patented 15 August 1995.
Patent 5,442,948: APPARATUS AND METHOD FOR DETERMINING AMOUNT OF GASES DISSOLVED IN LIQUIDS; filed 1 April 1991; patented 22 August 1995.
Patent 5,443,027: LATERAL FORCE DEVICE FOR UNDERWATER TOWED ARRAY; filed 20 December 1993; patented 22 August 1995.
Patent 5,444,668: ANECHOIC AND DECOUPLING COATING; filed 30 April 1979; patented 22 August 1995.
Patent 5,445,104: APPARATUS FOR THE STORAGE OF CYLINDRICAL OBJECTS; filed 30 June 1994; patented 29 August 1995.
Patent 5,445,105: TORQUE BALANCED POSTSWIRL PROPULSOR UNIT AND METHOD FOR ELIMINATING TORQUE ON A SUBMERGED BODY; filed 30 September 1995; patented 29 August 1995.
Patent 5,445,905: DUAL FLOW ALUMINUM HYDROGEN PEROXIDE BATTERY; filed 30 November 1993; patented 29 August 1995.
Patent 5,446,468: LAUNCHER TUBE DEPLOYED MARKER BEACON INCLUDING SETTLEMENT ATOP FOLIAGE FEATURE; filed 23 March 1994; patented 29 August 1995.
Patent 5,446,549: METHOD AND APPARATUS FOR NONCONTACT SURFACE CONTOUR MEASUREMENT; filed 14 January 1993; patented 29 August 1995.
Patent 5,446,828: NONLINEAR NEURAL NETWORK OSCILLATOR; filed 18 March 1993; patented 29 August 1995.
Patent 5,446,908: METHOD AND APPARATUS FOR PRE-PROCESSING INPUTS TO PARALLEL ARCHITECTURE COMPUTERS; filed 21 October 1992; patented 29 August 1995.
Patent 5,446,952: PNEUMATIC INDUCTION FIBER SPREADER WITH LATERAL VENTURI RESTRICTORS; filed 11 December 1987; patented 5 September 1995.
Patent 5,447,115: UNDERWATER VEHICLE RECOVERY SYSTEM; filed 30 June 1994; patented 5 September 1995.
Patent 5,447,520: REAL TIME STABILIZING SYSTEM FOR PULSATING ACTIVITY; filed 29 March 1994; patented 5 September 1995.
Patent 5,447,765: HIGH DAMPING RIB-STIFFENED COMPOSITE HOLLOW CYLINDER CORE CONFIGURATION; filed 3 May 1994; patented 5 September 1995.
Patent 5,448,235: SINGLE LASER METHOD AND SYSTEM FOR MARINE CHANNEL MARKING; filed 30 August 1993; patented 5 September 1995.
Patent 5,448,441: FAULT PROTECTION CIRCUIT FOR POWER SWITCHING DEVICE; filed 5 April 1994; patented 5 September 1995.
Patent 5,448,503: ACOUSTIC MONITOR; filed 31 March 1994; patented 5 September 1995.
Patent 5,448,643: AUTHENTICATION SYSTEM; filed 28 September 1962; patented 5 September 1995.
Patent 5,448,680: VOICE COMMUNICATION PROCESSING SYSTEM; filed 21 February 1992; patented 5 September 1995.
Patent 5,448,917: APPARATUS FOR CONDUCTING FATIGUE TESTS USING A CONVENTIONAL LATHE DEVICE; filed 1 March 1995; patented 12 September 1995.
Patent 5,448,918: BIAXIAL COMPRESSION TESTING DEVICE; filed 31 August 1994; patented 12 September 1995.
Patent 5,448,941: UNDERWATER DELIVERY SYSTEM; filed 29 December 1993; patented 12 September 1995.
Patent 5,448,962: TORPEDO TUBE SLIDE VALVE; filed 30 June 1994; patented 12 September 1995.
Patent 5,449,053: VIBRATION DAMPENER; filed 22 November 1993; patented 12 September 1995.
Patent 5,449,553: NONTOXIC ANTIFOULING SYSTEMS; filed 28 March 1994; patented 12 September 1995.
Patent 5,450,093: CENTER-FED MULTIFILAR HELIX ANTENNA; filed 20 April 1994; patented 12 September 1995.
Patent 5,450,519: FIBER OPTIC COUPLER ASSEMBLY; filed 2 May 1994; patented 12 September 1995.
Patent 5,450,794: METHOD FOR IMPROVING THE PERFORMANCE OF UNDERWATER EXPLOSIVE WARHEADS; filed 29 November 1963; patented 19 September 1995.
Patent 5,450,805: WARHEAD INFLUENCE; filed 14 June 1971; filed 19 September 1995.
Patent 5,450,807: SHUTTER DOOR ASSEMBLY; filed 12 September 1994; patented 19 September 1995.
Patent 5,451,378: PHOTON CONTROLLED DECOMPOSITION OF NONHYDROLYZABLE AMBIENTS; filed 31 March 1992; patented 19 September 1995.

Patent 5,451,618: PARTIALLY UNSATURATED TRIORGANOTIN COMPOUNDS FOR USE IN BIOCIDAL PAINT; filed 30 December 1993; patented 19 September 1995.
Patent 5,451,821: MAGNETOSTRICTIVE ACTUATOR WITH AUXILIARY LEAKAGE REDUCING MAGNETIC BIAS; filed 30 August 1993; patented 19 September 1995.
Patent 5,452,262: RADIO TELEMETRY BUOY FOR LONG-RANGE COMMUNICATION; filed 11 October 1994; patented 19 September 1995.
Patent 5,452,265: ACTIVE ACOUSTIC IMPEDANCE MODIFICATION ARRANGEMENT FOR CONTROLLING SOUND INTERACTION; filed 1 July 1991; patented 19 September 1995.
Patent 5,452,266: SUBMERSIBLE SENSOR SYSTEM; filed 19 September 1994; patented 19 September 1995.
Patent application 08/043,069: TELEPHONE LINE SELECTOR AND CALL ACCOUNTANT; filed 5 April 1993.
Patent application 08/123,944: MENISCUS REGULATOR SYSTEM; filed 3 October 1994.
Patent application 08/207,448: EPOXY SELF-PRIMING TOPCOATS; filed 7 March 1994.
Patent application 08/220,124: NON-COVALENT IMMOBILIZATION OF PROTEINS AND ENZYMES ON POLYMERIZED LIPID ASSEMBLIES; filed 30 March 1994.
Patent application 08/233,562: ADAPTIVE INFINITE IMPULSE RESPONSE (IIR) FILTER SYSTEM; filed 26 April 1994.
Patent application 08/252,474: HIGH VELOCITY ELECTROMAGNETIC MASS LAUNCHER HAVING AN ABLATION RESISTANT INSULATOR; filed 1 June 1994.
Patent application 08/258,028: MICROWAVE ELECTRO-OPTIC MIXER; filed 10 June 1994.
Patent application 08/269,278: HIGH POWER, BROADBAND FOLDED WAVEGUIDE GYROTRON-TRAVELING-WAVE-AMPLIFIER; filed 30 June 1994.
Patent application 08/289,910: BIAXIAL COMPRESSION TESTING DEVICE; filed 31 August 1994.
Patent application 08/294,457: FLOW-THROUGH ELASTOMERIC LAUNCH SYSTEM FOR SUBMARINES; filed 8 August 1994.
Patent application 08/296,881: UNITARY TRANSDUCER WITH VARIABLE RESISTIVITY; filed 29 August 1994.
Patent application 08/296,883: METHOD AND APPARATUS FOR SIGNAL FILTERING; filed 29 August 1994.
Patent application 08/299,388: ASH-BASED CERAMIC MATERIALS; filed 1 September 1994.
Patent application 08/302,013: IN-LINE FIBER ETALON STRAIN SENSOR; filed 9 September 1994.
Patent application 08/306,555: RIB STIFFENED SOUND WAVE PROJECTION PLATE; filed 14 September 1994.
Patent application 08/312,743: SHOCK RESISTANT OPTIC FIBER ROTARY SPLICE HOLDING DEVICE; filed 23 September 1993.
Patent application 08/314,281: ADVANCED SIGNAL PROCESSING FILTER; filed 30 September 1994.
Patent application 08/316,709: INFLATABLE LIFE VEST; filed 30 September 1995.
Patent application 08/317,253: LAND BASED SUBMARINE WEAPONS SYSTEM SIMULATOR WITH CONTROL PANEL TESTER AND TRAINER; filed 3 October 1994.
Patent application 08/318,456: GLASSY ORGANIC-DYE BASED OPTICAL MATERIALS AND THEIR METHOD OF PREPARATION; filed 5 October 1994.
Patent application 08/319,709: BALANCED, DOUBLE-SIDED CALIBRATION CIRCUIT FOR SENSOR ELEMENT DIFFERENTIAL PRE-AMPLIFIER; filed 7 October 1994.
Patent application 08/321,182: HYDROGEN SULFIDE ANALYZER WITH PROTECTIVE BARRIER; filed 29 September 1994.
Patent application 08/321,642: THIN-FILM EDGE FIELD EMITTER DEVICE AND METHOD OF MANUFACTURE THEREFOR; filed 11 October 1994.
Patent application 08/322,654: REMOVABLE ONE-PIECE TRUCK BED DIVIDER; filed 11 October 1994.
Patent application 08/322,655: PERMANENT MAGNET TORQUE/FORCE TRANSFER APPARATUS; filed 11 October 1994.
Patent application 08/322,656: RADIO TELEMETRY BUOY FOR LONG-RANGE COMMUNICATION; filed 11 October 1994.
Patent application 08/322,668: CABLE LOAD TRANSDUCER; filed 13 October 1994.
Patent application 08/324,638: SYSTEM AND METHOD FOR RAPIDLY TRACKING HIGHLY DYNAMIC VEHICLES; filed 18 October 1994.
Patent application 08/324,639: SYSTEM AND METHOD FOR RAPIDLY TRACKING VEHICLES OF SPECIAL UTILITY IN LOW SIGNAL-TO-NOISE ENVIRONMENTS; filed 18 October 1994.
Patent application 08/324,640: NEURAL NETWORK BASED THREE DIMENSIONAL OCEAN MODELER; filed 11 October 1994.
Patent application 08/324,641: NEURAL NETWORK BASED DATA FUSION SYSTEM; filed 18 October 1994.
Patent application 08/326,518: FLUORESCENT DETECTION OF HYDRAZINE, MONOMETHYLHYDRAZINE, AND 1,1–DIMETHYLHYDRAZINE BY DERIVATIZATION WITH AROMATIC DICARBOXALDEHYDES; filed 20 October 1994.
Patent application 08/329,417: SUPERCRITICAL WATER OXIDATION REACTOR WITH A CORROSION-RESISTANT LINING; filed 27 October 1994.
Patent application 08/331,231: SYSTEM FOR CONVENIENTLY PROVIDING LOAD TESTING TERMINATION OF AN AC POWER SOURCE HAVING AT LEAST ONE BATTERY; filed 3 October 1994.
Patent application 08/332,172: QUICK-POUR CONTAINER; filed 31 October 1994.
Patent application 08/332,294: SELECTIVE MULTI-CHEMICAL FIBER OPTIC SENSOR; filed 31 October 1994.
Patent application 08/334,088: APPARATUS AND METHOD FOR ACHIEVING GROWTH-ETCH DEPOSITION OF DIAMOND USING A CHOPPED OXYGEN-ACETYLENE FLAME; filed 4 November 1994.
Patent application 08/337,012: LINEAR CARBORANE-(SILOXANE OR SILANE)-ACETYLENE BASED COPOLYMERS; filed 7 November 1994.
Patent application 08/337,013: HIGH TEMPERATURE THERMOSETS AND CERAMICS DERIVED FROM LINEAR CARBORANE-(SILOXANE OR SILANE)-ACETYLENE COPOLYMERS; filed 7 November 1994.
Patent application 08/338,842: INTERBAND LATERAL RESONANT TUNNELING TRANSISTOR; filed 14 November 1994.
Patent 08/345,049: ELECTRICAL AND FIBER-OPTIC CONNECTOR; 25 November 1994.
Patent application 08/345,716: SHOCK RESISTANT OPTIC FIBER ROTARY SLICE HOLDING DEVICE; filed 22 November 1994.
Patent application 08/345,957: FIBER-OPTIC CONNECTOR; filed 25 November 1994.
Patent application 08/348,688: EXTERNAL COMBUSTION ENGINE HAVING AN ASYMMETRICAL CAM; filed 30 November 1994.

Patent application 08/349,656: ADJUSTABLE TWO-AXIS INSTRUMENT MOUNT; filed 5 December 1994.
Patent application 08/351,070: LASER OPTICS PROTECTIVE DEVICE; filed 30 November 1994.
Patent application 08/352,126: SELECTIVE ATTACHMENT OF NUCLEIC ACID MOLECULES TO PATTERNED SELF-ASSEMBLED SURFACES; filed 1 December 1994.
Patent application 08/353,642: MULTI-PITOT TUBE ASSEMBLY; filed 8 December 1994.
Patent application 08/353,852: SYSTEM AND METHOD FOR COMPENSATING FOR TOWED ARRAY MOTION INDUCED ERRORS; filed 9 December 1994.
Patent application 08/355,256: PHOSPHATE-BONDED FLY ASH; filed 9 December 1994.
Patent application 08/355,581: EPOXY PIPELINING COMPOSITION AND METHOD OF MANUFACTURE; 14 December 1994.
Patent application 08/358,289: PASSIVE SUBMARINE RANGE FINDING DEVICE AND METHOD; filed 19 December 1994.
Patent application 08/359,757: VARIABLE RATE OPTICAL ITERATIVE PROCESSING OF OPTICAL INFORMATION; filed 20 December 1994.
Patent application 08/360,475: NON-TURBULENT PULL DOWN EYE FOR BUOYANT TEST VEHICLE; filed 21 December 1994.
Patent application 08/361,710: METHOD AND APPARATUS FOR THE ACTIVE CONTROL OF A COMPACT WASTE INCINERATOR; filed 7 October 1993.
Patent application 08/366,637: DECAYING RADIOLABELLED LYMPHOCYTES AND METHOD OF USING SAME; filed 30 December 1994.
Patent application 08/367,074: GERMANATE GLASS CERAMIC; filed 23 December 1994.
Patent application 08/369,437: WIDEBAND FIBER-OPTIC SIGNAL PROCESSOR; filed 6 January 1995.
Patent application 08/371,305: ALL-OPTICAL RAPID READOUT, FIBER-COUPLED THERMOLUMINESCENT DOSIMETER SYSTEM; filed 11 January 1995.
Patent application 08/371,306: GLASS MATRIX DOPED WITH ACTIVATED LUMINESCENT NANOCRYSTALLINE PARTICLES; filed 11 January 1995.
Patent application 08/375,335: SPLIT GASKET ATTACHMENT METHOD; filed 17 January 1995.
Patent application 08/377,662: DECOY; filed 23 January 1995.
Patent application 08/378,138: HIGH PRESSURE, HIGH FREQUENCY RECIPROCAL TRANSDUCER; filed 24 January 1995.
Patent application 08/382,304: SURFACE PREPARATION FOR BONDING TITANIUM; filed 25 January 1995.
Patent application 08/382,708: ARBITRARY WAVEFORM GENERATOR; filed 2 February 1995.
Patent application 08/383,643: COMPOUND-CAVITY, HIGH POWER, MODELOCKED SEMICONDUCTOR LASER; filed 6 February 1995.
Patent application 08/393,799: GRAPHITE/EPOXY HEAT SINK/ MOUNTING FOR COMMON PRESSURE VESSEL; filed 24 February 1995.
Patent application 08/394,082: INDUCED FLOW UNDERWATER VEHICLE MOTOR COOLING JACKET; filed 17 February 1995.
Patent application 08/394,106: ACOUSTIC AND ENVIRONMENTAL MONITORING SYSTEM; filed 24 February 1995.
Patent application 08/394,109: QUICK CHANGE FIN ASSEMBLY FOR BUOYANT TEST VEHICLES; filed 21 February 1995.
Patent application 08/399,102: OPTICALLY ADDRESSED SPATIAL LIGHT MODULATOR USING AN INTRINSIC SEMICONDUCTOR ACTIVE MATERIAL AND HIGH RESISTIVITY CLADDING LAYERS; filed 27 February 1995.
Patent application 08/405,642: METHOD AND APPARATUS FOR IMPROVING THE SENSITIVITY OF OPTICAL MODULATORS; filed 17 March 1995.
Patent application 08/412,260: SYSTEM AND METHOD FOR PROCESSING SIGNALS TO DETERMINE THEIR STOCHASTIC PROPERTIES; filed 28 March 1995.
Patent application 08/414,837: PSEUDOMONAS CHLORORAPHIS MICROORGANISM, POLYURETHANE DEGRADING ENZYME OBTAINED THEREFROM AND METHOD OF USING ENZYME; filed 31 March 1995.
Patent application 08/414,838: ELECTRON FIELD EMISSION; filed 31 March 1995.
Patent application 08/430,946: POLARIZATION-STABLE LASER; filed 28 April 1995.
Patent application 08/430,955: HIGH TEMPERATURE MERCURYCONTAINING SUPERCONDUCTORS AND METHOD OF MAKING THE SAME; filed 28 April 1995.
Patent application 08/437,742: SILOXANE UNSATURATED HYDROCARBON BASED POLYMERS; filed 9 May 1995.

Dated: February 7, 1996.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–3684 Filed 2–16–96; 8:45 am]

BILLING CODE 3810–FF–P

Department of the Navy

Notice of Intent to Grant Exclusive Patent License; Dynamic Safety Resources, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Dynamic Safety Resources, Inc., a revocable, nonassignable, exclusive license in the United States to practice the Government-Owned invention described in U.S. Patent Application Serial No. 08/295,581: ''Projector Slides for Night Vision Training,'' filed August 25, 1994.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR OOCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR OOCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Dated: February 7, 1996.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–3683 Filed 2–16–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the

Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES AND TIME: March 14, 1996 1:00 p.m.–5:00 p.m.; March 15, 1999 9:00 a.m.–5:00 p.m.

ADDRESSES: 555 New Jersey Avenue NW., Room 326, Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT: Barbara Marenus, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, D.C. 20208–7575, telephone: (202) 219–1839.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics (ACES) is established under Section 406(c) (1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of the high quality and are not subject to political influence. In addition, ACES is required to advise the Commissioner of NCES and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of Educational Progress (NAEP). The meeting of the Council is open to the public.

The proposed agenda includes the following:

- Reports from ACES's subcommittees on their proposed charters and related activities.
- A report from the ACES subcommittee on statistics on proposed advice from ACES to the National Assessment Governing Board in relation to redesigning NAEP.
- An update on NCES activities.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW., Room 400J, Washington, D.C. 20208–7575.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 96–3727 Filed 2–16–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge.

DATES: Wednesday, March 6, 1996: 6:00 pm–9:00 pm.

ADDRESSES: Jacobs Engineering Group, Inc. Building, Einstein Conference Room, 125 Broadway, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Sandy Perkins, Site-Specific Advisory Board Coordinator, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, (423) 576–1590.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

March Meeting Topics

The Board will work on the Environmental Management Risk Based Prioritization System for the Oak Ridge Reservation.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Sandy Perkins 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 in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 8:30 am and 5:00 pm on Monday, Wednesday, and Friday; 8:30 am and 7:00 pm on Tuesday and Thursday; and 9:00 am and 1:00 pm on Saturday, or by writing to Sandy Perkins, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, or by calling her at (423) 576–1590.

Issued at Washington, DC on February 12, 1996.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–3632 Filed 2–16–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. ER96–659–000]

Bonneville Fuels Management Corporation; Notice of Issuance of Order

February 14, 1996.

On December 22, 1995, Bonneville Fuels Management Corporation (BFMC) submitted for filing a rate schedule under which BFMC will engage in wholesale electric power and energy transactions as a marketer. BFMC also requested waiver of various Commission regulations. In particular, BFMC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by BFMC.

On February 8, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by BFMC should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, BFMC is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and

is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of BFMC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 11, 1996. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE. Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3700 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–41–000]

Colorado Interstate Gas Company; Notice of Technical Conference

February 13, 1996.

A technical conference well be held to discuss issues raised in the above-captioned proceeding on Tuesday, March 5, 1996, at 9:30 a.m., in room 3M2B, at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

All interested persons and Staff are permitted to attend. However, attendance does not confer party status.

For additional information, contact Timothy W. Gordon at (202) 208–2265.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3642 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–140–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 13, 1996.

Take notice that on February 8, 1996, Columbia Gas Transmission Corporation (Columbia) tendered the filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective April 1, 1996.

Original Sheet No. 99C
Original Sheet No. 99D

Columbia states that the instant filing is being submitted pursuant to Article VII, Section C, Accrued-But-Not-Paid Gas Costs, of the ''Customer Settlement'' in Docket No. GP94–2, et al., approved by the Commission on June 15, 1995 (71 FERC ¶ 61.337 (1995)). The Customer Settlement became effective on November 28, 1995, when the Bankruptcy Court's November 1, 1995, order approving Columbia's Plan of Reorganization became final. Under the terms of Article VII, Section C, Columbia is entitled to recover amounts for Accrued-But-Not-Paid Gas Costs. As directed by Article VII, Section C, the tariff sheets contained herein are being filed in accordance with Section 39 of the General Terms and Conditions of the Tariff, to direct bill the Accrued-But-Not-Paid Gas Costs that have been paid subsequent to November 28, 1995. The instant filing reflects Accrued-But-Not-Paid Gas Costs in the amount of $733,050.73 plus applicable FERC interest of $20,646.94. This is Columbia's first filing pursuant to Article VII, Section C, and Columbia reserves the right to make the appropriate additional filings pursuant to that provision. The allocation factors on Appendix F of the Customer Settlement were used as prescribed by Article VII, Section C.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3634 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–176–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

February 13, 1996.

Take notice that on February 7, 1996, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314–1599, filed in Docket No. CP96–176–000, a request pursuant to Sections 157.205 and 157.211 (18 CFR 157.205 and 157.211) of the Commission's Regulations under the Natural Gas Act, and Columbia's authorization in Docket No. CP83–76–000,[1] to establish an additional point of delivery to Pennzoil Products Company (Pennzoil), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia requests authorization to construct and operate an additional point of delivery to Pennzoil in Kanawha County, West Virginia. Columbia would construct and operate the additional point of delivery for interruptible transportation service and will provide the service pursuant to Part 284 of the Commission's Regulations and Columbia's Blanket Certificate issued in Docket No. CP86–240–000[2] under existing authorized rate schedules and within Columbia's certificated entitlement.

Columbia states that the additional point of delivery has been requested by Pennzoil for residential, commercial and industrial use. The quantities to be provided through the additional point of delivery will be provided on an interruptible basis and, therefore no impact on Columbia's existing design day and annual obligations to its customers as a result of the construction and operation of this delivery point is expected.

Columbia states that the estimated cost of the proposed new delivery point is $11,452. It is stated that Pennzoil has agreed to reimburse Columbia for the total costs to install the additional delivery point.

Columbia states that the estimated daily and annual volumes of natural gas to be delivered would be 50 Dth and 18,250 Dth, respectively. Columbia also states that the gas volumes would be transported and delivered under its Rate Schedule ITS and would be accomplished without disadvantage to Columbia's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed for filing a protest, the instant request shall be treated as an application for

[1] *Columbia Gas Transmission Corp.*, 22 FERC Paragraph 62.029 (1983).

[2] *Columbia Gas Transmission Corp.*, 34 FERC Paragraph 62.454 (1986).

authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3640 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP96–97–000 and CP96–128–000 (Not Consolidated)]

Eastern Shore Natural Gas Company; Notice of Technical Conference

February 13, 1996.

Take notice that a technical conference will be convened in the above-docketed proceedings on Wednesday, March 6, 1996, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Any party, as defined in 18 CFR 385.102(c), any person seeking intervenor status pursuant to 18 CFR 385.214, and any participant, as defined in 18 CFR 385.102(b), is invited to participate.

For additional information, please contact Carolyn Van Der Jagt, 202–208–2246, or Tom Gooding, 202–208–1123, at the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3641 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–594–000]

International Utility Consultants, Inc.; Notice of Issuance of Order

February 14, 1996.

On December 14, 1995, as amended December 26, 1995, International Utility Consultants, Inc. (IUCI) submitted for filing a rate schedule under which IUCI will engage in wholesale electric power and energy transactions as a marketer. IUCI also requested waiver of various Commission regulations. In particular, IUCI requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by IUCI.

On February 9, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by IUCI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, IUCI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of IUCI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 11, 1996. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3701 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–139–000]

National Fuel Gas Supply Corporation; Notice of Refund Filing

February 13, 1996.

Take notice that on February 7, 1996, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Eighth Revised Sheet Nos. 237A and 237B, proposed to be effective March 11, 1996.

National states that these tariff sheets propose to flow refunds through to National's former RQ and CD customers, including interest, received from certain of National's upstream pipeline-suppliers related to National's Account Nos. 191 and 186, as more fully described on the worksheets attached at Appendix B to the filing.

In accordance with Sections 21(c) and (d) of the General Terms and Conditions of National's tariff, National proposes to allocate the $50,860.16 in commodity credit and $14,454.45 in demand credit according to the customers' commodity sales based on the 12 months ending July 31, 1993, and their level of demand determinants on July 31, 1993.

National further states that copies of this filing were served upon the company's jurisdictional customers and upon the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before February 20, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3635 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–168–000]

Northwest Pipeline Corporation; Notice of Application

February 13, 1996.

Take notice that on February 1, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP96–168–000 an application pursuant to Section 7(b) of the Natural Gas Act (NGA), Section 9 of the Alaskan Natural Gas Transportation Act (ANGTA), and Part 157 of the Federal Energy Regulatory Commission's (Commission) Regulations, for a certificate of public convenience and necessity authorizing Northwest to abandon transportation of natural gas for Pacific Interstate Transmission Company (PITCO) under Rate Schedule T–1 in Northwest's FERC Gas Tariff, Third Revised Volume No. 1, in order to effectuate PITCO's conversion from Part 157 to Part 284 transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest also requests a waiver of any tariff provisions which could interfere with PITCO's replacement Part 284 services being implemented with the same capacity rights and priorities as its former Rate Schedule T–1 service. Specifically, Northwest requests waiver of Sections 12.3, 17.5(c), 25.3 and 26 of the General Terms and Conditions and

Section 1 of Northwest's Rate Schedule TI–1.

Northwest states that, under a certificated Rate Schedule T–1 agreement, it currently receives up to 243,467 MMBtu per day on a firm basis and up to 60,867 MMBtu per day on a best-efforts basis for PITCO's account from Pacific Gas Transmission Company at Stanfield, Oregon and delivers these volumes, less fuel, to Ignacio, Colorado for PITCO's account. Northwest further states that the term of this transportation agreement extends through October 31, 2012, and thereafter, as long as PITCO has the right to purchase Canadian gas under any extension of its contract with Northwest Alaskan Pipeline Company.

Northwest states that a letter agreement with PITCO dated December 12, 1995 sets forth the conditions upon which Northwest and certain of its shippers can support the conversion of PITCO's Section 7(c) service to a Part 284 service. Northwest states that, to effect the conversion of PITCO's transportation service according to the provisions set forth in the letter agreement, it and PITCO propose to terminate the effective Rate Schedule T–1 service agreement and implement two replacement open-access agreements:

(1) a Part 284 Rate Schedule TF–1 firm transportation agreement to provide a contract demand of 243,467 MMBtu per day from a primary receipt point at Stanfield to a primary delivery point at Ignacio; and

(2) a Part 284 Rate Schedule TI–1 transportation agreement to provide for 60,867 MMBtu per day of interruptible transportation at maximum rate from Stanfield to Ignacio to replace the best-efforts service currently available under PITCO's Schedule T–1 service agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–3639 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–51–000]

Panhandle Eastern Pipe Line Company; Notice of Technical Conference

February 13, 1996.

In the Commission's order issued on December 29, 1995, in the above-captioned proceeding,[1] the Commission ordered that a technical conference be convened to resolve certain issues raised by the filing.

The conference to address the issues has been scheduled for Thursday, February 29, 1996 at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3636 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–112–000]

Tennessee Gas Pipeline Company; Notice of Informal Settlement Conference

February 13, 1996.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10:00 a.m., on February 22, 1996 and continuing on February 23, 1996, if necessary, at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information, contact Sandra J. Delude at (202) 208–0583 or Edith A. Gilmore at (202) 208–2158.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3637 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–11–003]

Williams Natural Gas Company; Notice of Amendment

February 13, 1996.

Take notice that on February 9, 1996, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP95–11–000 an amendment to its application to abandon by conveyance to Williams Gas Processing—Mid-Continent Region Company (WGP–MCR), an affiliated company, its Kansas-Hugoton gathering system facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, WNG seeks authority to retain two 2,000 horsepower compressors, which, after piping reconfigurations, will function as transmission, compressing gas downstream of the Jayhawk plant. Before this amendment, the abandonment contemplated WNG transferring to WGP–KHC the United Station which is upstream of the Jayhawk processing plant and currently functions to compress gas into the Jayhawk plant. Due to higher than anticipated maintenance requirements and increased throughput at WNG's Hugoton transmission compressor station which is located downstream of the Jayhawk plant, additional transmission compression is needed.

WNG has determined that, by reconfiguring the station yard piping, two of the compressor units at the United Station can be used to compress gas downstream of the Jayhawk plant. WNG states that these two units would operate as part of WNG's existing transmission compression at the Hugoton Station and would provide the

[1] 73 FERC ¶ 61,391 (1995).

needed additional compression at reasonable cost. Thus, the function of these two units would change from gathering to transmission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 27, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–3643 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–931–000, et al.]

Pennsylvania Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

February 13, 1996.

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

1. Pennsylvania Power & Light Company

[Docket No. ER96–931–000]

Take notice that on January 25, 1996, Pennsylvania Power & Light Company (PP&L), tendered for filing a request for approval of rate changes under the Capacity and Energy Sales Agreement (Agreement) dated January 28, 1988, as supplemented, between PP&L and Baltimore Gas & Electric Company. PP&L proposes to increase its rate under the Agreement to more accurately reflect the projected costs of decommissioning PP&L's nuclear-fueled Susquehanna Steam Electric Station units. PP&L also proposes to implement depreciation life study changes, to change accounting methods for Office Furniture, Tools and Equipment (FTE) and to segregate all FTE into certain General Plant accounts.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. ER96–985–000]

Take notice that on January 31, 1996, Boston Edison Company (Boston Edison), tendered for filing a Sixth Extension Agreement between Boston Edison and New England Power Company (NEP) regarding the provision of sub-transmission service for NEP under Boston Edison's FERC Rate Schedule No. 46. The Sixth Extension Agreement extends the date of termination of service from March 31, 1996 to July 31, 1996 and has been executed only by Boston Edison. Boston Edison requests an effective date of April 1, 1996.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. The Washington Water Power Company

[Docket No. ER96–986–000]

Take notice that on January 31, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with K N Marketing, Inc. Also submitted with this filing is a Certificate of Concurrence with respect to exchanges. WWP requests waiver of the prior notice requirement and requests an effective date of February 1, 1996.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER96–987–000]

Take notice that on January 31, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing as Interchange Service Contract between Southern Companies and PECO Energy Company. The Interchange Service Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER96–989–000]

Take notice that on February 1, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Aquila Power Corporation and Virginia Power, dated January 24, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Aquila Power Corporation under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Houston Lighting & Power Company

[Docket No. ER96–990–000]

Take notice that on February 1, 1996, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA) with Western Gas Resources Power Marketing, Inc. (Western Gas) for Economy Energy and Emergency Power Transmission Service under HL&P's FERC Electric Tariff, Original Volume No. I, for Transmission Service To, From, and Over Certain HVDC Interconnections. HL&P has requested an effective date of January 17, 1996.

Copies of the filing were served on Western Gas and the Public Utility Commission of Texas.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. MidAmerican Energy Company

[Docket No. ER96–991–000]

Take notice that on February 1, 1996, MidAmerican Energy Company (MidAmerican) filed with the Commission Firm Transmission Service Agreements with Delhi Energy Services, Inc. (Delhi) dated January 9, 1996 and KN Marketing, Inc. (KN) dated January 17, 1996; and Non-Firm Transmission Service Agreements with Delhi dated January 9, 1996, Valero Power Services Company (Valero) dated January 15, 1996 and KN dated January 17, 1996, entered into pursuant to MidAmerican's Point-to-Point Transmission Service Tariff, FERC Electric Tariff, Original Volume No. 4.

MidAmerican requests an effective date of January 9, 1996, for the Agreements with Delhi, January 15, 1996, for the Agreement with Valero; and January 17, 1996 for the Agreements with KN, and accordingly seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on Delhi, Valero, KN, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Co.

[Docket No. ER96–992–000]

Take notice that on February 2, 1996, Northeast Utilities Service Company (NUSCO), on behalf of its affiliates, the Northeast Utilities System companies, tendered for filing a Letter of Understanding concerning the assignment of a service agreement for sale of NU System power to the City of Chicopee Municipal Lighting Plant. NUSCO requests an effective date of February 1, 1996.

NUSCO states that copies of its submission have been mailed or delivered to the City of Chicopee Municipal Lighting Plant.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Upper Peninsula Power Company

[Docket No. ER96–993–000]

Take notice that on February 1, 1996, Upper Peninsula Power Company (UPPCO), tendered for filing proposed Power Service Agreements for sales of electricity to two of its existing wholesale electric service customers: Alger-Delta Cooperative Electric Association (Alger-Delta) and Ontonagon County Rural Electrification Association (Ontonagon). UPPCO states that the rates established in each of the Power Service Agreements for 1996 will result in a decrease in revenues from sales to Alger-Delta of approximately 9.6% annually and a decrease in revenues from sales to Ontonagon of approximately 10% annually. UPPCO states that the Power Service Agreements also provide Alger-Delta and Ontonagon with a credit toward the acquisition of certain non-utility services from UPPCO. UPPCO proposes to make each of the Power Sales Agreements effective beginning April 3, 1996.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Nevada Power Company

[Docket No. ER96–994–000]

Take notice that on February 1, 1996, Nevada Power Company (Nevada Power), tendered for filing a proposed Supplement to the Interconnection Agreement Between Nevada Power Company and Overton Power District No. 5 (Supplemental Agreement) having a proposed effective date of April 1, 1996.

The Supplemental Agreement provides for the sale of economy energy to Overton during any calendar month in which Overton agrees to purchase Nevada Power all of its economy energy requirements. Such economy energy is to be delivered using Overton's contractual allocation of Federal hydroelectric capacity purchased through the State of Nevada Colorado River Commission (CRC) or using the contractual allocation of Federal hydroelectric capacity received from other members of the Silver State Power Association, Inc. The total monthly amount of economy energy under Schedule D shall not exceed the amount of energy that when added to Overton's contractual allocation of Federal hydroelectric energy and the contractual allocation of Colorado-River hydroelectric energy received from other Silver State Power Association members, would provide 100 percent capacity factor utilization of these Federal hydroelectric resources.

The price of economy energy sold by Nevada Power and purchased by Overton pursuant to Schedule D shall be at Nevada Power's Average Hourly Marginal Cost of energy for each calendar month plus 1 mill per kilowatt-hour. Average Hourly Marginal Cost is defined as the monthly sum of the hourly incremental cost of the next cheapest megawatt-hour available to generate or purchase (excluding generation at Hoover Dam) to meet load in Nevada Power's control area divided by the number of hours in the month.

Copies of this filing have been served on the City of Overton and the Nevada Public Service Commission.

Comment date: February 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. The Washington Water Power Company

[Docket No. ER96–995–000]

Take notice that on February 1, 1996, The Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, an Agreement for the sale of firm capacity and firm energy to Cogentrix Energy Power Marketing, Inc. The terms of the Agreement one to commence on April 1, 1996 and continue through August 31, 1998.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. The Washington Water Power Company

[Docket No. ER96–996–000]

Take notice that on February 1, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 and 35.12 a Transmission Service Agreement between WWP and Enron Power Marketing, Inc. WWP requests an effective time and date of 0000 hours, April 1, 1996.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. The Washington Water Power Company

[Docket No. ER96–997–000]

Take notice that on February 1, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 and 35.12 a Transmission Service Agreement between WWP and Cogentrix Energy Power Marketing, Inc. WWP requests an effective time and date of 0000 hours, April 1, 1996.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Cenerprise, Inc.

[Docket No. ER96–998–000]

Take notice that on February 1, 1996, Cenerprise, Inc. (Cenerprise), corporate successor to Cenergy, Inc. (Cenergy),

filed an application pursuant to 205 of the Federal Power Act, Part 35 of the Commission's Regulations, and the Commission's Rules of Practice and Procedure, for an order supporting certain charges to Cenerprise's Rate Schedule FERC No. 1 and changes to its Standards of Conduct. Cenerprise proposes to change the name of the seller under its tariff from Cenergy To Cenerprise, eliminate the restrictions against power transactions with its affiliates, and to permit such transactions with its public utility affiliates pursuant to separate 205 filings. Cenerprise also proposes to modify its code of conduct to reflect the Commission's decision in *USGen Power Services, L.P.*, 73 FERC ¶ 61,302 (1995), and the standards proposed by the Commission in the Notice of Proposed Rulemaking on Real Time Information Networks and Standards of Conduct in Docket No. RM95–9–000.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by the Federal Power Act and the Commission's Rules of Practice and Procedure, a hearing may 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 application is in the public interest. 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.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Potomac Electric Power Company

[Docket No. ER96–999–000]

Take notice that on February 2, 1996, Potomac Electric Power Company (Pepco), tendered for filing a service agreement pursuant to Pepco's FERC Electric Tariff, Original Volume No. 1, entered into between Pepco and CNG Power Services Corporation. An effective date of January 8, 1996, for this service agreement, with waiver of notice, is requested.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Florida Power & Light Company

[Docket No. ER96–1001–000]

Take notice that on February 2, 1996, Florida Power & Light Company filed depreciation rates for use in its transmission tariffs, wholesale electric service tariff, and 49 transmission and power sales contracts.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Gulf Power Company

[Docket No. ER96–1002–000]

Take notice that on February 2, 1996, Gulf Power Company (Gulf), tendered for filing an agreement for energy conversion services between Gulf and the Energy Services, Inc. as agent for Arkansas Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service, Inc. (the Entergy Operating Companies).

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Company

[Docket No. ER96–1004–000]

Take notice that on February 5, 1996, New England Power Company, submitted for filing a letter agreement for transmission service to CNG Power Services Corporation.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Houston Lighting & Power Company

[Docket No. ER96–1005–000]

Take notice that on February 5, 1996, Houston Lighting & Power Company (HL&P), tendered for filing four executed transmission service agreements (TSAs) with Louis Dreyfus Electric Power, Inc. (Dreyfus), Electric Clearinghouse, Inc. (ECT) and LG&E Power Marketing, Inc. (LG&E) for Economy Energy Transmission Service under HL&P's FERC Electric Tariff, Original Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections.

HL&P requests waiver of the Commission's notice requirements. Copies of the filing were served on Dreyfus, ECI and LG&E and the Public Utility Commission of Texas.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–3699 Filed 2–16–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EF96–5191–000, et al.]

Western Area Power Administration, et al.; Electric Rate and Corporate Regulation Filings

February 12, 1996

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

1. Western Area Power Administration

[Docket No. EF96–5191–000]

Take notice that on January 31, 1996, the Deputy Secretary of the Department of Energy, by Rate Order No. WAPA–71, did confirm and approve on an interim basis, to be effective on February 1, 1996, the Western Area Power Administration's (Western) Rate Schedules INT–FT2 and INT–NFT2 for firm and nonfirm transmission service from the AC Intertie Project.

The rates will be in effect pending the Federal Energy Regulatory Commission's (FERC) approval of these or of substitute rates on a final basis, ending September 30, 2000.

The existing AC Intertie Project rate schedules were designed to yield approximately $124,513,395 for the AC Intertie Project. The provisional rate schedules are designed to yield approximately $43,451,743 for the existing system and $60,858,572 for the 500-kV system over the cost evaluation period.

The Administrator of Western certifies that the rates are consistent with applicable law and that they are the lowest possible rates consistent with sound business principles. The Deputy Secretary of the Department of Energy states that the rate schedule is submitted for confirmation and approval on a final basis for a period beginning February 1, 1996, and ending September 30, 2000, pursuant to authority vested in FERC by Delegation Order No. 0204–108, as amended.

Comment date: February 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Calpine Monterey Cogeneration, Inc.

[Docket No. EG96–39–000]

On February 5, 1996, Calpine Monterey Cogeneration, Inc., a California Corporation (''Applicant'') with its Principal Executive Office at 50 West San Fernando Street, Fifth Floor, San Jose, California 95113, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant leases and operates an approximately 28.5 megawatt gas fired electrical generating facility located in Watsonville, California. The entire net energy output of such facility is sold by Applicant on a wholesale basis to Pacific Gas & Electric Company, pursuant to a power purchase agreement between Applicant and such utility.

Comment date: March 1, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. FTM Energy Inc.

[Docket No. EG96–42–000]

On February 6, 1996, FTM Energy Inc. (''Applicant'') filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a corporation organized under the laws of the state of Delaware. Applicant is a wholly owned subsidiary of AYP Capital, Inc. (''AYP''), which itself is a wholly owned subsidiary of Allegheny Power System, Inc. (''APS''), a registered electric utility holding company. Applicant's business address is c/o Allegheny Power Service Corporation, 800 Cabin Hill Drive, Greensburg, PA 15601 (Attn: Theresa Colecchia).

The eligible facility consists primarily of a 50 percent undivided interest in Unit No. 1 of the Fort Martin Power Station, an operating steam-electric generating unit, and an associated portion of Ft. Martin Unit 1's main transformers. Ft. Martin Unit 1 is located in West Virginia on the Monongahela River between Morgantown, West Virginia and Point Marion, Pennsylvania. The portion of Ft. Martin Unit 1 that is the eligible facility is currently owned by Duquesne Light Company (''Duquesne''), a Pennsylvania public utility not affiliated with APS; however, Duquesne has entered into an Asset Purchase Agreement (dated November 28, 1995) with AYP, pursuant to which Duquesne will sell on or before December 31, 1996, its undivided ownership interest in Ft. Martin Unit 1 (including its interest in the transformers) to AYP, which will assign the Asset Purchase Agreement to FTM Energy Inc. The remainder of the facility of which the eligible facility is a portion is owned by Monongahela Power Company (''MPC'') and The Potomac Edison Company (''PEC''), two of the three wholly owned electric operating subsidiaries of APS.

Comment date: March 1, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Illinois Municipal Electric Agency v. Central Illinois Public Service Company, Union Electric Company and Central Illinois Public Service Company

[Docket No. EL96–32–000]

[Docket No. ER96–677–000]

Take notice that on February 2, 1996, Illinois Municipal Electric Agency (IMEA) tendered for filing a complaint against Central Illinois Public Service Company to seek the establishment of a refund effective date in connection with rate reductions expected as a result of Union Electric Company and Central Illinois Public Service Company's transmission rate filing in Docket No. ER96–677–000. In its complaint IMEA requests that this proceeding be consolidated with Docket No. ER96–677–000.

Comment date: March 13, 1996, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall be due on or before March 13, 1996.

5. Electric Clearinghouse, Inc., Direct Electric Inc., K N Marketing, Inc., Enerserve, L.C., Paragon Gas Marketing, Heath Petra Resources, Inc., Energy West Power Company, LLC

[Docket No. ER94–968–012, Docket No. ER94–1161–007, Docket No. ER95–869–003, Docket No. ER96–182–001, Docket No. ER96–380–001, Docket No. ER96–381–001, Docket No. ER96–392–001]

[not consolidated]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 31, 1996, Electric Clearinghouse, Inc. filed certain information as required by the Commission's April 7, 1994, order in Docket No. ER94–968–000.

On January 31, 1996, Direct Electric Inc. filed certain information as required by the Commission's July 18, 1994, order in Docket No. ER94–1161–000.

On January 31, 1996, K N Marketing, Inc. filed certain information as required by the Commission's May 26, 1995, order in Docket No. ER95–869–000.

On January 29, 1996, Enerserve, L.C. filed certain information as required by the Commission's December 28, 1995, order in Docket No. ER96–182–000.

On January 31, 1996, Paragon Gas Marketing filed certain information as required by the Commission's December 20, 1995, order in Docket No. ER96–380–000.

On January 29, 1996, Heath Petra Resources, Inc. filed certain information as required by the Commission's December 20, 1995, order in Docket No. ER96–381–000.

On January 29, 1996, Energy West Power Company, LLC filed certain information as required by the Commission's December 28, 1995, order in Docket No. ER96–392–000.

6. Mock Electric Power Marketing, TransCanada Pipelines, J. Anthony & Associates Ltd, Hinson Power Company, Amoco Energy Trading Corporation, Cogentrix Energy Power Marketing Inc., U.S. Power & Light, Inc.

[Docket No. ER95–300–005, Docket No. ER95–692–003, Docket No. ER95–784–001, Docket No. ER95–1314–003, Docket No. ER95–1359–001, Docket No. ER95–1739–001, Docket No. ER96–105–001]

[not consolidated]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 31, 1996, Mock Electric Power Marketing filed certain information as required by the Commission's March 16, 1995, order in Docket No. ER95–300–000.

On January 17, 1996, TransCanada Pipelines filed certain information as required by the Commission's June 9, 1995, order in Docket No. ER95–692–000.

On February 5, 1996, J. Anthony & Associates Ltd filed certain information as required by the Commission's May 31, 1995, order in Docket No. ER95–784–000.

On January 29, 1996, Hinson Power Company filed certain information as required by the Commission's August 29, 1995, order in Docket No. ER95–1314–000.

On February 2, 1996, Amoco Energy Trading Corporation filed certain information as required by the Commission's November 29, 1995, order in Docket No. ER95–1359–000.

On January 31, 1996, Cogentrix Energy Power Marketing, Inc. filed certain information as required by the Commission's October 13, 1995, order in Docket No. ER95–1739–000.

On January 29, 1996, U.S. Power & Light, Inc. filed certain information as required by the Commission's December 6, 1995, order in Docket No. ER96–105–000.

7. Energy Exchange of Chicago, Inc., Wholesale Power Services, Inc., Enron Power Marketing, Inc., Heartland Energy Services, Inc., Eastern Power Distribution, Inc., Rainbow Energy Marketing Corp., LG&E Power Marketing, Inc.

[Docket No. ER90–225–023, Docket No. ER93–730–002, Docket No. ER94–24–011, Docket No. ER94–108–007, Docket No. ER94–964–008, Docket No. ER94–1061–007, Docket No. ER94–1188–009]

[not consolidated]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On February 2, 1996, Energy Exchange of Chicago, Inc. filed certain information as required by the Commission's April 19, 1990, order in Docket No. ER90–225–000.

On February 1, 1996, Wholesale Power Services, Inc. filed certain information as required by the Commission's August 10, 1993, order in Docket No. ER93–730–000.

On February 1, 1996, Enron Power Marketing, Inc. filed certain information as required by the Commission's December 2, 1993, order in Docket No. ER94–24–000.

On January 31, 1996, Heartland Energy Services, Inc. filed certain information as required by the Commission's August 9, 1994, order in Docket No. ER94–108–000.

On February 1, 1996, Eastern Power Distribution, Inc. filed certain information as required by the Commission's April 5, 1994, order in Docket No. ER94–964–000.

On January 31, 1996, Rainbow Energy Marketing Corporation filed certain information as required by the Commission's June 10, 1994, order in Docket No. ER94–1061–000.

On January 31, 1996, LG&E Power Marketing, Inc. filed certain information as required by the Commission's August 19, 1994, order in Docket No. ER94–1188–000.

8. Coastal Electric Services Company, Illinova Power Marketing, Inc., American Power Exchange, Inc., Power Exchange Corporation, KCS Power Marketing, Inc., Aquila Power Corporation, Kimball Power Company

[Docket No. ER94–1450–008, Docket No. ER94–1475–003, Docket No. ER94–1578–005, Docket No. ER95–72–004, Docket No. ER95–208–004, Docket No. ER95–216–006, Docket No. ER95–232–005]

[not consolidated]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 31, 1996, Coastal Electric Services Company filed certain information as required by the Commission's September 29, 1994, order in Docket No. ER94–1450–000.

On January 29, 1996, Illinova Power Marketing, Inc. filed certain information as required by the Commission's May 18, 1995, order in Docket No. ER94–1475–000.

On February 2, 1996, American Power Exchange, Inc. filed certain information as required by the Commission's October 19, 1994, order in Docket No. ER94–1578–000.

On February 2, 1996, Power Exchange Corporation filed certain information as required by the Commission's February 1, 1995, order in Docket No. ER95–72–000.

On February 2, 1996, KCS Power Marketing, Inc. filed certain information as required by the Commission's March 2, 1995, order in Docket No. ER95–208–000.

On January 31, 1996, Aquila Power Corporation filed certain information as required by the Commission's January 13, 1995, order in Docket No. ER95–216–000.

On January 22, 1996, Kimball Power Company filed certain information as required by the Commission's February 1, 1995, order in Docket No. ER95–232–000.

9. Duquesne Light Company

[Docket No. ER96–745–000]

Take notice that on January 2, 1996, Duquesne Light Company tendered for filing a Service Agreement with Catex-Vitol, L.L.C.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Quantum Energy Resources, Inc.

[Docket No. ER96–947–000]

Take notice that on January 29, 1996, Quantum Energy Resources, Inc. tendered for filing an application for blanket authorization, certain waivers, and order approving rate schedule.

Comment date: February 26, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Entergy Services, Inc.

[Docket No. ER96–959–000]

Take notice that on January 25, 1996, Entergy Services, Inc. acting as agent for Arkansas Power & Light Company (AP&L) tendered for filing the Fourth Amendment to the Power Coordination, Interchange and Transmission Agreement between the City of Conway, Arkansas and AP&L.

Comment date: February 26, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Central Illinois Public Service Company

[Docket No. ER96–970–000]

Take notice that on January 30, 1996, Central Illinois Public Service Company (CIPS) submitted a Service Agreement, dated January 29, 1996, establishing American Municipal Power-Ohio (AMP-Ohio) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of January 1, 1996, for the service agreement with AMP-Ohio. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon AMP-Ohio and the Illinois Commerce Commission.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. The Detroit Edison Company

[Docket No. ER96–971–000]

Take notice that on January 30, 1996, The Detroit Edison Company (Detroit), tendered for filing the Third Amendment to the Power Supply Agreement between Wolverine Power Supply Cooperative, Inc. and Detroit.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. UtiliCorp United Inc.

[Docket No. ER96–973–000]

Take notice that on January 30, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, Missouri Public Service, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume

No. 10, with *Eastex Power Marketing, Inc.* The Service Agreement provides for the sale of capacity and energy by Missouri Public Service to *Eastex Power Marketing, Inc.* pursuant to the tariff, and for the sale of capacity and energy by *Eastex Power Marketing, Inc.* to Missouri Public Service pursuant to *Eastex Power Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Eastex Power Marketing, Inc.*

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. UtiliCorp United Inc.

[Docket No. ER96–974–000]

Take notice that on January 30, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *Eastex Power Marketing, Inc.* The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *Eastex Power Marketing, Inc.* pursuant to the tariff, and for the sale of capacity and energy by *Eastex Power Marketing, Inc.* to WestPlains Energy-Kansas pursuant to *Eastex Power Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Eastex Power Marketing, Inc.*

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. UtiliCorp United Inc.

[Docket No. ER96–975–000]

Take notice that on January 30, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Colorado, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 11, with *Eastex Power Marketing, Inc.* The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Colorado to *Eastex Power Marketing, Inc.* pursuant to the tariff, and for the sale of capacity and energy by *Eastex Power Marketing, Inc.* to WestPlains Energy-Colorado pursuant to *Eastex Power Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Eastex Power Marketing, Inc.!*

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company (Minnesota Company)

[Docket No. ER96–976–000]

Take notice that on January 30, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing a Notice of Termination of the Blue Lake Emergency Connection Agreement between NSP and the City of Shakopee (City).

NSP requests the Agreement be accepted for filing effective January 31, 1996, and requests waiver of the Commission's notice requirements in order for the Agreement to be accepted for filing on the date requested.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. The Dayton Power and Light Company

[Docket No. ER96–978–000]

Take notice that on January 30, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Power Sales Agreement between Dayton and Public Service Electric and Gas Company (PSE&G).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to PSE&G power and/or energy for resale.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Illinova Power Marketing, Inc.

[Docket No. ER96–979–000]

Take notice that on January 30, 1996, Illinova Power Marketing, Inc. (IPMI), 1405 West 2200 South, Salt Lake City, Utah, 84119, tendered for filing proposed revisions to its tariff and Code of Conduct.

IPMI has requested an effective date of January 31, 1996, for the proposed changes to its Tariff and Code of Conduct. IPMI requests any waivers necessary for this filing date.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Florida Power Corporation

[Docket No. ER96–980–000]

Take notice that on January 31, 1996, Florida Power Corporation (FPC), tendered for filing a contract for the provision of interchange service between itself and Valero Power Services Company (Valpo). The contract provides for service under Schedule J, Negotiated Interchange Service and OS, Opportunity Sales. Cost support for both schedules has been previously filed and approved by the Commission. No specifically assignable facilities have been or will be installed or modified in order to supply service under the proposed rates.

FPC requests Commission waiver of the 60–day notice requirement in order to allow the contract to become effective as a rate schedule on February 1, 1996. Waiver is appropriate because this filing does not change the rate under these two Commission accepted, existing rate schedules.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Florida Power Corporation

[Docket No. ER96–981–000]

Take notice that on January 31, 1996, Florida Power Corporation (Florida Power), tendered for filing service agreements providing for service to Valero Power Services Company pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice requirements and allow the agreements to become effective on January 31, 1996.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Florida Power Corporation

[Docket No. ER96–982–000]

Take notice that on January 31, 1996, Florida Power Corporation (Florida Power), tendered for filing service agreements providing for service to Southern Company Services, Inc., pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice requirements and allow the agreements to become effective on January 31, 1996.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Central Power and Light Company West Texas Utilities Company

[Docket No. ER96–983–000]

Take notice that on January 31, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) submitted for filing: an unexecuted Transmission Service Agreement between CPL and City of

College Station, Texas (College Station) and an unexecuted Transmission Service Agreement between WTU and College Station (Service Agreements). Under the Service Agreements, CPL and WTU will transmit power and energy purchased by College Station from Texas Utilities Electric Company (Texas Utilities). CPL and WTU request that the Service Agreements be accepted to become effective as of January 1, 1996.

Copies of the filing were served on College Station and the Public Utility Commission of Texas.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin)

[Docket No. ER96–984–000]

Take notice that on January 30, 1996, Northern States Power Company-Minnesota (NSP–M) and Northern States Power Company-Wisconsin (NSP–W) jointly tendered and request the Commission to accept two Transmission Service Agreements which provide for Limited and Interruptible Transmission Service to J Power Inc.

NSP requests that the Commission accept for filing the Transmission Service Agreements effective as of January 31, 1996. NSP requests a waiver of the Commission's notice requirements pursuant to Part 35 so the Agreements may be accepted for filing effective on the date requested.

Comment date: February 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–3644 Filed 2–20–96; 8:45 am]

BILLING CODE 6717–01–P

[Condit Project No. 2342 Washington]

PacifiCorp Electric Operations; Notice of Intent To Reschedule Date and Hold Public Meetings in White Salmon, Washington, To Discuss the Draft Environmental Impact Statement (DEIS) for Relicensing of the Condit Hydroelectric Project

February 13, 1996.

On December 8, 1995, the Draft Environmental Impact Statement for the Condit Hydroelectric Project was distributed to all parties on the Commission's mailing list and a notice of availability was published in the Federal Register. The DEIS evaluates the environmental consequences of the proposed relicensing of the project. The project is located in Skamania and Klickitat Counties, Washington.

Two public meetings had been scheduled to be held in White Salmon, Washington early February, for the purpose of allowing Commission Staff to present the major DEIS findings and recommendations. Due to major ice and snow storms in the project area, the public meetings had to be canceled. The meetings have been rescheduled for February 29, 1996. Interested parties will have an opportunity to give oral comment on the DEIS for the Commission's public record. Comments will be recorded by a court reporter. Individuals will be given up to five minutes each to present their views on the DEIS.

Meeting Dates & Times:

Thursday, February 29, 1996 from 9:00 AM—1:00 PM

Thursday, February 29, 1996 from 7:00 PM—11:00 PM

Location: Both meetings will be held at the Park Center Auditorium, 170 NW Lincoln Street, White Salmon, Washington (the main entrance to the auditorium is from Washington Street).

Comments may also be submitted in writing, addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426. Reference should be clearly made to the Condit Project, No. 2342. NOTE: THE COMMENT PERIOD HAS BEEN EXTENDED from February 21, 1996 to MARCH 6, 1996.

For further information, contact: John Blair, DEIS Task Monitor, (202) 219–2845.

Lois D. Cashell,

Secretary.

[FR Doc. 96–3638 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5424–6]

Agency Information Collection Activities: Environmental Radiation Ambient Monitoring System (ERAMS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Environmental Radiation Ambient Monitoring System (ERAMS). Approved through 07/31/96. OMB NO. 2060–0015. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments will be accepted until April 22, 1996.

ADDRESSES: Office of Radiation and Indoor Air (ORIA), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Charles M. Petko, (334) 270–3411; FAX (334) 270–3454; EMAIL to PETKO.CHARLES@EPMAIL.EPA.GOV

SUPPLEMENTARY INFORMATION:

Affected entities: Voluntary sample collectors, usually state employees but also some employees of local governments.

Title: Environmental Radiation Ambient Monitoring System (ERAMS); OMB NO. 2060–0015; Expiration date, 07/31/96.

Abstract: The Environmental Radiation Ambient Monitoring System (ERAMS) is a national network of stations sampling media that include air, precipitation, drinking water, surface water, and milk. Samples are sent to EPA's National Air and Radiation Environmental Laboratory (NAREL) in Montgomery, AL, where they are analyzed. ERAMS provides emergency response and ambient monitoring information regarding levels of environmental radiation across the nation. All stations, usually manned by state and some local personnel,

participate in ERAMS voluntarily. Station operators complete information forms that accompany the samples. The forms request descriptive information related to sample collection, e.g., sample type, sample location, length of sampling, and volume represented.

An agency may not conduct or sponsor, and person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The frequency of response from the respondents varies with the media being collected. There are 104 occurrences per air station per year (2 weekly × 52 weeks). There are an estimated 12 occurrences per precipitation station and per milk station per year. The drinking water and surface water collections take place quarterly resulting in 8 occurrences. If contamination is observed or is anticipated, however, these number can change depending on the nature and extent of the event. The time required per response varies with the media collected, but a reliable average for respondent burden time per occurrence is given by dividing the total respondent burden hours for the (9019 hours) by the total number of occurrences for all respondents for the year (24,033 occurrences) to obtain a value of 0.37 hours per occurrence. The respondent burden hours per occurrence has a range of from 0.1 to 1 hour. The respondents are not required to keep records.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 6, 1996.

Charles M. Petko,

Public Information Officer.

[FR Doc. 96–3715 Filed 2–16–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5423–5]

Public Meeting of the Sanitary Sewer Overflows Dialogue

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is convening a public meeting of the Sanitary Sewer Overflows (SSOs) Dialogue. The meeting will be held on March 7 and 8, 1996. The purposes of the meeting are to discuss: (1) The draft SSO framework; (2) permit and compliance priorities; and (3) the overall SSO strategy flowchart. The meeting is open to the public without need for advance registration.

DATES: The SSO meeting will be held on March 7 and 8, 1996. On March 7, the meeting will run from 8:30 am to 5:00 pm EST. On March 8, the meeting will run from about 8:30 am until completion.

ADDRESSES: The SSO meeting will be held at the Holiday Inn, 11787 Lee Jackson Memorial Highway, Fairfax, VA. The telephone numbers for the hotel are: 1–800–465–4329 or (703) 352–2525.

FOR FURTHER INFORMATION CONTACT: Charles Vanderlyn of EPA's Office of Wastewater Management, at (202) 260–7277.

Dated: February 8, 1996.

Alfred Lindsey,

Deputy Director, Office of Wastewater Management, Designated Federal Official.

[FR Doc. 96–3588 Filed 2–16–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5425–6]

Proposed Settlement Pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (''EPA''), Region II, announces a proposed administrative *de minimis* settlement pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4), relating to the Bern Metals Superfund Site (''Site''). The Site is located in the City of Buffalo, Erie County, New York State. This notice is being published pursuant to Section 122(i) of CERCLA to inform the public of the proposed settlement and of the opportunity to comment. EPA will consider any comments received during the comment period and may withdraw or withhold consent to the proposed settlement if comments disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

The proposed administrative settlement has been memorialized in an Administrative Order on Consent (''Order'') between EPA and New York State Electric & Gas Corporation (''Respondent''). This Order will become effective after the close of the public comment period, unless comments received disclose facts or considerations which indicate that this Agreement is inappropriate, improper or inadequate, and EPA, in accordance with Section 122(i)(3) of CERCLA, modifies or withdraws its consent to this Agreement. Under the Order, the Respondent will be obligated to pay $10,000 to the Hazardous Substance Superfund in reimbursement of its share of EPA's response costs relating to the Site plus a premium.

Pursuant to CERCLA Section 122(h)(1), the Order may not be issued without the prior written approval of the Attorney General or her designee. In accordance with that requirement, the Attorney General or her designee has approved the proposed administrative order in writing.

DATES: Comments must be provided on or before March 21, 1996.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York 10007 and should refer to: ''Bern Metals Superfund Site, U.S. EPA Index No. II CERCLA–95–0218''. For a copy of the settlement document, contact the individual listed below.

FOR FURTHER INFORMATION CONTACT: Jean H. Regna, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007. Telephone: (212) 637–3164.

Dated: December 12, 1995.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96–3720 Filed 2–16–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5425–5]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Bollinger Steel Removal Site in Beaver County, Pennsylvania was executed by the Agency on July 17, 1955 and is subject to final approval by the United States Department of Justice. The Purchaser Agreement would resolve certain potential EPA claims under Section 107 of CERCLA, 42 U.S.C. 9607, against the Borough of Ambridge (''the purchaser''). The settlement would require the Borough of Ambridge to pay a principal payment of $15,000.00 in three (3) equal installments of $5,000.00 each as follows: the first payment within 90 days of the effective date of this agreement to the Hazardous Substances Superfund, the second payment within 180 days and the final payment no later than 270 days from the effective date of this agreement.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

DATES: Comments must be submitted on or before March 21, 1996.

AVAILABILITY: The proposed agreement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. A copy of the proposed agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency, Regional Docket Clerk (3RC00), 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Comments should reference the ''Bollinger Steel Removal Site'' and ''EPA Docket No. III–95–51–DC,'' and should be forwarded to Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Eric D. Ashton (3RC23), Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597–9857.

Dated: January 19, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 96–3719 Filed 2–16–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5425–7]

Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed adminstrative settlement and opportunity for public comment.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve the sole responsible party's liability for certain response costs incurred by EPA at the Witco Corporation Superfund Site in Oakland, New Jersey.

DATES: Comments must be provided by March 21, 1996.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007 and should refer to: In the Matter of the Witco Corporation Superfund Site: Witco Corporation, U.S. EPA Index No. II CERCLA–95–0113.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007, Attention: Marc Seidenberg, Esq., (212) 637–3150.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Witco Corporation Superfund Site located in Oakland, New Jersey. Section 122(h) of CERCLA provides EPA with authority to consider, compromise and settle certain claims for costs incurred by the United States.

Witco Corporation will pay a total of $120,000 under the settlement to reimburse EPA for certain response costs incurred at the Witco Corporation Superfund Site.

A copy of the proposed adminstrative settlement agreement, as well as background information relating to the settlement, may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007.

Dated: December 7, 1995.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96–3717 Filed 2–16–96; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 26]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1995, Ex-Im Bank has submitted a proposed collection of information to the Office of Management and Budget for review.

PURPOSE: Ex-Im Bank is the agency that facilitates U.S. goods and services

through a variety of programs including Ex-Im Bank Insurance. This program enables U.S. exporters to compete fairly in foreign markets on the basis of price and product.

SUMMARY: The following summarizes the information collection proposal submitted to OMB.

(1) *Type of request:* extension.

(2) *Number of forms submitted:* 9.

(3) *Form Numbers and Title of information collection:*

(a) EIB–92–45 Financing or Operating Lease Coverage, Explanation of Application Form for Export Credit Insurance;

(b) EIB–92–50 Application for Multibuyer Export Credit Insurance Policy;

(c) EIB–92–64 Application for Short-Term Single-Buyer Policy (For Exporters Only);

(d) EIB–92–68 Application for Export Credit Insurance Trade Association Policy;

(e) EIB–92–72 Application for Export Credit Insurance Umbrella Policy;

(f) EIB–92–80 Broker Registration Form;

(g) EIB–92–34 Application for Quotation-Export Credit Insurance Commercial Bank Insureds;

(h) EIB–92–41 Application for Short-Term Single-Buyer Coverage Financial Institution Buyer Credit Policies;

(i) EIB–92–48 Application for Medium-Term Export Credit Insurance.

(4) Frequency of use: Applications submitted one time, renewals annually.

(5) Respondents: Entities involved in the export of U.S. goods and services including exporters, banks, insurance brokers and non-profit or state and local governments acting as facilitators.

(6) Estimated total number of annual responses: 1,500 (per form).

(7) Estimated total number of hours needed to fill out the form: 1,500 (1 hour per form).

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed application may be obtained from Debbie Ambrose (202) 565–3313. Comments and questions should be directed to Mr. Jeff Hill, Office of Management and Budget, Information and Regulatory Affairs, New Executive Office Building, Washington, D.C. 20503, (202) 395–3176. All comments should be submitted within 60 days of this notice; if you intend to submit comments but are unable to meet this deadline, please advise by telephone that comments will be submitted late.

Dated: February 13, 1996.

Tamzen C. Reitan,

Agency Clearance Officer.

[FR Doc. 96–3707 Filed 2–16–96; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL RESERVE SYSTEM

Norwest Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has given notice under § 225.23(a)(2) or (e) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (e)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The 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 on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received not later than March 5, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire, through its subsidiary, Norwest Investment Services, Inc., Minneapolis, Minnesota, and the brokerage business of AmeriBank, Bloomington, Minnesota, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 13, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–3648 Filed 2–16–96; 8:45 am]

BILLING CODE 6210–01–F

Valley Ridge Financial Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 15, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Valley Ridge Financial Corporation, Kent City, Michigan; to merge with Community Bank Corporation, Grant, Michigan, and thereby indirectly acquire Grant State Bank, Grant, Michigan.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Country Bancorp, Inc., Hillsboro, Illinois; to acquire at least 51 percent of the voting shares of Keyesport Bancshares, Inc., Keyesport, Illinois, and thereby indirectly acquire State Bank of Keyesport, Keyesport, Illinois.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. James Valley Bancorporation, Inc dba New Capital Corporation, Jamestown, North Dakota; to become a bank holding company by acquiring 76 percent of the voting shares of Northern Plains Investment, Inc., Jamestown, North Dakota, and North Star Holding Company, Jamestown, North Dakota, and thereby indirectly acquire Stutsman County State Bank, Jamestown, North Dakota, and Farmers State Bank of Ypsilanti, Ypsilanti, North Dakota.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First State BancShares, Inc., Scottsbluff, Nebraska; to acquire 90.8 percent of the voting shares of Security First Bank, Cheyenne, Wyoming.

Board of Governors of the Federal Reserve System, February 13, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–3649 Filed 2–16–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Collection; Comment Request

Proposed Project(s)

Title: AFDC Fraud Activity Report.
OMB No.: 0970–0031.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
ACF–4110	54	1	3	162

Estimated total annual burden hours: 162.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described below. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

In addition, requests of copies may be made and comments forwarded to the Reports Clearance Officer over the Internet by sending a message to rkatson@acf.dhhs.gov. Electronic comments must be submitted as an ASCII file without special characters or encryption.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 12, 1996.

Roberta Katson,

Director, Division of Information Resource Management Services.

[FR Doc. 96–3615 Filed 2–16–96; 8:45 am]

BILLING CODE 4184–01–M

Proposed Collection; Comment Request

Proposed Project #1

Title: PROGRAM NARRATIVE; Application for Federal Assistance; Objective Work Plan: Administration for Native Americans.

OMB No.: 0980–0204.

Description: The information collected by PROGRAM NARRATIVE; Application for Federal Assistance, the Objective Work Plan, is needed to properly administer and monitor the Administration for Native Americans' (ANA) Program's competitive areas—Social and Economic Development Strategies (SEDS), ANA Environmental Regulatory Enhancement, ANA Native American Languages Preservation and Enhancement, and ANA Mitigation of Environmental Impacts to Indian Lands Due to Department of Defense Activities by providing information in an application for a grant award. This data is used by legislatively-mandated Native American review panels, and ANA, as the basis for recommendations for the decisions to award competitive ANA grants.

Description: To collect data needed by the program offices for administrative purposes and in working with State public assistance agencies as part of a continuing review of recipient fraud. The information is used in response to inquiries from Congressional committees and program staff such as the Office of Inspector General, other Federal agencies, State public assistance agencies and; the general public.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
OMB 0980–0204	571	1	29.5	17,800

Estimated total annual burden hours: 17,800.

Proposed Project #2

Title: OBJECTIVE PROGRESS REPORT; project progress about Administration for Native Americans financial assistance grants.

OMB No.: 0980–0155.

Description: The information collected by the OBJECTIVE PROGRESS REPORT on an ANA grantee's project progress is needed to properly administer and monitor the progress of Administration for Native Americans' competitive areas grants—Social and Economic Development Strategies (SEDS), ANA Environmental Regulatory Enhancement, ANA Native American Languages Preservation and Enhancement, and ANA Mitigation of Environmental Impacts to Indian Lands due to Department of Defense Activities. This information is used to perform legislatively required Federal financial and program management oversight functions.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
OMB 0980–0155	250	2	2	1,000

Estimated total annual burden hours: 1,000.

Proposed Project #3

Title: OBJECTIVE EVALUATION REPORT; project self evaluation of Administration for Native Americans financial assistance grants.

OMB No.: 0980–0144.

Description: The project self evaluation information collected by the OBJECTIVE EVALUATION REPORT about a grantee's project is needed to meet ANA's legislatively required evaluation of grantee locally-determined financial assistance grant objectives. The report is used in the following Administration for Native Americans' Program's competitive areas grants—Social and Economic Development Strategies (SEDS), ANA Regulatory Environmental Enhancement, ANA Native American Languages Preservation and Enhancements, and ANA Mitigation of Environmental Impacts to Indian Lands Due to Department of Defense Activities. The information, when aggregated, is used by Congress, Federal agencies, and others.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
OMB 0980–0144	250	1	2	500

Estimated total annual burden hours: 500.

Respondents:

- Federally recognized Indian Tribes;
- Consortia of Indian Tribes;
- Incorporated non-Federally recognized Tribes;
- Incorporated nonprofit multipurpose community-based Indian organizations;
- Urban Indian Centers;
- National or regional incorporated nonprofit Native American organizations with community-specific objectives;
- Alaska Native Villages as defined in the Alaska Claims Settlement Act (ANSCA) and/or nonprofit village consortia;
- Incorporated nonprofit Alaska Native multi-purpose community-based organizations;
- Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village-specific providers;
- Nonprofit Native organizations in Alaska with village-specific projects;
- Public and nonprofit private agencies serving Native Hawaiians;
- Public and nonprofit private agencies serving Native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands. (The populations served may be located on these islands or in the United States); and
- Tribally Controlled Community Colleges, Tribally Controlled Post-Secondary Vocational Institutions, and colleges and universities located in

Hawaii, Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands which serve Native American Pacific Islanders.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described below. Copies of the proposed collection of information form can be obtained and comments may be forwarded by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

In addition, requests of copies may be made and comments forwarded to the Reports Clearance Officer over the Internet by sending a message to rkatson@acf.dhhs.gov. Electronic comments must be submitted as an ASCII file without special characters or encryption.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 16, 1996.

Roberta Katson,

Director, Division of Information Resource Management Services.

[FR Doc. 96–3702 Filed 2–16–96; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. FR–3917–N–44]

Notice of Proposed Information Collection for Public Comment

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 22, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Oliver Walker, Housing, Department of Housing & Urban Development, 451—7th Street, SW., Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Oliver Walker, Telephone number (202) 708–1694 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Conveyance (Acquisition) and Disposition Information Collections contained in Handbook 4310.5 entitled ''Property Disposition Handbook 1–4 Family Properties''.

OMB Control Number: 2502–0306.

Description of the need for the information and the proposed use: This information is needed to determine the condition of the property upon conveyance, the results of repair contracts, and to monitor contractor performance in maintaining properties.

Agency form number: HUD–9516A, 9519, 9519A, 9733, 9544, 9548.

Members of affected public: Individuals, households and business.

An estimation of the total numbers of hours needed to prepare the information collection is 336,550 number of respondents is 673,100 frequency response is on occasion and the hours of response varies.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 9, 1996.

Nicolas P. Retsinas,

A/S Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–3704 Filed 2–16–96; 8:45 am]

BILLING CODE 4210–27–M

Office of Administration

[Docket No. FR–3917–N–43]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: March 21, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (7) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 13, 1996.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Evaluation of the HOME Program—Round III Data Collection.

Office: Policy Development and Research.

OMB Approval: None.

Description of the Need for the Information and Its Proposed Use: This Evaluation will help the Department assess the outcomes created by the HOME Investment Partnerships Program. Interviews with program administrators, project owners, and the homeowners and renters who are the beneficiaries of the program will be used to determine program costs, benefits, and overall program implementation.

Form Number: None.

Respondents: Individuals or Households, Business or Other For-Profit, Not-For-Profit Institutions and State, Local, or Tribal Government.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Evaluation	1,190		1		.65		755

Total Estimated Burden Hours: 755.

Status: New.

Contact: Judson L. James, HUD, (202) 708–3700; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 13, 1996.

[FR Doc. 96–3703 Filed 2–16–96; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. FR–3786–N–03]

Announcement of Funding Awards; Indian HOME Program for Indian Tribes and Alaska Native Villages; Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1995 for the Indian HOME Program for Indian Tribes and Alaska Native Villages. The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide assistance to the Indian tribes and Alaska Native villages.

FOR FURTHER INFORMATION CONTACT: Dom Nessi, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, Room B–133, 451 Seventh Street SW, Washington, DC 20410. Telephone (202) 755–0068 (this is not a toll-free number). Hearing- or speech impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Indian HOME Program funding for Fiscal Year 1995 is authorized by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1995 (approved September 28, 1994, Pub. L. 103–327); and the 1994 Appropriations Act (approved October 28, 1993, Pub. L. 103–124).

This Notice announces FY 1995 funding of $14,042,000 to be used to assist in the funding to Indian tribes and Alaska Native villages to expand the supply of affordable housing for very low-income persons. The FY 1995 awards announced in this Notice were selected for funding consistent with the provisions in the Notices of Funding Availability (NOFAs) published in the Federal Register on Janaury 17, 1995 (60 FR 3520) and the amendment notice published on March 13, 1995 (60 FR 13446).

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 hereby publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: February 13, 1996.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

Appendix A—Fiscal Year 1995 Indian HOME Program for Indian Tribes and Alaska Native Villages

RECIPIENTS OF FUNDING DECISIONS

Funding recipient (name and address)	Amount Approved
Muscogee (Creek) Nation, Okmulgee, Oklahoma	$726,159
Mississippi Band of Choctaw Indians, Philadelphia, MS	1,488,000
Omaha Tribe of Nebraska, Macy, Nebraska	969,648
Pascua Yaqui Tribe of Arizona, Tucson, Arizona	1,488,000
Cook Inlet Tribal Council, Anchorage, Alaska	1,488,000

RECIPIENTS OF FUNDING DECISIONS—Continued

Funding recipient (name and address)	Amount Approved
Confederated Tribes of the Umatilla Indian Reservation, Portland, Oregon	963,303
Choctaw Nation, Durant, Oklahoma	1,488,000
Southern Ute Indian Tribe, Ignacio, Colorado	1,488,000
White Earth Reservation Tribal Council, White Earth, Minnesota	914,611
Absentee Shawnee Tribe, Shawnee, Oklahoma	1,486,412
Standing Rock Sioux Tribe, Fort Yates, North Dakota	1,421,867
Manzanita Band of Mission Indians, Boulevard, CA	120,000
Total	14,042,000

[FR Doc. 96–3705 Filed 2–16–96; 8:45 am]

BILLING CODE 4210–33–P

Office of General Counsel

[Docket No. FR–4040–D–01]

Order of Succession, Acting General Counsel

AGENCY: Office of General Counsel, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the General Counsel for the Department of Housing and Urban Development designates the Order of Succession for the position of General Counsel, and revokes the prior Order of Succession for this position.

EFFECTIVE DATE: February 7, 1996.

FOR FURTHER INFORMATION CONTACT: John P. Opitz, Assistant General Counsel for Training and Administrative Law, Department of Housing and urban Development, Room 10246, 451 7th Street, S.W., Washington, D.C. 20410, (202) 708–9991. A telecommunications device for hearing-impaired persons (TDD) is available at (202) 708–3259. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The General Counsel for the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to serve as Acting General Counsel when, by reason of absence, disability, or vacancy in office, the General Counsel is not available to exercise the powers or perform the duties of the office. The authorization to act under this Order is subject to the 120-day rule of the Vacancies Act, 5 U.S.C. 3348, whereby a vacancy caused by death or resignation of an appointee, whose appointment is vested in the President by and with the advice and consent of the Senate, may be filled temporarily for not more than 120 days.

Accordingly, the General Counsel designates the following Order of Succession:

Section A. Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the General Counsel is not available to exercise the powers of perform the duties of the Office of General Counsel, the following are hereby designated to serve as the Acting General Counsel:

(1) Deputy General Counsel (Programs & Regulations);

(2) Deputy General Counsel (Civil Rights & Litigation);

(3) Deputy General Counsel (Operations);

(4) Associate General Counsel for Assisted Housing and Community Development;

(5) Associate General Counsel for Legislation and Regulations;

(6) Associate General Counsel for Finance and Regulatory Enforcement;

(7) Associate General Counsel for Insured Housing;

(8) Associate General Counsel for Litigation and Fair Housing Enforcement;

(9) Associate General Counsel for Program Enforcement;

(10) Associate General Counsel for Human Resources.

These officials shall serve as Acting General Counsel in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office. If all the officials designated in this Order of Succession are unable to serve as Acting General Counsel by reason of absence, disability, or vacancy in office, officials designated to serve as acting officials for these designated officials shall serve in the same order of succession as their principals.

Officials ranking below the Deputy General Counsel (Operations) in the above Order of Succession and their designees, while serving as Acting General Counsel, may only take actions with the approval of the Special Assistant to the General Counsel.

Authorization to serve as Acting General Counsel shall not exceed 120 days, pursuant to the Vacancies Act, 5 U.S.C. 3348.

Section B. Authority Revoked

The Order of Succession of the General Counsel, published in the Federal Register on April 24, 1995, at 60 FR 20111, is hereby revoked.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 7, 1996.

Nelson A. Díaz,

General Counsel.

[FR Doc. 96–3617 Filed 2–16–96; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for a Permit To Authorize Incidental Take of the Threatened Northern Spotted Owl by the Scofield Corporation, Near Leavenworth, Chelan County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability; request for comments.

SUMMARY: This notice advises the public that the Scofield Corporation of Chelan, Washington (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number PRT–811110. The requested permit would authorize the incidental take of northern spotted owls (*Strix occidentalis caurina*) (owls) that may occur in or near the planning area in Chelan County, Washington, as a result of the Applicant's timber-management activities. A Habitat Conservation Plan (HCP) was submitted as part of the application in accordance with section 10(a) of the Act.

The Service announces the availability of an Environmental Assessment (EA) for the proposed issuance of the incidental take permit and approval of the HCP. All comments received will become part of the public record and may be released. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and EA should be received on or before March 21, 1996.

ADDRESSES: Comments regarding the application or EA should be addressed to Curt Smitch, Assistant Regional Director, U.S. Fish and Wildlife Service, Pacific Northwest Habitat Conservation Plan Program, 3773 Martin Way East, Building C—Suite 101, Olympia, Washington 98501; (360) 534–9330. Please refer to permit number PRT–

811110 when submitting comments. Individuals wishing copies of the application or EA for review should immediately contact the office listed above.

FOR FURTHER INFORMATION CONTACT: Craig Hansen, U.S. Fish and Wildlife Service, at the office listed above.

SUPPLEMENTARY INFORMATION:

Background

Under section 9 of the Act and its implementing regulations, ''taking'' of threatened and endangered species is prohibited. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are in 50 CFR 17.32 and 17.22, respectively.

The Applicant proposes to implement a HCP for the owl that will allow timber harvest on the 40-acre project area. The Applicant's proposed timber harvest may result in the take, as defined in the Act and its implementing regulations, of the owl. The permit would be in effect for one year. The terms of the HCP, which include conservation benefits for the owl, would be in effect into perpetuity.

The Applicant proposes to mitigate for potential impacts from incidental take of the owl by retaining a buffer of intact habitat, implementing a selective timber harvest, and placing a perpetual deed restriction on the property permanently prohibiting further timber harvest or tree removal. This would ensure the retention of some owl habitat and approximately 72 percent of the total number of trees after harvest. The retention of habitat and trees, and the deed restriction would ensure the availability of owl habitat in the future. The harvest method and timing would further minimize impacts to owls. If possible, all trees would be felled in winter or early spring which would minimally disturb owls and other wildlife. Harvesting while there is still snow on the ground would prevent potential ground disturbance by the felled trees. In addition, all felled trees would be removed by helicopter, thus precluding the need for road construction into the project area, and minimizing impacts to owl habitat and the ground.

The EA considers the environmental consequences of the proposed action and no-action alternatives. The proposed action alternative is the issuance of a permit under section 10(a) of the Act that would authorize incidental take of the owl. The proposed action would require the Applicant to implement their HCP. Under the no-action alternative, the permit would not be issued, and the Applicant would avoid the take of owls by delaying harvest until: (1) the owl site center is moved such that the project area is outside the territorial circle, or (2) the owl territorial circle has been changed to historic status after 3 consecutive years of protocol owl surveys have resulted in no owl detections, or (3) regulatory release is provided, such as a 4(d) special rule under the Act providing an exemption for small landowners, or (4) forests on surrounding U.S. Forest Service or other land regenerates or develops to provide greater than 40 percent owl habitat within the 1.8 mile radius owl circle.

Dated: February 13, 1996.

(Notice: Availability of an Environmental Assessment and Receipt of an Application for a Permit Under Section 10(a)(1)(B) of the Endangered Species Act by the Scofield Corporation.)

H. Dale Hall,

Acting Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–3654 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–55–P

Geological Survey

Application Notice Describing the Areas of Interest and Establishing the Closing Date for Receipt of Applications Under the National Earthquake Hazards Reduction Program (NEHRP) for Fiscal Year (FY) 1997

AGENCY: Department of the Interior, U.S. Geological Survey.

ACTION: Notice.

SUMMARY: Applications are invited for research projects under the NEHRP.

The purpose of this program is to support research in earthquake hazards prediction; to provide earth-science data and information essential to determine seismic hazards present in the United States; and information essential to mitigate earthquake damage.

Applications may be submitted by educational institutions, private firms, private foundations, individuals, and agencies of state and local governments.

The NEHRP supports research related to the following general areas of interest:

I. Evaluating National and Regional Hazard and Risk. National and regional hazard and risk maps are critical to effective risk reduction strategies.

II. Evaluating Urban Hazard and Risk. The strong ground shaking and resulting catastrophic losses in the 1994 Northridge earthquake reinforced the need for the U.S. Geological Survey to concentrate its efforts where the risks are highest, that is, in the nation's urban areas.

III. Understanding Earthquake Processes. The effectiveness of risk-mitigation strategies and disaster response are limited by our meager understanding of the tectonic processes that cause earthquakes and generate the strong shaking and ground failure that devastates the built environment.

IV. Providing Real-time Hazard Assessment. Effective earthquake hazard evaluation and response to damaging events depend on timely, accurate information. Short, intermediate, and long-term earthquake forecasts in regions of high earthquake potential can all lead to mitigation activities that reduce the losses in subsequent earthquakes.

V. Providing Geologic Hazards Information Services. Computer technology has evolved rapidly in recent years to the point that new powerful tools are accessible both to the providers and the users of geologic hazards information.

ADDRESSES: The program announcement is expected to be available on or about March 8, 1996. You may obtain a copy of Announcement No. 00001 by writing Francine Harris, U.S. Geological Survey, Office of Acquisition and Federal Assistance—Mail Stop 205C. 12201 Sunrise Valley Drive, Reston, Virginia 22092, or by fax (703–648–7901). Organizations that applied for an FY 1996 award, and organizations that requested to be retained on the mailing list since the last announcement will be mailed a copy of Announcement No. 00001.

DATES: The closing date for receipt of applications will be on or about May 10, 1996. The actual closing date will be specified in Announcement No. 00001.

FOR FURTHER INFORMATION CONTACT: John Sims, Office of Earthquakes, Volcanoes, and Engineering—U.S. Geological Survey, Mail Stop 905, 12201 Sunrise Valley Drive, Reston, Virginia 22092. Telephone: (703) 648–6722.

SUPPLEMENTARY INFORMATION: Authority for this program is contained in the Earthquake Hazards Reduction Act of 1977, Public Law 95–124 (42 U.S.C. 7701 *et seq.*).

Dated: February 13, 1996.

Timothy E. Calkins,

Acting Chief, Office of Program Support.

[FR Doc. 96–3716 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[AZ–024–1220–00]

Notice of Availability of Finding of No Significant Impacts (FONSI) and the Proposed White Canyon Plan Amendment/Final Environmental Assessment for the Phoenix and Safford District Resource Management Plans, Gila and Pinal Counties, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management in response to a land exchange proposal, has prepared a FONSI and Proposed Plan Amendment/Final Environmental Assessment (Proposed Plan) to amend the Phoenix and the Safford District Resource Management Plan (RMPs) in compliance with the Federal Land Policy and Management Act of 1976, as amended, and Section 102(2)(c) of the National Environmental Policy Act of 1969. An analysis of potential environmental impacts found that impacts would not be significant leading to a FONSI. Because of the FONSI, an environmental impact statement is not required to support the Proposed Plan Amendment.

DATES: Protests on the Proposed Plan must be postmarked on or before March 21, 1996.

ADDRESSES: Protests must be sent to the Director (480), BLM, Resource Planning Team, Box 10, 1620 L Street (N.W.), Washington, D.C. 20036

FOR FURTHER INFORMATION, CONTACT: Shela McFarlin, Project Manager, Bureau of Land Management, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, AZ 85027, or telephone (602) 780–8090.

SUPPLEMENTARY INFORMATION:

Description of the Proposed Action

The Proposed Plan Amendment and Final Environmental Assessment would make 4,561 acres of federal surface and 1,188 mineral estate acres available for considering a land exchange proposal by ASARCO Incorporated. The parcels would be reclassified from retention lands to disposal by exchange. The Proposed Plan does not approve the transfer of any land; a separate environmental impact statement would analyze the proposed exchange. The Proposed Plan also changes the designation of the White Canyon Area of Critical Environmental Concern (ACEC). The ACEC would retain 300 acres currently designated and delete 1,620 acres which have since been designated as part of the White Canyon Wilderness. The ACEC would expand by 480 acres through acquiring what is now state land through appropriate mechanisms such as exchange, donation or friendly condemnation with the state of Arizona or subsequent land owners.

Alternatives Analyzed

Four plan amendment alternatives, including the no action alternative, were analyzed. In addition to the Proposed Plan Amendment (Preferred Alternative), the Proposed Plan analyzed an alternative which would make 1,188 acres of federal estate and 4,721 acres of public land available for exchange. This alternative would also remove the White Canyon ACEC designation and permit these 160 acres to be considered in an exchange. An additional alternative analyzed would reduce the amount of public lands available for exchange by 1,280 surface acres and retain the White Canyon ACEC on 300 acres. Under the no action alternative, the White Canyon ACEC would be retained and no surface or mineral estate lands would be available for exchange. In any exchange, public access would be maintained through easements, new construction, realignments, rights of ways, deletions of parcels or other means to continue public access to public lands.

The Proposed Plan has a 30-day protest period as required by BLM planning regulations (43 CFR 1610.5–2). Any person who participated in this process and has an interest that may be adversely affected by the proposed decision may submit a protest. Following the protest resolution and the Governor's consistency review, the proposed plan will be approved and implemented. A decision record which documents BLM's decision will become available.

Public Reading Copies May Be Reviewed at the Following BLM Locations

Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027

Arizona State Office, Public Room, 3707 N. 7th Street, Suite 300, Phoenix, Arizona 85011.

Dated: February 12, 1996.

David J. Miller,

Associate District Manager.

[FR Doc. 96–3655 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–32–P

[NM–018–06–1610–00/G010–D6–0101]

Amendment to Notice of Intent To Prepare a Coordinated Resource Management Plan and Amend the Taos Resource Management Plan; Taos Resource Area, New Mexico and San Luis Resource Area, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Intent; request for comment.

SUMMARY: In the Federal Register on Monday, November 14, 1994 (Vol. 59, No. 218, pp. 56528–29), the following ''Summary'' appeared:

The Bureau of Land Management (BLM) Albuquerque District, Taos Resource Area and Canon City District, San Luis Resource Area are initiating preparation of a Coordinated Resource Management Plan (CRMP) in combination with a Taos Resource Management Plan Amendment (RMPA). This document will enable coordinated management activities throughout the 94-mile Rio Grande corridor from La Sauses, Colorado to Velarde, New Mexico; address inadequacies of the Taos Resource Management Plan (RMP) relating to the BLM's Supplemental Program Guidance for wildlife and fire; and include an Environmental Impact Statement to meet legislative requirements for the Rio Grande Wild and Scenic River extension and study areas. The plan's management strategy will center around conserving, restoring and maintaining the public lands' ecological integrity, productivity and biological diversity, while considering social, economic, cultural and ecological factors.

The public is invited to participate in each stage of the planning process, and public meetings will be held.

(Note: A schedule of meeting times and places was included in the notice. The meetings have been held as announced.)

The aforementioned Notice is amended to state that the Plan will analyze possible changes in the Areas of Critical Environmental Concern (ACECs) in the Taos Resource Area portion of the planning area. These ACEC modifications may include boundary changes that would increase or decrease acreage, consolidate ACECs, designate new ACECs or eliminate ACECs. The primary areas that may be modified from the decisions in the current Taos RMP are: (1) Guadalupe Mountain, where the ACEC designation may be dropped in favor of managing the area as part of the Wild Rivers Recreation Area; and (2) the portion of the planning area downstream from the community of Pilar, where several ACECs and Special Management Areas (SMAs) exist. Consolidation and/or boundary realignment may provide for more efficient and effective management of identified resources and values.

As described at 43 CFR 1610.7–2a, ACECs are areas containing resources, values, systems, processes or hazards that meet ''relevance'' and ''importance'' criteria. Some of the values for which ACEC designation is being considered include scenic, cultural, riparian, aquatic, and rare and endemic plants. The public is invited to nominate or recommend areas for ACEC consideration as well as to comment on possible changes.

DATES: The second modification intended by this amendment notice is that the public is invited to submit written comments on possible ACEC nominations or changes through March 21, 1996. Comments should be delivered or mailed to Terry Humphrey at the address below.

FOR FURTHER INFORMATION CONTACT: Terry Humphrey, Taos Resource Area, 226 Cruz Alta Road, Taos, NM 87571; phone (505) 758–8851.

SUPPLEMENTARY INFORMATION: This amended notice does not change any other provision of the original Notice of Intent.

Dated: February 7, 1996.

Sue E. Richardson,

Acting District Manager, Albuquerque District.

[FR Doc. 96–3682 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–FB–P

National Park Service

60 Day Notice of Intention To Request Clearance of Information Collection; Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C., Chapter 3507) and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service invites public comments on a proposed information collection request (ICR). Comments are invited on: (1) the need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including use of automated collection techniques or other forms of information technology.

The Primary Purpose of the Proposed ICR: To identify characteristics, use patterns, perceptions and preferences of visitors within Glacier National Park and Isle Royale National Park. Results will be used by managers in ongoing planning and management to improve services, protect resources and better serve the visitors.

DATES: Public comments will be accepted for sixty days from the date listed at the top of this page in the Federal Register.

ADDRESSES: Send comments to David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall, 1530 N. Cleveland Ave., St. Paul, MN 55108.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Copies of the proposed ICR requirement can be obtained from David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall, 1530 N. Cleveland Ave., St. Paul, MN 55108.

FOR FURTHER INFORMATION CONTACT: Dave Lime, (612) 624–2250.

SUPPLEMENTARY INFORMATION:

Title: Glacier National Park Visitor Use Study

Form: None
OMB Number:
Expiration date:
Type of request: Visitor use survey
Description of need: Park planning and management
Description of respondents: Individuals who visit the park
Estimated annual reporting burden: 106 burden hours
Estimated average burden hours per response: 20 minutes
Estimated average number of respondents: 400
Estimated frequency of response: Once

Title: Isle Royale National Park Visitor Use Study

Form: None
OMB Number:
Expiration date:
Type of request: Visitor use survey
Description of need: Park planning and management
Description of respondents: Individuals who visit the park
Estimated annual reporting burden: 106 burden hours
Estimated average burden hours per response: 20 minutes
Estimated average number of respondents: 400

Dated: February 10, 1996.

Terry N. Tesar,

Information Collection Clearance Officer, Audit and Accountability Team Office, National Park Service.

[FR Doc. 96–3611 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–70–M

General Management Plan, Manzanar National Historic Site; Notice of Availability of Draft Environmental Impact Statement

SUMMARY: Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969 (P.L. 91–190 as amended), the National Park Service, Department of the Interior, has prepared a Draft Environmental Impact Statement assessing the potential impacts of the proposed General Management Plan for Manzanar National Historic Site, Inyo County, California. Once approved, the plan will guide the management of the historic site over the next 15 years.

The Draft General Management Plan and Environmental Impact Statement (DGMP/EIS) presents a proposal and two alternatives for the management, use, and development of Manzanar National Historic Site. The proposed plan, Alternative C: Enhanced Visitor Experience, provides for acquisition of the camp from the current owner and protection of historic and prehistoric resources through a program of resource management and law enforcement. Features include conversion of the historic camp auditorium to an interpretive center and the creation of a network of wayside exhibits throughout the mile-square camp, accessible to visitors by a tour route around the periphery of the camp. A shuttle system would be operated during heavy use periods. Minor boundary additions, encompassing historic resources, would be proposed over and above the legislatively authorized boundary. Reconstruction of a limited number of representative structures would provide additional interpretive features. National Park Service support for the annual spring Manzanar Pilgrimage, organized by the Manzanar Committee, would continue.

Alternative A: No Action, would continue the current situation at Manzanar. Lands would not be acquired, resources would not be protected, and no additional steps would be taken to accommodate visitor interest and use. NPS support for the annual Manzanar Pilgrimage would continue.

Alternative B: Minimum Requirements, would be similar to Alternative C in terms of resource

management and protection, but would provide fewer visitor services. There would be no reconstruction and the boundary would not be enlarged from that authorized. There would be no shuttle service.

The environmental consequences of the alternatives are fully documented. No significant adverse impacts are anticipated.

SUPPLEMENTARY INFORMATION: Written comments on the DGMP/EIS should be directed to the Superintendent, Manzanar National Historic Site, P.O. Box 426, Independence, California 93526–0426. Comments on the DGMP/EIS must be received by May 3, 1996. Public meetings on the draft plan will be held as follows:

March 12, 7:00 P.M., Bishop City Council Chambers, 301 W. Line St., Bishop, California
March 13, 7:00 P.M., American Legion Hall, 205 S. Edwards St. (U.S. 395), Independence, California
March 15, 7:00 P.M., Gardena Valley Japanese Cultural Institute, 16215 S. Gramercy Place, Gardena, California
March 16, 2:00 P.M., Japanese-American Cultural and Community Center, 244 S. San Pedro St., 2D Floor, Rooms A & B, Los Angeles, California

Inquiries on and requests for copies of the DGMP/EIS should be directed to Manzanar National Historic Site, address as above, or by telephone at (619) 878–2932.

Dated: February 7, 1996.

Stephen S. Crabtree,

Field Director, Pacific West Area.

[FR Doc. 96–3612 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Central Valley Project Improvement Act, Criteria for Evaluating Water Conservation Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of draft decision of evaluation of water conservation plans.

SUMMARY: To meet the requirements of the Central Valley Project Improvement Act (CVPIA), the Bureau of Reclamation (Reclamation) developed and published the Criteria for Evaluating Water Conservation Plans (Criteria) dated April 30, 1993. These Criteria were developed based on information provided during public scoping and public review sessions held throughout Reclamation's Mid-Pacific (MP) Region. Reclamation uses these Criteria to evaluate the adequacy of all water conservation plans developed by project contractors in the MP Region, including those required by the Reclamation Reform Act of 1982. The Criteria were developed and the plans evaluated for the purpose of promoting the most effective water use reasonably achievable by all MP Region's contractors. Reclamation made a commitment (stated within the Criteria) to publish a notice of its draft determination on the adequacy of each contractor's water conservation plan in the Federal Register and to allow the public a minimum of 30 days to comment on its preliminary determinations. This program is on-going; an updated list will be published to recognize districts as plans are revised to meet the Criteria.

DATES: All public comments must be received by Reclamation by March 21, 1996.

ADDRESSES: Please mail comments to the address provided below.

FOR FURTHER INFORMATION CONTACT: Debra Goodman, Bureau of Reclamation, 2800 Cottage Way, MP–402, Sacramento, CA 95825. To be placed on a mailing list for any subsequent information, please write Debra Goodman or telephone at (916) 979–2397.

SUPPLEMENTARY INFORMATION: Under provisions of Section 3405(e) of the CVPIA (Title 34 of Public Law 102–575), ''The Secretary [of the Interior] shall establish and administer an office on Central Valley Project water conservation best management practices that shall * * * develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these criteria will be developed ''* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.''

The MP Criteria states that all parties (districts) that contract with Reclamation for water supplies (municipal and industrial contracts greater than 2,000 acre feet and agricultural contracts over 2,000 irrigable acres) will prepare water conservation plans which will be evaluated by Reclamation based on the following required information detailed in the steps listed below to develop, implement, monitor and update their water conservation plans. The steps are:

1. Coordinate with other agencies and the public
2. Describe the district
3. Inventory water resources
4. Review the past water conservation plan and activities
5. Identify best management practices to be implemented
6. Develop schedules, budgets and projected results
7. Review, evaluate, and adopt the water conservation plan
8. Implement, monitor and update the water conservation plan

The MP contractors listed below have developed water conservation plans which Reclamation has evaluated and preliminarily determined meet the requirements of the Criteria.

- Chowchilla Water District.
- Feather Water District.
- Panoche Water District.

Public comment on Reclamation's preliminary (i.e., draft) determinations at this time is invited. Copies of the plans listed above will be available for review at Reclamation's MP Regional Office and MP's area offices. If you wish to review a copy of the plans, please contact Ms. Goodman to find the office nearest you.

Dated: February 7, 1996.

Franklin E. Dimick,

Assistant Regional Director.

[FR Doc. 96–3616 Filed 2–16–96; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 116–96]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget Circular No. A–130, notice is given that the Department of Justice (DOJ), Federal Bureau of Investigation (FBI), is modifying the following system of records which was last published in the Federal Register on November 26, 1990 (55 FR 49174) under the title, ''Identification Division Records System'': The new title is: Fingerprint Identification Records System (FIRS) (JUSTICE/FBI–009).

The FIRS is maintained for law enforcement purposes to collect criminal fingerprints and charge/disposition information for Federal and State offenses and to disclose this information to authorized criminal justice and noncriminal justice agencies. The FBI is modifying FIRS to more specifically identify and define these disclosures.

The FBI is also modifying FIRS to indicate its intention to promulgate some changes with respect to the

exemption of FIRS under the Privacy Act. Specifically, the FBI intends to remove the exemption from subsection (f) because the FBI is in compliance with this provision, and therefore the exemption is unnecessary. In addition, the FBI will add subsection (k) as an additional Privacy Act authority permitting the exemption of FIRS from specific Privacy Act provisions. The proposed changes will soon be promulgated in the ''Proposed Rules'' Section of the Federal Register as part of an overall review of the exemptions the FBI has claimed for its systems of records. At that time, as appropriate, an opportunity to comment on any new exemptions will be provided. Exemption pursuant to subsection (k) will not be effective until such time as the public has been provided an opportunity to comment via the proposed rule, and a final rule has been published. Nevertheless, the system description below is being updated at this time to reflect the FBI's intention to remove the exemption from subsection (f) and to add subsection (k).

The FBI has made other changes in an effort to improve and add clarity. Where possible, changes have been italicized for public convenience.

Title 5 U.S.C. 552a(e) (4) and (11) require that the public must be given 30 days in which to comment on any new or intended uses of information in this system of records. In addition, the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that OMB and the Congress be given 40 days in which to review major changes to the system.

Therefore, in compliance with the spirit of these requirements, the public, OMB, and the Congress are invited to comment on the new routine use language being published to provide more specificity for the routine uses of information in this system of records. Comments should be submitted to Patricia E. Neely, Program Analyst, Systems Policy Staff, Information Resources Management, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building). Comments from the public must be received by March 21, 1996. No further notice will appear in the Federal Register unless comments are received and publication pursuant thereto is deemed appropriate.

In accordance with Privacy Act requirements, the DOJ has provided a report on the modified system of records to OMB and the Congress.

Dated: February 7, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/FBI–009

SYSTEM NAME:

Fingerprint Identification Records System *(FIRS).*

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, DC 20537–9700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of Federal employment applications *or military service. In addition, there are a limited number of persons fingerprinted for alien registration and naturalization purposes and a limited number of* individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprint cards and*/or* related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as ''rap sheets'' which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. A name index pertaining to all individuals whose fingerprints are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established *and* maintained under authority granted by 28 U.S.C. 534, Pub. L. 92–544 (86 Stat. 1115), *and* codified in 28 CFR 0.85 (b) and (j). *Additional authority is also listed below under Routine Uses.*

PURPOSE:

The purpose for maintaining the Fingerprint Identification Records System is to perform identification and criminal history record information functions and maintain resultant records for Federal, State, local, and foreign criminal justice agencies, as well as for noncriminal justice agencies and other entities where authorized by Federal statute, State statute pursuant to Pub. L. 92–544, Presidential executive order or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification and criminal history record information within this system of records may be disclosed as follows:

1. To a Federal, State, or local law enforcement agency, or agency/organization directly engaged in criminal justice activity (including the police, prosecution, penal, probation/parole, and the judiciary), and/or to a foreign or international agency/organization, consistent with international treaties, conventions, and/or executive agreements, where such disclosure may assist the recipient in the performance of a law enforcement function, and/or for the purpose of eliciting information that may assist the FBI in performing a law enforcement function; to a Federal, State, or local agency/organization for a compatible civil law enforcement function; or where such disclosure may promote, assist, or otherwise serve the mutual criminal law enforcement efforts of the law enforcement community.

2. To a Federal, State, or local criminal or noncriminal justice agency/organization; or to other entities where specifically authorized by Federal statute, State statute pursuant to Pub. L. 92–544, Presidential executive order, or regulation of the Attorney General of the United States for use in making decisions affecting employment, security, contracting, licensing, revocation, or other suitability determinations. Examples of these disclosures may include the release of information as follows:

a. To the Department of Defense, Department of State, Office of Personnel Management, or Central Intelligence Agency, when requested for the purpose of determining the eligibility of a person for access to classified information or assignment to or retention in sensitive national security duties. 5 U.S.C. 9101 (1990);

b. To Federal agencies for use in investigating the background of present and prospective Federal employees and contractors (Executive Order 10450), including those providing child-care services to children under age 18 at each Federal agency and at any facility operated by or under contract by the Federal Government. 42 U.S.C. 13041 (1991);

c. To State and local government officials for purposes of investigating the background of applicants for noncriminal justice employment or licensing purposes if such investigation is authorized by a State statute that has been approved by the Attorney General of the United States. (The Attorney General has delegated to the FBI the responsibility for approving such State statutes.) Examples of applicants about whom FIRS information may be disclosed include: Providers of services/care for children, the elderly, or disabled persons; teachers/school bus drivers; adoptive/foster parents; security guards/private detectives; State Bar applicants; doctors; and explosives dealers/purchasers. Pub. L. 92–544, 86 Stat. 1115;

d. To officials of State racing commissions for use in investigating the background of an applicant for a State license to participate in parimutuel wagering. Officials of State racing commissions in States with a State statute that has been approved under Pub. L. 92–544 may submit fingerprints of the applicant to the FBI through the Association of State Racing Commissioners International, Inc. Results of a criminal record check are returned to each State racing commission designated on the fingerprint card. Pub. L. 100–413, 102 Stat. 1101;

e. To officials of Indian tribal governments for use in investigating the background of an applicant for employment by such tribes in a position involving regular contact with, or control over, Indian children. Officials may submit fingerprints to the FBI through the Bureau of Indian Affairs and the results of the criminal record check are returned to the Bureau of Indian Affairs for transmittal to the appropriate tribal government. Pub. L. 101–630; 25 U.S.C. 3205; 25 U.S.C. 3207;

f. To designated chief law enforcement officers (CLEO) via full access to the FIRS name index for the purpose of determining if an applicant is prohibited from purchasing a firearm as provided in the Brady Handgun Violence Prevention Act. Pub. L. 103–159. Additionally, criminal justice officials may use the FIRS name index for making firearms related background checks when required to issue firearms related licenses or permits according to a State statute or local ordinance. Fingerprint card submissions for this noncriminal justice purpose, as well as for other firearms related permits, are processed pursuant to Pub. L. 92–544 as set out under 2.c. above. Pub. L. 103–159; 18 U.S.C. 922;

g. To officials of Federally chartered or insured banking institutions for use in investigating the background of applicants for employment or to otherwise promote or maintain the security of those institutions. Pub. L. 92–544; 86 Stat 1115;

h. To officials of the Securities and Exchange Commission (SEC) and to self-regulatory organizations (SRO) designated by the SEC for use in investigating all partners, directors, officers, and employees involved in the transfer/handling of securities at every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency. (The SROs are: American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Stock Exchange, Philadelphia Stock Exchange, and the National Association of Securities Dealers.) 15 U.S.C. 78q(f)(2) (1990);

i. To officials of the Commodity Futures Trading Commission (CFTC) and the National Futures Association for use in investigating the background of applicants for registration with the CFTC as Commodity dealers/members of futures associations. Such applicants include futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, floor brokers, and associated persons. 7 U.S.C. 12a (1992); 7 U.S.C. 21(b)(4)(E).

j. To officials of the Nuclear Regulatory Commission (NRC) for use in investigating the background of each individual who is permitted unescorted access to a nuclear utilization facility (nuclear power plant) and/or who is permitted access to information relating to the safeguarding of such facilities. 42 U.S.C. 2169 (1992)

3. To the news media and general public where there exists a relevant and legitimate public interest (unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy) and where disclosure will serve a relevant and legitimate law enforcement function, e.g., to assist in locating Federal fugitives, and to provide notification of arrests. This would include disclosure of information in accordance with 28 CFR 20.33 (a)(4) and (c), and 50.2. In addition, where relevant and necessary to protect the general public or any member of the public from imminent threat to life, bodily injury, or property, such information may be disclosed.

4. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the record subject.

5. To the National Archives and Records Administration and the General Services Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that such legislation requires or authorizes the disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A. The criminal fingerprint cards and related criminal justice information are stored in both automated and manual formats. The manual records are in file cabinets in their original state or on microfilm.

B. The civil fingerprint cards are stored in an entirely manual format.

C. The identification records or ''rap sheets'' are mostly automated but a significant portion of older records are manual.

D. The criminal name index is either automated or on microfilm while the civil name index is entirely manual.

RETRIEVABLITY:

(*A*) Information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprints maintained within the system.

(*B*) An auxiliary means of retrieval is through name *indices* which contain names of the individuals, their birth date, other physical descriptors, and the individuals' technical fingerprint classification and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

(*A.*) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicated individuals have

reached *99* years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached *99* years of age. (Job. No. *N1–65–95–03*)

(*B.*) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose records is maintained in the system. (Job No. *N1–65–95–03*)

C. The Archivist has determined that automated FBI criminal identification records (rap sheets) are to be permanently retained. Thus, at the time when paper identification records would have been eligible for destruction, automated FBI criminal identification records are transferred via magnetic tape to NARA.

D. Fingerprint cards submitted by State and local criminal justice agencies are removed from the system and destroyed upon the request of the submitting agencies. The destruction of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(*E.*) Fingerprint cards and related arrest data are removed from the *Fingerprint* Identification Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and State courts over an entity of the Federal Government, the *Fingerprint* Identification Records System, as a matter of comity, destroys fingerprint cards and related arrest data submitted by local and State criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and State courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue NW., Washington, DC 20535.

NOTIFICATION PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act.

RECORD ACCESS PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, pursuant to 28 CFR 15.30–34 and 20.34, an individual is permitted access to his identification record maintained in the *Fingerprint* Identification Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Federal, State, and local agencies. See Categories of Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4); (d); (e) (1), (2), (3), (4) (G) and (H), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)*(2). In addition, the Attorney General has exempted this system from (c)(3), (d), (e)(1), and (e)(4) (G) and (H), pursuant to (k)(2) and (k)(5).* Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 96–3678 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–02–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Corporation for Open Systems International

Notice is hereby given that, on October 17, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Corporation For Open Systems International (''COS'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission reflecting changes in the membership of COS and in the membership and activities of certain existing COS Executive Interest Groups (''EIGs''). The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The changes are as follows. First, Southern Company Services, Birmingham, AL, ceased its membership in COS effective July 26, 1995. Second, the following companies became Associates of the Digital Video Home Terminal EIG on the dates indicated: ANTEC Digital Video, Norcross, GA, on October 1, 1995; Bell South, Atlanta, GA, on August 23, 1995; and International Business Machines Corporation, Somers, N.Y., on September 5, 1995. Third, the SONET Interoperability Forum, a COS EIG, ceased activities under COS effective August 8, 1995.

No other changes have been made in either the membership or planned activity of COS. Membership in this group research project remains open, and COS intends to file additional written notification disclosing all changes in membership.

On May 14, 1986, COS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on June 11, 1986 (51 FR 21260).

The last notification was filed with the Department on August 7, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on December 5, 1995 (60 FR 62259).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3676 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Research and Development in Field Emission Display Technologies

Notice is hereby given that, on November 6, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), participants in the Field Emission Display Consortium (''FED Consortium'') for the Technology Reinvestment Project, Agreement No. MDA972–95–0026, have filed notifications simultaneously with the Attorney General and Federal Trade Commission disclosing (1) identities of the parties and (2) the nature and objectives of the technology research and development agreement of the FED Consortium. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the FED Consortium are Texas Instruments Incorporated, Dallas, TX; Raytheon Company, Tewksbury, MA; Lockheed Sanders, Incorporated, Nashua, NH; EG&G Power Systems, Covina, CA; MRS Technology Incorporated, Chelmsford, MA; and Georgia Tech Research Corporation (for the Georgia Institute of Technology), Atlanta, GA. The objective of the FED Consortium is to conduct research in the area of Field Emission Displays (''FED'') for a limited duration, pursuant to a cooperative agreement with the Advanced Research Projects Agency

(''ARPA''), to gain further knowledge and understanding of FED technology, with the goal of supporting development of second generation FED technologies, manufacturing equipment and components, electronic assemblies for use in high-performance applications, and availability of military and commercial FED applications. Membership in the FED Consortium remains open, and the parties intend to file additional written notification disclosing any changes in membership or planned activity.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3671 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Financial Services Technology Consortium, Inc.; Electronic Check Project

Notice is hereby given that, on October 30, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Financial Services Technology Consortium, Inc. (the ''Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership in the Electronic Check Project sponsored by the Consortium. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following have become members of the Electronic Check Project: Chemical Bank, New York, NY; Bolt Beranek and Newman Inc., Cambridge, MA; and Sun Microsystems Laboratories, Inc., Mountain View, CA.

No other changes have been made in either the membership or planned activity of the group research and development project. Membership in this group research and development project remains open, and the Consortium intends to file additional written notifications disclosing all changes in membership.

On October 21, 1993, the Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on December 14, 1993 (58 FR 65399).

The last notification was filed with the Department on August 18, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on December 6, 1995 (60 FR 62477).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3672 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; the Frame Relay Forum

Notice is hereby given that, on December 27, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Frame Relay Forum (''FRF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identity of the new members of FRF are: H3 Communications Consultancy, Felixstowe Suffolk, UNITED KINGDOM; InComA Ltd., Moscow, RUSSIA; LCI International, Dublin, OH; SAT/DCE, Paris Cedex, FRANCE; Trillium Digital Systems, Inc., Los Angeles, CA; Xyplex, Inc., Littleton, MA; Nortel DASA, Freidrichs Hafem, GERMANY; C–DOT, Centre for the Development of Telecommunications, New Delhi, INDIA; Compaq, Houston, TX; Make Systems, Cary, NC; Novadyne, Reston, VA; Telenetworks, Petaluma, CA; and, Telogy Networks, Gaithersburg, MD.

No other changes have been made in either the membership or planned activities of FRF. Membership remains open, and FRF intends to file additional written notifications disclosing all changes in membership.

On April 10, 1992, FRF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on July 2, 1992 (57 FR 29537).

The last notification was filed with the Department on September 15, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act of February 5, 1996 (61 FR 4288).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3673 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Minnesota Mining and Manufacturing Company

Notice is hereby given that, on August 1, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Minnesota Mining and Manufacturing Company (''3M'') has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to a joint research and development venture and (2) the nature and objective of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Minnesota Mining and Manufacturing Company, St. Paul, MN; Rockwell International Corporation, Thousand Oaks, CA; SRI International, Menlo Park, CA. The objective of the venture is to perform a research program with the goal of development of continuous, fiber-reinforced, mullite matrix composites.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3674 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; MIPS ABI Group, Inc.

Notice is hereby given that, on September 8, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), MIPS ABI Group, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Concurrent Computers, Oceanport, NJ; Control Data Systems, Inc., Arden

Hills, MN; Dansk Elektronik, Herlev, DENMARK; NEC Systems Laboratory, Inc., San Jose, CA; Silicon Graphics, Inc., Mountain View, CA; Siemens Nixdorf Informationssystems AG, Munich, GERMANY, Sony Microsystems, Fujisawa, JAPAN; and Tandem Computers, Cupertino, CA.

The nature and objectives of this joint venture are developing, adopting, establishing, maintaining, publishing, promoting and endorsing UNIX SVR 4 ABI standards (i.e. conformance specifications) for MIPS processor-based systems and to provide under appropriate transfer means (e.g. license, lease or sale), ABI specifications and other intellectual property to industry participants, including labs, universities and consultants.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3677 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Seriplex Technology Organization, Inc.

Notice is hereby given that, on October 20, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Seriplex Technology Organization, Inc., Joint Venture has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Crouse-Hinds Division of Cooper Industries, Houston, TX; Square D Company, Palatine, IL; and Groupe Schneider, Boulogne—Billancourt, FRANCE.

The purpose of this venture is to foster a cooperative environment dedicated to the advancement of the general use and application of the Seriplex technology; to facilitate access to Seriplex technology and development tools; to sponsor Seriplex technical marketing and enhancement activities; to market and promote conforming products; to sponsor programs for user education and support; and to cooperate with members and third parties to develop hardware and software implementations of the Seriplex standard. Seriplex Technology Organization, Inc., will cooperate with its members in implementing Seriplex solutions in specific products and will license the use of the trademark and/or certification mark of the corporation on products meeting the corporation's established specifications. Seriplex Technology Organization, Inc., will license Seriplex specifications, tools and marks to both members and nonmembers.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–3675 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated September 29, 1995, and published in the Federal Register on October 11, 1995, (60 FR 52923), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
4-Methoxyamphetamine (7411) ...	I
Amphetamine (1100)	II
Phenylacetone (8501)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lonza Riverside to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is approved and registration is granted.

Dated: February 9, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–3624 Filed 2–16–96; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–015]

NASA Advisory Council (NAC), Task Force on the Shuttle-Mir Rendezvous and Docking Missions; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NAC Task Force on the Shuttle-Mir Rendezvous and Docking Missions.

DATES: March 12, 1996, 3:30 p.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 5H46, 300 E Street, S.W., Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Kirkham, Code MOC, National Aeronautics and Space Administration, Washington, DC 20546–0001, 202/358–1692.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Review of the draft Joint Report with the Russian Advisory Expert Council;
—Review the readiness of the STS–76 Shuttle-Mir Rendezvous and Docking Mission;
—Review of upcoming missions, including issues related to concerns of the Task Force and issues to track.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 13, 1996.

Timothy Sullivan,

Advisory Committee Management Officer.

[FR Doc. 96–3712 Filed 2–16–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice (96–014)]

NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Aerodynamics; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration

announces a NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Aerodynamics meeting.

DATES: March 19, 1996, 8:30 a.m. to 5:00 p.m.; March 20, 1996, 8:00 a.m. to 5:00 p.m.; and March 21, 1996, 8:00 a.m. to 11:30 a.m.

ADDRESSES: National Aeronautics and Space Administration, Ames Research Center, Building 258, Room 221, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Mr. William P. Henderson, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681, 804/864–3520.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Aeronautics Program Overview
—High-Speed Research
—High Performance Aircraft
—Hypersonics
—Critical Disciplines
—Rotorcraft Aerodynamics
—Unsteady Aerodynamics

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 13, 1996.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 96–3713 Filed 2–16–96; 8:45 am]

BILLING CODE 7510–01–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 collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. The title of the information collection:

10 CFR Part 74—Material Control and Accounting of Special Nuclear Material
NUREG 1065—Acceptance Criteria for the Low Enriched Uranium Reform Amendments
NUREG/CR 5734—Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities and
NUREG 1280—Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment

2. *Current OMB approval number:* 3150–0123.

3. *How often the collection is required:* Submission of the fundamental nuclear material control plan is a one-time requirement which has been completed by all current licensees. Specified inventory and material status reports are required annually or semiannually. Other reports are submitted as events occur.

4. *Who is required or asked to report:* Persons licensed under 10 CFR Parts 70 or 72 who possess and use certain forms and quantities of special nuclear material.

5. *The number of annual respondents:* 9.

6. *The number of hours needed annually to complete the requirement or request:* 3923 (approximately 16 hours per response for reports and 411 hours per recordkeeper).

7. *Abstract:* 10 CFR Part 74 establishes requirements for material control and accounting of special nuclear material, and specific performance-based regulations for licensees authorized to possess and use strategic special nuclear material, or to possess and use, or produce, special nuclear material of low strategic significance. The information is used by the NRC to make licensing and regulatory determinations concerning material control and accounting of special nuclear material and to satisfy obligations of the United States to the International Atomic Energy Agency (IAEA). Submission or retention of the information is mandatory for persons subject to the requirements.

Submit, by April 22, 1996, 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. 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 Advance Copy Document Library), NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The 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 may be directed to the NRC Clearance Officer, Brenda Jo 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 9th day of February, 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior, Official for Information Resources Management.

[FR Doc. 96–3693 Filed 2–16–96; 8:45 am]

BILLING CODE 7590–01–P

Documents Containing Reporting or Recordkeeping Requirements; Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

AGENCY: 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 of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material.''

2. *Current OMB approval number:* 3150–0017.

3. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 5 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

4. *Who is required or asked to report:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

5. *The number of annual respondents:* 6,089 NRC licensees and 12,178 Agreement State licensees.

6. *The number of hours needed annually to complete the requirement or request:* Approximately 8 hours annually per licensee or 48,837 hours for the NRC licensees and 98,256 hours for the Agreement State licensees.

7. *Abstract:* 10 CFR Part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

Submit, by April 22, 1996, 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. 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 Advance Copy Document Library), NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The 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 may be directed to the NRC Clearance Officer, Brenda Jo. 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 9th day of February, 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–3694 Filed 2–16–96; 8:45 am]

BILLING CODE 7590–01–P

Reconsideration of Nuclear Power Plant Security Requirements Associated With an Internal Threat; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 96–02 to notify licensees of nuclear power plants that the NRC has reconsidered its positions on certain security measures associated with protecting nuclear power plants against an internal threat. Licensees may take actions, as appropriate, after reviewing the information contained in the generic letter for applicability to their facilities. However, staff suggestions regarding potential changes to security plans are not NRC requirements; therefore, no specific action or written response is required. This generic letter is available in the Public Document Rooms under accession number 9601230206.

DATES: The generic letter was issued on February 13, 1996.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Loren L. Bush at (301) 415–2944 or Robert F. Skelton at (301) 415–3208.

SUPPLEMENTARY INFORMATION: None.

Dated at Rockville, Maryland, this 13th day of February, 1996.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–3690 Filed 2–16–96; 8:45 am]

BILLING CODE 7590–01–P

Proposed Generic Letter: Periodic Verification of Design-Basis Capability of Safety-Related Motor-Operated Valves (M93706); Opportunity for Public Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter to (1) more explicitly address the need for the periodic verification of the capability of safety-related motor-operated valves (MOVs) to perform their safety functions consistent with the current licensing bases of nuclear power plants, (2) request that each licensee establish a program, or ensure the effectiveness of a current program, at each facility within its purview, to verify on a periodic basis that safety-related MOVs continue to be capable of performing their safety functions within the current licensing bases of the facility, and (3) require that licensees provide written responses to the generic letter relating to implementation of the requested actions.

NRC regulations require that components important to the safe operation of a nuclear power plant, including MOVs, be treated in a manner that provides assurance of their performance. Appendix A, ''General Design Criteria for Nuclear Power Plants,'' and Appendix B, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,'' to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) include broad-based requirements in this regard. In 10 CFR 50.55a(f), the NRC requires licensees to comply with Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code).

Nuclear power plant operating experience, valve performance problems and MOV research have revealed that the focus of the ASME Code on stroke time and leak-rate testing for MOVs was not sufficient in light of the design of the valves and the conditions under which they must function. For this reason, on June 28, 1989, the NRC staff issued Generic Letter (GL) 89–10, ''Safety-Related Motor-Operated Valve Testing and Surveillance.'' In GL 89–10, the staff requested that licensees and permit holders ensure the capability of MOVs in safety-related systems to perform their intended functions by reviewing MOV design bases, verifying MOV switch settings initially and periodically, testing MOVs under

design-basis conditions where practicable, improving evaluations of MOV failures and necessary corrective action, and trending MOV problems. The staff requested that licensees complete the GL 89–10 program within approximately three refueling outages or 5 years from the issuance of the generic letter. Permit holders were requested to complete the GL 89–10 program before plant startup or in accordance with the above schedule, whichever was later.

Recommendation ''d'' of GL 89–10 requested that licensees and permit holders prepare procedures to ensure that correct MOV switch settings are maintained throughout the life of the plant. GL 89–10 stated that it may become necessary to adjust MOV switch settings because of wear or aging and that additional measures beyond ASME Code stroke-time testing should be taken to adequately verify that the switch settings ensure MOV operability.

Recommendation ''j'' of GL 89–10 stated that licensees should periodically verify MOV capability every 5 years or every 3 refueling outages. Recommendation ''h'' of GL 89–10 requested that licensees evaluate trends in MOV performance every 2 years or at each refueling outage.

The staff has issued seven supplements to GL 89–10 that provided additional guidance and information on GL 89–10 program scope, design-basis reviews, switch settings, testing, periodic verification, trending, and schedule extensions. Supplement 6 to GL 89–10 stated that no licensee had adequately justified the use of static test data as the sole basis for periodically ensuring MOV design-basis capability.

GL 89–10 and its supplements provide only limited guidance regarding periodic verification and the measures appropriate to assure preservation of design-basis capability. This generic letter provides more complete guidance regarding periodic verification of safety-related MOVs. Although this guidance could have been provided in a supplement to GL 89–10, the staff considered preparation of this new generic letter appropriate to allow closure of the staff review of GL 89–10 programs as promptly as possible.

The proposed generic letter was discussed in meeting number 280 of the Committee to Review Generic Requirements (CRGR) on January 31, 1996. The relevant information that was sent to the CRGR will be placed in the Public Document Room. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The final evaluation by the NRC will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

DATES: Comment period expires April 22, 1996. Comments submitted after this date will be considered if it is practical to do so; assurance of consideration can only be given for those comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas G. Scarbrough, (301) 415–2794, e-mail: TGS@NRC.GOV

SUPPLEMENTARY INFORMATION:

NRC Generic Letter 96–XX: Periodic Verification of Design-Basis Capability of Safety-Related Motor-Operated Valves (M93706)

Addressees

All holders of operating licenses (except those licenses that have been amended to possession-only status) or construction permits for nuclear power reactors.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to (1) discuss the periodic verification of the capability of safety-related motor-operated valves (MOVs) to perform their safety functions consistent with the current licensing bases of nuclear power plants, (2) request that addressees implement actions described herein, and (3) require that addressees provide to the NRC a written response to this generic letter relating to implementation of the requested actions.

Background

NRC regulations require that components that are important to the safe operation of a nuclear power plant, including MOVs, be treated in a manner that provides assurance of their performance. Appendix A, ''General Design Criteria for Nuclear Power Plants,'' and Appendix B, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,'' to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) include broad-based requirements in this regard. In 10 CFR 50.55a(f), the NRC requires licensees to comply with Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code).

Nuclear power plant operating experience, valve performance problems and MOV research have revealed that the focus of the ASME Code on stroke time and leak-rate testing for MOVs was not sufficient in light of the design of the valves and the conditions under which they must function. For this reason, on June 28, 1989, the NRC staff issued Generic Letter (GL) 89–10, ''Safety-Related Motor-Operated Valve Testing and Surveillance.'' In GL 89–10, the staff requested that licensees and permit holders ensure the capability of MOVs in safety-related systems to perform their intended functions by reviewing MOV design bases, verifying MOV switch settings initially and periodically, testing MOVs under design-basis conditions where practicable, improving evaluations of MOV failures and necessary corrective action, and trending MOV problems. The staff requested that licensees complete the GL 89–10 program within approximately three refueling outages or 5 years from the issuance of the generic letter. Permit holders were requested to complete the GL 89–10 program before plant startup or in accordance with the above schedule, whichever was later.

Recommendation ''d'' of GL 89–10 requested that licensees and permit holders prepare procedures to ensure that correct MOV switch settings are maintained throughout the life of the plant. GL 89–10 stated that it may become necessary to adjust MOV switch settings because of wear or aging and that additional measures beyond ASME Code stroke-time testing should be taken to adequately verify that the switch settings ensure MOV operability. Recommendation ''j'' of GL 89–10 stated that licensees should periodically verify MOV capability every 5 years or every 3 refueling outages. Recommendation ''h'' of GL 89–10 requested that licensees evaluate trends in MOV performance every 2 years or at each refueling outage.

The staff has issued seven supplements to GL 89–10 that provided additional guidance and information on GL 89–10 program scope, design-basis reviews, switch settings, testing, periodic verification, trending, and schedule extensions. Supplement 6 to GL 89–10 stated that no licensee had adequately justified the use of static test data as the sole basis for periodically ensuring MOV design-basis capability.

GL 89–10 and its supplements provide only limited guidance regarding periodic verification and the measures appropriate to assure preservation of design-basis capability. This generic letter provides more complete guidance regarding periodic verification of safety-related MOVs. Although this guidance could have been provided in a supplement to GL 89–10, the staff considered preparation of this new generic letter appropriate to allow closure of the staff review of GL 89–10 programs as promptly as possible.

Discussion

Nuclear power plant utilities are nearing completion of the verification of the design-basis capability of their GL 89–10 MOVs. The NRC staff has been closing its review of individual GL 89–10 programs on the basis of the completion of the design-basis verification of safety-related MOVs at each nuclear power plant and the utility's establishment of a program for periodic verification of MOV design-basis capability and for the trending of MOV problems. The staff may conduct a more complete review of licensee programs for MOV periodic verification as part of the implementation of this generic letter.

The staff believes that various approaches can be taken by licensees to establish a periodic verification program that provides confidence in the long-term capability of MOVs to perform their design-basis safety functions. With each approach, the licensee should address potential degradation that can result in (1) the increase in thrust or torque requirements to operate the valves and (2) the decrease in the output capability of the motor actuator.

The staff has long recognized the limitations of using stroke-time testing as a means of monitoring the operational readiness of MOVs (see GL 89–04, Supplement 1, ''Guidance on Developing Acceptable Inservice Testing Programs'') and has supported industry efforts to improve MOV periodic monitoring under the inservice testing (IST) program and GL 89–10. As such, the staff would consider a periodic verification program that provides an acceptable level of quality and safety as an alternative to the current IST requirements for stroke-time testing and could authorize such an alternative, upon application by a licensee, pursuant to the provisions of 10 CFR 50.55a(a)(3)(i). Guidance in this generic letter and GL 89–04 (Supplement 1) could be used by a licensee in determining whether its periodic verification program provides an acceptable level of quality and safety.

In Attachment 1 to this generic letter, the staff discusses industry and regulatory activities and programs related to maintaining long term capability of safety-related MOVs and provides the staff position regarding American Society of Mechanical Engineers (ASME) Code Case OMN–1. The staff also identifies attributes of periodic verification programs that the staff considers to be effective and an example approach in implementing those attributes. Additionally, as discussed in Attachment 1, certain licensees developed MOV periodic verification programs that the staff found acceptable during the closure of its review of GL 89–10 programs.

Licensees may consolidate long-term MOV periodic verification and trending activities as part of their programs to meet the Maintenance Rule (10 CFR 50.65) and other applicable regulations.

Requested Actions

Each addressee of this generic letter is requested to establish a program, or to ensure the effectiveness of its current program, to verify on a periodic basis that safety-related MOVs continue to be capable of performing their safety functions within the current licensing bases of the facility. The program should ensure that changes in performance requirements resulting from degradation (such as those caused by age) can be properly identified and accounted for. Addressees that have developed periodic verification programs in response to GL 89–10 should review those programs to determine whether any changes are appropriate in light of the information in this generic letter.

Required Response

All addressees are required to submit the following written responses to this generic letter:

1. Within 60 days from the date of this generic letter, a written response indicating whether or not the addressee will implement the action(s) requested herein. If the addressee intends to implement the requested action(s), the addressee shall submit a schedule for completing implementation. If an addressee chooses not to implement the requested action(s), the addressee shall submit a description of any proposed alternative course of action, the schedule for completing the alternative course of action (if applicable), and the safety basis for determining the acceptability of the planned alternative course of action.

2. Within 180 days from the date of this generic letter, or upon notification to NRC of completion of GL 89–10 (whichever is later), the addressee shall submit a written summary description of its MOV periodic verification program established in accordance with the Requested Actions paragraph or the alternative course of action established by the addressee in response to item 1 above.

All addressees shall submit the required written reports to the U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, D.C. 20555–0001, under oath or affirmation under the provisions of Section 182a, Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f). In addition, a copy of the report shall be submitted to the appropriate Regional Administrator.

Backfit Discussion

10 CFR Part 50 (Appendix A, Criteria 1 and 4) and plant licensing safety analyses require and/or commit that the addressees design and test safety-related components and systems to provide adequate assurance that those systems can perform their safety functions. Other individual criteria in Appendix A to 10 CFR Part 50, or commitments made by licensees in their Final Safety Analysis Reports, apply to specific systems. In accordance with those regulations and licensing commitments, and under the additional provisions of Criterion XVI of Appendix B to 10 CFR Part 50, licensees are expected to take actions to ensure that safety-related MOVs are capable of performing their required safety functions.

Recommendation ''d'' of GL 89–10 requested that licensees and permit holders prepare procedures to ensure that correct MOV switch settings are maintained throughout the life of the plant. GL 89–10 stated that it may become necessary to adjust MOV switch settings because of wear or aging and that additional measures beyond ASME Code stroke-time testing should be taken to adequately verify that the switch settings ensure MOV operability. The NRC staff issued GL 89–10 as a compliance backfit as defined in 10 CFR 50.109. The actions requested in this generic letter are considered compliance backfits, under the provisions of 10 CFR 50.109 and existing NRC procedures, to ensure that safety-related MOVs are capable of performing their intended safety functions. In accordance with the provisions of 10 CFR 50.109 regarding compliance backfits, a full backfit analysis was not performed for this proposed action; but the staff performed a documented evaluation, which stated the objectives of and reasons for the requested actions and the basis for invoking the compliance exception. A

copy of this evaluation will be made available in the NRC Public Document Room.

Federal Register Notification

This generic letter is being issued for a 60-day public comment period.

Paperwork Reduction Act Statement

The information collections contained in this request are covered by the Office of Management and Budget clearance number 3150–0011, which expires July 31, 1997. The public reporting burden for this collection of information is estimated to average 75 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 the Information and Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202 (3150–0011), Office of Management and Budget, Washington, D.C. 20503.

Attachment 1—Activities and Programs Related to Maintaining Long-Term Capability of Safety-Related Motor-Operated Valves

Over the last several years, licensees and permit holders have conducted tests of a large number of MOVs under static and dynamic conditions as part of the implementation of their GL 89–10 programs. From these tests, licensees and permit holders have identified significant weaknesses in the design and qualification of MOVs used in nuclear power plants. These weaknesses caused many MOVs to fail to operate properly during testing. Further, some MOVs operated adequately under test conditions, but analyses of the test results subsequently revealed that the MOVs might not have performed their safety functions under design-basis conditions. Licensees and permit holders are applying significant resources to ensure that, despite the potential weaknesses in original design and qualification, MOVs are currently capable of performing their safety functions under design-basis conditions.

In completing their GL 89–10 programs, licensees and permit holders may have based their confidence in the current design-basis capability of some safety-related MOVs on the thrust/torque requirements obtained directly from the dynamic testing without additional margin for age-related degradation. For some valves, licensees may have employed other methods (such as grouping) to establish design-basis capability. In some cases, the thrust/torque requirements obtained from the dynamic tests were significantly less than the thrust/torque required to operate apparently identical MOVs. Below, the staff discusses a research program conducted by the Electric Power Research Institute (EPRI) that indicates the potential for the thrust/torque required to operate a valve to increase with service. Aging can also decrease the thrust/torque output of motor actuators. Therefore, an effective program for periodic verification of MOV design capability will require that licensees understand the performance of their safety-related MOVs and the manner in which that performance can change with aging.

Static diagnostic tests provide information on the thrust/torque output of the motor actuator and any changes to the motor-actuator output as a result of aging effects. The thrust and torque required to operate a valve are highly dependent on the differential pressure and flow across the valve disk, which are not present during static testing. Therefore, dynamic tests can provide information on the thrust/torque requirements and any changes to those requirements as a result of aging effects. Although not currently validated, efforts are underway within the nuclear industry to develop methods to obtain information from static tests that would allow prediction of valve dynamic performance. As discussed below, EPRI has developed an analytical methodology that, when combined with static test data, provides bounding information on the thrust/torque requirements to operate gate, globe and butterfly valves under dynamic conditions.

While there may be benefits to performing dynamic testing to ascertain the thrust/torque requirements and changes to these requirements as a result of aging, there are also potential detriments to dynamic testing (e.g., blowdown testing by EPRI resulted in damage to some valves). The staff has not concluded that dynamic testing is the preferred method for periodic verification testing and believes dynamic testing may not be appropriate for certain situations. The proposed method for periodic verification testing and demonstration of a particular valve's acceptability and ability to perform consistent with its design basis are the responsibility of the licensee.

Electric Power Research Institute (EPRI)

A motor-operated valve (MOV) testing program conducted by EPRI has provided significant information regarding the long-term design-basis capability of safety-related MOVs. In addition to finding that the thrust required to operate gate valves is typically greater than the thrust originally predicted by valve vendors, the EPRI program found that the thrust required to operate gate valves can increase with valve strokes until a plateau is reached. Due to limited resources and their view that only limited and acceptable globe and butterfly valve degradation would occur with repetitive valve stroking, EPRI did not perform similar preconditioning tests on the globe and butterfly valves in its MOV program. Therefore, licensees will need to demonstrate that the EPRI methodology predicts long-term bounding thrust/torque requirements for globe and butterfly valves when applied as part of an MOV periodic verification program. For example, information might be evaluated from periodic dynamic verification testing of globe and butterfly valves being planned by some licensees. EPRI also found that certain valves could be damaged during high flow and blowdown testing.[1]

The Nuclear Energy Institute (NEI) submitted EPRI Topical Report TR–103237, ''EPRI MOV Performance Prediction Program,'' describing the methodology developed by EPRI to predict dynamic thrust and torque requirements for gate, globe, and butterfly valves without dynamic tests by licensees. The staff prepared a safety evaluation (SE) which approves the topical report for use and reference. Hence, the staff would find it acceptable

[1] In addition to information applicable to MOV periodic verification, the EPRI program has revealed performance characteristics of MOVs that might adversely affect a licensee's determination of the current capability of certain MOVs. In particular, EPRI found that a high percentage of gate valves were damaged during hot water and steam blowdown testing with thrust requirements unable to be predicted. For MOVs that might be damaged under such conditions, EPRI established possible modifications to valve internals for proper clearances and for rounding sharp edges. With respect to globe valves, EPRI found that reliable prediction of globe valve thrust requirements requires an appropriate seat or guide area in thrust calculations. Although EPRI tested only one globe valve under high temperature and blowdown conditions, the test revealed significantly higher thrust requirements than predicted. EPRI also found that load-sensitive behavior (or rate of loading) can reduce actuator thrust output under dynamic conditions. EPRI has furnished the results of their MOV tests to licensees through industry meetings, and the NRC staff has disseminated the results of the tests to licensees through information notices on the EPRI test program and public meetings. Some licensees have already incorporated this information into their MOV programs.)

if a licensee applied the EPRI methodology (in accordance with this generic letter and the conditions or limitations contained in the NRC staff's SE) in establishing a program for periodic verification of MOV design-basis capability.

Boiling Water Reactor (BWR) Owners' Group

The BWR Owners' Group submitted Topical Report NEDC 32264, ''Application of Probabilistic Safety Assessment to Generic Letter 89–10 Implementation,'' which provides a methodology to rank the MOVs in GL 89–10 programs with respect to their relative importance to core damage frequency, including appropriate considerations regarding other consequences to be added by an expert panel. The staff is issuing an SE on the topical report. The staff considers the methodology acceptable (in accordance with any conditions or limitations contained in the NRC staff's SE) for ranking MOVs in BWRs because the plant-specific IPE-based insights are supplemented by generic insights and expert review involving additional considerations, such as external events and shutdown issues. In addition, the use of the MOV rankings is in combination with deterministic considerations that ensure a minimally acceptable frequency of testing is established even for the least risk-significant valves.

NRC Research Activities

In the 1980s, the NRC Office of Nuclear Regulatory Research (RES) sponsored a test program by the Idaho National Engineering Laboratory (INEL) to determine the thrust required to operate motor-operated gate valves under dynamic flow conditions. The results of the EPRI valve test program confirmed the findings of the NRC's smaller-scale test program. More recently, preliminary results from the testing of valve material samples sponsored by RES indicate that valve friction can increase with aging.

With respect to MOV ranking, RES sponsored a study of appropriate frequencies of periodic testing of MOVs based on their risk significance. This work is summarized in an article titled ''Risk-Based Approach for Prioritizing Motor-Operated Valves'' in NUREG/CP–0137, ''Proceedings of the Third NRC/ASME Symposium on Valve and Pump Testing.''

American Society of Mechanical Engineers (ASME)

Licensees are currently bound by the requirements in their Code-of-record regarding stroke-time inservice testing (IST), as supplemented by the additional measures they establish to ensure that MOV design-basis capability is maintained pursuant to their GL 89–10 commitments or relief requests approved by the staff.

The ASME Operations and Maintenance Code Committee has developed a method to verify MOV design-basis capability through periodic testing. Through a non-mandatory code case (OMN–1, entitled: ''Alternative Rules for Preservice and Inservice Testing of Certain Electric Motor Operated Valve Assemblies in LWR Power Plants, OM Code 1995 Edition; Subsection ISTC''), ASME is allowing the replacement of frequent stroke-time testing with periodic exercising of all safety-related MOVs once per cycle and diagnostic testing under static or dynamic conditions, as appropriate.

With certain limitations, the staff considers the code case to meet the intent of this generic letter:

(1) When implementing the code case, the staff notes as an additional precaution that the benefits (such as identification of decreased thrust output and increased thrust requirements) and potential adverse effects (such as accelerated aging or valve damage) need to be considered when determining appropriate testing for each MOV.

(2) The code case states that the maximum inservice test frequency shall not exceed 10 years. The staff agrees with this condition of a maximum test interval of 10 years based on current knowledge and experience. In addition to this maximum test interval, where a selected test interval extends beyond five years, the licensee should evaluate information obtained from valve testing conducted during the first five-year time period to validate assumptions made in justifying the longer test interval. Based on performance and test experience obtained during the initial interval, a licensee may be able to justify lengthened MOV periodic verification intervals.

(3) Some licensees are developing programs for risk-informed inservice testing. As part of an industry pilot effort, two licensees have submitted exemption requests to utilize a risk-informed approach to determine inservice test frequencies for certain components, in lieu of testing these components per the frequencies specified by the ASME Code. Licensees involved in risk-informed IST programs that seek to implement the ASME code case need to specifically address the relationship of the code case to their pilot initiative.

Plant-Specific Programs

The staff has found effective programs for periodic verification of safety-related MOV design-basis capability at nuclear power plants to be characterized by several attributes, as follow:

- A risk-informed approach may be used to prioritize valve test activities, such as frequency of individual valve tests and selection of valves to be tested.
- The valve test program should provide adequate confidence that safety-related MOVs will remain operable until the next scheduled test.
- The importance of the valve should be considered in determining an appropriate mix of exercising and diagnostic testing. In establishing the mix of testing, the licensee should consider the benefits (such as identification of decreased thrust output and increased thrust requirements) and potential adverse effects (such as accelerated aging or valve damage) when determining the appropriate type of periodic verification testing for each safety-related MOV.
- All safety-related MOVs covered by the GL 89–10 program should be considered in the development of the periodic verification program. The program should include safety-related MOVs that are assumed to be capable of returning to their safety position when placed in a position that prevents their safety system (or train) from performing its safety function; and the system (or train) is not declared inoperable when the MOVs are in their nonsafety position.
- Licensees should evaluate and monitor valve performance and maintenance and periodically adjust the periodic verification program, as appropriate.

Licensees of several facilities (for example, Callaway, Monticello, and South Texas) had established MOV periodic verification programs that the staff found acceptable during closure of its review of GL 89–10 programs. One approach to MOV periodic verification that the staff found acceptable is to diagnostically test each safety-related MOV every 5 years (or every 3 refueling outages) to determine thrust and torque motor-actuator output and any changes in the output. A specific margin to account for potential degradation such as that caused by age (in addition to margin for diagnostic error, equipment repeatability, load-sensitive behavior, and lubricant degradation) is established above the minimum thrust and torque requirements determined under the GL 89–10 program. The selection of MOVs for testing and their test conditions should take into account

safety significance, available margin, MOV environment, and the benefits and potential adverse effects of static and dynamic periodic verification testing on the selected MOV sample. Measures such as grouping and sharing of valve performance between facilities are appropriate to minimize the need to conduct more rigorous periodic verification tests.

As discussed in this generic letter, the staff has long recognized the limitations of using stroke-time testing as a means of monitoring the operational readiness of MOVs (see GL 89–04) and has supported industry efforts to improve MOV periodic monitoring under the IST program and GL 89–10. As such, the staff would consider a periodic verification program that provides an acceptable level of quality and safety as an alternative to the current IST requirements for stroke-time testing and could authorize such an alternative, upon application by a licensee, pursuant to the provisions of 10 CFR 50.55a(a)(3)(i).

Dated at Rockville, Maryland, this 13th day of February, 1996.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–3691 Filed 2–16–96; 8:45 am]

BILLING CODE 7590–01–P

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations; Correction

This document corrects a notice appearing in the Federal Register on January 22, 1996 (61 FR 1626). The action is necessary to correct the law firm name of the attorney for licensee.

On page 1629, under the entry *Attorney for licensee* for the Florida Power and Light Company entry, Docket Nos. 50–335 and 50–389, in the second column, ''Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036'' should read ''Harold F. Reis, Esquire, Morgan, Lewis, and Bockius LLP, 1800 M Street, NW., Washington, DC 20036''.

Dated at Rockville, Maryland, this 13th day of February, 1996.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–3692 Filed 2–16–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Discount Rates for Cost-Effectiveness Analysis of Federal Programs

AGENCY: Office of Management and Budget.

ACTION: Revisions to Appendix C of OMB Circular A–94.

SUMMARY: The Office of Management and Budget revised Circular A–94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the budget of the United States Government are changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

DATES: The revised discount rates are effective immediately and will be in effect through February 1997.

FOR FURTHER INFORMATION CONTACT: Robert B. Anderson, Office of Economic Policy, Office of Management and Budget, (202) 395–3381.

Joseph J. Minarik,

Associate Director for Economic Policy, Office of Management and Budget.

Attachments

OMB Circular No. A–94; Revised October 29, 1992

Appendix C—(Revised February 1996); Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

Effective Dates. This appendix is updated annually around the time of the President's budget submission to Congress. This version of the appendix is valid through the end of February, 1997. Copies of the updated appendix and the Circular can be obtained from the OMB Publications Office (202–395–7332) or in an electronic form at the OMB home page on the world-wide WEB, http://www.whitehouse.gov/WH/EOP/omb. Updates of this appendix are also available upon request from OMB's Office of Economic Policy (202–395–3381) as is a table of past years' rates.

Nominal Discount Rates. Nominal interest rates based on the economic assumptions from the budget are presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES (IN PERCENT)

3–Year	5–Year	7–Year	10–Year	30–Year
5.4	5.5	5.5	5.6	5.7

Real Discount Rates. Real interest rates based on the economic assumptions from the budget are presented below. These real rates are to be used for discounting real (constant-dollar) flows, as is often required in cost-effectiveness analysis.

REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES (IN PERCENT)

3–Year	5–Year	7–Year	10–Year	30–Year
2.7	2.7	2.8	2.8	3.0

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

[FR Doc. 96–3731 Filed 2–16–96; 8:45 am]

BILLING CODE 3110–01–P

POSTAL RATE COMMISSION

[Docket No. A96–10; Order No. 1101]

Bruington, Virginia 23023 (Linda P. Gray, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Issued February 13, 1996.

Docket Number: A96–10.

Name of Affected Post Office: Bruington, Virginia 23023.

Name(s) of Petitioner(s): Linda P. Gray.

Type of Determination: Closing.

Date of Filing of Appeal Papers: February 9, 1996.

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 February 23, 1996.

(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

February 9, 1996—Filing of Appeal letter
February 13, 1996—Commission Notice and Order of Filing of Appeal
March 5, 1996—Last day of filing of petitions to intervene [*see* 39 C.F.R. § 3001.111(b)]
March 15, 1996—Petitioners' Participant Statement or Initial Brief [*see* 39 C.F.R. § 3001.115 (a) and (b)]
April 4, 1996—Postal Service's Answering Brief [see 39 C.F.R. § 3001.115(c)]
April 19, 1996—Petitioners' Reply Brief should Petitioner choose to file one [*see* 39 C.F.R. § 3001.115(d)]
April 26, 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 C.F.R. § 3001.116]
June 8, 1996—Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)]

[FR Doc. 96–3726 Filed 2–16–96; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–21741; 812–9774]

The Brinson Funds, et al.; Notice of Application

February 12, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: The Brinson Funds (the ''Trust'') and Brinson Partners, Inc. (''Partners'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) for an exemption from section 12(d)(1)(A)(ii), under sections 6(c) and 17(b) for an exemption from section 17(a), and under section 17(d) and rule 17d–1 thereunder permitting certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order that would permit certain money market funds to sell their shares to affiliated investment companies.

FILING DATES: The application was filed on September 20, 1995 and amended on January 2, 1996.

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 March 8, 1996 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 5th Street NW., Washington, D.C. 20549. Applicants, 209 South LaSalle Street, Chicago, Illinois 60604–1295.

FOR FURTHER INFORMATION CONTACT: David W. Grim, Staff Attorney, at (202) 942–0571, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is an open-end management investment company that currently offers ten series (each, a ''Fund''). One of the Funds is a money market fund subject to the requirements of rule 2a–7 under the Act (together with any future money market funds, the ''Money Market Funds''). The other nine Funds are non-money market funds (together with any future non-money market funds, the ''Non-Money Market Funds''). Applicants request relief on behalf of themselves and any other registered investment companies that now or in the future are advised or subadvised by Partners or an entity controlling, controlled by, or under common control with Partners.[1]

2. Partners serves as investment adviser for each Fund. Fund/Plan Services, Inc. (''Fund/Plan'') serves as administrator and transfer agent for each Fund. Fund/Plan Broker Services, Inc. (''FPBS'') serves as distributor for each Fund. Bankers Trust Company serves as custodian for each Fund.

3. The Money Market Funds seek to maximize current income consistent with the preservation of capital by investing exclusively in short-term money market instruments. The Non-Money Market Funds invest in a variety of debt and/or equity securities in accordance with their respective investment objectives and policies.

4. Each of the Funds has, or may be expected to have, uninvested cash in an account with the custodian. This cash either may be invested directly in individual short-term money market instruments or may not be invested in any portfolio securities.

5. Applicants request an order that would permit (a) each of the Funds to utilize cash reserves that have not been invested in portfolio securities to purchase shares of one or more of the Money Market Funds (each such Fund, including the Money Market Funds, purchasing shares of the Money Market Funds is an ''Investing Fund'') and (b) each Money Market Fund to sell shares to, and redeem such shares from, an Investing Fund. By investing cash balances in the Money Market Funds as proposed, applicants believe that the Investing Funds will be able to combine their cash balances and thereby reduce their transaction costs, create more liquidity, enjoy greater returns, and further diversify their holdings. While the investment policies of each Fund currently do not permit the Funds to purchase money market instruments, including shares of a money market fund, the investment policies and registration statements of the Funds will be amended to permit these investments. The proposed transactions will, therefore, be consistent with the investment policies and restrictions of the Funds, as recited in their registration statements and other SEC filings.

[1] All existing investment companies that presently intend to rely on the requested order are named as applicants.

6. The shareholders of the Investing Fund would not be subject to the imposition of double management fees. Partners, Fund/Plan, and any affiliated persons of Partners and Fund/Plan will remit to the respective Investing Funds, or waive, an amount equal to the increased investment advisory fees, and administrative and accounting fees, that Partners and Fund/Plan would earn as a result of the Investing Funds' investment in the Money Market Funds to the extent such fees are based upon the Investing Funds' assets invested in shares of the Money Market Funds (the ''Reduction Amount''). Further, no sales charge, contingent deferred sales charge, 12b–1 fee, or other underwriting or distribution fee will be charged by the Money Market Funds with respect to the purchase or redemption of their shares. If a Money Market Fund offers more than one class of shares, each Investing Fund will invest only in the class with the lowest expense ratio at the time of the investment.

7. Each of the Funds has a mandatory expense cap arrangement with Partners for the purpose of keeping each Fund's total expenses below a certain predetermined percentage amount (an ''Expense Waiver''). To the extent actual expenses of any such Fund exceeds such cap, Partners waives or reimburses the Fund in the amount of the excess. Any applicable Expense Waiver will not limit the advisory and administrative fee waiver or remittance discussed above.

8. Applicants' request also would permit the Funds to invest uninvested cash in a Money Market Fund in excess of the percentage limitations set out in section 12(d)(1)(A)(ii) of the Act. Section 12(d)(1)(A)(ii) prohibits a registered investment company from acquiring the securities of another investment company if, immediately thereafter, the acquiring company would have more than 5% of its total assets invested in the securities of the selling company. Applicants propose that each Fund be permitted to invest in shares of a Money Market Fund so long as each Fund's aggregate investment in such Money Market Fund does not exceed the greater of 5% of such Fund's total net assets or $2.5 million. Applicants will comply with all other provisions of section 12(d)(1).

Applicants' Legal Analysis

1. Sections 17(a) (1) and (2) make it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from such investment company. Because each Fund may be deemed to be under common control with the other Funds, it may be an ''affiliated person,'' as defined in section 2(a)(3), of the other Funds. Accordingly, the sale of shares of the Money Market Funds to the Investing Funds, and the redemption of such shares of the Money Market Funds from the Investing Funds, would be prohibited under section 17(a).

2. Section 17(b) authorizes the SEC to exempt a single transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each investment company concerned, and the proposed transaction is consistent with the general purposes of the Act. Under section 6(c), the SEC may exempt a series of transactions from any provision of the Act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 17(b) because they wish to engage in a series of transactions rather than a single transaction.

3. The Investing Funds will be permitted to invest their cash balances directly in money market instruments as authorized by their investment objectives and policies, as amended, if they believe they can obtain a higher return or for any other reason. Each of the Money Market Funds has the right to discontinue selling shares to any of the Investment Funds if its board of trustees determines that such sales would adversely affect the portfolio management and operations of such Money Market Fund. Therefore, applicants believe that the proposal satisfies the standards for relief.

4. Section 17(d) and rule 17d–1 prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. Each Investing Fund, by purchasing shares of the Money Market Funds, Partners, by managing the assets of the Investing Funds invested in the Money Market Funds, and each Money Market Fund, by selling shares to the Investing Funds, could be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d0 and rule 17d–1.

5. Under rule 17d–1, the SEC can grant by order an application regarding such a joint enterprise after considering whether participation by the registered investment company is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of the other participants. Applicants believe that the proposal satisfies these standards.

6. Section 12(d)(1), as noted above, sets certain limits on an investment company's ability to invest in the shares of another investment company. The perceived abuses section 12(d)(1) sought to address include undue influence by an acquiring fund over the management of an acquired fund, the acquisition of voting control by the acquiring fund over the acquired fund, layering of fees, and complex structures. Applicants believe that none of these concerns are presented by the proposed transactions and that the proposed transactions meet the section 6(c) standards for relief.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed from the Investing Funds will not be subject to a sales load, redemption fee, or distribution fee under a plan adopted in accordance with rule 12b–1.

2. Applicants will cause Partners, Fund/Plan, and their affiliated persons to remit to the respective Investing Fund, or waive, an amount equal to the Reduction Amount. Any of these fees remitted or waived will not be subject to recoupment by Partners, Fund/Plan, or their affiliated persons at a later date.

3. For the purpose of determining any amount to be waived and/or expenses to be borne to comply with any Expense Waiver, the adjusted fees for an Investing Fund (gross fees minus Expense Waiver) will be calculated without reference to the amounts waived or remitted pursuant to condition 2. Adjusted fees then will be reduced by the amount waived pursuant to condition 2. If the amount waived pursuant to condition 2 exceeds adjusted fees, Partners also will reimburse the Investing Fund in an amount equal to such excess.

4. Each of the Investing Funds will be permitted to invest uninvested cash in, and hold shares of, a Money Market Fund only to the extent that the Investing Fund's aggregate investments in such Money Market Fund does not exceed the greater of 5% of the Investing Fund's total net assets or $2.5 million.

5. Each Investing Fund will vote its shares of each Money Market Fund in the same proportion as the votes of all other shareholders of such Money Market Funds entitled to vote on the matter.

6. As shareholders of a Money Market Fund, the Investing Funds will receive dividends and bear their proportionate share of expenses on the same basis as other shareholders of such Money Market Funds. A separate account will be established in the shareholder records of each of the Money Market Funds for each of the Investing Funds.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3666 Filed 2–16–96; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–11057]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Colonial Data Technologies Corp., Common Stock, $0.01 Par Value)

February 13, 1996.

Colonial Data Technologies Corp. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on January 26, 1996 to withdraw the Security from listing on the Amex and instead, to list the Security on the National Association of Securities Dealers Automated Quotations (''Nasdaq'').

The decision of the Board followed a thorough study of the matter and was based upon the belief that listing the Security on the Nasdaq will be more beneficial to the Company's stockholders than the present listing on the Amex for the following reasons:

(a) The Board believes that a reluctance exists to trade in the securities of Amex listed companies among institutional and other investors;

(b) The resulting negative effect such a reluctance could have on the Company's ability to increase analyst coverage of its stock;

(c) The Board believes that Nasdaq will provide increased liquidity with multiple market makers; and

(d) The Board believes that the capital markets associate Nasdaq with technology companies to a greater extent than Amex.

Any interested person may, on or before March 6, 1996 submit by the letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–3629 Filed 2–16–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36830; File No. SR–CBOE–95–33]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to an Amendment to the Exchange's Crossing Rule

February 12, 1996.

On July 12, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend CBOE Rule 6.74, '' 'Crossing' Orders,'' by adding Interpretation and Policy .05, which will allow a floor broker who has been continuously representing a limit order to buy or sell equity option contracts in a trading crowd at a limit price which is equal to the highest bid or lowest offer (''resting order''), and who subsequently receives a market or marketable limit order to sell or buy the same option series, to cross the resting order with the subsequent market or marketable limit order without regard to the provision of CBOE Rule 6.74(a)(iii) that permits a cross only if the higher bid or lower offer is not taken. The proposal is designed to permit a floor broker representing a resting order and a subsequent market or marketable limit order to cross the number of contracts of those orders to the same extent as if the resting order and the subsequent market or marketable limit orders were represented by different floor brokers.

Notice of the proposed rule change appeared in the Federal Register on October 13, 1995.[3] On January 31, 1996, the CBOE amended its proposal.[4] No comments were received on the proposed rule change.

Currently, CBOE Rule 6.74(a) imposes specific order exposure and price improvement requirements on floor brokers seeking to cross buy orders with sell orders. Specifically, CBOE Rule 6.74(a) requires a floor broker seeking to cross orders to buy and sell the same option series to (i) request bids and offers for such option series and make all persons in the trading crowd, including the Board Broker or Order Book Official, aware of his request; and

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1995).

[3] *See* Securities Exchange Act Release no. 36343 (October 5, 1995), 60 FR 53444.

[4] The CBOE amended its proposal to clarify that, under the proposal, a floor broker may cross a resting order with a subsequent market or marketable limit order without regard to the provision of CBOE Rule 6.74(a)(iii) which permits a cross only if a floor broker's higher bid or lower offer is not taken. However, a floor broker must comply with the order exposure and price improvement provisions of CBOE Rule 6.74 before being eligible for the proposed exception. In addition, after invoking the exception, the floor broker remains subject to the requirement under CBOE Rule 6.74(a)(iii) that the floor broker announce by open outcry that he is crossing and give the quantity and price at which the cross took place. *See* Letter from Barbara J. Casey, Vice President, Market Regulation, CBOE, to Ivette Lopez, Assistant Director, Division of Market Regulation, Commission, dated January 30, 1996 (''Amendment No. 1''). Amendment No. 1 also provides examples of the operation of the crossing rule and of the effect of the proposed amendment on the crossing rule, as well as explanations of the terms ''continuously represent'' and ''compete equally.'' Specifically, Amendment No. 1 states that it is implicit in the term ''continuously represents'' that after announcing the order in open outcry, the floor broker must give the trading crowd a reasonable amount of time to respond to the announcement before the floor broker can claim the proposed exception to the crossing rule. The term ''compete equally'' is used to limit the extent to which a floor broker is permitted to cross a resting order and a market or marketable limit order. Specifically, the proposal will give a floor broker representing a resting order and a subsequent market or marketable limit order the ability to compete equally with the trading crowd, but only to the extent that such orders would be executed if they were represented by two different floor brokers.

(ii) after providing an opportunity for such bids and offers to be made, he must (A) bid above the highest bid in the market and give a corresponding offer at the same price or at prices differing by the minimum fraction or (B) offer below the lowest offer in the market and give a corresponding bid at the same price or at prices differing by the minimum fraction. If the higher bid or lower offer is not taken, CBOE Rule 6.74(a)(iii) allows the floor broker to cross the orders at the higher bid or lower offer by announcing by public outcry that he is crossing and giving the quantity and price.

According to the CBOE, the provision of CBOE Rule 6.74(a)(iii) that allows a cross only if the higher bid or lower offer is not taken prevents a resting order from competing equally with other pre-existing bids (offers) and allows the trading crowd to trade ahead of the new market or marketable limit order to buy or sell. Thus, the CBOE notes that the resting order and the subsequent market or marketable limit order may be in a less competitive position because the orders were represented by a single floor broker rather than by separate floor brokers.

For example,[5] if a floor broker has been continuously representing[6] a limit order to purchase 20 option contracts at a limit price of $10 where the market is 10–10¼, and the floor broker subsequently receives a market order to sell 20 option contracts of the same series, CBOE Rule 6.74(a) requires a floor broker who wishes to cross the orders to offer at $10 (*i.e.*, less than the lowest offer of 10¼) and corresponding bid at $10.[7] The floor broker may cross the two orders only if the trading crowd does not take the floor broker's bid or offer. However, according to the CBOE, it is likely that the trading crowd will take the floor broker's offer of $10 because the trading crowd was bidding at $10. Accordingly, the resting order will not be filled, even though it may have been previously represented in the crowd for at least as long as the successful bids of other crowd members. Thus, under existing CBOE Rule 6.74(a), a resting limit order held by a floor broker who subsequently receives a market order is unable to compete for the market order with other limit orders at the same price held by other crowd members.

Proposed Interpretation and Policy .05 is designed to allow a floor broker representing a resting order and a subsequent market or marketable limit order to compete equally with other bids and offers in the trading crowd by allowing the floor broker to cross the orders to the same extent as if the resting order and the subsequent market or marketable limit order were represented by different floor brokers.[8] Thus, in the example described above, if the trading crowd includes four market makers each bidding at $10 who wish to take the entire offer, proposed Interpretation and Policy .05 would allow the floor broker to claim the proposed exception to CBOE Rule 6.74(a)(iii) and participate equally in the 20-contract offer by crossing four contracts of the resting order with four contracts of the sell order at $10, the then existing bid price in the market. The remaining 16 contracts of the market order would be sold to the trading crowd.[9]

Likewise, if the market makers wish to offer at $10 and take the entire resting limit order, the floor broker may claim the proposed exception and compete equally with other offers in the trading crowd by crossing four contracts of the subsequent market order to sell at $10 with four contracts of the resting limit order.[10]

Proposed Interpretation and Policy .05 provides an exemption solely from the provision of CBOE Rule 6.74(a)(iii) that permits a cross only if the higher bid or lower offer is not taken. The floor broker must comply with the order exposure and price improvement provisions of CBOE Rule 6.74(a) (i) and (ii) before being eligible for the proposed exception. After invoking the exception, the floor broker remains subject to the requirement in CBOE Rule 6.74(a)(iii) that the floor broker announce by open outcry that he is crossing and give the quantity and price at which the cross took place.[11] In addition, the Exchange's rules pertaining to solicited orders, facilitation crosses, and the priority provisions of CBOE Rule 6.45, ''Priority of Bids and Offers,'' will continue to apply.

The Exchange believes that proposed Interpretation and Policy .05 will reduce the possible detrimental effect on the execution of a resting order and subsequent market or marketable limit orders that occurs solely because the orders are represented by the same floor broker. The CBOE states that proposed Interpretation and Policy .05 will permit the orders represented by a single floor broker to compete equally with other bids and offers in the trading crowd by allowing the floor broker to cross those number of contracts of the resting order with subsequent market or marketable limit orders to the same extent as if the resting order and subsequent market or marketable limit orders were represented by different floor brokers.

The CBOE believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it provides an exemption from provisions that currently disadvantage resting limit orders and subsequent market or marketable limit orders held by the same floor broker, and does this in a manner that promotes just and equitable principles of trade, fosters cooperation among persons engaged in facilitating securities transactions, removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5)[12] in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Commission believes that proposed Interpretation and Policy .05 provides a limited and narrowly tailored exception to the provision of CBOE Rule 6.74(a)(iii) that permits a cross only if the trading crowd does not take the floor broker's higher bid or lower offer. By

[5] *See* Amendment No. 1, *supra* note 4.

[6] In the context of the proposal, ''continuously representing'' means that after announcing an order in open outcry, the floor broker must give the trading crowd a reasonable amount of time to respond to his announcement before he may claim the proposed exception to CBOE Rule 6.74(a)(iii). *See* Amendment No. 1, *supra* note 4.

[7] Because the limit price to purchase is $10, the floor broker cannot bid above the highest bid in the market and thus is precluded from crossing at 10⅛ pursuant to CBOE Rule 6.74(a)(ii)(A).

[8] The proposal uses the term ''compete equally'' to limit the extent to which a floor broker is permitted to cross a resting order and a market or marketable limit order. Currently, the CBOE's crossing rule allows a floor broker to cross a resting order and a subsequent order only if the trading crowd does not take the floor broker's bid or offer. However, if the trading crowd decides to take the market order, the resting order will not be able to participate in the transaction with the market or marketable limit order; alternatively, the trading crowd may take the resting order and trade ahead of the subsequent market or marketable limit order. According to the CBOE, proposed Interpretation and Policy .05 will remove the floor broker's competitive disadvantage and allow the floor broker representing a resting order and a subsequent market or marketable limit order to compete with the trading crowd to the extent that such orders would be executed if they were represented by two different floor brokers. *See* Amendment No. 1, *supra* note 4.

[9] *See* Amendment No. 1, *supra* note 4.

[10] *Id.*

[11] *Id.*

[12] 15 U.S.C. 78f(b)(5) (1988 & Supp. V 1993).

creating a limited exception to CBOE Rule 6.74(a)(iii), proposed Interpretation and Policy .05 will permit orders represented by a single floor broker to participate equally with other bids and offers in the trading crowd by allowing the floor broker to cross those number of contracts of the resting order with the subsequent market or marketable limit order to the same extent as if those orders were represented by different floor brokers, thereby eliminating a competitive disadvantage that may arise currently under CBOE Rule 6.74(a).

CBOE Rule 6.74(a)(ii) requires a floor broker seeking to cross orders to (A) bid above the highest bid in the market and give a corresponding offer at the same price or at prices differing by the minimum fraction or (B) offer below the lowest offer in the market and give a corresponding bid at the same price or at prices differing by the minimum fraction. CBOE Rule 6.74(a)(iii) allows the floor broker to cross the orders if the trading crowd does not take the higher bid or lower offer. However, the CBOE states that it is likely that the trading crowd will take the floor broker's bid or offer, thereby leaving either the resting order or the subsequent market or marketable limit order unfilled. By creating an exception to the provision of CBOE Rule 6.74(a)(iii) that permits a cross only if the floor broker's higher bid or lower offer is not taken, proposed Interpretation and Policy .05 will allow a resting order and a subsequent market or marketable limit order represented by a single floor broker to participate equally with other bids and offers at the same price to the same extent as if those orders were represented by different floor brokers.[13]

Thus, as noted above, proposed Interpretation and Policy .05 will allow a floor broker representing a resting limit order to buy at $10 in a 10–10¼ market to compete equally with four market makers in the trading crowd who are also bidding at $10 for a market order to sell 20 contracts, so that the floor broker will be able to cross four contracts of his resting order with four contracts of the market order. The market makers will take the remaining 16 contracts of the market order. In contrast, under the CBOE's current rule, the market makers could take the entire offer to sell 20 contracts at $10, leaving the resting limit order unfilled even though the resting order also bid $10 (an amount equal to the highest bid in the market) and had been represented in the crowd for as long as the bids of the market makers.[14]

Accordingly, the Commission believes that the proposal is a reasonable effort to modify CBOE Rule 6.74(a)(iii) to ensure that certain equity option orders are not disadvantaged solely because they are represented by a single floor broker. At the same time, the proposal maintains the safeguards provided in CBOE Rule 6.74(a) by requiring floor brokers to comply with the order exposure and price improvement provisions of CBOE Rule 6.74(a) (i) and (ii) before being eligible for the proposed exception to CBOE Rule 6.74(a)(iii). In addition, proposed Interpretation and Policy .05 applies to a floor broker who has been ''continuously representing'' a resting order.[15] The Commission believes that the requirements of CBOE Rule 6.74(a) (i) and (ii), together with the requirement that a floor broker continuously represent a resting order before claiming the proposed exception to CBOE Rule 6.74(a)(iii), will help to ensure that orders represented by a floor broker who claims the proposed exception will have an opportunity to interact with orders in the trading crowd.

The Commission notes that after invoking the exception, the floor broker remains subject to the requirement in CBOE Rule 6.74(a)(iii) that the floor broker announce by open outcry that he is crossing and give the quantity and price at which the cross took place. Finally, the due diligence and other provisions of CBOE Rule 6.74 continue to apply, as well as the CBOE rules pertaining to solicited orders, facilitation crosses, and the priority provisions of CBOE Rule 6.45.

The Commission finds good cause for approving Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 1 strengthens and clarifies the CBOE's proposal by indicating that a floor broker must comply with the order exposure and price improvement provisions of CBOE Rule 6.74(a)(i) and (ii) and, after invoking the exception, must announce by open outcry that he is crossing and give the quantity and price at which the cross took place. In addition, Amendment No. 1 further clarifies the proposal by defining the terms ''continuously representing'' and ''compete equally'' as they are used in the proposal. Accordingly, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act to approve Amendment No. 1 to the proposal on an accelerated basis.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 12, 1996.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the rule change (File No. SR–CBOE–95–33), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3633 Filed 2–16–96; 8:45 am]

BILLING CODE 8010–01–M

[13] The CBOE believes that the exception provided by proposed Interpretation and Policy .05 will be claimed infrequently, both because the proposed exception applies only in very limited circumstances, and because even in the limited applicable circumstances most trading crowds do not use the crossing rule to prevent a resting order from competing equally with other bids or offers in the market or to trade ahead of market or marketable limit orders. The CBOE expects that the proposed exception will be claimed by floor brokers in equity option crowds that preclude floor brokers from crossing orders or in equity trading crowds that have only one full time floor broker and where the volume in the option series to be crossed is limited. *See* Amendment No. 1, *supra* note 4.

[14] Alternatively, if the market makers wish to sell at $10 and take the entire resting limit order, proposed Interpretation and Policy .05 will allow the floor broker to compete equally with the market makers' offers and cross four contracts of the resting order with four contracts of subsequent market order. The market makers will take the remaining contracts in the resting order.

[15] *See* note 6, *supra.*

[16] 15 U.S.C. 78s(b)(2) (1982).

[17] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36828; File No. SR–CHX–96–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Maximum Monthly Transaction Fees and Other Processing Fees

February 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 25, 1996 the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section (d) of, and add Section (r) to, its Membership Dues and Fees Schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to add an alternative monthly cap on transaction fees for certain orders. These orders (except orders of specialists, orders in NASDAQ/NMS Securities,[2] and orders of a floor broker acting in the capacity as a principal)[3] will be charged a maximum monthly transaction fee based on $.45 per 100 average monthly gross round lot shares.[4] This alternative monthly cap on transaction fees is in addition to the current monthly cap on transaction fees of $45,000 per month for firms with a floor broker or market maker presence on the Floor and $65,000 per month for firms without a floor broker or market maker presence on the Floor.[5] The filing also codifies the Exchange's current practice of rebilling members and member organizations the Exchange's cost in taking and processing fingerprints and conducting background checks.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[6] in general and furthers the objectives of Section 6(b)(4)[7] in particular in that it provides for the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (e) of Rule 19b–4 thereunder.[9]

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the CHX. All submissions should refer to File No. SR–CHX–96–04 and should be submitted by March 12, 1996.

For the Commission, by Division of Market Regulation, pursuant to delegated authority.[10]

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[1] 15 U.S.C. 78s(b)(1).

[2] The Commission notes that the National Association of Securities Dealers, Inc. refers to such securities as ''Nasdaq National Market securities.'' In order to maintain consistency within its rules, however, the Exchange still utilizes the term ''NASDAQ/NMS Securities.'' The Exchange intends to update this aspect of its rules at a later date. Telephone conversation between David T. Rusoff, Attorney, Foley & Lardner, and Anthony P. Pecora, Attorney, SEC (Jan. 16, 1996).

[3] These orders are subject to different rules concerning transaction fees. For example, Nasdaq National Market securities are not charged transaction fees, while transaction fees for specialists and floor brokers acting as principals are not subject to monthly caps. *See* CHX Fee Schedule §§ (d)(4)–(6).

[4] For example, transaction fees for a 2,500 share limit order would be zero for the first 500 shares of the order and $0.0075 per share for the next 2,000 shares for a total transaction charge of $15.00 per side (2,000 shares multiplied by $0.0075), with an average round lot share charge of $0.60 per round lot ($15.00 divided by 25 round lots. If, in a particular month, a firm's total business consisted solely of 1,000 limit orders for 2,500 shares, its transaction fees for that month normally would be $15,000.00, with an average round lot share charge of $0.60 per round lot. This proposal, however, would reduce the average round lot share charge to $0.45 per round lot and, in turn, reduce the firm's transaction fees for that month to $11,250.00.

Although the CHX does not impose a transaction fee on market orders sent via the CHX's MAX system, the Commission notes that such orders are nonetheless included in calculating a firm's monthly average round lot share charge. Telephone conversation between David T. Rusoff, Attorney, Foley & Lardner, and Anthony P. Pecora, Attorney, SEC (Jan. 29, 1996).

[5] *See* CHX Fee Schedule §§ (d)(3)(ii)–(iv).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

[10] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96–3668 Filed 2–16–96; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–36837; File No. SR-DTC–96–02]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Principal and Income Payments to Participants

February 13, 1996

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 23, 1996, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to clarify and restate several procedures related to DTC's payment of principal and income (''P&I'') to participants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify and restate DTC procedures for the payment of P&I in light of the planned conversion of DTC's money settlement system to an entirely same-day funds settlement (''SDFS'') system.

In the current next-day funds settlement (''NDFS'') and SDFS systems, DTC often earns interest overnight on P&I payments received by DTC on the payment date in same-day funds and paid to participants in next-day funds. At the end of each month, DTC distributes or refunds that month's overnight interest earnings to participants on a pro rata basis.[3] After DTC converts entirely to an SDFS system, which conversion is scheduled for February 22, 1996, it will normally pay P&I in same-day funds. Because overnight interest on such payments will decrease dramatically, monthly refunds to participants correspondingly will be much smaller. When interest is earned due to exceptional conditions, DTC will distribute refunds to its participants in conformity with its present rule.

Currently, DTC sometimes credits participants in next-day funds on the payable date for P&I payments not yet received. In many cases, the money is received in same-day funds after DTC has settled with its participant but before the end of the business day on the payable date. Consequently, the money is available for next-day funds payments to participants on the payable date. After the conversion to an entirely SDFS system, P&I payments made after 2:30 p.m. (eastern standard time) on the payable date may be received by DTC too late to fund payments to participants in a net credit position but early enough to avoid the need for an overnight borrowing. DTC has extensive historical business records of its dealings with paying agents and has developed a model to predict which late P&I payments received after DTC's settlement should nevertheless come in early enough to avoid the need to borrow overnight. Based upon this historical mode, in some cases of late P&I payments DTC will make a final allocation at approximately 4:00 p.m. to participants for such P&I payments in anticipation of receipt of good funds (*i.e.*, same-day funds) from the paying agent later on that same business day. In order to do so, DTC has to be prepared to take out an intraday or overnight loan when necessary. Therefore, DTC will commit to a line of credit. The commitment cost will be charged to participants monthly on a pro rata basis based on the P&I payments each participant received during the previous calendar year or other reasonably determined period. This commitment charge will be assessed whether or not borrowing was necessary during that month. On occasions when there is borrowing, the interest cost of the loan will be assessed on a pro rata basis among participants receiving payments on the payable date(s) that were funded by such borrowing. Each participant will receive a statement that will identify issues and/or issuers and their agents that paid DTC late and the participant's share of the interest cost for each one.

DTC believes that the proposed rule change is consistent with Section 17A of the Act[4] and the rules and regulations thereunder because it will provide for the equitable allocation of dues, fees, and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have an impact on or impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

In 1990, after reviewing the recommendations of the Group of Thirty,[5] the U.S. Working Committee, Group of Thirty, Clearance and Settlement Project concluded, among other things, that depositories should pay dividends, interest, redemption, and reorganization payments to their

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] For a description of DTC's P&I payment refund procedures, refer to Securities Exchange Act Release Nos. 17203 (October 8, 1980), 45 FR 68817 [File No. SR–DTC–80–06] (notice of filing and immediate effectiveness of a proposed rule change implementing a refund policy); 23219 (May 8, 1986), 51 FR 17845 [File No. SR–DTC–86–03] (notice of filing and immediate effectiveness of a proposed rule change modifying procedures for crediting corporate cash P&I payments); 23686 (October 7, 1986), 51 FR 37104 [File No. SR–DTC–86–04] (order approving a proposed rule change modifying DTC's procedures regarding crediting P&I payments, charging back P&I payments, and refunding dividend investment income to paying agents); and 25869 (June 30, 1988), 53 FR 25557 [File No. SR–DTC–88–08] (notice of filing and immediate effectiveness of a proposed rule change modifying procedures to allocate to participants P&I payments on SDFS securities in next-day funds on payable date).

[4] 15 U.S.C. 78q–1 (1988).

[5] The Group of Thirty was established in 1978 as an independent, nonpartisan, nonprofit organization composed of international financial leaders whose focus is on international economic and financial issues. In March 1989, the group approved a report setting forth nine recommendations for improving and harmonizing securities clearance and settlement systems in the world's principal markets. Group of Thirty, Clearance and Settlement Systems in the World's Securities Markets (March 1989).

participants in same-day funds.[6] In August 1993, the report of the Same-Day Funds Payment Task Force to the U.S. Working Committee, Group of Thirty, Clearance and Settlement Project issued its report (''Task Force Report'') on how to achieve this goal.[7]

In July 1994, DTC distributed its document entitled ''Same-Day Funds Settlement System Conversion,'' which states, ''Participants should be mindful that once DTC's conversion to same-day funds settlement takes place, both the dividend and interest and the reorganization refunds will substantially decline and change in nature.'' [8] In December 1994, DTC's discussed the Task Force Report in a memorandum to participants and others. Among other things, DTC stated that it was ''exploring temporarily borrowing funds not received from agents by 2:30 p.m.'' eastern standard time and that ''DTC reports will identify for participants certain relevant information concerning the resulting interest expense.'' [9]

This proposed rule change for refunds and borrowing was also discussed in many other publications that DTC sent to participants and others. In the fall of 1995, DTC sent a customized letter to each participant ''to assist [the participant] in assessing the impact of the SDFS conversion on [the participant's] 1995 budget.''

No comments have been received by DTC. Interested persons previously submitted comments to the U.S. Working Committee in response to the 1993 Task Force Report.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Sections 19(b)(3)(A)(i) and (ii) [10] of the Act and pursuant to Rules 19b–4(e)(1) and (2) [11] promulgated thereunder in that the proposal constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, and the proposal also establishes a due, fee, or other charge. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–96–02 and should be submitted by March 12, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3667 Filed 2–16–96; 8:45 am]

BILLING CODE 8010–01–M

[6] ''Implementing the Group of Thirty Recommendations in the U.S.,'' U.S. Working Committee, Group of Thirty, Clearance and Settlement Project (November 1990).

[7] ''Report of the Same-Day Funds Payment Task Force to the U.S. Working Committee,'' U.S. Working Committee, Group of Thirty, Clearance and Settlement Project (August 1993).

[8] The Depository Trust Company and National Securities Clearing Corporation, Memorandum (July 29, 1994).

[9] The Depository Trust Company, Memorandum to Participants (December 5, 1994).

[10] 15 U.S.C. 78s(b)(3)(A)(i) and (ii) (1988).

[11] 17 CFR 240.19b–4(e)(1) and (2) (1995).

[12] 17 CFR 200.30–3(a)(12) (1995).

[Release No. 34–36833; File No. SR–PSE–96–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange Incorporated Relating to a Program To Display Price Improvement on the Execution Report Sent to the Entering Firm

February 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on January 31, 1996, the Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE is proposing to implement a program that will calculate and then display on the execution reports sent to member firms, the dollar amounts realized as savings to their customers as a result of price improvement in the execution of their orders on the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to implement a program for calculating and displaying on execution reports sent to member firms entering orders, the dollar value saved by their customers as a result of price improvement of orders executed on the PSE. This program does not in any way affect the actual execution of orders. The Exchange is proposing to refer to this calculated dollar savings as the ''NATIONAL BEST SM.''

The NATIONAL BEST will be made available for intra-day market orders entered via the Exchange's P/Coast system [1] that are not tick sensitive and are entered from off the Floor.[1] The NATIONAL BEST (amount of price improvement) is calculated in

SM NATIONAL BEST is a service mark of the Chicago Stock Exchange, Inc.

[1] The NATIONAL BEST program will entail enhancements to the Exchange's CMS (common message switch) and P/COAST System.

[2] Also excluded from the NATIONAL BEST feature are orders received when the spread between the national best bid and offer is one minimum variation, and floor broker orders.

comparison to the best bid and offer displayed in the national market system at the time the order is received.[3] Only orders executed at a price better than the inside market will receive a NATIONAL BEST indicator.

The following examples illustrate how NATIONAL BEST is proposed to work.

Assume the national market quote is 50–50¼.

Example 1 A market order to sell 1000 shares, entering on the PSE, is stopped at 50, meaning it is guaranteed a price at 50 or a better price. The quote is narrowed to 50–50⅛ and the order is subsequently executed at 50⅛. This is an ⅛ point savings over the national bid price of 50, which translates into $125 savings over the guaranteed price. Thus, the execution report would display NATIONAL BEST $125.[4]

Assume the national market quote is 50–50¼.

Example 2 A market order to buy 800 shares, entered on the PSE, is executed at 50⅛. This is an ⅛ point savings over taking the prevailing offer of 50¼. The execution report would display NATIONAL BEST $100.

If there is no price improvement because either there was no execution between the national best bid or offer or the order was not eligible for the program, then no price improvement information would be displayed on the execution report to the entering firm.

The Exchange believes that the NATIONAL BEST can be expected to enhance the information made available to investors and improve their understanding of the auction market.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PSE does not believe that the proposed rule change will impose any significant burden on competition.

[3] For stocks that are not ITS-eligible, the PSE quote is used.

[4] The algorithm that calculates the savings per share can calculate price improvement from a minimum of 1/32 or $0.03125 per share to a maximum of 96/32 or $3.00 per share. If price improvement exceeds $3.00 per share, the NATIONAL BEST will be preceded by a ''>'' sign and will equal $3.00 times the number of shares traded.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, and (3) does not have the effect of limiting access to or availability of any Exchange order entry or trading system, the NATIONAL BEST program has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(e)(5) thereunder.[5] At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–96–04 and should be submitted by March 12, 1996.

[5] 17 CFR 240.19b–4(e)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–3630 Filed 2–16–96; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09–0345]

FBS SBIC, L.P.; Notice of Surrender of License

Notice is hereby given that FBS SBIC, L.P., First Bank Place, 601 Second Avenue South, 16th Floor, Minneapolis, Minnesota 55402, has surrendered its licenses to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). FBS was licensed by the Small Business Administration on September 27, 1984.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on this date, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 9, 1996.

Donald A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–3650 Filed 2–16–96; 8:45 am]

BILLING CODE 8025–01–P

[License No. 05/05–0182; License No. 05/08–0006]

Northwest Venture Partners (NVP); Norwest Growth Fund (NGF); Notice of Surrender of License

Notice is hereby given that Northwest Venture Partners and Norwest Growth Fund, 2800 Piper Jaffray Tower, 222 South Ninth Street, Minneapolis, Minnesota 55402–3388, have surrendered their licenses to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). NVP was licensed by the Small Business Administration on October 13, 1983. NGF was licensed by the Small Business Administration on February 25, 1960.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrenders were accepted on this date, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 9, 1996.

Donald A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–3651 Filed 2–16–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice No. 2330]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Thursday, February 29, 1996, in Room 4315, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.This meeting will discuss the upcoming 40th Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on September 2–6, 1996, at the IMO Headquarters in London, England.

Items of discussion will include the following:

a. The role of human factors in marine casualties;

b. Harmonization of probabilistic damage stability provisions for all ship types;

c. Technical revisions to the 1966 Load Line Convention;

d. Safety aspects of ballast water exchange;

e. Ro-ro passenger vessel safety.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen or Mr. Jaideep Sirkar, U.S. Coast Guard Headquarters, Commandant (G–MMS–2), Room 1308, 2100 Second Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2988.

Dated: February 6, 1996.

Charles A. Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 96–3622 Filed 2–16–96; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice No. 2331]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies Working Group on Flag State Implementation; Notice of Meeting

The Working Group on Flag State Implementation (FEI) of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on March 8, 1996, at 1:00 p.m. in Room 2415 at Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC.

This will be the fourth meeting of this Working Group following establishment of the FSI Subcommittee. The purpose of the subcommittee is to identify ways to ensure effective and consistent global implementation of International Maritime Organization (IMO) instruments. At this meeting, the U.S. position on documents submitted for consideration at the fourth session of the FSI Subcommittee, scheduled for March 18–22, 1996, will be discussed.

Specific topics will include: casualty statistics and investigations, the role of the human element in maritime safety, port state control, flag state guidelines, measures to encourage compliance, and technical assistance.

Members of the public may request any of the documents relating to FSI 4. Members of the public may attend this meeting up to the seating capacity of the room.

For further information on this FSI Working Group meeting, contact Mr. Walter D. Rabe at (202) 267–1430, U.S. Coast Guard Headquarters (G–MAO–1), 2100 Second Street, SW, Washington, DC 20593–0001.

Dated: February 6, 1996.

Charles A. Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 96–3623 Filed 2–16–96; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Termination of Review of Noise Compatibility Program; Kenosha Regional Airport, Kenosha, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces it has terminated its review of the noise compatibility program, at the request of the City of Kenosha, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150.

EFFECTIVE DATE: The effective date of the FAA's termination of its review of the Kenosha Regional Airport noise compatibility program is February 1, 1996.

FOR FURTHER INFORMATION CONTACT: John M. Doughterty, Federal Aviation Administration, Airports District Office, Room 102, 6020 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725–4362.

SUPPLEMENTARY INFORMATION: On September 27, 1995, the FAA determined that the noise exposure maps submitted by the City of Kenosha were in compliance with applicable requirements and began its review of the noise compatibility program. On January 25, 1996, the City of Kenosha requested that FAA suspend its review and processing of the noise compatibility program pending reexamination of some elements of the program as recommended by Kenosha's Airport Study Committee. When the FAA has received revised documentation, FAA will reissue appropriate notice establishing new review and approval periods in accordance with section 150.33(e) of 14 CFR Part 150.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Minneapolis, Minnesota on February 1, 1996.

Franklin D. Benson,

Manager, Minneapolis Airports District Office, FAA Great Lakes Region.

[FR Doc. 96–3729 Filed 2–16–96; 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 Houghton County Memorial Airport, Hancock, MI

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 Houghton County Memorial Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 21, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Sandra D. LaMothe, Airport Manager, of the Houghton County Airport Committee at the following address: Route 1, Box 94, Calumet, Michigan 49913.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Houghton County Airport Committee under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon B. Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (313–487–7281). 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 a PFC at Houghton County Memorial Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On December 18, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by Houghton County Airport Committee 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 March 27, 1996.

The following is a brief overview of the application.

PFC Application No.: 96–04–C–00–CMX.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 1996.

Proposed charge expiration date: December 31, 1997.

Total estimated PFC revenue: $73,895.00.

Brief description of proposed project(s): Rehabilitate airport rescue fire fighting track vehicle; Rehabilitate airport electrical vault; Airport boundary survey and monumentation, Update existing Exhibit ''A'' Property Map; PFC Administration.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Not applicable.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Houghton County Airport Committee.

Issued in Des Plaines, Illinois, on February 12, 1996.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 96–3728 Filed 2–16–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Block Signal Application (BS–AP)—No. 3380

Applicant: Twin Cities and Western Railroad Company, Mr. William F. Drusch, President, 2925—12th Street East, Glencoe, Minnesota 55336

The Twin Cities and Western Railroad Company (TCW) seeks approval of the proposed discontinuance and removal of the traffic control signal system (TCS), on the single main track, between Glencoe, Minnesota, milepost 466.9 and Tower E–14, near Hopkins, Minnesota, milepost 435.0, a distance of approximately 32 miles, and operate trains by track warrant control.

The reason given for the proposed changes is that the character of the former Milwaukee Road trackage has changed substantially since the installation of the TCS, with the present traffic density and 30 mph maximum authorized speed, TCS is no longer required for safe operation.

BS–AP–No. 3381

Applicant: Central Oregon and Pacific Railroad, Mr. George LaValley, General Manager, P.O. Box 10831416 Dodge Street, Room 1000, Roseburg, Oregon 68179–0001

The Central Oregon and Pacific Railroad seeks approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track, between Ashland, Oregon, milepost 429.1 and Glendale, Oregon, milepost 510, on the Siskiyou Line, a distance of approximately 81 miles.

The reason given for the proposed changes is that current traffic and the maximum authorized speed of 25 mph do not justify continuation of the automatic block signal system.

BS–AP—No. 3382

Applicant: Central Oregon and Pacific Railroad, Mr. George LaValley, General Manager, P.O. Box 10831416 Dodge Street, Room 1000, Roseburg, Oregon 68179–0001

The Central Oregon and Pacific Railroad seeks approval of the proposed discontinuance and removal of the automatic block 4 signal system, on the single main track, between Cornutt, Oregon, milepost 538.8 and Springfield Junction, Oregon, milepost 644.3, on the Siskiyou Line, a distance of approximately 105.5 miles.

The reason given for the proposed changes is that current traffic and the maximum authorized speed of 25 mph do not justify continuation of the automatic block signal system.

BS–AP–No. 3383

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410

Consolidated Rail Corporation (Conrail), seeks approval of the proposed discontinuance and removal of the traffic control signal system, on the single main track Carman Branch, between Conrail's Chicago Line, ''CP–156'', milepost 0.0, near Carman, New York and Conrail's Selkirk Branch, ''CP–SH'', milepost 3.7, near Schenectady, New York, Albany Division. The proposed changes consist of the removal of intermediate signals 18E and 18W, and redesignation of the track to the Carman Running Track.

The reason given for the proposed changes is to retire facilities no longer required for present operation.

BS–AP–No. 3384

Applicant: Montana Rail Link, Incorporated, Mr. Richard L. Keller, Chief Engineer, P. O. Box 8779, Missoula, Montana 59807

The Montana Rail Link, Incorporated seeks approval of the proposed modification of the traffic control signal system, on the single main track,

between East Hope, milepost 102.7 and West Kootenai, milepost 118.04, Idaho, on the Fourth Subdivision; consisting of the discontinuance and removal of 10 automatic intermediate block signals and installation of 8 automatic intermediate block signals, associated with the installation of electronic coded track circuits and pole line elimination.

The reason given for the proposed changes is to upgrade the signal system and improve train operations.

BS–AP–No. 3385

Applicant: Chesapeake and Albemarle Railroad Company, Mr. Jeff Forster, General Manager, 214 N. Railroad Street, Ahoskie, North Carolina 27910

The Chesapeake and Albemarle Railroad Company seeks approval of the proposed discontinuance and removal of the interlocking signals at the A & C Canal Draw Bridge, milepost 9.5, near Chesapeake, Virginia and at the Pasquotank River Swing Bridge, milepost 41.5, near Camden, North Carolina, replacing the absolute signals with stop signs.

The reason given for the proposed changes is that the railroad has experienced much vandalism on a regular basis.

BS–AP–No. 3386

Applicants: CSX Transportation, Incorporated, Mr. D. G. Orr, Chief Engineer—Train Control, 500 Water Street (S/C J–350), Jacksonville, Florida 32202

Soo Line Railroad Company, Mr. J. A. Inshaw, Chief Engineer, Soo Line Building, Box 530, Minneapolis, Minnesota 55440

CSX Transportation, Incorporated and Soo Line Railroad Company jointly seek approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track, between Bedford, Indiana, milepost Q245.8 and Mitchell, Indiana, milepost Q255.3, Louisville Division, Hoosier Subdivision. In addition the proposed changes include conversion of ''Bedford Interlocking'' from automatic to stop board operation, conversion of the power-operated switch at milepost Q245.91 to hand operation, and govern train operation under DTC Rules.

The reason given for the proposed changes is that traffic density does not warrant retention of the signal system.

BS–AP–No. 3387

Applicants: Norfolk Southern Corporation, Mr. C. M. Golias, Chief Engineer—S&E Engineering, Communication and Signal Department, 99 Spring Street, S.W., Atlanta, Georgia 30303

CSX Transportation, Incorporated, Mr. D. G. Orr, Chief Engineer—Train Control, 500 Water Street (S/C J–350), Jacksonville, Florida 32202

The Norfolk Southern Corporation (NS) and CSX Transportation, Incorporated (CSX) jointly seek approval of the proposed reduction to the traffic control system limits, on the Winding Gulf Branch secondary track, Princeton Deepwater District, Pocahontas Division, near Stotesbury, West Virginia; consisting of the relocation of controlled holdout signal 66R from milepost WG–16.1 to milepost WG–12.2 and installation of an approach distance signal at milepost WG–14.2.

The reason given for the proposed changes is to allow for control of traffic interchange between CSX and NS at Helen siding.

Rules Standards & Instructions Application (RS&I–AP)—No. 1099

Applicant: Union Pacific Railroad Company, Mr. L.A. Roach, Director—Operating Practices/FRA, 1416 Dodge Street, Room 625, Omaha, Nebraska 68179

The Union Pacific Railroad Company (UP) seeks relief from the requirements of Section 236.566 (49 CFR, 236.566) of the Rules, Standard and Instructions to the extent that UP be permitted to operate foreign or system, non-equipped automatic cab signal/automatic train stop (ACS/ATS) locomotives, involved in detour movements, in UP ACS/ATS territory as a result of derailments, natural disasters, etc., for a period of up to seven days subject to train operations under provisions of the General Code of Operating Rules, Rules 11.1 and 11.2, Absolute Block, and notification of the FRA within 24 hours of the beginning of each such movement.

Applicant's justification for relief: To permit continued operations under such circumstances as natural disasters, derailments, or extraordinary service interruptions, for a limited length of time, without the need to obtain individual waivers or emergency provision, outside normal business hours, while relieving workload on both the UP and FRA in processing these repetitive waiver requests.

RS&I No. 1100

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410

Consolidated Rail Corporation (Conrail) seeks relief from the requirements of the Rules, Standard and Instructions to the extent that they be allowed to operate non-equipped locomotives in automatic cab signal territory, on the two main tracks between ''Rochester'' Interlocking, milepost 25.9, near Rochester, Pennsylvania and ''CP Alliance'', milepost 83.2, near Alliance, Ohio, on the Fort Wayne Line, Pittsburgh Division, for the following operations:

1. Wire trains, work trains, wreck trains, and ballast cleaners to and from work;

2. Engines and Rail diesel cars moving to and from shops; and

3. Engines used in switching and transfer service, with or without cars, not exceeding 20 miles per hour.

Applicant's justification for relief: Exemptions are already authorized for operation of non-equipped locomotives in cab signal territory at other locations on Conrail, and this relief request would be an extension of the already existing exemptions.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on February 14, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–3730 Filed 2–16–96; 8:45 am]

BILLING CODE 4910–06–P

Surface Transportation Board [1]

[SBT Docket No. AB–167 (Sub-No. 1157X)]

Consolidated Rail Corporation; Abandonment Exemption; in Lucas County, OH

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2.5-miles of its rail line known as the Olive Industrial Track, from approximately milepost 82.90 to approximately milepost 85.40 in Lucas County, OH.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (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. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 21, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 [4] must be filed by March 1, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 11, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, 2001 Market Street, P.O. Box 41416, Philadelphia, PA 19101–1416.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Conrail has filed an environmental report which addresses the abandonments effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 23, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, 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 becomes 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: February 13, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–3714 Filed 2–16–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Sunshine Act Meetings

Federal Register
Vol. 61, No. 34
Tuesday, February 20, 1996

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

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: [insert FR citation].

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., February 20, 1996.

CHANGES IN MEETING: Meeting concerning Multiple Tube Mine & Shell Fireworks is canceled.

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: February 13, 1996.

Sadye E. Dunn,

Secretary.

[FR Doc. 96–3898 Filed 2–15–96; 3:20 pm]

BILLING CODE 6355–01–M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1482]

TIME AND DATE: 10 a.m. (EST), February 21, 1996.

PLACE: TVA West Tower Plaza Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on December 13, 1995.

New Business

C—Energy

C1. Approval of Energy Vision 2020 Integrated Resource Plan.

C2. Extension of Contract No. 94PA2–100328–001 with Valmont Industries, Inc., for galvanized tubular steel poles.

C3. Delegation of authority to the Vice President, Fuel Supply and Engineering, to enter into a 1-year rail contract extension with CSX Transportation, Inc., for transportation of coal to Kingston Fossil Plant.

E—Real Property Transactions

E1. Sale of permanent easement of approximately 0.004 acre of land on Chickamauga Lake in Hamilton County, Tennessee, to Big Ridge Rentals, Inc., d/b/a/ Big Ridge Yacht Club (Tract No. XCR–692E).

E2. Public auction sale of approximately 0.01 acre of land on Douglas Lake in Sevier County, Tennessee (Tract No. XDR–61).

E3. Sale of noncommercial, nonexclusive permanent recreation easements affecting a total of 2.01 acres of Tellico Lake shoreline in Loudon and Monroe Counties, Tennessee (Tract Nos. XTELR–161RE, –162RE, –163RE, –167RE, –172RE, –173RE, –175RE, –176RE, and –181RE).

E4. Sale of nonexclusive permanent easement for a driveway affecting approximately 0.05 acre of land on Watts Bar Lake in Roane County, Tennessee (Tract No. XWBR–711E).

E5. Grant of a nonexclusive permanent easement affecting 0.23 acre of land on Watts Bar Lake in Roane County, Tennessee, for a road and utilities right-of-way (Tract No. XWBR–712H).

F—Unclassified

F1. Filing of Condemnation Cases.

Information Items

1. Agreement with Petroleum Source and Systems Group, Inc., for comprehensive fuel management program under Section 8(a) of the Small Business Act.

2. Approval to file condemnation cases to acquire permanent easements and rights-of-way for electric power transmission lines.

3. Grant of a permanent easement and temporary construction easements for highway purposes affecting approximately 0.92 acre and 0.11 acre over a portion of the Oglethorpe, Georgia, Primary Substation property in Catoosa County, Georgia (Tract No. XOPSS–11H).

4. Approval to release Energy Vision 2020 Integrated Resource Plan and Environmental Impact Statement.

5. Sale at public auction of approximately 35.77 acres of land on Watts Bar Lake in Roane County, Tennessee (Tract No. XWBR–706).

6. Approval for TVA Nuclear to enter into personal services contracts with CANUS Corporation and with Cataract, Inc., to provide instrument mechanics for TVA's nuclear plants.

7. Award of contracts to TAD Staffing Services and Cobble Personnel to provide temporary clerical support personnel on an as-needed basis to augment TVA staff.

8. Sale of permanent easement to James H. Meekins for a road right-of-way affecting approximately 0.15 acre of land on Guntersville Lake in Marshall County, Alabama (Tract No. XGR–736E).

9. Approval to file a condemnation case in connection with the right to enter upon land to survey and appraise an electric power transmission line.

10. Delegation of authority to the Vice President, Fuel Supply and Engineering, to award an 11-month coal contract to Arclar Company for Johnsonville Fossil Plant.

11. Approval for Transmission/Power Supply Group to enter into a contract with L. E. Myers Company to provide construction/modification services to support substation and transmission line related projects.

12. Implementation of the ''Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act.''

13. Grant of permanent easements affecting approximately 16 acres of land on Wheeler Lake to the City of Decatur, Alabama, for roads, utilities, and railroad spur (Tract Nos. XTWR–102H and XTWR–103RR).

FOR MORE INFORMATION: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, (202) 898–2999.

Dated: February 14, 1996.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 96–3832 Filed 2–15–96; 3:20 pm]

BILLING CODE 8120–08–M

Corrections

Federal Register
Vol. 61, No. 34
Tuesday, February 20, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Administration

[Docket Nos. RP94-96-016 and RP94-213-013 (Consolidated)]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 24, 1996.

Correction

In notice document 96–1698 appearing on page 3018 in the issue of Tuesday, January 30, 1996, in the first column, the date line after the subject line is corrected as set forth above.

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5411–8]

Technical Correction; Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities

Correction

In notice document 95–2722, beginning on page 5248 in the issue of Friday, February 9, 1996, make the following correction:

On page 5252, in the third column, lines 1 through 22 at the top of the page should be moved directly above the line that reads ''5. Monitoring and Reporting Requirements''.

BILLING CODE 1505–01–D

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards

Correction

In rule document 96–1348 beginning on page 3280 in the issue of Wednesday, January 31, 1996 make the following corrections:

§ 121.201 [Corrected]

(1) On page 3289, in § 121.201, in the table ''Size Standards by SIC Industry'':

(a) In Division A, under the heading ''Size standards in number of employees or millions of Dollars'', the entry corresponding to ''0252 Chicken Eggs'' should read ''1.5''.

(b) In Division B the heading should read ''Division B--Mining''.

(c) In Division B, under the heading ''Size standards in number of employees or millions of Dollars'' the first three entries should each read ''500'' not ''$500''.

(2) On page 3291, in the table, in Division D, under the heading ''SIC code and description'', the description entry corresponding to the SIC code number 3634 should read ''Electric Housewares and Fans''.

(3) On page 3293, in the table, in Division I, under the heading ''SIC code and description'':

(a)The description entry corresponding to the SIC code number 7218 should read ''Industrial Launderers''.

(b)The description entry corresponding to the SIC code number 7381 should read ''Detective, Guard, and Armored Car Services''.

(4) On page 3294, in the Footnotes, in entry 13, in the first line the word 'code'' was misspelled.

BILLING CODE 1505–01–D

Federal Register

Tuesday
February 20, 1996

Part II

Department of Energy

10 CFR Part 1021

National Environmental Policy Act Implementing Procedures; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 1021

National Environmental Policy Act Implementing Procedures

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department of Energy (DOE or the Department) proposes to amend its existing regulations governing compliance with the National Environmental Policy Act (NEPA). The proposed amendments are based upon three years of experience with the existing regulations and are intended to maintain quality while improving DOE's efficiency in implementing NEPA requirements by reducing costs and preparation time. In addition, because DOE's missions, programs, and policies have evolved in response to changing national priorities since the current regulations were issued in 1992, corresponding changes in the Department's NEPA procedures are needed.

The Department is proposing changes in subparts A, C and D of the existing regulations. Among the proposed changes are various revisions to the lists of ''typical classes of actions'' (appendices A, B, C, and D to subpart D), including the addition of new categorical exclusions, modifications that expand or remove existing categorical exclusions, and clarifications. Other proposed changes pertain to the DOE requirement for an implementation plan for each environmental impact statement and DOE's required content for findings of no significant impact. DOE also proposes to clarify its public notification requirements for records of decision.

DATES: Comments must be received by April 5, 1996, to ensure consideration. Late comments will be considered to the extent practicable. DOE is not scheduling any public meetings on the proposed amendments, but will arrange a public meeting if the public expresses sufficient interest.

ADDRESSES: Comments on the proposed rule should be addressed to Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C., 20585–0119. Comments may be hand-delivered to the same address on workdays between the hours of 8:00 a.m. and 4:30 p.m. Comments may also be sent by electronic mail to the following internet address: neparule@spok.eh.doe.gov.

FOR FURTHER INFORMATION CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, at the above address; telephone (202) 586–4600 or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

I. Background

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) requires that Federal agencies prepare environmental impact statements for major Federal actions that may ''significantly affect the quality of the human environment.'' NEPA also created the President's Council on Environmental Quality, which issued regulations in 1978 implementing the procedural provisions of NEPA. Among other requirements, the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500—1508) require Federal agencies to adopt their own implementing procedures to supplement the Council's regulations. DOE's implementing procedures (regulations) are codified at 10 CFR Part 1021.

II. Purpose of the Proposed Amendments

The proposed amendments are intended to maintain quality while improving the efficiency of DOE's implementation of NEPA by clarifying and streamlining certain DOE requirements, thereby reducing implementation costs and time. This approach is consistent with the DOE Secretarial Policy Statement on NEPA (June 1994), which encourages actions to streamline the NEPA process and make the process more useful to decision makers and the public without sacrificing quality. Full compliance with the letter and spirit of NEPA is an essential priority for DOE. In addition, DOE's missions, programs, and policies have evolved in response to changing national priorities since the current DOE NEPA regulations were issued in 1992, and DOE needs to make conforming changes in its NEPA regulations.

III. Description of the Proposed Amendments

This section describes and explains the proposed amendments to the existing DOE NEPA regulations at 10 CFR Part 1021. The proposed changes reflect DOE's three years of experience with the existing regulations. DOE has consulted with the Council on Environmental Quality regarding these proposed amendments to the regulations, in accordance with 40 CFR 1507.3.

A. Proposed Amendments to Subpart A—General

Subpart A contains, among other provisions, the definitions of terms that are used in the regulations and assigns responsibility for overall review of DOE NEPA compliance. DOE proposes to remove the definition of ''EIS Implementation Plan'' in section 1021.104, to be consistent with a proposed change to subpart C, section 1021.312 that is explained below. DOE also proposes to update the name and address of its Office of NEPA Policy and Assistance in section 1021.105.

B. Proposed Amendments to Subpart C—Implementing Procedures

DOE proposes to remove two requirements and clarify a third requirement in subpart C. DOE proposes to remove the requirements to (1) prepare an implementation plan for an environmental impact statement, and (2) summarize an environmental assessment in a finding of no significant impact. DOE also proposes to modify its procedures regarding public notice of its records of decision. Each of the proposed changes is consistent with the Council on Environmental Quality NEPA regulations. The reasons for these proposed deletions and modifications are presented below.

Environmental Impact Statement Implementation Plan

The existing DOE NEPA regulations require DOE to prepare an implementation plan for each environmental impact statement (section 1021.312) to guide the preparation of the environmental impact statement and to record the results of the scoping process. The plan must be completed as soon as possible after the close of the public scoping process, but in any event before issuing the draft environmental impact statement. A DOE implementation plan must include: a statement of the planned scope and content of the environmental impact statement; the purpose and need for action; a description of the scoping process and the results, including a summary of comments received and their disposition; target schedules; anticipated consultations with other agencies; and a disclosure statement (as required at 40 CFR 1506.5(c)) executed by any contractors assisting in the preparation of the environmental impact statement. DOE must make implementation plans (and any revisions) available in public reading rooms and other appropriate locations for inspection, and provide copies upon written request. DOE appears to be the

only Federal agency that requires the preparation of an environmental impact statement implementation plan.

To simplify the DOE NEPA process, DOE proposes to eliminate the requirement to prepare an implementation plan for an environmental impact statement, which would have the effect of making such plans optional. DOE believes that eliminating the implementation plan requirement would result in cost and time savings, without meaningfully reducing public involvement in the DOE environmental impact statement process.

The requirement to prepare an environmental impact statement implementation plan has been part of DOE's NEPA procedures since 1979. Implementation plans can serve useful functions in DOE's environmental impact statement planning and in documenting public concerns before issuing the draft environmental impact statement. In practice, however, implementation plans often have contained more detail than was originally envisioned, and have diverted resources from the more important task of preparing the environmental impact statement itself.

With the Department's emphasis on improving its NEPA process by cutting process time (among other measures put forth in the Secretarial Policy Statement on NEPA), the formal implementation plan requirements have in some cases hindered rather than facilitated progress toward the prompt issuance of an environmental impact statement. Under the proposed amendment, DOE would continue to encourage its managers to use brief implementation plans as internal management tools, particularly for complex or broad proposed actions, but would not require that such plans be prepared for all environmental impact statements as a matter of rule. The proposed amendment would not preclude the Department from implementing, as part of its internal procedures, other options for environmental impact statement planning.

Elimination of the requirement for an implementation plan would not diminish the requirement to consider public comments received during scoping. DOE would continue to conduct public scoping activities before preparing draft environmental impact statements, and provide transcripts or notes of the public scoping meetings in public reading rooms. DOE would fully consider public comments and factor them into preparation of the draft environmental impact statement as appropriate, and would execute contractor disclosure statements in accordance with 40 CFR 1506.5(c).

Record of Decision

DOE proposes to revise section 1021.315(c) in two respects concerning public notification procedures for records of decision. First, to reduce Federal Register publication costs, DOE proposes to amend the current requirement to publish all records of decision in the Federal Register in favor of an option to publish only a notice that provides a summary of the record of decision and an announcement of the availability of the full record of decision. Copies of the full record of decision containing all the information required under the Council on Environmental Quality's regulations (specifically, 40 CFR 1502.2) would remain available upon request. Second, DOE proposes to clarify that, if the decision has been publicized by other means (e.g., press releases or announcements in local media), DOE need not defer taking action until its record of decision or the notice has been published in the Federal Register. This clarification as to when DOE may take an action does not reflect any change in DOE's current practices, but simply reduces the chance that the meaning of the current section 1021.315(c) could be misinterpreted.

Finding of No Significant Impact

DOE proposes to remove the current § 1021.322(b)(1) relating to the requirement that a DOE finding of no significant impact must summarize the supporting environmental assessment, including a brief description of the proposed action and alternatives considered, environmental factors considered, and projected impacts. Instead, on a case-by-case basis and in accordance with 40 CFR 1508.13, DOE would either incorporate the environmental assessment by reference into the finding of no significant impact and attach the environmental assessment to the finding of no significant impact, or summarize the environmental assessment in the finding. The elimination of the requirement for a summary would give DOE flexibility, with potential for time and cost savings, in preparing findings of no significant impact.

C. Proposed Amendments to Subpart D—Typical Classes of Action

Four appendices to subpart D set forth the classes of DOE actions that normally would be categorically excluded (appendices A and B), that normally would require preparation of an environmental assessment but not necessarily an environmental impact statement (appendix C), and that normally would require preparation of an environmental impact statement (appendix D). A categorical exclusion is defined as a category of actions that do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor environmental impact statement is required.

Proposed changes in appendices A through D of subpart D are intended to adjust normal levels of DOE's NEPA review and to add, modify (expand or remove), and clarify classes of actions based on DOE experience under the existing regulations. In considering the proposed revisions, reviewers should bear in mind that listing a class of actions in these appendices does not constitute a conclusive determination regarding the appropriate level of NEPA review for a proposed action. Rather, the listing creates a presumption that the defined level of review is appropriate for the listed actions. As indicated in § 1021.400(c), that presumption does not apply when there are extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the action.

The following conversion table shows the relation of listings in the existing Appendices to the proposed revisions. The conversion table shows whether listings have been modified, clarified, removed, or added. The numbering of some categorical exclusions would change due to the deletion or consolidation of existing categorical exclusions and, in one case, the division of one current categorical exclusion into two separate exclusions. The numbers of deleted categorical exclusions would be reused. Any existing categorical exclusions not listed are not affected by any proposed changes.

Conversion Table

Existing	Proposed	
A.7	A.7	Clarified.
B1.3	B1.3	Clarified.
B1.8	B1.8	Modified.
B1.13	B1.13	Modified.
B1.15	B1.15	Modified.
B1.18	B1.18	Modified.
B1.21	B1.21	Modified.
B1.22	B1.22 & B1.23	Clarified.
	B1.24–B1.33	Added.
	B2.6	Added.
B3.1	B3.1	Clarified.
B3.3	B3.3	Clarified.
B3.6	B3.6	Modified.
B3.10	B3.6	Modified.
	B3.10	Added.
	B3.12–B3.13	Added.
B4.1	B4.1	Modified.

Conversion Table—Continued

Existing	Proposed	
B4.2	B4.2	Modified.
B4.3	B4.3	Modified.
B4.6	B4.6	Clarified.
B4.10–B4.13	B4.10–B4.13	Modified.
B5.3	B5.3	Modified.
B5.5	B5.5	Modified.
B5.9–B5.11	B5.9–B5.11	Clarified.
B5.12–B5.16		Removed.
	B5.12	Added.
B6.1	B6.1	Modified.
B6.4		Removed.
	B6.4	Added.
B6.5	B6.5	Clarified.
	B6.9	Added.
C1	C1	Reserved.
C4	C4	Modified.
C7	C7	Modified.
C9	C9	Modified.
C10	C10	Reserved.
C11	C11	Modified.
C14	C14	Modified.
C16	C16	Modified.
D1	D1	Modified.
D7	D7	Modified.
D10	D10	Modified.

Most of the proposed changes in appendices A through D relate to categorical exclusions. Reviewers should evaluate these proposed changes in the full context of the DOE regulations for categorical exclusions. Under the regulations, before a proposed action may be categorically excluded, DOE must determine in accordance with § 1021.410(b) that: (1) The proposed action fits within a class of actions listed in appendix A or B to subpart D, (2) there are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the action, and (3) there are no connected or related actions with cumulatively significant impacts and, as appropriate, the proposed action is a permissible interim action. In addition, to fit within a class of actions that is normally categorically excluded, a proposed action must include certain conditions as integral elements (appendix B, paragraphs B(1) through (4)). Briefly, these conditions ensure that an excluded action will not: Threaten violation of applicable requirements, require siting and construction of waste management facilities, disturb hazardous substances such that there would be uncontrolled or unpermitted releases, or adversely affect environmentally sensitive resources.

DOE believes that the proposed amendments to appendices A and B constitute classes of action that do not individually or cumulatively have a significant effect on the human environment. After DOE considers public comments on the proposals, any such final categorical exclusions that are codified in the NEPA regulations would be covered by a finding to that effect in section 1021.410(a).

Classes of Actions Listed in Appendix A

The only proposed amendment to appendix A is a clarification of paragraph A7.

- Proposed Clarification A7—Transfer of property, use unchanged.

DOE is proposing to clarify the meaning of ''property'' in paragraph A7 by explicitly including both personal property (e.g., equipment and materials) and real property (e.g., permanent structures and land), and to clarify that the intent has always been that the impacts would remain essentially the same after the transfer.

Classes of Actions Listed in Appendix B

The proposed amendments to appendix B are of three types: (1) New categorical exclusions, (2) modifications (expansion or removal) of categorical exclusions, and (3) clarifications of categorical exclusions.

(1) New Categorical Exclusions

Seventeen new categorical exclusions are proposed for sections B1, B2, B3, B5, and B6, as described below. In three cases, the number designating a current categorical exclusion (B3.10, B5.12, and B6.4) is used for a proposed categorical exclusion. The current B3.10 would be incorporated into proposed B3.6. The current B5.12 and B6.4 would be replaced with new categorical exclusions.

- Proposed B1.24—Transfer of property/residential, commercial, industrial use.

This proposed categorical exclusion applies to the transfer, lease, disposition, or acquisition of interests in uncontaminated facilities (and accompanying land); that is, the facilities and accompanying land do not contain contaminants at a level or in a form that would pose a threat to public health or the environment. Unlike under categorical exclusion A7, the use of the facilities may change, but the new use must result in generally similar environmental impacts and must not result in greater environmental discharges. That is, there may not be decreases in quality, or increases in the volumes, concentrations, or discharge rates of wastes, air emissions, or water effluents compared to those before the transfer, lease, disposition, or acquisition of interests. Based on DOE's experience, these types of actions normally would not have the potential for significant impact.

- Proposed B1.25—Transfer of property/habitat preservation, wildlife management.

This proposed categorical exclusion applies to the transfer, lease, disposition, or acquisition of interests in uncontaminated land for habitat preservation or wildlife management. DOE has engaged in many habitat preservation and wildlife management actions. In DOE's judgment, these types of actions normally would not have the potential for significant impact. Any action that would change the habitat would be subject to NEPA analysis.

- Proposed B1.26—Siting/construction/operation/decommissioning of small water treatment facilities, generally less than 250,000 gallons per day capacity.

This proposed categorical exclusion applies to small wastewater, potable water, surface water, and sewage treatment facilities that generally do not exceed 250,000 gallons per day capacity. DOE's experience with siting and construction (including expansion, modification and replacement) of small-scale water treatment projects shows that they are often associated with environmental improvements at DOE sites and that they normally have no potential for significant impacts. The Department is also proposing to categorically exclude temporary groundwater contaminant containment measures that could include the small-scale construction of water treatment facilities (proposed paragraph B6.9).

- Proposed B1.27—Facility deactivation.

This proposed categorical exclusion applies to facility deactivation, specifically the disconnection of utilities such as water, steam, telecommunications, and electrical power. DOE has extensive experience in facility deactivation and believes that such activities normally do not have the potential for significant impact.

- Proposed B1.28—Minor activities to place a facility in an environmentally safe condition, no proposed uses.

This proposed categorical exclusion applies to minor activities that are required to place a facility in an environmentally safe condition where there is no proposed use for the facility. These activities would include, but are not limited to, reducing surface contamination and removing materials, equipment or waste, such as final defueling of a reactor, where there are adequate existing facilities for treatment, storage, or disposal of the materials. These activities would not include conditioning, treatment or processing of spent nuclear fuel, high-level waste, or special nuclear materials.

DOE's experience with such environmentally beneficial activities indicates that the activities normally do not pose a potential for significant environmental impact.

• Proposed B1.29—Siting/construction/operation/decommissioning of onsite disposal facility for construction and demolition waste.

This proposed categorical exclusion applies to establishing and operating a small (generally less than 10-acre) disposal site for uncontaminated construction and demolition waste as defined in the Environmental Protection Agency's regulations under the Resource Conservation and Recovery Act at 40 CFR 243.101. In DOE's experience and judgment, small-scale disposal of such materials normally would pose no potential for significant impacts.

• Proposed B1.30—Transfer actions.

This proposed categorical exclusion applies to transfer actions, in which materials, equipment, or wastes are moved to a new location. The categorical exclusion would apply to actions in which transportation is the predominant proposed activity and the amount and type of relocated materials, equipment, or waste is incidental to the amount of that material, equipment, or waste that is already a part of operations at the receiving site. The transfers that would be categorically excluded are not regularly scheduled as part of routine operations, and could include, for example, moving a few drums of waste to an authorized disposal facility, or moving replacement equipment or supplies. DOE's experience indicates that transportation activities under DOE's standard practices pose no potential for significant impacts.

• Proposed B1.31—Relocation/operation of machinery and equipment.

The proposed categorical exclusion applies to the relocation and subsequent operation of machinery and equipment including, but not limited to, analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment, where use of the relocated items is similar to their former use, and consistent with the missions of the receiving facility. In DOE's experience, there is no material change in the environmental status quo and no potential for significant impact from use of relocated machinery and equipment.

• Proposed B1.32—Restoration, creation, or enhancement of small wetlands.

The proposed categorical exclusion applies to the restoration, creation, or enhancement of small wetlands, but only when the action does not adversely affect any other environmental resources. In addition, the Department would coordinate the action with cognizant Federal and State regulators to assure compliance with other land use plans and to benefit from their advice. In DOE's judgment, the restoration, creation, or enhancement of a small wetland as described, which is normally considered to be an environmentally beneficial measure, is inherently unlikely to pose the potential for significant environmental impact. (Also see the proposed modification to C9 below.)

• Proposed B1.33—Traffic flow adjustments, existing roads.

This proposed categorical exclusion applies to traffic flow adjustments on existing roads at DOE sites, such as installation of stop signs or traffic lights and changes in traffic direction (e.g., changing a two-way street to a one-way street.) Such an action normally would not pose the potential for significant environmental impacts.

• Proposed B2.6—Packaging/transportation/storage of radioactive sources upon request by the Nuclear Regulatory Commission or other cognizant agency.

This proposed categorical exclusion applies to the exercise of DOE's responsibilities under the Atomic Energy Act relating to certain requests by the Nuclear Regulatory Commission or other cognizant agencies in the interest of protecting the public from exposure to radiation. For example, on occasion, the Nuclear Regulatory Commission has requested that DOE retrieve discrete radioactive sources from a Commission-licensed private person or company that would not or could not safely manage the material. The categorical exclusion applies to all types of radioactive materials that the Nuclear Regulatory Commission categorically excludes for possession and use by its licensees. DOE believes that for radioactive materials that the Nuclear Regulatory Commission has determined not to require an environmental assessment or environmental impact statement for its licensees' possession and use, DOE's packaging, transportation, and storage of such materials also may normally be categorically excluded. DOE's experience with discrete radioactive sources in responding to Nuclear Regulatory Commission requests clearly supports this conclusion.

• Proposed B3.10—Siting/construction/operation/decommissioning of particle accelerators, including electron beam accelerators, primary beam energy generally less than 100 MeV.

The proposed categorical exclusion applies to siting, construction, operation, and decommissioning of particle accelerators with primary beam energy generally less than 100 MeV that would be used for research and medical purposes. DOE's experience indicates that construction and operation (or modification) and subsequent decommissioning of such devices normally pose no potential for significant environmental impacts. The categorical exclusion also applies to internal modifications of any accelerators regardless of energy that do not increase primary beam energy or current. Experience has shown that internal modifications to accelerators of any size that do not increase primary beam energy or current pose no potential for significant impacts.

• Proposed B3.12—Siting/construction/operation/decommissioning of microbiological and biomedical facilities.

DOE has performed numerous analyses of the environmental impacts of the siting, construction, operation, and any necessary decommissioning of microbiological and biomedical diagnostic, treatment and research facilities within or contiguous to an already developed area and has found that such activities normally pose no potential for significant environmental impacts. These laboratories generally do not handle extremely dangerous materials. More generally, laboratories that are rated Biosafety Level-1 or Biosafety Level-2 (reference: Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, U.S. Department of Health and Human Services Public Health Service, Centers of Disease Control and Prevention, and the National Institutes of Health; (HHS Publication No. (CDC) 93–8395)) would similarly not pose potential for significant environmental impacts.

• Proposed B3.13—Magnetic fusion experiments, no tritium fuel use.

The proposed categorical exclusion applies to magnetic fusion experiments performed at existing facilities that do not use tritium as fuel, including necessary modifications to the facilities. Analysis of environmental impacts of several such experimental regimens indicates that they normally pose no potential for significant environmental impacts.

• Proposed B5.12—Workover of existing oil/gas/geothermal well.

The proposed categorical exclusion applies to workover (operations to restore production, such as deepening, plugging back, pulling and resetting

lines, and squeeze cementing) of all types of oil, gas, and geothermal wells where the work would be conducted on the existing wellpad and would not disturb adjacent habitat. DOE's experience is that such actions do not pose the potential for significant environmental impacts.

• Proposed B6.4—Siting/construction/operation/decommissioning of small waste storage facilities (not high-level radioactive waste, spent nuclear fuel).

This proposed categorical exclusion applies to siting, construction (or modification), operation and decommissioning of small onsite storage facilities for waste, other than high-level radioactive waste, that is generated onsite or results from activities connected to site operation. The categorical exclusion would not apply to storage of spent nuclear fuel. This categorical exclusion would apply to small facilities, generally up to 50,000 square feet in area, within or contiguous to an already developed area. DOE's evaluations of many such facilities show that they normally pose no potential for significant environmental impacts.

• Proposed B6.9—Small-scale temporary measures to reduce migration of contaminated groundwater.

This proposed categorical exclusion reflects DOE's experience with many small-scale temporary construction actions to reduce the migration of contaminated groundwater, by such means as pumping, treating, storing, and reinjecting water and installing underground barriers. DOE has found that these actions normally have very local and environmentally beneficial effects and pose no potential for significant environmental impacts. The Department is also proposing to categorically exclude the siting, construction, and operation of small water treatment facilities (proposed B1.26).

(2) Modification (Expansion or Removal) of Categorical Exclusions

Proposed modifications to integral elements B(1), B(2) and B(4)(iii) and sections B1, B3, B4, B5, and B6 include 2 modifications to integral elements, expansion of 16 categorical exclusions, and removal of 6 categorical exclusions.

• Proposed Modification B(1).

DOE proposes to add Executive Orders to integral element B(1) for completeness.

• Proposed Modification B(2).

The integral element B(2), which sets the condition that a categorically excluded action may not require siting, construction, or major expansion of waste storage, disposal, recovery, or treatment facilities, would be modified to provide an exception for such actions that are themselves categorically excluded. Such actions proposed in this rulemaking include certain water treatment and waste storage facilities. (See discussions above for proposed B1.26, B1.29, B6.4, and B6.9).

• Proposed Modification B(4)(iii).

Floodplains and wetlands are listed as an example of environmentally sensitive resources in integral element B(4)(iii). DOE proposes to revise this example to apply to wetlands determined by using the methodology that the U.S. Army Corps of Engineers applies in implementing section 404 of the Clean Water Act, except that it will not apply to wetlands affected by proposed actions covered by a general permit under 33 CFR Part 330. However, one such general permit, #23, covers ''Approved Categorical Exclusions''. It is not appropriate to use general permit #23 to avoid applying the integral element for DOE categorical exclusions.

• Proposed Modification B1.8—Modifications to screened water intake/outflow structures.

The proposed modification would expand the original categorical exclusion to include outflow structures. In DOE's experience, modifying outflow structures, such that water effluent quality and volumes are consistent with existing permit limits, normally has no potential for significant impact.

• Proposed Modification B1.13—Construction/acquisition/relocation of onsite pathways, spur or access roads/railroads.

The proposed modification would expand the original categorical exclusion that applies to acquisition or minor relocation of access roads to include construction of onsite pathways and onsite spur or access roads and railroads. Such an action would not affect general traffic or rail patterns and, in view of the conditions that are integral elements of the categorical exclusion, such an action normally would not pose the potential for significant environmental impacts.

• Proposed Modification B1.15—Siting/construction/operation of support buildings/support structures.

The proposed modification would no longer restrict this categorical exclusion to ''small-scale'' support structures. DOE has found that significant environmental impacts would not normally occur when DOE support structures of any size are constructed ''within or contiguous to an already developed area.''

• Proposed Modification B1.18—Siting/construction/operation of additional/replacement water supply wells.

The proposed modification would expand the original categorical exclusion to include modifications of an existing water supply well to restore production. The impact of modifying an existing water supply well to restore production is equivalent to or less than that of developing additional or replacement water supply wells. DOE's experience is that such actions, meeting the conditions set forth in the categorical exclusion, normally have no potential for significant impact.

• Proposed Modification B1.21—Noise abatement.

The proposed modification would remove the restriction that the existing categorical exclusion applies to only ''minor'' noise abatement measures. Based on DOE's experience, noise abatement measures normally would not have a significant environmental impact.

• Proposed Modification B3.6—Siting/construction/operation/decommissioning of facilities for bench-scale research, conventional laboratory operations, small-scale research and development and pilot projects.

The proposed modification would combine the current paragraphs B3.6 (Indoor bench-scale research projects/conventional laboratory operation) and B3.10 (Small-scale research and development/small-scale pilot projects, at existing facility, preceding demonstration) and expand the scope to include siting, construction, operation, and decommissioning of the facilities in which the research activities would occur. The construction of facilities for the types of research activities addressed normally would not cause any significant environmental effects as long as the integral elements were met and construction occurred within or contiguous to an already developed area.

• Proposed Modification B4.1—Contracts/marketing plans/policies for excess electric power.

The proposed modification, which applies to power marketing administrations, would emphasize limits based on the characteristics of a project rather than the duration of a contract or other agreement. The existing categorical exclusion indirectly limits the potential impacts in part by restricting its application to contracts and other agreements that do not exceed 5 years duration. DOE's project evaluation experience has shown that the potential for environmental impacts is more directly related to market responses, such as changes in generation resources, transmission

systems, and operating limits than to the duration of contracts, policies, marketing plans, or allocations of power. This proposed modification is related to proposed modifications for C7 and D7, discussed below.

• Proposed Modification B4.2—Export of electric energy.

The proposed expansion would allow DOE to issue permits for the export of electric energy over existing transmission systems or by changing a system in ways that are themselves categorically excluded. Such changes may typically be needed to connect two systems and would involve constructing short segments (generally less than a mile long) of powerline and a substation.

• Proposed Modification B4.3—Electric power marketing rate changes.

The proposed modification would change the method for determining categorically excluded rate changes. The limits in the modified categorical exclusion focus directly on the power system activities, rather than indirectly on economics. The existing categorical exclusion applies to rate changes that do not exceed inflation. The proposed modification would instead categorically exclude rate changes in which the operations of generation projects would remain within normal operating limits.

• Proposed Modification B4.10—Deactivation, dismantling and removal of electric powerlines and substations.

The proposed modification would categorically exclude dismantling of substations, switching stations, and other transmission facilities, the construction of which is already categorically excluded. The modification also would categorically exclude the dismantling of all electric powerlines (i.e., both tap lines and transmission lines), because the impacts of removing various types of powerlines are essentially the same. The proposed modification would clarify categorically excludable actions by including deactivation (i.e., shutting off power flowing through existing electric powerlines).

• Proposed Modification B4.11—Construction or modification of electric power substations.

The proposed changes would expand categorically excluded modification activities to substations of any voltage, provided that the modification does not increase the existing voltage. DOE has found that such modifications normally do not have potential for significant environmental impacts. The proposed changes also would categorically exclude new electric powerline construction of generally less than 10 miles or relocation of generally less than 20 miles of existing electric powerlines to conform with the proposed modification to B4.12 and B4.13, as discussed below.

• Proposed Modification B4.12—Construction of electric powerlines (generally less than 10 miles in length), not integrating major new sources.

The existing categorical exclusion applies to construction and operation only of tap lines. DOE has found that the physical impacts of constructing and operating short segments (generally less than 10 miles in length) of all powerlines are similar and normally are environmentally insignificant when the integral elements are met.

• Proposed Modification B4.13—Reconstruction and minor relocation of existing electric powerlines (generally less than 20 miles in length).

The proposed modification would increase the length of powerlines that can be categorically excluded from 10 miles, as indicated in the existing categorical exclusion, to 20 miles. The categorical exclusion would also include reconstruction within existing corridors. Based on DOE's experience, there is no potential for significant impact when the integral elements are met. Most relocations are proposed to mitigate existing impacts and improve existing environmental conditions. This amendment would require a conforming revision of C4 (discussed below).

• Proposed Modification B5.3—Modification (not expansion)/abandonment of oil storage access/brine injection/gas/geothermal wells, not part of site closure.

The proposed modification would add gas wells to those wells for which modifications may be categorically excluded. Gas resources normally occur in conjunction with oil resources, and the existing categorical exclusion effectively already applies to gas wells. In general, the environmental impacts of modifying gas wells should be no more than the impacts of modifying other types of wells.

• Proposed Modification B5.5—Construction/operation of short crude oil/gas/steam/geothermal pipeline segments.

The proposed modification adds natural gas and steam pipelines to those pipelines that may be constructed and operated between facilities within a single industrial complex within existing rights of way. These kinds of actions are minor when they are consistent with the conditions (integral elements) of the categorical exclusion. The proposed modification also removes the characterization of the connected facilities as ''crude oil'' facilities or ''geothermal'' facilities because potential impacts of constructing and operating connecting pipeline segments are independent of the end point facilities. In addition, the term ''offsite'' would be deleted to clarify that the action includes construction and operation of onsite pipelines as connectors to the offsite segments, as DOE originally intended.

• Proposed Modifications (Removals).

B5.12—Permanent exemption for new peakload powerplant.

B5.13—Permanent exemption for emergency operations.

B5.14—Permanent exemption for meeting scheduled equipment outages.

B5.15—Permanent exemption due to lack of alternative fuel supply.

B5.16—Permanent exemption for new cogeneration powerplant.

The Powerplant and Industrial Fuel Use Act of 1978 was enacted to preserve oil and gas for certain uses for which alternative fuels could not easily be substituted, to increase use of domestic oil reserves, and to reduce the nation's dependence on imported oil. In order to achieve these goals, the act prohibited the use of oil and gas as primary fuels in new electric power plants and major fuel burning installations, required that new powerplants be constructed so as to be capable of burning coal, and required the conversion of existing powerplants to coal or another alternative to oil and gas fuel by 1990. The statute was amended in 1987 because its impact on fuel choices by both existing and new facilities was less significant than originally expected and because significant reductions in utility and industrial consumption of oil and gas had been achieved. The purpose of the 1987 amendments was, among other things, to repeal the prohibition on the use of oil and natural gas as primary fuels for electric powerplants and major fuel burning installations.

Categorical exclusions B5.12, B5.13, and B5.16 are proposed for removal because the Powerplant and Industrial Fuel Use Act of 1978 now only applies to base load power plants. Therefore, the Act is not applicable to powerplants for peak-load and emergency purposes, or to cogeneration powerplants.

Categorical exclusions B5.14 and B5.15 are proposed for removal because they relate only to major fuel-burning facilities, which are no longer covered by the Powerplant and Industrial Fuel Use Act of 1978.

• Proposed Modification B6.1—Small-scale, short-term cleanup actions under RCRA, Atomic Energy Act, or other authorities.

The proposed revision to B6.1 would delete the current reference to ''removal

actions under CERCLA'' and would no longer define the scope of excludable actions in terms of the regulatory cost and time limits for CERCLA removal actions (currently $2 million and 12 months from the time action begins onsite, unless regulatory exemptions are satisfied). Under the Secretarial Policy Statement on NEPA, DOE is generally relying on the CERCLA process (rather than the NEPA process) for review of actions to be taken under CERCLA. The focus of the current paragraph B6.1 on CERCLA removal activities is somewhat confusing in the context of the Secretarial Policy Statement.

Notwithstanding the general approach of relying generally on the CERCLA process for environmental review of CERCLA actions, there may be specific instances in which DOE will choose, after consultation with stakeholders and as a matter of policy, to integrate the NEPA and CERCLA processes. The proposed revised paragraph B6.1 is broad enough to categorically exclude small-scale CERCLA actions as well as similar actions performed under RCRA, the Atomic Energy Act, or other authorities.

Although the regulatory cost and time limits for CERCLA removal actions apply only to fund-financed removals and therefore do not apply to DOE and other Federal agencies that undertake a removal action using the authority delegated to Heads of Federal Agencies by Executive Order 12580, DOE has used the limits as a benchmark for the time and cost of the cleanup actions it normally may categorically exclude. DOE has found, however, that cleanup actions that pose no potential for significant environmental impact often cost more and take more time to complete. Thus, DOE proposes to expand the limits of the categorical exclusion to actions generally costing up to $5 million over as many as 5 years.

The proposed revision to example B6.1(b) would clarify that the designation of hazardous waste may be based on Environmental Protection Agency regulations (as already indicated in the example) or applicable state requirements. The proposed revision to example B6.1(j) would clarify that segregation of wastes may be categorically excluded when DOE believes, but may not be certain, that the wastes, if not segregated, might react or form a mixture that could result in adverse environmental impacts.

- Proposed Modification (Removal) B6.4—Siting/construction/operation/decommissioning of facility for storing packaged hazardous waste for 90 days or less.

The current categorical exclusion B6.4 is proposed for removal because a more general categorical exclusion for waste storage is proposed (discussed above) that would encompass the activities to which the current B6.4 now applies. DOE believes the scope of the proposed more general categorical exclusion is too broad to be considered a modification of the current B6.4. The proposed waste storage categorical exclusion, however, would also be designated B6.4.

(3) Clarifications of Existing Categorical Exclusions

DOE is proposing certain clarifications to 9 categorical exclusions in sections B1, B3, B4, B5 and B6. To clarify the scope of one categorical exclusion (i.e., B1.22), DOE proposes to divide it into two separate categorical exclusions.

- Proposed Clarification B1.3—Routine maintenance/custodial services for buildings, structures, infrastructures, equipment.

The proposed revisions would clarify the existing B1.3 by providing additional description of the types of areas and improvements (e.g., rights-of-way, pathways, and railroads) and activities (e.g., localized vegetation and pest control) to which the categorical exclusion applies. A sentence would be added to clarify ''in-kind replacement,'' acknowledging that some equipment in older facilities cannot literally be replaced in kind because the equipment is no longer made. A revision to the example B1.3(n) would clarify that this categorical exclusion applies to certain other facility components, such as monitoring wells, lysimeters, weather stations, and flumes. A revision to the example B1.3(o) would clarify that DOE considers all routine surface decontamination, not just ''spot'' decontamination, as routine maintenance.

- Proposed Clarification B1.22—Relocation of buildings.
  B1.23—Demolition/disposal of buildings.

DOE proposes to divide the existing B1.22 (Relocation/demolition/disposal of buildings) into two categorical exclusions to clarify that the two actions included in the existing class of action (building relocations and building demolition and subsequent disposal) are not connected actions.

- Proposed Clarification B3.1—Site characterization/environmental monitoring.

The proposed revision would clarify that this categorical exclusion applies to site characterization and monitoring activities that occur both onsite and off-site, and includes associated small-scale laboratory buildings and modification of characterization and monitoring devices.

- Proposed Clarification B3.3—Research related to conservation of fish and wildlife.

The proposed revision would clarify that this categorical exclusion includes both field and laboratory research.

- Proposed Clarification B4.6—Additions/modifications to electric power transmission facilities within previously developed area.

The proposed revision would clarify the existing B4.6 by providing additional examples of transmission facility projects (e.g., switchyard grounding upgrades, secondary containment projects, paving projects, and seismic upgrades) to which this categorical exclusion applies.

- Proposed Clarifications
  B5.9—Temporary exemption for any electric powerplant.
  B5.10—Certain permanent exemptions for any existing electric powerplant.
  B5.11—Permanent exemption for mixed natural gas and petroleum.

The proposed clarifications of B5.9, B5.10, and B5.11 would remove references to ''major fuel-burning installation'' in order to make these categorical exclusions consistent with the Powerplant and Industrial Fuel Act of 1978, which no longer applies to ''major fuel-burning installations.'' (See discussion above under Proposed Modifications, B5.12 through B5.16.)

- Proposed Clarification B6.5—Siting/construction/operation/decommissioning of facility for characterizing/sorting packaged waste, overpacking waste (not high-level radioactive waste, spent nuclear fuel).

For internal consistency, a reference to B6.4 and B6.6 would be added to this categorical exclusion.

Appendix C

The Department is proposing to amend eight classes of action in appendix C, classes of actions that normally require environmental assessments but not necessarily environmental impact statements, primarily to ensure consistency with changes made to appendix B.

- Proposed Modification (Removal) C1—Major projects.

This class of actions is proposed for removal because DOE no longer uses the designation of ''Major Project'' in its project management system and has not replaced that designation with a comparable term.

- Proposed Modification C4—Upgrading and constructing electric powerlines.

This revision would be a conforming change necessitated by the proposed change to B4.13, discussed above.

• Proposed Modification C7—Allocation of electric power, no major new generation resource/major changes in operation of generation resources/major new loads.

The proposed modification reflects DOE's project evaluation experience, which has shown that the potential for environmental impacts is more directly related to market responses, such as changes in generation resources, transmission systems, and operating limits, than to the duration of contracts, policies, marketing plans, or allocations of power. This revision also would clarify that this class of action applies not only to DOE power marketing operations but also to other DOE activities as well, and that the impacts of taking the action are independent of the administrative method by which the arrangements are made (e.g., contract, policy, plan, or funding) and of site ownership (e.g., DOE or other). This class of action is related to proposed modification of B4.1 (discussed above) and D7 (discussed below).

• Proposed Modification C9—Restoration, creation, or enhancement of large wetlands.

This proposed revision would conform to proposed B1.32 as discussed above, under which small-scale wetlands projects that do not affect other environmental resources would be categorically excluded.

• Proposed Modification (Removal) C10—Siting/construction/operation/decommissioning of synchrotron radiation accelerator facility.

• Proposed Modification C11—Siting/construction/operation/decommissioning of low- or medium-energy particle acceleration facility with primary beam energy generally greater than 100 MeV.

This revision would be a conforming change to make C11 consistent with the proposed categorical exclusion B3.10, as discussed above, and would consolidate C10 and C11 for clarity.

• Proposed Modification C14—Siting/construction/operation of water treatment facilities generally greater than 250,000 gallons per day capacity.

This proposed revision would be a conforming change to make C14 consistent with the proposed categorical exclusion B1.26. Construction and operation of small facilities, those with capacity generally less than 250,000 gallons per day, normally would be categorically excluded; larger facilities normally would need at least an environmental assessment level of review.

• Proposed Modification C16—Siting/construction/operation/decommissioning of large waste storage facilities (not high-level radioactive waste, spent nuclear fuel).

This proposed revision would be a conforming change to make C16 consistent with the proposed categorical exclusion B6.4 and to clarify the meaning of the term onsite.

Appendix D

The Department is proposing to amend three classes of action in appendix D, classes of actions that normally require an environmental impact statement, as described below.

• Proposed Modification D1—Strategic systems.

This class of actions is revised to reflect changes in DOE's project management system. DOE has replaced the designation ''Major Systems Acquisition'' with ''Strategic System'' to describe a project that is a single, stand-alone effort within a program mission area and is regarded by the Department as a primary means to advance the Department's strategic goals. Strategic Systems are designated by the Secretary based on cost, risk factors, international implications, stakeholder interest, or national security.

• Proposed Modification D7—Allocation of electric power, major new generation resources/major changes in operation of power generation resources/major loads.

The proposed modification reflects DOE's project evaluation experience, which has shown that the potential for environmental impacts is more directly related to market responses, such as changes in generation resources, transmission systems, and operating limits than to the duration of contracts, policies, marketing plans, or allocations of power. The proposed revision also would clarify that this class of action applies not only to DOE power marketing operations but to other DOE activities as well, and that the impacts of taking that action are independent of the administrative method by which the arrangements are made (e.g., contract, policy, plan, or funding) and of site ownership (e.g., DOE or other). This class of action is related to proposed modifications of B4.1 and C7, discussed above.

• Proposed Modification D10—Siting/construction/operation/decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel.

The current paragraph D10 includes certain activities regarding spent nuclear fuel storage facilities within the scope of actions that normally require an environmental impact statement. Under the proposed modification, DOE would not presume that an EIS is the appropriate level of NEPA review for siting, constructing, operating and decommissioning replacement storage facilities or upgrading storage facilities for spent nuclear fuel. DOE proposals for siting, constructing, operating and decommissioning (or upgrading) spent nuclear fuel storage facilities have varied too widely to support a general conclusion that such proposals normally require an environmental impact statement or normally require an environmental assessment. For example, DOE proposals may range from major new facilities that would store most of the nation's commercial spent nuclear fuel (for which an environmental impact statement clearly would be appropriate), to minor new facilities or upgrades for storing very much smaller quantities of spent fuel that are already in storage at several DOE sites. In addition, this modification is appropriate in light of substantial DOE analyses and experience that show that, even when considered in conjunction with other nuclear-related activities at DOE sites, the environmental impacts of siting, constructing, operating and decommissioning spent nuclear fuel storage facilities at DOE sites generally would be small. The U.S. Nuclear Regulatory Commission and cognizant foreign authorities have reached similar conclusions with respect to spent nuclear fuel storage within their respective jurisdictions. Therefore, DOE believes it may often be appropriate to prepare an environmental assessment rather than an environmental impact statement for replacement spent nuclear fuel storage facilities.

IV. Procedural Review Requirements

A. Environmental Review Under the National Environmental Policy Act

These proposed amendments establish, modify, and clarify procedures for considering the environmental effects of DOE actions within the Department's decision making process, thereby enhancing compliance with the letter and spirit of NEPA. Subpart D, Appendix A6, of the DOE NEPA regulations categorically excludes ''rulemakings that are strictly procedural,'' and applies to these proposed amendments. Therefore, DOE has determined that promulgation of these amendments is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, and does not require an environmental impact statement or an environmental

assessment. DOE will continue to examine individual proposed actions to determine the appropriate level of review.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, Public Law 96–345 (5 U.S.C. 601–612), requires that an agency prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. The requirement (which appears in section 603 of the Act) does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' This proposed rule would modify existing policies and procedural requirements for DOE compliance with NEPA. It makes no substantive changes to requirements imposed on applicants for DOE licenses, permits, financial assistance, and similar actions as related to NEPA compliance. Therefore, DOE certifies that this rule, if promulgated, would not have a ''significant economic impact on a substantial number of small entities.''

C. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by these amendments. Accordingly, no Office of Management and Budget clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

D. Review Under Executive Order 12612

Executive Order 12612, ''Federalism,'' requires that regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, preparation of a Federalism assessment is required to assist senior policymakers. The final amendments will affect Federal NEPA compliance procedures, which are not subject to state regulation. The proposed amendments to DOE's NEPA regulations will not have any substantial direct effects on states and local governments within the meaning of the Executive Order.

E. Review Under Executive Order 12778

Section 2 of Executive Order 12778, ''Civil Justice Reform'' (October 23, 1991), instructs Federal agencies to adhere to certain requirements when promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and 2(b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulations specify clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describe any administrative proceedings to be available before judicial review and any revisions for the exhaustion of such administrative proceedings; and define key terms. DOE certifies that these proposed amendments to DOE's NEPA regulations meet the requirements of sections 2(a) and 2(b)(2) of Executive Order 12778.

F. Review Under Executive Order 12866

The proposed amendments were reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' which requires a Federal agency to prepare a regulatory assessment, including the potential costs and benefits, of any ''significant regulatory action.'' The order defines ''significant regulatory action'' as any regulatory action that may have an annual effect on the economy of $100 million or more and may adversely affect the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments in a material way, create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or raise novel legal or policy issues arising out of legal mandates (section 3(f)).

This proposal would amend already existing policies and procedures for compliance with NEPA. The amendments contain no substantive changes in the requirements imposed on applicants for a DOE license, financial assistance, permit, or similar actions, which are the areas in which one might anticipate an economic effect. Therefore, DOE has determined that the incremental effect of these amendments to the DOE NEPA regulations will not have the magnitude of effects on the economy, or any other adverse effects, to bring this proposal within the definition of a ''significant regulatory action.'' Pursuant to the Executive Order, the proposed amendments were submitted to the Office of Management and Budget for regulatory review.

G. Review under the Unfunded Mandates Reform Act

Under section 205 of the Unfunded Mandates Reform Act of 1995, Federal agencies are required to prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Because the DOE NEPA regulations affect only DOE and do not create obligations on the part of any other person or government agency, neither state, local or tribal governments nor the private sector will be affected by amendments to these regulations. Thus, further review by DOE under the Unfunded Mandates Reform Act is not required.

V. Public Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting information, views, suggestions, or arguments with respect to the proposed regulatory amendments set forth in this Notice. Comments should be submitted to the address indicated in the **ADDRESSES** section of this Notice and identified (on the outside of the envelope and on the comment documents) with the designation ''NEPA Rulemaking.'' DOE will consider all comments received by the date indicated in the **DATES** section before taking final action on the proposed amendments. Late comments will be considered to the extent practicable.

List of Subjects in 10 CFR Part 1021

Environmental impact statement.

Issued in Washington, D.C., February 9, 1996.

Peter Brush,

Acting Assistant Secretary, Environment, Safety and Health.

For reasons set out in the preamble, 10 CFR Part 1021 is proposed to be amended as follows:

PART 1021—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

1. The authority citation for Part 1021 continues to read as follows:

Authority: 42 U.S.C. 7254; 42 U.S.C. 4321 *et seq.*

§ 1021.104 [Amended]

2. In section 1021.104(b), the definition for *EIS Implementation Plan* is removed.

3. Section 1021.105 is revised to read as follows:

§ 1021.105 Oversight of Agency NEPA Activities.

The Assistant Secretary for Environment, Safety and Health, or his/her designee, is responsible for overall review of DOE NEPA compliance. Further information on DOE's NEPA process and the status of individual NEPA reviews may be obtained upon request from the Office of NEPA Policy and Assistance, US. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119.

§ 1021.312 [Removed and reserved]

4. Section 1021.312 is removed and reserved.

5. Section 1021.315(c) is revised to read as follows:

§ 1021.315 Records of Decision.

* * * * *

(c) In addition to any other public announcements, DOE RODs, or notices of their availability that provide a brief summary of the RODs, shall be published in the Federal Register and the RODs shall be made available to the public as specified in 40 CFR 1506.6, except as provided in 40 CFR 1507.3(c) and section 1021.340 of this part. DOE may implement the decision before the ROD, or notice of its availability, is published in the Federal Register if the decision has been made public by other means (e.g., press releases, announcements in local media).

* * * * *

§ 1021.322 [Amended]

6. Section 1021.322 is amended to remove (b)(1), and (b)(2) through (b)(5) are redesignated (b)(1) through (b)(4), respectively.

7. Appendix A, paragraph A7, is revised to read as follows:

Appendix A to Subpart D—Categorical Exclusions Applicable to General Agency Actions

* * * * *

A7 Transfer, lease, disposition, or acquisition of interests in personal property (e.g., equipment and materials) or real property (e.g., permanent structures and land), if property use is to remain unchanged; i.e., the type and magnitude of impacts would remain essentially the same.

* * * * *

8. Appendix B, is amended to revise the Table of Contents entries for B1.8, B1.13, B1.22, B3.6, B3.10, B4.1, B4.2, B4.3, B4.6, B4.10, B4.11, B4.12, B4.13, B5.3, B5.5, B5.9, B5.10, B5.12, B6.1, B6.4, and B6.5; add B1.23 through B1.33, B2.6, B3.12, B3.13, and B6.9; and remove B5.13 through B5.16, to read as follows:

Appendix B to Subpart D—Categorical Exclusions Applicable to Specific Agency Actions

* * * * *

B1.8 Modifications to screened water intake/outflow structures.

* * * * *

B1.13 Construction/acquisition/relocation of onsite pathways, spur or access roads/railroads.

* * * * *

B1.22 Relocation of buildings.

B1.23 Demolition/disposal of buildings.

B1.24 Transfer of property/residential, commercial, industrial use.

B1.25 Transfer of property/habitat preservation, wildlife management.

B1.26 Siting/construction/operation/decommissioning of small water treatment facilities, generally less than 250,000 gallons per day capacity.

B1.27 Facility deactivation

B1.28 Minor activities to place a facility in an environmentally safe condition, no proposed uses.

B1.29 Siting/construction/operation/decommissioning of onsite disposal facility for construction and demolition waste.

B1.30 Transfer actions

B1.31 Relocation/operation of machinery and equipment.

B1.32 Restoration, creation, or enhancement of small wetlands.

B1.33 Traffic flow adjustments, existing roads.

* * * * *

B2.6 Packaging/transportation/storage of radioactive sources upon request by the Nuclear Regulatory Commission or other cognizant agency.

* * * * *

B3.6 Siting/construction/operation/decommissioning of facilities for bench-scale research, conventional laboratory operations, small-scale research and development and pilot projects.

* * * * *

B3.10 Siting/construction/operation/decommissioning of particle accelerators, including electron beam accelerators, primary beam energy generally less than 100 MeV.

* * * * *

B3.12 Siting/construction/operation/decommissioning of microbiological and biomedical facilities.

B3.13 Magnetic fusion experiments, no tritium fuel use.

* * * * *

B4.1 Contracts/marketing plans/policies for excess electric power.

B4.2 Export of electric energy.

B4.3 Electric power marketing rate changes.

* * * * *

B4.6 Additions/modifications to electric power transmission facilities within previously developed area.

* * * * *

B4.10 Deactivation, dismantling and removal of electric powerlines and substations.

B4.11 Construction or modification of electric power substations.

B4.12 Construction of electric powerlines (generally less than 10 miles in length), not integrating major new sources.

B4.13 Reconstruction and minor relocation of existing electric powerlines (generally less than 20 miles in length).

* * * * *

B5.3 Modification (not expansion)/abandonment of oil storage access/brine injection/gas/geothermal wells, not part of site closure.

* * * * *

B5.5 Construction/operation of short crude oil/gas/steam/geothermal pipeline segments.

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B5.9 Temporary exemption for any electric powerplant.

B5.10 Certain permanent exemptions for any existing electric powerplant.

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B5.12 Workover of existing oil/gas/geothermal well.

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B6.1 Small-scale, short-term cleanup actions under RCRA, Atomic Energy Act, or other authorities.

* * * * *

B6.4 Siting/construction/operation/decommissioning of small waste storage facilities (not high-level radioactive waste, spent nuclear fuel).

B6.5 Siting/construction/operation/decommissioning of facility for characterizing/sorting packaged waste, overpacking waste (not high-level radioactive waste, spent nuclear fuel).

* * * * *

B6.9 Small-scale temporary measures to reduce migration of contaminated groundwater.

* * * * *

9. Appendix B, section B is amended by revising paragraphs B(1), B(2), B(4)(iii) to read as follows:

B. Conditions that are Integral Elements of the Classes of Actions in Appendix B

* * * * *

(1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including requirements of DOE and/or Executive Orders.

(2) Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) unless these actions are themselves categorically excluded.

* * * * *

(4) * * *

(iii) Wetlands, as determined by using the methodology that the U.S. Army Corps of Engineers applies in implementing section 404 of the Clean Water Act, except for wetlands affected by proposed actions covered by a general permit under 33 CFR Part 330 (other than Permit #23, ''Approved Categorical Exclusions''), and floodplains;

* * * * *

10. Appendix B, section B1, is amended by revising the introductory text to paragraph B1.3, paragraphs B1.3(n) & (o), B1.8, B1.13, B1.15, B1.18, B1.21, and B1.22, and adding paragraphs B1.23 through B1.33, to read as follows:

B1. Categorical Exclusions Applicable to Facility Operation.

* * * * *

B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed. Custodial services are activities to preserve facility appearance, working conditions, and sanitation, such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal. Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Routine maintenance may result in replacement to the extent that replacement is in kind and is not a substantial upgrade or improvement. In kind replacement includes installation of new components to replace outmoded components if the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

* * * * *

(n) Routine testing and calibration of facility components, subsystems, or portable equipment (including but not limited to, control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes); and

(o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), including removal of contaminated intact equipment and other materials (other than spent nuclear fuel or special nuclear material in nuclear reactors).

* * * * *

B1.8 Modifications to screened water intake and outflow structures such that intake velocities and volumes and water effluent quality and volumes are consistent with existing permit limits

* * * * *

B1.13 Construction, acquisition, and relocation of onsite pathways and onsite spur or access roads and railways.

* * * * *

B1.15 Siting, construction (or modification), and operation of support buildings and support structures (including prefabricated buildings and trailers) within or contiguous to an already developed area (where site utilities and roads are available). Covered support buildings and structures include those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; employee health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (including security posts); fire protection; and similar support purposes, but excluding facilities for waste storage activities, except as provided in other parts of this appendix.

* * * * *

B1.18 Siting, construction, and operation of additional water supply wells (or replacement wells) within an existing well field, or modification of an existing water supply well to restore production, if there would be no drawdown other than in the immediate vicinity of the pumping well, no resulting long-term decline of the water table, and no degradation of the aquifer from the new or replacement well.

* * * * *

B1.21 Noise abatement measures, such as construction of noise barriers and installation of noise control materials.

B1.22 Relocation of buildings (including, but not limited to, trailers and prefabricated buildings) to an already developed area where site utilities and roads are available.

B1.23 Demolition and subsequent disposal of buildings, equipment, and support structures (including, but not limited to, smoke stacks and parking lot surfaces).

B1.24 Transfer, lease, disposition or acquisition of interests in uncontaminated real property (e.g., facilities, support structures and accompanying land) for residential, commercial, or industrial uses (including, but not limited to, office space, warehouses, equipment storage facilities) that do not involve any lessening in quality, or increases in volumes, concentrations, or discharge rates, of wastes, air emissions, or water effluents and that, under reasonably foreseeable uses, would have generally similar environmental impacts compared to those before the transfer, lease, disposition, or acquisition of interests.

B1.25 Transfer, lease, disposition or acquisition of interests in uncontaminated real property (e.g., land and associated buildings) for habitat preservation or wildlife management, but not including any habitat alteration.

B1.26 Siting, construction (including expansion, modification, and replacement), operation, and decommissioning of small water treatment facilities, including facilities for wastewater, potable water, surface water, and sewage, with a total capacity that generally does not exceed 250,000 gallons per day. (Also see B6.9).

B1.27 Activities that are required to deactivate a facility; i.e., disconnect utilities such as water, steam, telecommunications, and electrical power.

B1.28 Minor activities that are required to place a facility in an environmentally safe condition where there is no proposed use for the facility. These activities would include, but are not limited to, reducing surface contamination, and removing materials, equipment or waste, such as final defueling of a reactor, where there are adequate existing facilities for the treatment, storage, or disposal of the materials, equipment or waste. These activities would not include conditioning, treatment or processing of spent nuclear fuel, high-level waste, or special nuclear materials.

B1.29 Siting, construction, operation, and decommissioning of a small (generally less than 10 acres in area) onsite disposal facility for uncontaminated construction and demolition waste. These wastes, as defined in the Environmental Protection Agency's regulations under the Resource Conservation and Recovery Act, specifically 40 CFR 243.101, include building materials, packaging, and rubble.

B1.30 Transfer actions, in which the predominant activity is transportation, and in which the amount and type of materials, equipment or waste to be moved is incidental to the amount of such materials, equipment, or waste that is already a part of ongoing operations at the receiving site. Such transfers are not regularly scheduled as part of ongoing routine operations.

B1.31 Relocation of machinery and equipment, such as analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment, including minor construction necessary for removal and installation, where uses of the relocated items will be similar to their former uses and consistent with the general missions of the receiving structure.

B1.32 Restoration, creation, or enhancement of small wetlands in coordination with the cognizant Federal or State regulators, and where other environmental resources are not adversely affected.

B1.33 Traffic flow adjustments to existing roads at DOE sites (including, but not limited to, stop sign or traffic light installation, and adjusting direction of traffic flow).

11. Appendix B, section B2, is amended by adding B2.6, to read as follows:

B2. Categorical Exclusions Applicable to Safety and Health.

* * * * *

B2.6 Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

12. Appendix B, section B3, is amended to revise the introductory text to paragraph B3.1, B3.3, B3.6, and B3.10, and add new paragraphs B3.12 and B3.13, to read as follows:

B3. Categorical Exclusions Applicable to Site Characterization, Monitoring, and General Research.

B3.1 Onsite and offsite site characterization and environmental monitoring, including siting, construction (or modification), operation, and dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

* * * * *

B3.3 Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction.

* * * * *

B3.6 Siting, construction (or modification), operation, and decommissioning of facilities for indoor bench-scale research projects, conventional laboratory operations (for example, preparation of chemical standards and sample analysis); small-scale research and development projects; and small-scale pilot projects to verify a concept before demonstration actions. Construction (or modification) will be within or contiguous to an already developed area (where site utilities and roads are available).

* * * * *

B3.10 Siting, construction, operation, and decommissioning of a particle accelerator, including electron beam accelerator with primary beam energy generally less than 100 MeV, and associated beamlines, storage rings, colliders, and detectors for research and medical purposes, within or contiguous to an already developed area (where site utilities and roads are available), or internal modification of any accelerator facility regardless of energy that does not increase primary beam energy or current.

* * * * *

B3.12 Siting, construction (including modification), operation, and decommissioning of microbiological and biomedical diagnostic, treatment and research facilities (excluding Biosafety Level-3 and Biosafety Level-4; reference: Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, U.S. Department of Health and Human Services Public Health Service, Centers of Disease Control and Prevention, and the National Institutes of Health (HHS Publication No. (CDC) 93–8395)) including, but not limited to, laboratories, treatment areas, offices, and storage areas, within or contiguous to an already developed area (where utilities and roads are available). Operation may include the purchase, installation, and operation of biomedical equipment, such as commercially available cyclotrons that are used to generate radioisotopes and radiopharmaceuticals, and commercially available biomedical imaging and spectroscopy instrumentation.

B3.13 Performing magnetic fusion experiments that do not use tritium as fuel, with existing facilities (including necessary modifications).

13. Appendix B, section B4, is amended to revise paragraphs B4.1, B4.2, B4.3, B4.6, B4.10, B4.11, B4.12 and B4.13, to read as follows:

B4. Categorical Exclusions Applicable to Power Marketing Administrations and to all of DOE with Regard to Power Resources.

B4.1 Establishment and implementation of contracts, marketing plans, policies, allocation plans, or acquisition of excess electric power that does not involve: (1) the integration of a new generation resource, (2) physical changes in the transmission system beyond the previously developed facility area, unless the changes are themselves categorically excluded, or (3) changes in the normal operating limits of generation resources.

B4.2 Export of electric energy as provided by section 202(e) of the Federal Power Act over existing transmission systems or using transmission system changes that are themselves categorically excluded.

B4.3 Changes in rates for electric power, power transmission, and other products or services provided by a Power Marketing Administration that are based on a change in revenue requirements if the operations of generation projects would remain within normal operating limits.

* * * * *

B4.6 Additions or modifications to electric power transmission facilities that would not affect the environment beyond the previously developed facility area including, but not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, changing insulators, and replacement of poles, circuit breakers, conductors, transformers, and crossarms.

* * * * *

B4.10 Deactivation, dismantling, and removal of electric powerlines, substations, switching stations, and other transmission facilities, and right-of-way abandonment.

B4.11 Construction of electric power substations (including switching stations and support facilities) with power delivery at 230 kV or below, or modification (other than voltage increases) of existing substations and support facilities, that generally would not involve the construction of more than 10 miles of new or relocation of more than 20 miles of existing electric powerlines or the integration of a major new resource.

B4.12 Construction of electric powerlines (less than 10 miles in length) that are not for the integration of major new sources of generation into a main transmission system.

B4.13 Reconstruction (upgrading or rebuilding) and/or minor relocation of existing electric powerlines less than 20 miles in length to enhance environmental and land use values. Such actions include relocations to avoid right-of-way encroachments, resolve conflict with property development, accommodate road/highway construction, allow for the construction of facilities such as canals and pipelines, or reduce existing impacts to environmentally sensitive areas.

14. Appendix B, section B5, is amended to revise paragraphs B5.3, B5.5, and B5.9 through B5.12 and remove B5.13 through B5.16, to read as follows:

B5. Categorical Exclusions Applicable to Conservation, Fossil, and Renewable Energy Activities

* * * * *

B5.3 Modification (but not expansion) or abandonment (including plugging), which is not part of site closure, of crude oil storage access wells, brine injection wells, geothermal wells, and gas wells.

* * * * *

B5.5 Construction and subsequent operation of short crude oil, steam, geothermal, or natural gas pipeline segments between DOE facilities and existing transportation, storage, or refining facilities within a single industrial complex, if the pipeline segments are within existing rights-of-way.

* * * * *

B5.9 The grant or denial of any temporary exemption under the Powerplant and Industrial Fuel Use Act of 1978 for any electric powerplant.

B5.10 The grant or denial of any permanent exemption under the Powerplant and Industrial Fuel Use Act of 1978 of any existing electric powerplant other than an exemption under (1) section 312(c) relating to cogeneration, (2) section 312(l) relating to scheduled equipment outages, (3) section 312(b) relating to certain state or local requirements, and (4) section 312(g) relating to certain intermediate load powerplants.

B5.11 The grant or denial of a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 for any new electric powerplant to permit the use of certain fuel mixtures containing natural gas or petroleum.

B5.12 Workover (operations to restore production, such as deepening, plugging back, pulling and resetting lines, and squeeze cementing) of an existing oil, gas, or geothermal well to restore production when workover operations will be restricted to the existing wellpad and not involve any new site preparation or earth work that would disturb adjacent habitat.

15. Appendix B, section B6, is amended to revise the introductory text to paragraph B6.1, paragraph B6.1(b) & (j), B6.4, and B6.5 and add paragraph B6.9, to read as follows:

B6. Categorical Exclusions Applicable to Environmental Restoration and Waste Management Activities

B6.1 Small-scale, short-term cleanup actions, under RCRA, Atomic Energy Act, or other authorities, generally less than 5 million dollars in cost and 5 years duration,

to reduce risk to human health or the environment from the release or threat of release of a hazardous substance, including treatment (e.g., incineration), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the action. These actions include, but are not limited to:

* * * * *

(b) Removal of bulk containers (for example, drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants, CERCLA-excluded petroleum or natural gas products, or hazardous wastes (designated in 40 CFR Part 261 or applicable state requirements), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain;

* * * * *

(j) Segregation of wastes that may react with one another or form a mixture that could result in adverse environmental impacts;

* * * * *

B6.4 Siting, construction (including modification), operation, and decommissioning of a small facility (generally not to exceed an area of 50,000 square feet) within or contiguous to an already developed area (where site utilities and roads are developed) for storage of waste, other than high-level radioactive waste, generated onsite or resulting from activities connected to site operations. These actions do not include the storage of spent nuclear fuel.

B6.5 Siting, construction (or modification or expansion), operation, and decommissioning of an onsite facility for characterizing and sorting previously packaged waste or for overpacking waste, other than high-level radioactive waste, if operations do not involve unpacking waste. These actions do not include waste storage (covered under B6.4, B6.6 and C16) or the handling of spent nuclear fuel.

* * * * *

B6.9 Small-scale temporary measures to reduce migration of contaminated groundwater, including the siting, construction, operation, and decommissioning of necessary facilities. These measures include, but are not limited to, pumping, treating, storing, and reinjecting water and installing underground barriers. (Also see B1.26.)

16. Appendix C is amended by revising the Table of Contents entries C1, C4, C7, C9, C10, C11, C14 and C16 to read as follows:

Appendix C to Subpart D of Part 1021–Classes of Actions That Normally Require EAs But Not Necessarily EISs

C1 [Reserved]

* * * * *

C4 Upgrading and constructing electric powerlines

* * * * *

C7 Allocation of electric power, no major new generation resource/major changes in operation of generation resources/major new loads

* * * * *

C9 Restoration, creation, or enhancement of large wetlands.

C10 [Reserved]

C11 Siting/construction/operation/decommissioning of low- or medium-energy particle acceleration facility with primary beam energy generally greater than 100 MeV.

* * * * *

C14 Siting/construction/operation of water treatment facilities generally greater than 250,000 gallons per day capacity

* * * * *

C16 Siting/construction/operation/decommissioning of large waste storage facilities (not high-level radioactive waste, spent nuclear fuel)

17. Appendix C to Subpart D of Part 1021 is amended by removing and reserving paragraphs C1 & C10 and by revising C4, C7, C9, C11, C14 and C16, to read as follows:

C1 [Removed and Reserved]

* * * * *

C4 Upgrading (reconstructing) an existing electric powerline generally more than 20 miles in length or constructing a new electric powerline generally more than 10 miles in length.

* * * * *

C7 Establishment and implementation of contracts, policies, marketing plans, or allocation plans for the allocation of electric power that do not involve (1) the addition of new generation resources greater than 50 average megawatts, (2) major changes in the operating limits of generation resources greater than 50 average megawatts, or (3) service to discrete new loads of 10 average megawatts or more over a 12 month period. This applies to power marketing operations and to siting, construction, and operation of power generating facilities at DOE sites.

* * * * *

C9 Restoration, creation, or enhancement of large wetlands, or small wetlands where these actions may adversely affect other environmental resources.

C10 [Removed and Reserved]

C11 Siting, construction (or major modification), operation, and decommissioning of a low- or medium-energy (but greater than 100 MeV primary beam energy) particle acceleration facility, including electron beam acceleration facilities, and associated beamlines, storage rings, colliders, and detectors for research and medical purposes, within or contiguous to an already developed area (where site utilities and roads are available).

* * * * *

C14 Siting, construction (or expansion), and operation of water treatment facilities generally exceeding 250,000 gallons per day, including facilities for wastewater, potable water, and sewage.

* * * * *

C16 Siting, construction (including modification to increase capacity), operation, and decommissioning of packaging and unpacking facilities (that may include characterization operations) and large storage facilities (generally greater than 50,000 square feet in area) for waste, except high-level radioactive waste, generated onsite or resulting from activities connected to site operations. These actions do not include storage, packaging, or unpacking of spent nuclear fuel. [Also see B6.4, B6.5, and B6.6.]

18. Appendix D is amended to revise the Table of Contents entries for D1, D7, and D10 to read as follows:

Appendix D to Subpart D of Part 1021–Classes of Actions That Normally Require EISs

D1 Strategic Systems

* * * * *

D7 Allocation of electric power, major new generation resources/major changes in operation of generation resources/major loads

* * * * *

D10 Siting/construction/operation/decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel

* * * * *

19. Appendix D to Subpart D of Part 1021 is amended by revising paragraphs D1, D7 and D10, to read as follows:

D1 Strategic Systems, as defined in DOE Order 430.1, ''Life-Cycle Asset Management,'' and designated by the Secretary.

* * * * *

D7 Establishment and implementation of contracts, policies, marketing plans or allocation plans for the allocation of electric power that involve (1) the addition of new generation resources greater than 50 average megawatts, (2) major changes in the operating limits of generation resources greater than 50 average megawatts, or (3) service to discrete new loads of 10 average megawatts or more over a 12 month period. This applies to power marketing operations and to siting construction, and operation of power generating facilities at DOE sites.

* * * * *

D10 Siting, construction, operation, and decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel, including geologic repositories, but not including onsite replacement or upgrades of storage facilities for spent nuclear fuel at DOE sites.

* * * * *

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Part III

Office of Management and Budget

Management of Federal Information Resources; Notice

OFFICE OF MANAGEMENT AND BUDGET

Management of Federal Information Resources

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Revision of OMB Circular No. A–130, Transmittal No. 3, Appendix III, ''Security of Federal Automated Information Resources.''

SUMMARY: The Office of Management and Budget (OMB) is revising Appendix III, ''Security of Federal Information Systems,'' of Circular No. A–130, ''Management of Federal Automated Information Resources.'' This is the third stage of planned revisions to Circular A–130. Enactment of the Information Technology Management Reform Act of 1996 (Division E of the National Defense Authorization Act for Fiscal Year 1996) will require OMB to issue additional guidance on capital planning, investment control, and the management of information technology. A plan for those revisions will be announced in the Spring.

Transmittal 1 to Circular A–130, effective June 25, 1993, and published on July 2, 1993 (58 FR 36068) addressed the Information Management Policy section of the Circular (Section 8a), as well as Appendix I, ''Federal Agency Responsibilities for Maintaining Records About Individuals.'' That issuance dealt primarily with how the Federal government manages its information holdings, particularly information exchange with the public.

Transmittal 2 to Circular A–130, effective July 15, 1994, and published on July 25, 1994 (59 FR 37906) addressed agency management practices for information systems and information technology (Section 8b). That issuance was intended to (1) promote agency investments in information technology that improve service delivery to the public, reduce burden on the public, and lower the cost of Federal programs administration, and (2) encourage agencies to use information technology as a strategic resource to improve Federal work processes and organization.

This Transmittal 3 is intended to guide agencies in securing government information resources as they increasingly rely on an open and interconnected National Information Infrastructure. It stresses management controls, such as individual responsibility, awareness and training, and accountability, and explains how they can be supported by technical controls. Among other things, it requires agencies to assure that risk-based rules of behavior are established, that employees are trained in them, and that the rules are enforced. The revision also integrates security into program and mission goals, reduces the centralized reporting of security plans, emphasizes the management of risk rather than its measurement, and revises government-wide security responsibilities to be consistent with the Computer Security Act and the Paperwork Reduction Act of 1995.

This transmittal also makes minor technical revisions to Section 9 (''Assignment of Responsibilities'') and Section 10 (''Oversight'') to reflect the Paperwork Reduction Act of 1995 (Pub. L. 104–13). One substantive change has been made to Appendix I in Section 3.a. changing the annual requirement to review recordkeeping practices, training, violations, and notices to a biennial review, in accordance with other regular agency reviews not required by statute. Several minor changes have been made, none of which are intended to be substantive. In Section 2.c., a portion of the definition of ''nonfederal agency'' which has been inadvertently omitted has been added to reflect the current practice in state-federal matching programs. In Section 3.a., extraneous and confusing language referring to source or matching agencies was removed because the provision applies to any agency that participates in a matching program. The example's in 4.c.(1) were updated for clarity. Other editorial and organizational changes were made throughout the appendix.

Appendix IV has been changed to include material from OMB Memorandum M–95–22, ''Implementing the Information Dissemination Provisions of the Paperwork Reduction Act of 1995'' (September 29, 1995), and to delete some outdated or otherwise already implemented guidance from the discussion of Sections 9 and 10.

ELECTRONIC AVAILABILITY: This document is available on the OMB Home page of Welcome to the White House World Wide Web site (http://www.whitehouse.gov) as http://www1.whitehouse.gov/White-House/EOP/OMB/html/omb-a130.html. This document is also available on the Internet via anonymous File Transfer Protocol (FTP) from the National Institute of Standards and Technology (NIST) Computer Security Resource Clearinghouse at csrc.ncsl.nist.gov as /pub/secplcy/a130.txt (do not use any capital letters in the file name) or via the World Wide Web from http://csrc.ncsl.nist.gov/secplcy as a130.txt. Appendix III, ''Security of Federal Automated Information Resources'' can be separately obtained as a130app3.txt. The clearinghouse can also be reached using dial-in access at 301–948–5717. For those who do not have file transfer capability, the document can be retrieved via mail query by sending an electronic mail message to docserver@csrc.ncsl.nist.gov with no subject and with send a130.txt (or a130app3.txt for only the security appendix) as the first line of the body of the message. Paper copies may also be obtained by writing to the Publications Office, Office of Management and Budget, Room 2200 NEOB, Washington, D.C. 20503 or by telephone at (202) 395–7332.

FOR FURTHER INFORMATION CONTACT: Information Policy and Technology Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10236, New Executive Office Building, Washington, D.C. 20503. Telephone: (202) 395–3785.

SUPPLEMENTARY INFORMATION:

Since December 30, 1985, Appendix III of Office of Management and Budget (OMB) Circular No. A–130, ''Security of Federal Automated Information Systems,'' has defined a minimum set of controls for the security of Federal automated information systems (50 FR 52730). That Appendix, and its predecessor, Transmittal Memorandum No. 1 to OMB Circular No. A–71, (July 27, 1978), defined controls that were considered effective in a centralized processing environment which ran primarily custom-developed application software.

Today's computing environment is significantly different. It is characterized by open, widely distributed processing systems which frequently operate with commercial off-the-shelf software. While effective use of information technology often reduces risks to the Federal program being administered (e.g., risks from fraud or errors), the risk to and vulnerability of Federal information resources has increased. Greater risks result from increasing quantities of valuable information being committed to Federal systems, and from agencies being critically dependent on those systems to perform their missions. Greater vulnerabilities exist because virtually every Federal employee has access to Federal systems, and because these systems now interconnect with outside systems.

In part because of these trends, Congress enacted the Computer Security Act of 1987 (Pub. L. 100–235). That Act requires agencies to improve the

security of Federal computer systems, plan for the security of sensitive systems, and provide mandatory awareness and training in security for all individuals with access to computer systems.

To assist agencies in implementing the Computer Security Act, OMB issued Bulletin No. 88–16, ''Guidance for Preparation and Submission of Security Plans for Federal Computer Systems Containing Sensitive Information'' (July 6, 1988), and OMB Bulletin No. 90–08, ''Guidance for Preparation of Security Plans for Federal Computer Systems that Contain Sensitive Information'' (July 9, 1990). This revision of Appendix III to OMB Circular A–130 incorporates and updates the policies set out in those Bulletins and supersedes them.

The report of the National Performance Review, ''Creating a Government that Works Better & Costs Less: Reengineering through Information Technology'' (September 1993), recommended that Circular A–130 be revised to: (1) Require an information security plan to be part of each agency's strategic information technology (IT) plan; (2) require that if computer security does not meet established thresholds, it be identified as a material weakness in the Federal Managers' Financial Integrity Act report; (3) require awareness and training of employees and contractors; (4) require that agencies improve planning for contingencies; and (5) establish and employ formal emergency response capabilities. Those recommendations are incorporated in this revision.

Since its establishment by the Computer Security Act, the Computer System Security and Privacy Advisory Board has recommended changes in Circular A–130 to: (1) Require that agencies establish computer emergency response teams; and (2) link oversight of Federal computer security activities more closely to the oversight established pursuant to the Federal Manager's Financial Integrity Act (FMFIA), Public Law 97–255. This revision incorporates both of those recommendations.

Subsequent to issuance of Bulletin 90–08, OMB, the National Institute of Standards and Technology (NIST), and the National Security Agency (NSA) met with 28 Federal departments and agencies to review their computer security programs. In February 1993, OMB, NIST and NSA issued a report (''Observations of Agency Computer Security Practices and Implementation of OMB Bulletin No. 90–08'') which summarized those meetings and proposed several changes in OMB Circular A–130 as next steps to improving the Federal computer security program. Those proposed changes are incorporated in this revision.

The revised Appendix clarifies the relationship between requirements to protect information classified pursuant to an Executive Order and the requirements in this Appendix. Where an agency processes information which is controlled for national security reasons pursuant to an Executive Order or statute, security measures required by appropriate directives should be included in agency systems. Those policies, procedures, and practices will be coordinated with the U.S. Security Policy Board as directed by the President.

On May 22, 1995, the President signed into law the Paperwork Reduction Act of 1995, Public Law 104–13. That Act, in 44 U.S.C. 3505 and 3506, requires agencies to establish computer security programs, and it tasks OMB to develop and oversee the implementation of policies, principles, standards and guidelines on security. It also requires Federal agencies to identify and provide security protection consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note). This revision is intended to implement those OMB responsibilities.

Comments on the Proposed Appendix

On April 3, 1995, the revised Appendix was proposed for public comment (60 FR 16970). It was also sent directly to Federal agencies for comment and made available for comment via the Internet. Thirty-two comments were received. The comments supported the approach proposed in the revised Appendix. They also made a number of suggestions to improve it. The principal issues raised in comments and our response to them are set forth below.

1. Most of the comments stated that the preamble accompanying the proposed Appendix was useful in their understanding of the Appendix itself. They suggested that the information in the preamble be incorporated in the final Appendix for improved future understanding.

We agree with this suggestion, and have incorporated the preamble, as revised to accommodate changes made to the proposed Appendix, as part B of the final Appendix.

2. Many comments suggested that the terminology of the Appendix should be more directive.

We generally agree with this comment, and have changed part A of the Appendix to be directive, while leaving the descriptive material in part B as explanatory.

3. A number of comments noted that there is a difference between making individuals aware of security needs and training them. They suggested that the Appendix should clarify this distinction and the requirements associated with each.

We agree, and have made changes in the Appendix and the descriptive information in part B to clarify that the requirements for training are consistent with the Computer Security Act (i.e., for increasing computer security awareness and training in accepted security practice).

We have also added a clarification that training for members of the public who are given access to general support systems should normally be accomplished in the context of the application to which they are given access. As was pointed out in comments, members of the public should not be given direct access to general support systems, except through authorized use of an application. We have also added descriptive language in part B to address the need to train members of the public with access to major applications.

4. Several comments raised a concern about the proposed requirement to limit access to systems until a new employee has been trained in security responsibilities. They suggested that training be required to be completed within a certain amount of time after access is granted (e.g., 60 days).

We disagree. Understanding the security requirements that are integral to a system is a fundamental responsibility of each individual who accesses the system. It should not be delayed for administrative convenience. Furthermore, security training should be included as part of general training in use of the system for an employee. Initial awareness and training need not be accomplished through formal classroom training; in some cases it may be through interactive sessions of reading well-written and understandable rules. The critical factor is for the initial and subsequent awareness and training to be commensurate with the risk and magnitude of harm that could occur. Therefore, new employees can and should be trained in their security responsibilities before access is granted. The final Appendix includes this requirement.

5. Several comments expressed concern about the proposed removal of the requirement for agencies to prepare formal risk analyses. They point out that such analyses assist in identifying

threats, vulnerabilities, and risks to a system. They expressed a concern that without such analyses it would be difficult to convince senior management of the need for security. Other comments said that without risk analysis as the basis of decisions, security measures will not be effective. On the other hand, several comments supported the removal of this requirement, which they found not cost-effective.

We agree that security measures must be risk-based. The Computer Security Act requires that security controls be commensurate with the risk and magnitude of harm that could occur. Implicit in that approach is a need to assess the risk to each system. However, given the complexity and detail such formal analyses often entail, a formal risk analysis is not appropriate for every system. Therefore, the Appendix does not require that a formal risk analysis be performed.

At the same time, risk assessment is an essential element in ensuring adequate security. NIST recently issued a handbook, ''An Introduction to Computer Security: The NIST Handbook'' (March 16, 1995), which contains guidance on computer security risk management and provides a flexible framework for performing meaningful risk assessments. Part B references the NIST handbook.

6. Several comments asked about the relation between the rules of behavior required in the Appendix and operating policies prescribed in the NIST Handbook. Other comments made suggestions about the kind and scope of rules that should be included in the security plan.

We have added language to part B to describe the kinds of rules we believe are appropriate and to clarify that rules of behavior in the Appendix should be consistent with the system-specific policies described in the NIST handbook.

7. Several comments raised a concern about the effectiveness of reviews of security controls unless they are performed by independent reviewers.

An independent review can improve the objectivity of the review, as well as its value to top management in assessing the need for corrective action. Therefore, we have added language to the discussion in part B of the Appendix that clarifies that reviews of major applications, because of their higher risk, should be independent. We have not, however, required that reviews of all general support systems be independent. Nevertheless, given the value of an independent review, agencies may elect to use this approach, particularly where a system supports a high-risk agency function.

In addition, we understand that the U.S. General Accounting Office is developing guidance which provides a structured approach for performing reviews. We have also revised the Appendix to be consistent with OMB Circular No. A–123, ''Management Accountability and Control'' (June 21, 1995).

8. Several comments requested additional guidance on enforcement of the rules of behavior, either from the Department of Justice or the Office of Personnel Management (OPM).

The presumption in requiring rules of behavior is that they would be enforced as are other behavioral rules within an agency. Therefore, we are not proposing to have central guidance developed by either Justice or OPM. However, we expect that agencies will share their various approaches through inter-agency forums, such as the Computer Security Program Managers' Forum. We have added a brief discussion of this point to part B.

9. Several comments concerned the protection of shared information and requested that additional guidance be provided. We have clarified our intent in the discussion in part B.

10. One comment raised a concern about the Appendix's apparent subordination of technical controls to management controls. While we are stressing the importance of management controls, we have added preamble language to clarify that both types of controls must be in place to be effective.

11. A number of comments raised a concern about whether adequate funding would be forthcoming to implement the requirements of the Appendix.

Implicit in issuing the Appendix is our presumption that a system is created and maintained with adequate security or it should not be created or maintained. Security costs should therefore be factored into the normal capital planning and investment controls process for information technology, consistent with the information systems and information technology management requirements in Section 8b of this circular.

12. A number of comments concerned the government-wide role of the Security Policy Board. Several favored expanding that role, others proposed that it be more limited. Still others said the Appendix should be silent on national security directives.

We have revised the language in the Appendix to clarify the role of the Security Policy Board regrading security of information technology used to process classified information. We have also added language to the preamble which clarifies that Circular No. A–130 and the Appendix exclude certain mission critical systems, the so-called ''Warner systems'' from coverage, and to describe the Department of Defense's responsibilities pursuant to existing Presidential directives. The Appendix does not attempt to interpret the language of the directives. Rather, it clarifies that requirements issued pursuant to those directives should be used in place of the requirements of the Appendix with respect to the protection of classified information. The discussion of national security directives is included to assist in the coordination of security activities among various security communities.

Accordingly, Circular A–130 is revised as set forth below.

Sally Katzen,

Administrator, Office of Information and Regulatory Affairs.

Executive Office of the President

Office of Management and Budget

February 8, 1996.

Circular No. A–130, Revised (Transmittal Memorandum No. 3)

Memorandum for Heads of Executive Departments and Establishments

Subject: Management of Federal Information Resources.

Circular No. A–130 provides uniform government-wide information resources management policies as required by the Paperwork Reduction Act of 1980, as amended by the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35. This Transmittal Memorandum contains updated guidance on the ''Security of Federal Automated Information Systems,'' Appendix III and makes minor technical revisions to the Circular to reflect the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The Circular is reprinted in its entirety for convenience.

Alice M. Rivlin,

Director.

Attachment

Circular No. A–130 Revised (Transmittal Memorandum No. 3)

Memorandum for Heads of Executive Departments and Establishments

Subject: Management of Federal Information Resources.

1. Purpose: This Circular establishes policy for the management of Federal information resources. Procedural and analytic guidelines for implementing specific aspects of these policies are included as appendices.

2. Rescissions: This Circular rescinds OMB Circulars No. A–3, A–71, A–90, A–108, A–114, and A–121, and all Transmittal Memoranda to those circulars.

3. Authorities: This Circular is issued pursuant to the Paperwork Reduction Act (PRA) of 1980, as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter

35); the Privacy Act, as amended (5 U.S.C. 552a); the Chief Financial Officers Act (31 U.S.C. 3512 et seq.); the Federal Property and Administrative Services Act, as amended (40 U.S.C. 759 and 487); the Computer Security Act (40 U.S.C. 759 note); the Budget and Accounting Act, as amended (31 U.S.C. Chapter 11); Executive Order No. 12046 of March 27, 1978; and Executive Order No. 12472 of April 3, 1984.

4. Applicability and Scope:

a. The policies in this Circular apply to the information activities of all agencies of the executive branch of the Federal government.

b. Information classified for national security purposes should also be handled in accordance with the appropriate national security directives. National security emergency preparedness activities should be conducted in accordance with Executive Order No. 12472.

5. Background: The Paperwork Reduction Act establishes a broad mandate for agencies to perform their information resources management activities in an efficient, effective, and economical manner. To assist agencies in an integrated approach to information resources management, the Act requires that the Director of OMB develop and implement uniform and consistent information resources management policies; oversee the development and promote the use of information management principles, standards, and guidelines; evaluate agency information resources management practices in order to determine their adequacy and efficiency; and determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director.

6. Definitions:

a. The term ''agency'' means any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the Federal government, or any independent regulatory agency. Within the Executive Office of the President, the term includes only OMB and the Office of Administration.

b. The term ''audiovisual production'' means a unified presentation, developed according to a plan or script, containing visual imagery, sound or both, and used to convey information.

c. The term ''dissemination'' means the government initiated distribution of information to the public. Not considered dissemination within the meaning of this Circular is distribution limited to government employees or agency contractors or grantees, intra- or inter-agency use or sharing of government information, and responses to requests for agency records under the Freedom of Information Act (5 U.S.C. 552) or Privacy Act.

d. The term ''full costs,'' when applied to the expenses incurred in the operation of an information processing service organization (IPSO), is comprised of all direct, indirect, general, and administrative costs incurred in the operation of an IPSO. These costs include, but are not limited to, personnel, equipment, software, supplies, contracted services from private sector providers, space occupancy, intra-agency services from within the agency, inter-agency services from other Federal agencies, other services that are provided by State and local governments, and Judicial and Legislative branch organizations.

e. The term ''government information'' means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

f. The term ''government publication'' means information which is published as an individual document at government expense, or as required by law. (44 U.S.C. 1901)

g. The term ''information'' means any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.

h. The term ''information dissemination product'' means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, disseminated by an agency to the public.

i. The term ''information life cycle'' means the stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition.

j. The term ''information management'' means the planning, budgeting, manipulating, and controlling of information throughout its life cycle.

k. The term ''information resources'' includes both government information and information technology.

l. The term ''information processing services organization'' (IPSO) means a discrete set of personnel, information technology, and support equipment with the primary function of providing services to more than one agency on a reimbursable basis.

m. The term ''information resources management'' means the process of managing information resources to accomplish agency missions. The term encompasses both information itself and the related resources, such as personnel, equipment, funds, and information technology.

n. The term ''information system'' means a discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures, whether automated or manual.

o. The term ''information system life cycle'' means the phases through which an information system passes, typically characterized as initiation, development, operation, and termination.

p. The term ''information technology'' means the hardware and software operated by a Federal agency or by a contractor of a Federal agency or other organization that processes information on behalf of the Federal government to accomplish a Federal function, regardless of the technology involved, whether computers, telecommunications, or others. It includes automatic data processing equipment as that term is defined in Section 111(a)(2) of the Federal Property and Administrative Services Act of 1949. For the purposes of this Circular, automatic data processing and telecommunications activities related to certain critical national security missions, as defined in 44 U.S.C. 3502(2) and 10 U.S.C. 2315, are excluded.

q. The term ''major information system'' means an information system that requires special management attention because of its importance to an agency mission; its high development, operating, or maintenance costs; or its significant role in the administration of agency programs, finances, property, or other resources.

r. The term ''records'' means all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of the data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included. (44 U.S.C. 3301)

s. The term ''records management'' means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations. (44 U.S.C. 2901(2))

t. The term ''service recipient'' means an agency organizational unit, programmatic entity, or chargeable account that receives information processing services from an information processing service organization (IPSO). A service recipient may be either internal or external to the organization responsible for providing information resources services, but normally does not report either to the manager or director of the IPSO or to the same immediate supervisor.

7. Basic Considerations and Assumptions:

a. The Federal Government is the largest single producer, collector, consumer, and disseminator of information in the United States. Because of the extent of the government's information activities, and the dependence of those activities upon public cooperation, the management of Federal information resources is an issue of continuing importance to all Federal agencies, State and local governments, and the public.

b. Government information is a valuable national resource. It provides the public with knowledge of the government, society, and economy—past, present, and future. It is a means to ensure the accountability of government, to manage the government's operations, to maintain the healthy performance of the economy, and is itself a commodity in the marketplace.

c. The free flow of information between the government and the public is essential to a democratic society. It is also essential that the government minimize the Federal paperwork burden on the public, minimize the cost of its information activities, and maximize the usefulness of government information.

d. In order to minimize the cost and maximize the usefulness of government information, the expected public and private benefits derived from government information should exceed the public and private costs of the information, recognizing that the benefits to be derived from government information may not always be quantifiable.

e. The nation can benefit from government information disseminated both by Federal agencies and by diverse nonfederal parties, including State and local government agencies, educational and other not-for-profit institutions, and for-profit organizations.

f. Because the public disclosure of government information is essential to the operation of a democracy, the management of Federal information resources should protect the public's right of access to government information.

g. The individual's right to privacy must be protected in Federal Government information activities involving personal information.

h. Systematic attention to the management of government records is an essential component of sound public resources management which ensures public accountability. Together with records preservation, it protects the government's historical record and guards the legal and financial rights of the government and the public.

i. Agency strategic planning can improve the operation of government programs. The application of information resources should support an agency's strategic plan to fulfill its mission. The integration of IRM planning with agency strategic planning promotes the appropriate application of Federal information resources.

j. Because State and local governments are important producers of government information for many areas such as health, social welfare, labor, transportation, and education, the Federal Government must cooperate with these governments in the management of information resources.

k. The open and efficient exchange of scientific and technical government information, subject to applicable national security controls and the proprietary rights of others, fosters excellence in scientific research and effective use of Federal research and development funds.

l. Information technology is not an end in itself. It is one set of resources that can improve the effectiveness and efficiency of Federal program delivery.

m. Federal Government information resources management policies and activities can affect, and be affected by, the information policies and activities of other nations.

n. Users of Federal information resources must have skills, knowledge, and training to manage information resources, enabling the Federal government to effectively serve the public through automated means.

o. The application of up-to-date information technology presents opportunities to promote fundamental changes in agency structures, work processes, and ways of interacting with the public that improve the effectiveness and efficiency of Federal agencies.

p. The availability of government information in diverse media, including electronic formats, permits agencies and the public greater flexibility in using the information.

q. Federal managers with program delivery responsibilities should recognize the importance of information resources management to mission performance.

8. Policy

a. Information Management Policy:

(1) Information Management Planning. Agencies shall plan in an integrated manner for managing information throughout its life cycle. Agencies shall:

(a) Consider, at each stage of the information life cycle, the effects of decisions and actions on other stages of the life cycle, particularly those concerning information dissemination;

(b) Consider the effects of their actions on members of the public and ensure consultation with the public as appropriate;

(c) Consider the effects of their actions on State and local governments and ensure consultation with those governments as appropriate;

(d) Seek to satisfy new information needs through interagency or intergovernmental sharing of information, or through commercial sources, where appropriate, before creating or collecting new information;

(e) Integrate planning for information systems with plans for resource allocation and use, including budgeting, acquisition, and use of information technology;

(f) Train personnel in skills appropriate to management of information;

(g) Protect government information commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information;

(h) Use voluntary standards and Federal Information Processing Standards where appropriate or required;

(i) Consider the effects of their actions on the privacy rights of individuals, and ensure that appropriate legal and technical safeguards are implemented;

(j) Record, preserve, and make accessible sufficient information to ensure the management and accountability of agency programs, and to protect the legal and financial rights of the Federal Government;

(k) Incorporate records management and archival functions into the design, development, and implementation of information systems;

(l) Provide for public access to records where required or appropriate.

(2) Information Collection. Agencies shall collect or create only that information necessary for the proper performance of agency functions and which has practical utility.

(3) Electronic Information Collection. Agencies shall use electronic collection techniques where such techniques reduce burden on the public, increase efficiency of government programs, reduce costs to the government and the public, and/or provide better service to the public. Conditions favorable to electronic collection include:

(a) The information collection seeks a large volume of data and/or reaches a large proportion of the public;

(b) The information collection recurs frequently;

(c) The structure, format, and/or definition of the information sought by the information collection does not change significantly over several years;

(d) The agency routinely converts the information collected to electronic format;

(e) A substantial number of the affected public are known to have ready access to the necessary information technology and to maintain the information in electronic form;

(f) Conversion to electronic reporting, if mandatory, will not impose substantial costs or other adverse effects on the public, especially State and local governments and small business entities.

(4) Records Management. Agencies shall:

(a) Ensure that records management programs provide adequate and proper documentation of agency activities;

(b) Ensure the ability to access records regardless of form or medium;

(c) In a timely fashion, establish, and obtain the approval of the Archivist of the United States for, retention schedules for Federal records; and

(d) Provide training and guidance as appropriate to all agency officials and employees and contractors regarding their Federal records management responsibilities.

(5) Providing Information to the Public. Agencies have a responsibility to provide information to the public consistent with their missions. Agencies shall discharge this responsibility by:

(a) Providing information, as required by law, describing agency organization, activities, programs, meetings, systems of records, and other information holdings, and how the public may gain access to agency information resources;

(b) Providing access to agency records under provisions of the Freedom of Information Act and the Privacy Act, subject to the protections and limitations provided for in these Acts;

(c) Providing such other information as is necessary or appropriate for the proper performance of agency functions; and

(d) In determining whether and how to disseminate information to the public, agencies shall:

(i) Disseminate information in a manner that achieves the best balance between the goals of maximizing the usefulness of the information and minimizing the cost to the government and the public;

(ii) Disseminate information dissemination products on equitable and timely terms;

(iii) Take advantage of all dissemination channels, Federal and nonfederal, including State and local governments, libraries and private sector entities, in discharging agency information dissemination responsibilities;

(iv) Help the public locate government information maintained by or for the agency.

(6) Information Dissemination Management System. Agencies shall maintain and

implement a management system for all information dissemination products which shall, at a minimum:

(a) Assure that information dissemination products are necessary for proper performance of agency functions (44 U.S.C. 1108);

(b) Consider whether an information dissemination product available from other Federal or nonfederal sources is equivalent to an agency information dissemination product and reasonably fulfills the dissemination responsibilities of the agency;

(c) Establish and maintain inventories of all agency information dissemination products;

(d) Develop such other aids to locating agency information dissemination products including catalogs and directories, as may reasonably achieve agency information dissemination objectives;

(e) Identify in information dissemination products the source of the information, if from another agency;

(f) Ensure that members of the public with disabilities whom the agency has a responsibility to inform have a reasonable ability to access the information dissemination products;

(g) Ensure that government publications are made available to depository libraries through the facilities of the Government Printing Office, as required by law (44 U.S.C. Part 19);

(h) Provide electronic information dissemination products to the Government Printing Office for distribution to depository libraries;

(i) Establish and maintain communications with members of the public and with State and local governments so that the agency creates information dissemination products that meet their respective needs;

(j) Provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

(k) Ensure that, to the extent existing information dissemination policies or practices are inconsistent with the requirements of this Circular, a prompt and orderly transition to compliance with the requirements of this Circular is made.

(7) Avoiding Improperly Restrictive Practices. Agencies shall:

(a) Avoid establishing, or permitting others to establish on their behalf, exclusive, restricted, or other distribution arrangements that interfere with the availability of information dissemination products on a timely and equitable basis;

(b) Avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of Federal information dissemination products by the public; and,

(c) Set user charges for information dissemination products at a level sufficient to recover the cost of dissemination but no higher. They shall exclude from calculation of the charges costs associated with original collection and processing of the information. Exceptions to this policy are:

(i) Where statutory requirements are at variance with the policy;

(ii) Where the agency collects, processes, and disseminates the information for the benefit of a specific identifiable group beyond the benefit to the general public;

(iii) Where the agency plans to establish user charges at less than cost of dissemination because of a determination that higher charges would constitute a significant barrier to properly performing the agency's functions, including reaching members of the public whom the agency has a responsibility to inform; or

(iv) Where the Director of OMB determines an exception is warranted.

(8) Electronic Information Dissemination. Agencies shall use electronic media and formats, including public networks, as appropriate and within budgetary constraints, in order to make government information more easily accessible and useful to the public. The use of electronic media and formats for information dissemination is appropriate under the following conditions:

(a) The agency develops and maintains the information electronically;

(b) Electronic media or formats are practical and cost effective ways to provide public access to a large, highly detailed volume of information;

(c) The agency disseminates the product frequently;

(d) The agency knows a substantial portion of users have ready access to the necessary information technology and training to use electronic information dissemination products;

(e) A change to electronic dissemination, as the sole means of disseminating the product, will not impose substantial acquisition or training costs on users, especially State and local governments and small business entities.

(9) Safeguards. Agencies shall:

(a) Ensure that information is protected commensurate with the risk and magnitude of the harm that would result from the loss, misuse, or unauthorized access to or modification of such information;

(b) Limit the collection of information which identifies individuals to that which is legally authorized and necessary for the proper performance of agency functions;

(c) Limit the sharing of information that identifies individuals or contains proprietary information to that which is legally authorized, and impose appropriate conditions on use where a continuing obligation to ensure the confidentiality of the information exists;

(d) Provide individuals, upon request, access to records about them maintained in Privacy Act systems of records, and permit them to amend such records as are in error consistent with the provisions of the Privacy Act.

b. Information Systems and Information Technology Management

(1) Evaluation and Performance Measurement. Agencies shall promote the appropriate application of Federal information resources as follows:

(a) Seek opportunities to improve the effectiveness and efficiency of government programs through work process redesign and the judicious application of information technology;

(b) Prepare, and update as necessary throughout the information system life cycle, a benefit-cost analysis for each information system:

(i) At a level of detail appropriate to the size of the investment;

(ii) Consistent with the methodology described in OMB Circular No. A–94, ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs;'' and

(iii) that relies on systematic measures of mission performance, including the:

(a) Effectiveness of program delivery;

(b) Efficiency of program administration; and

(c) Reduction in burden, including information collection burden, imposed on the public;

(c) Conduct benefit-cost analyses to support ongoing management oversight processes that maximize return on investment and minimize financial and operational risk for investments in major information systems on an agency-wide basis; and

(d) Conduct post-implementation reviews of information systems to validate estimated benefits and document effective management practices for broader use.

(2) Strategic Information Resources Management (IRM) Planning. Agencies shall establish and maintain strategic information resources management planning processes which include the following components:

(a) Strategic IRM planning that addresses how the management of information resources promotes the fulfillment of an agency's mission. This planning process should support the development and maintenance of a strategic IRM plan that reflects and anticipates changes in the agency's mission, policy direction, technological capabilities, or resource levels;

(b) Information planning that promotes the use of information throughout its life cycle to maximize the usefulness of information, minimize the burden on the public, and preserve the appropriate integrity, availability, and confidentiality of information. It shall specifically address the planning and budgeting for the information collection burden imposed on the public as defined by 5 CFR 1320;

(c) Operational information technology planning that links information technology to anticipated program and mission needs, reflects budget constraints, and forms the basis for budget requests. This planning should result in the preparation and maintenance of an up-to-date five-year plan, as required by 44 U.S.C. 3506, which includes:

(i) A listing of existing and planned major information systems;

(ii) A listing of planned information technology acquisitions;

(iii) An explanation of how the listed major information systems and planned information technology acquisitions relate to each other and support the achievement of the agency's mission; and

(iv) A summary of computer security planning, as required by Section 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note); and

(d) Coordination with other agency planning processes including strategic, human resources, and financial resources.

(3) Information Systems Management Oversight. Agencies shall establish information system management oversight mechanisms that:

(a) Ensure that each information system meets agency mission requirements;

(b) Provide for periodic review of information systems to determine:

(i) How mission requirements might have changed;

(ii) Whether the information system continues to fulfill ongoing and anticipated mission requirements; and

(iii) What level of maintenance is needed to ensure the information system meets mission requirements cost effectively;

(c) Ensure that the official who administers a program supported by an information system is responsible and accountable for the management of that information system throughout its life cycle;

(d) Provide for the appropriate training for users of Federal information resources;

(e) Prescribe Federal information system requirements that do not unduly restrict the prerogatives of State, local, and tribal governments;

(f) Ensure that major information systems proceed in a timely fashion towards agreed-upon milestones in an information system life cycle, meet user requirements, and deliver intended benefits to the agency and affected publics through coordinated decision making about the information, human, financial, and other supporting resources; and

(g) Ensure that financial management systems conform to the requirements of OMB Circular No. A–127, ''Financial Management Systems.''

(4) **USE OF INFORMATION RESOURCES.** Agencies shall create and maintain management and technical frameworks for using information resources that document linkages between mission needs, information content, and information technology capabilities. These frameworks should guide both strategic and operational IRM planning. They should also address steps necessary to create an open systems environment. Agencies shall implement the following principles:

(a) Develop information systems in a manner that facilitates necessary interoperability, application portability, and scalability of computerized applications across networks of heterogeneous hardware, software, and communications platforms;

(b) Ensure that improvements to existing information systems and the development of planned information systems do not unnecessarily duplicate information systems available within the same agency, from other agencies, or from the private sector;

(c) Share available information systems with other agencies to the extent practicable and legally permissible;

(d) Meet information technology needs through intra-agency and inter-agency sharing, when it is cost effective, before acquiring new information technology resources;

(e) For Information Processing Service Organizations (IPSOs) that have costs in excess of $5 million per year, agencies shall:

(i) Account for the full costs of operating all IPSOs; (ii) Recover the costs incurred for providing IPSO services to all service recipients on an equitable basis commensurate with the costs required to provide those services; and

(iii) Document sharing agreements between service recipients and IPSOs; and

(f) Establish a level of security for all information systems that is commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of the information contained in these information systems.

(5) **ACQUISITION OF INFORMATION TECHNOLOGY.** Agencies shall:

(a) Acquire information technology in a manner that makes use of full and open competition and that maximizes return on investment;

(b) Acquire off-the-shelf software from commercial sources, unless the cost effectiveness of developing custom software to meet mission needs is clear and has been documented;

(c) Acquire information technology in accordance with OMB Circular No. A–109, ''Acquisition of Major Systems,'' where appropriate; and

(d) Acquire information technology in a manner that considers the need for accommodations of accessibility for individuals with disabilities to the extent that needs for such access exist.

9. **ASSIGNMENT OF RESPONSIBILITIES**

a. **ALL FEDERAL AGENCIES.** The head of each agency shall:

(1) Have primary responsibility for managing agency information resources;

(2) Ensure that the information policies, principles, standards, guidelines, rules, and regulations prescribed by OMB are implemented appropriately within the agency;

(3) Develop internal agency information policies and procedures and oversee, evaluate, and otherwise periodically review agency information resources management activities for conformity with the policies set forth in this Circular;

(4) Develop agency policies and procedures that provide for timely acquisition of required information technology;

(5) Maintain an inventory of the agencies' major information systems, holdings and information dissemination products, as required by 44 U.S.C. 3511.

(6) Implement and enforce applicable records management policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

(7) Identify to the Director, OMB, statutory, regulatory, and other impediments to efficient management of Federal information resources and recommend to the Director legislation, policies, procedures, and other guidance to improve such management;

(8) Assist OMB in the performance of its functions under the PRA including making services, personnel, and facilities available to OMB for this purpose to the extent practicable;

(9) Appoint a senior official, as required by 44 U.S.C. 3506(a), who shall report directly to the agency head to carry out the responsibilities of the agency under the PRA. The head of the agency shall keep the Director, OMB, advised as to the name, title, authority, responsibilities, and organizational resources of the senior official. For purposes of this paragraph, military departments and the Office of the Secretary of Defense may each appoint one official.

(10) Direct the senior official appointed pursuant to 44 U.S.C. 3506(a) to monitor agency compliance with the policies, procedures, and guidance in this Circular. Acting as an ombudsman, the senior official shall consider alleged instances of agency failure to comply with this Circular and recommend or take corrective action as appropriate. The senior official shall report annually, not later than February 1st of each year, to the Director those instances of alleged failure to comply with this Circular and their resolution.

b. **DEPARTMENT OF STATE.** The Secretary of State shall:

(1) Advise the Director, OMB, on the development of United States positions and policies on international information policy issues affecting Federal Government information activities and ensure that such positions and policies are consistent with Federal information resources management policy;

(2) Ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international information technology standards, and advise the Director, OMB, of such activities.

c. **DEPARTMENT OF COMMERCE.** The Secretary of Commerce shall:

(1) Develop and issue Federal Information Processing Standards and guidelines necessary to ensure the efficient and effective acquisition, management, security, and use of information technology;

(2) Advise the Director, OMB, on the development of policies relating to the procurement and management of Federal telecommunications resources;

(3) Provide OMB and the agencies with scientific and technical advisory services relating to the development and use of information technology;

(4) Conduct studies and evaluations concerning telecommunications technology, and concerning the improvement, expansion, testing, operation, and use of Federal telecommunications systems and advise the Director, OMB, and appropriate agencies of the recommendations that result from such studies;

(5) Develop, in consultation with the Secretary of State and the Director of OMB, plans, policies, and programs relating to international telecommunications issues affecting government information activities;

(6) Identify needs for standardization of telecommunications and information processing technology, and develop standards, in consultation with the Secretary of Defense and the Administrator of General Services, to ensure efficient application of such technology;

(7) Ensure that the Federal Government is represented in the development of national and, in consultation with the Secretary of

State, international information technology standards, and advise the Director, OMB, of such activities.

d. **DEPARTMENT OF DEFENSE.** The Secretary of Defense shall develop, in consultation with the Administrator of General Services, uniform Federal telecommunications standards and guidelines to ensure national security, emergency preparedness, and continuity of government.

e. **GENERAL SERVICES ADMINISTRATION.** The Administrator of General Services shall:

(1) Advise the Director, OMB, and agency heads on matters affecting the procurement of information technology;

(2) Coordinate and, when required, provide for the purchase, lease, and maintenance of information technology required by Federal agencies;

(3) Develop criteria for timely procurement of information technology and delegate procurement authority to agencies that comply with the criteria;

(4) Provide guidelines and regulations for Federal agencies, as authorized by law, on the acquisition, maintenance, and disposition of information technology, and for implementation of Federal Information Processing Standards;

(5) Develop policies and guidelines that facilitate the sharing of information technology among agencies as required by this Circular;

(6) Manage the Information Technology Fund in accordance with the Federal Property and Administrative Services Act as amended;

f. **OFFICE OF PERSONNEL MANAGEMENT.** The Director, Office of Personnel Management, shall:

(1) Develop and conduct training programs for Federal personnel on information resources management including end-user computing;

(2) Evaluate periodically future personnel management and staffing requirements for Federal information resources management;

(3) Establish personnel security policies and develop training programs for Federal personnel associated with the design, operation, or maintenance of information systems.

g. National Archives and Records Administration. The Archivist of the United States shall:

(1) Administer the Federal records management program in accordance with the National Archives and Records Act;

(2) Assist the Director, OMB, in developing standards and guidelines relating to the records management program.

h. Office of Management and Budget. The Director of the Office of Management and Budget shall:

(1) Provide overall leadership and coordination of Federal information resources management within the executive branch;

(2) Serve as the President's principal adviser on procurement and management of Federal telecommunications systems, and develop and establish policies for procurement and management of such systems;

(3) Issue policies, procedures, and guidelines to assist agencies in achieving integrated, effective, and efficient information resources management;

(4) Initiate and review proposals for changes in legislation, regulations, and agency procedures to improve Federal information resources management;

(5) Review and approve or disapprove agency proposals for collection of information from the public, as defined by 5 CFR 1320.3;

(6) Develop and maintain a Governmentwide strategic plan for information resources management.

(7) Evaluate agencies' information resources management and identify cross-cutting information policy issues through the review of agency information programs, information collection budgets, information technology acquisition plans, fiscal budgets, and by other means;

(8) Provide policy oversight for the Federal records management function conducted by the National Archives and Records Administration, coordinate records management policies and programs with other information activities, and review compliance by agencies with records management requirements;

(9) Review agencies' policies, practices, and programs pertaining to the security, protection, sharing, and disclosure of information, in order to ensure compliance, with respect to privacy and security, with the Privacy Act, the Freedom of Information Act, the Computer Security Act and related statutes;

(10) Resolve information technology procurement disputes between agencies and the General Services Administration pursuant to Section 111 of the Federal Property and Administrative Services Act;

(11) Review proposed U.S. Government Position and Policy statements on international issues affecting Federal Government information activities and advise the Secretary of State as to their consistency with Federal information resources management policy.

(12) Coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy.

10. Oversight:

a. The Director, OMB, will use information technology planning reviews, fiscal budget reviews, information collection budget reviews, management reviews, and such other measures as the Director deems necessary to evaluate the adequacy and efficiency of each agency's information resources management and compliance with this Circular.

b. The Director, OMB, may, consistent with statute and upon written request of an agency, grant a waiver from particular requirements of this Circular. Requests for waivers must detail the reasons why a particular waiver is sought, identify the duration of the waiver sought, and include a plan for the prompt and orderly transition to full compliance with the requirements of this Circular. Notice of each waiver request shall be published promptly by the agency in the Federal Register, with a copy of the waiver request made available to the public on request.

11. Effectiveness: This Circular is effective upon issuance. Nothing in this Circular shall be construed to confer a private right of action on any person.

12. Inquiries: All questions or inquiries should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Telephone: (202) 395–3785.

13. Sunset Review Date: OMB will review this Circular three years from the date of issuance to ascertain its effectiveness.

Appendix I to OMB Circular No. A–130—Federal Agency Responsibilities for Maintaining Records About Individuals

1. Purpose and Scope

This Appendix describes agency responsibilities for implementing the reporting and publication requirements of the Privacy Act of 1974, 5 U.S.C. 552a, as amended (hereinafter ''the Act''). It applies to all agencies subject to the Act. Note that this Appendix does not rescind other guidance OMB has issued to help agencies interpret the Privacy Act's provisions, e.g., Privacy Act Guidelines (40 FR 28949–28978, July 9, 1975), or Final Guidance for Conducting Matching Programs (54 FR at 25819, June 19, 1989).

2. Definitions

a. The terms ''agency,'' ''individual,'' ''maintain,'' ''matching program,'' ''record,'' ''system of records,'' and ''routine use,'' as used in this Appendix, are defined in the Act (5 U.S.C. 552a(a)).

b. Matching Agency. Generally, the Recipient Federal agency (or the Federal source agency in a match conducted by a nonfederal agency) is the matching agency and is responsible for meeting the reporting and publication requirements associated with the matching program. However, in large, multi-agency matching programs, where the recipient agency is merely performing the matches and the benefit accrues to the source agencies, the partners should assign responsibility for compliance with the administrative requirements in a fair and reasonable way. This may mean having the matching agency carry out these requirements for all parties, having one participant designated to do so, or having each source agency do so for its own matching program(s).

c. Nonfederal Agency. Nonfederal agencies are State or local governmental agencies receiving or providing records in a matching program with a Federal agency.

d. Recipient Agency. Recipient agencies are Federal agencies or their contractors receiving automated records from the Privacy Act systems of records of other Federal agencies, or from State or local governments, to be used in a matching program as defined in the Act.

e. Source Agency. A source agency is a Federal agency that discloses automated records from a system of records to another Federal agency or to a State or local agency to be used in a matching program. It is also a State or local agency that discloses records to a Federal agency for use in a matching program.

3. Assignment of Responsibilities

a. All Federal Agencies. In addition to meeting the agency requirements contained in the Act and the specific reporting and publication requirements detailed in this Appendix, the head of each agency shall ensure that the following reviews are conducted as often as specified below, and be prepared to report to the Director, OMB, the results of such reviews and the corrective action taken to resolve problems uncovered. The head of each agency shall:

(1) Section (m) Contracts. Review every two years a random sample of agency contracts that provide for the maintenance of a system of records on behalf of the agency to accomplish an agency function, in order to ensure that the wording of each contract makes the provisions of the Act binding on the contractor and his or her employees. (See 5 U.S.C. 552a(m)(1)).

(2) Recordkeeping Practices. Review biennially agency recordkeeping and disposal policies and practices in order to assure compliance with the Act, paying particular attention to the maintenance of automated records.

(3) Routine Use Disclosures. Review every four years the routine use disclosures associated with each system of records in order to ensure that the recipient's use of such records continues to be compatible with the purpose for which the disclosing agency collected the information.

(4) Exemption of Systems of Records. Review every four years each system of records for which the agency has promulgated exemption rules pursuant to Section (j) or (k) of the Act in order to determine whether such exemption is still needed.

(5) Matching Programs. Review annually each ongoing matching program in which the agency has participated during the year in order to ensure that the requirements of the Act, the OMB guidance, and any agency regulations, operating instructions, or guidelines have been met.

(6) Privacy Act Training. Review biennially agency training practices in order to ensure that all agency personnel are familiar with the requirements of the Act, with the agency's implementing regulation, and with any special requirements of their specific jobs.

(7) Violations. Review biennially the actions of agency personnel that have resulted either in the agency being found civilly liable under Section (g) of the Act, or an employee being found criminally liable under the provisions of Section (i) of the Act, in order to determine the extent of the problem, and to find the most effective way to prevent recurrence of the problem.

(8) Systems of Records Notices. Review biennially each system of records notice to ensure that it accurately describes the system of records. Where minor changes are needed, e.g., the name of the system manager, ensure that an amended notice is published in the Federal Register. Agencies may choose to make one annual comprehensive publication consolidating such minor changes. This requirement is distinguished from and in addition to the requirement to report to OMB and Congress significant changes to systems of records and to publish those changes in the Federal Register (See paragraph 4c of this Appendix).

b. Department of Commerce. The Secretary of Commerce shall, consistent with guidelines issued by the Director, OMB, develop and issue standards and guidelines for ensuring the security of information protected by the Act in automated information systems.

c. The Department of Defense, General Services Administration, and National Aeronautics and Space Administration. These agencies shall, consistent with guidelines issued by the Director, OMB, ensure that instructions are issued on what agencies must do in order to comply with the requirements of Section (m) of the Act when contracting for the operation of a system of records to accomplish an agency purpose.

d. Office of Personnel Management. The Director of the Office of Personnel Management shall, consistent with guidelines issued by the Director, OMB:

(1) Develop and maintain government-wide standards and procedures for civilian personnel information processing and recordkeeping directives to assure conformance with the Act.

(2) Develop and conduct Privacy Act training programs for agency personnel, including both the conduct of courses in various substantive areas (e.g., administrative, information technology) and the development of materials that agencies can use in their own courses. The assignment of this responsibility to OPM does not affect the responsibility of individual agency heads for developing and conducting training programs tailored to the specific needs of their own personnel.

e. National Archives and Records Administration. The Archivist of the United States through the Office of the Federal Register, shall, consistent with guidelines issued by the Director, OMB:

(1) Issue instructions on the format of the agency notices and rules required to be published under the Act.

(2) Compile and publish every two years, the rules promulgated under 5 U.S.C. 552a(f) and agency notices published under 5 U.S.C. 552a(e)(4) in a form available to the public at low cost.

(3) Issue procedures governing the transfer of records to Federal Records Centers for storage, processing, and servicing pursuant to 44 U.S.C. 3103. For purposes of the Act, such records are considered to be maintained by the agency that deposited them. The Archivist may disclose deposited records only according to the access rules established by the agency that deposited them.

f. Office of Management and Budget. The Director of the Office of Management and Budget will:

(1) Issue guidelines and directives to the agencies to implement the Act.

(2) Assist the agencies, at their request, in implementing their Privacy Act programs.

(3) Review new and altered system of records and matching program reports submitted pursuant to Section (o) of the Act.

(4) Compile the biennial report of the President to Congress in accordance with Section (s) of the Act.

(5) Compile and issue a biennial report on the agencies' implementation of the computer matching provisions of the Privacy Act, pursuant to Section (u)(6) of the Act.

4. Reporting Requirements. The Privacy Act requires agencies to make the following kinds of reports:

Report	When Due	Recipient**
Biennial Privacy Act Report	June 30, 1996, 1998, 2000, 2002	Administrator, OIRA.
Biennial Matching Activity Report	June 30, 1996, 1998, 2000, 2002	Administrator, OIRA.
New System of Records Report .	When establishing a system of records—at least 40 days before operating the system*.	Administrator, OIRA, Congress.
Altered System of Records Report.	When adding a new routine use, exemption, or otherwise significantly altering an existing system of records—at least 40 days before change to system takes place.	*Administrator, OIRA, Congress.
New Matching Program Report ..	When establishing a new matching program—at least 40 days before operating the program*.	Administrator, OIRA, Congress.
Renewal of Existing Matching Program.	At least 40 days prior to expiration of any one year extension of the original program—treat as a new program.	Administrator, OIRA, Congress.
Altered Matching Program	When making a significant change to an existing matching program—at least 40 days before operating an altered program*.	Administrator, OIRA, Congress.
Matching Agreements	At least 40 days prior to the start of a matching program*	Congress.

*Review Period: Note that the statutory reporting requirement is 30 days prior; the additional ten days will ensure that OMB and Congress have sufficient time to review the proposal. Agencies should therefore ensure that reports are mailed expeditiously after being signed.

**Recipient Addresses: At bottom of envelope print ''Privacy Act Report''.

House of Representatives: The Chair of the House Committee on Government Reform and Oversight, 2157 RHOB, Washington, D.C. 20515–6143.

Senate: The Chair of the Senate Committee on Governmental Affairs, 340 SDOB, Washington, D.C. 20510–6250.

Office of Management and Budget: The Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Docket Library, NEOB Room 10012, Washington, D.C. 20503.

a. Biennial Privacy Act Report. To provide the necessary information for the biennial report of the President, agencies shall submit a biennial report to OMB, covering their Privacy Act activities for the calendar years covered by the reporting period. The exact format of the report will be established by OMB. At a minimum, however, agencies should collect and be prepared to report the following data on a calendar year basis:

(1) A listing of publication activity during the year showing the following:

*Total Number of Systems of Records (Exempt/NonExempt)
*Number of New Systems of Records Added (Exempt/NonExempt)
*Number Routine Uses Added
*Number Exemptions Added to Existing Systems
*Number Exemptions Deleted from Existing Systems
*Total Number of Automated Systems of Records (Exempt/NonExempt)

The agency should provide a brief narrative describing those activities in detail, e.g., ''the Department added a (k)(1) exemption to an existing system of records entitled ''Investigative Records of the Office of Investigations;'' or ''the agency added a new routine use to a system of records entitled 'Employee Health Records' that would permit disclosure of health data to researchers under contract to the agency to perform workplace risk analysis.''

(2) A brief description of any public comments received on agency publication and implementation activities, and agency response.

(3) Number of access and amendment requests from record subjects citing the Privacy Act that were received during the calendar year of the report. Also the disposition of requests from any year that were completed during the calendar year of the report:

*Total Number of Access Requests
Number Granted in Whole
Number Granted in Part
Number Wholly Denied
Number For Which No Record Found
*Total Amendment Requests
Number Granted in Whole
Number Granted in Part
Number Wholly Denied
*Number of Appeals of Denials of Access
Number Granted in Whole
Number Granted in Part
Number Wholly Denied
Number For Which No Record Found
*Number of Appeals of Denials of Amendment
Number Granted in Whole
Number Granted in Part
Number Wholly Denied

(4) Number of instances in which individuals brought suit under section (g) of the Privacy Act against the agency and the results of any such litigation that resulted in a change to agency practices or affected guidance issued by OMB.

(5) Results of the reviews undertaken in response to paragraph 3a of this Appendix.

(6) Description of agency Privacy Act training activities conducted in accordance with paragraph 3a(6) of this Appendix.

b. Biennial Matching Activity Report (See 5 U.S.C. 552a(u)(3)(D)). At the end of each calendar year, the Data Integrity Board of each agency that has participated in a matching program will collect data summarizing that year's matching activity. The Act requires that such activity be reported every two years. OMB will establish the exact format of the report, but agencies' Data Integrity Boards should be prepared to report the data identified below both to the agency head and to OMB:

(1) A listing of the names and positions of the members of the Data Integrity Board and showing separately the name of the Board Secretary, his or her agency mailing address, and telephone number. Also show and explain any changes in membership or structure occurring during the reporting year.

(2) A listing of each matching program, by title and purpose, in which the agency participated during the reporting year. This listing should show names of participant agencies, give a brief description of the program, and give a page citation and the date of the Federal Register notice describing the program.

(3) For each matching program, an indication of whether the cost/benefit analysis performed resulted in a favorable ratio. The Data Integrity Board should explain why the agency proceeded with any matching program for which an unfavorable ratio was reached.

(4) For each program for which the Board waived a cost/benefit analysis, the reasons for the waiver and the results of the match, if tabulated.

(5) A description of any matching agreement the Board rejected and an explanation of the rejection.

(6) A listing of any violations of matching agreements that have been alleged or identified, and a discussion of any action taken.

(7) A discussion of any litigation involving the agency's participation in any matching program.

(8) For any litigation based on allegations of inaccurate records, an explanation of the steps the agency used to ensure the integrity of its data as well as the verification process it used in the matching program, including an assessment of the adequacy of each.

c. New and Altered System of Records Report. The Act requires agencies to publish notices in the Federal Register describing new or altered systems of records, and to submit reports to OMB, and to the Chair of the Committee on Government Reform and Oversight of the House of Representatives, and the Chair of the Committee on Governmental Affairs of the Senate. The reports must be transmitted at least 40 days prior to the operation of the new system of records or the date on which the alteration to an existing system takes place.

(1) Which Alterations Require a Report. Minor changes to systems of records need not be reported. For example, a change in the designation of the system manager due to a reorganization would not require a report, so long as an individual's ability to gain access to his or her records is not affected. Other examples include changing applicable safeguards as a result of a risk analysis or deleting a routine use when there is no longer a need for the disclosure. The following changes are those for which a report is required:

(a) A significant increase in the number, type, or category of individuals about whom records are maintained. For example, a system covering physicians that has been expanded to include other types of health care providers, e.g., nurses, technicians, etc., would require a report. Increases attributable to normal growth should not be reported.

(b) A change that expands the types or categories of information maintained. For example, a benefit system which originally included only earned income information that has been expanded to include unearned income information.

(c) A change that alters the purpose for which the information is used.

(d) A change to equipment configuration (either hardware or software) that creates substantially greater access to the records in the system of records. For example, locating interactive terminals at regional offices for accessing a system formerly accessible only at the headquarters would require a report.

(e) The addition of an exemption pursuant to Section (j) or (k) of the Act. Note that, in examining a rulemaking for a Privacy Act exemption as part of a report of a new or altered system of records, OMB will also review the rule under applicable regulatory review procedures and agencies need not make a separate submission for that purpose.

(f) The addition of a routine use pursuant to 5 U.S.C. 552a(b)(3).

(2) Reporting Changes to Multiple Systems of Records. When an agency makes a change to an information technology installation or a telecommunication network, or makes any other general changes in information collection, processing, dissemination, or storage that affect multiple systems of records, it may submit a single, consolidated report, with changes to existing notices and supporting documentation included in the submission.

(3) Contents of the New or Altered System Report. The report for a new or altered system has three elements: a transmittal letter, a narrative statement, and supporting documentation.

(a) Transmittal Letter. The transmittal letter should be signed by the senior agency official responsible for implementation of the Act within the agency and should contain the name and telephone number of the individual who can best answer questions about the system of records. The letter should contain the agency's assurance that the proposed system does not duplicate any existing agency or government-wide systems of records. The letter sent to OMB may also include a request for waiver of the time

period for the review. The agency should indicate why it cannot meet the established review period and the consequences of not obtaining the waiver. (See paragraph 4e below.) There is no prescribed format for the letter.

(b) Narrative Statement. There is also no prescribed format for the narrative statement, but it should be brief. It should make reference, as appropriate, to information in the supporting documentation rather than restating such information. The statement should:

1. Describe the purpose for which the agency is establishing the system of records.

2. Identify the authority under which the system of records is maintained. The agency should avoid citing housekeeping statutes, but rather cite the underlying programmatic authority for collecting, maintaining, and using the information. When the system is being operated to support an agency housekeeping program, e.g., a carpool locator, the agency may, however, cite a general housekeeping statute that authorizes the agency head to keep such records as necessary.

3. Provide the agency's evaluation of the probable or potential effect of the proposal on the privacy of individuals.

4. Provide a brief description of the steps taken by the agency to minimize the risk of unauthorized access to the system of records. A more detailed assessment of the risks and specific administrative, technical, procedural, and physical safeguards established shall be made available to OMB upon request.

5. Explain how each proposed routine use satisfies the compatibility requirement of subsection (a)(7) of the Act. For altered systems, this requirement pertains only to any newly proposed routine use.

6. Provide OMB Control Numbers, expiration dates, and titles of any information collection requests (e.g., forms, surveys, etc.) contained in the system of records and approved by OMB under the Paperwork Reduction Act. If the request for OMB clearance of an information collection is pending, the agency may simply state the title of the collection and the date it was submitted for OMB clearance.

(c) Supporting Documentation. Attach the following to all new or altered system of records reports:

1. A copy of the new or altered system of records notice consistent with the provisions of 5 U.S.C. 552a(e)(4). The notice must appear in the format prescribed by the Office of the Federal Register's *Document Drafting Handbook*. For proposed altered systems the agency should supply a copy of the original system of records notice to ensure that reviewers can understand the changes proposed. If the sole change to an existing system of records is to add a routine use, the agency should either republish the entire system of records notice, a condensed description of the system of records, or a citation to the last full text Federal Register publication.

2. A copy in Federal Register format of any new exemption rules or changes to published rules (consistent with the provisions of 5 U.S.C. 552a(f),(j), or (k)) that the agency proposes to issue for the new or altered system.

(4) OMB Review. OMB will review reports under 5 U.S.C. 552a(r) and provide comments if appropriate. Agencies may assume that OMB concurs in the Privacy Act aspects of their proposal if OMB has not commented within 40 days from the date the transmittal letter was signed. Agencies should ensure that letters are transmitted expeditiously after they are signed.

(5) Timing of Systems of Records Reports. Agencies may publish system of records and routine use notices as well as proposed exemption rules in the Federal Register at the same time that they send the new or altered system report to OMB and Congress. The period for OMB and congressional review and the notice and comment period for routine uses and exemptions will then run concurrently. Note that exemptions must be published as final rules before they are effective.

d. New or Altered Matching Program Report. The Act requires agencies to publish notices in the Federal Register describing new or altered matching programs, and to submit reports to OMB, and to Congress. The report must be received at least 40 days prior to the initiation of any matching activity carried out under a new or substantially altered matching program. For renewals of continuing programs, the report must be dated at least 40 days prior to the expiration of any existing matching agreement.

(1) When to Report Altered Matching Programs. Agencies need not report minor changes to matching programs. The term ''minor change to a matching program'' means a change that does not significantly alter the terms of the agreement under which the program is being carried out. Examples of significant changes include:

(a) Changing the purpose for which the program was established.

(b) Changing the matching population, either by including new categories of record subjects or by greatly increasing the numbers of records matched.

(c) Changing the legal authority covering the matching program.

(d) Changing the source or recipient agencies involved in the matching program.

(2) Contents of New or Altered Matching Program Report. The report for a new or altered matching program has three elements: a transmittal letter, a narrative statement, and supporting documentation that includes a copy of the proposed Federal Register notice.

(a) Transmittal Letter. The transmittal letter should be signed by the senior agency official responsible for implementation of the Privacy Act within the agency and should contain the name and telephone number of the individual who can best answer questions about the matching program. The letter should state that a copy of the matching agreement has been distributed to Congress as the Act requires. The letter to OMB may also include a request for waiver of the review time period. (See 4e below.)

(b) Narrative Statement. There is no prescribed format for the narrative statement, but it should be brief. It should make reference, as appropriate, to information in the supporting documentation rather than restating such information. The statement should provide:

1. A description of the purpose of the matching program and the authority under which it is being carried out.

2. A description of the security safeguards used to protect against any unauthorized access or disclosure of records used in the match.

3. If the cost/benefit analysis required by Section (u)(4)(A) indicated an unfavorable ratio or was waived pursuant to OMB guidance, an explanation of the basis on which the agency justifies conducting the match.

(c) Supporting Documentation. Attach the following:

1. A copy of the Federal Register notice describing the matching program. The notice must appear in the format prescribed by the Office of the Federal Register's *Document Drafting Handbook*. (See 5b (3).)

2. For the Congressional report only, a copy of the matching agreement.

(3) OMB Review. OMB will review reports under 5 U.S.C. 552a(r) and provide comments if appropriate. Agencies may assume that OMB concurs in the Privacy Act aspects of their proposal if OMB has not commented within 40 days from the date the transmittal letter was signed.

(4) Timing of Matching Program Reports. Agencies should ensure that letters are transmitted expeditiously after they are signed. Agencies may publish matching program notices in the Federal Register at the same time that they send the matching program report to OMB and Congress. The period for OMB and congressional review and the notice and comment period will then run concurrently.

e. Expedited Review. The Director, OMB, may grant a waiver of the 40-day review period for either systems of records or matching program reviews. The agency must ask for the waiver in the transmittal letter and demonstrate compelling reasons. When a waiver is granted, the agency is not thereby relieved of any other requirement of the Act. If no waiver is granted, agencies may presume concurrence at the expiration of the 40 day review period if OMB has not commented by that time. Note that OMB cannot waive time periods specifically established by the Act such as the 30 days notice and comment period required for the adoption of a routine use proposal pursuant to Section (b)(3) of the Act.

5. Publication Requirements. The Privacy Act requires agencies to publish notices or rules in the Federal Register in the following circumstances: when adopting a new or altered system of records, when adopting a routine use, when adopting an exemption for a system of records, or when proposing to carry out a new or altered matching program. (See paragraph 4c(1) and 4d(1) above on what constitutes an alteration requiring a report to OMB and the Congress.)

a. Publishing New or Altered Systems of Records Notices and Exemption Rules.

(1) Who Publishes. The agency responsible for operating the system of records makes the necessary publication. Publication should be carried out at the departmental or agency level. Even where a system of records is to

be operated exclusively by a component, the department rather than the component should publish the notice. Thus, for example, the Department of the Treasury would publish a system of records notice covering a system operated exclusively by the Internal Revenue Service. Note that if the agency is proposing to exempt the system under Section (j) or (k) of the Act, it must publish a rule in addition to the system of records notice.

(a) Government-wide Systems of Records. Certain agencies publish systems of records containing records for which they have government-wide responsibilities. The records may be located in other agencies, but they are being used under the authority of and in conformance with the rules mandated by the publishing agency. The Office of Personnel Management, for example, has published a number of government-wide systems of records relating to the operation of the government's personnel program. Agencies should not publish systems of records that wholly or partly duplicate existing government-wide systems of records.

(b) Section (m) Contract Provisions. When an agency provides by contract for the operation of a system of records, it should ensure that a system of records notice describing the system has been published. It should also review the notice to ensure that it contains a routine use under Section (e)(4)(D) of the Act permitting disclosure to the contractor and his or her personnel.

(2) When to Publish.

(a) System Notice. The system of records notice must appear in the Federal Register before the agency begins to operate the system, e.g., collect and use the information.

(b) Routine Use. A routine use must be published in the Federal Register 30 days before the agency discloses records pursuant to its terms. (Note that the addition of a routine use to an existing system of records requires a report to OMB and Congress, and that the review period for this report is 40 days.)

(c) Exemption Rule. A rule exempting a system of records under (j) or (k) or the Act must be established through informal rulemaking pursuant to the Administrative Procedure Act. This process generally requires publication of a proposed rule, a period during which the public may comment, publication of a final rule, and the adoption of the final rule. Agencies may not withhold records under an exemption until these requirements have been met.

(3) Format. Agencies should follow the publication format contained in the Office of the Federal Register's *Document Drafting Handbook* which may be obtained from the Government Printing Office.

b. Publishing Matching Notices.

(1) Who Publishes. Generally, the recipient Federal agency (or the Federal source agency in a match conducted by a nonfederal agency) is responsible for publishing in the Federal Register a notice describing the new or altered matching program. However, in large, multi-agency matching programs, where the recipient agency is merely performing the matches, and the benefit accrues to the source agencies, the partners should assign responsibility for compliance with the administrative requirements in a fair and reasonable way. This may mean having the matching agency carry out these requirements for all parties, having one participant designated to do so, or having each source agency do so for its own matching program(s).

(2) Timing. Publication must occur at least 30 days prior to the initiation of any matching activity carried out under a new or substantially altered matching program. For renewals of programs agencies wish to continue past the 30 month period of initial eligibility (i.e., the initial 18 months plus a one year extension), publication must occur at least 30 days prior to the expiration of the existing matching agreement. (But note that a report to OMB and the Congress is also required with a 40 day review period).

(3) Format. The matching notice shall be in the format prescribed by the Office of the Federal Register's Document Drafting Handbook and contain the following information:

(a) The name of the Recipient Agency.

(b) The Name(s) of the Source Agencies.

(c) The beginning and ending dates of the match.

(d) A brief description of the matching program, including its purpose; the legal authorities authorizing its operation; categories of individuals involved; and identification of records used, including name(s) of Privacy Act Systems of records.

(e) The identification, address, and telephone number of a Recipient Agency official who will answer public inquiries about the program.

Appendix II to OMB Circular No. A–130—Cost Accounting, Cost Recovery, and Interagency Sharing of Information Technology Facilities

[The guidance formerly found in Appendix II has been revised and placed in Section 8b. See, Transmittal No. 2, 59 FR 37906. Appendix II has been deleted and is reserved for future topics.]

Appendix III to OMB Circular No. A–130—Security of Federal Automated Information Resources

A. Requirements

1. *Purpose*

This Appendix establishes a minimum set of controls to be included in Federal automated information security programs; assigns Federal agency responsibilities for the security of automated information; and links agency automated information security programs and agency management control systems established in accordance with OMB Circular No. A–123. The Appendix revises procedures formerly contained in Appendix III to OMB Circular No. A–130 (50 FR 52730; December 24, 1985), and incorporates requirements of the Computer Security Act of 1987 (P.L. 100–235) and responsibilities assigned in applicable national security directives.

2. *Definitions*

The term:

a. ''Adequate security'' means security commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information. This includes assuring that systems and applications used by the agency operate effectively and provide appropriate confidentiality, integrity, and availability, through the use of cost-effective management, personnel, operational, and technical controls.

b. ''Application'' means the use of information resources (information and information technology) to satisfy a specific set of user requirements.

c. ''General support system'' or ''system'' means an interconnected set of information resources under the same direct management control which shares common functionality. A system normally includes hardware, software, information, data, applications, communications, and people. A system can be, for example, a local area network (LAN) including smart terminals that supports a branch office, an agency-wide backbone, a communications network, a departmental data processing center including its operating system and utilities, a tactical radio network, or a shared information processing service organization (IPSO).

d. ''Major application'' means an application that requires special attention to security due to the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of the information in the application. Note: All Federal applications require some level of protection. Certain applications, because of the information in them, however, require special management oversight and should be treated as major. Adequate security for other applications should be provided by security of the systems in which they operate.

3. *Automated Information Security Programs.* Agencies shall implement and maintain a program to assure that adequate security is provided for all agency information collected, processed, transmitted, stored, or disseminated in general support systems and major applications.

Each agency's program shall implement policies, standards and procedures which are consistent with government-wide policies, standards, and procedures issued by the Office of Management and Budget, the Department of Commerce, the General Services Administration and the Office of Personnel Management (OPM). Different or more stringent requirements for securing national security information should be incorporated into agency programs as required by appropriate national security directives. At a minimum, agency programs shall include the following controls in their general support systems and major applications:

a. Controls for general support systems.

(1) *Assign Responsibility for Security.* Assign responsibility for security in each system to an individual knowledgeable in the information technology used in the system and in providing security for such technology.

(2) *System Security Plan.* Plan for adequate security of each general support system as part of the organization's information resources management (IRM) planning process. The security plan shall be consistent

with guidance issued by the National Institute of Standards and Technology (NIST). Independent advice and comment on the security plan shall be solicited prior to the plan's implementation. A summary of the security plans shall be incorporated into the strategic IRM plan required by the Paperwork Reduction Act (44 U.S.C. Chapter 35) and Section 8(b) of this circular. Security plans shall include:

(a) *Rules of the System.* Establish a set of rules of behavior concerning use of, security in, and the acceptable level of risk for, the system. The rules shall be based on the needs of the various users of the system. The security required by the rules shall be only as stringent as necessary to provide adequate security for information in the system. Such rules shall clearly delineate responsibilities and expected behavior of all individuals with access to the system. They shall also include appropriate limits on interconnections to other systems and shall define service provision and restoration priorities. Finally, they shall be clear about the consequences of behavior not consistent with the rules.

(b) *Training.* Ensure that all individuals are appropriately trained in how to fulfill their security responsibilities before allowing them access to the system. Such training shall assure that employees are versed in the rules of the system, be consistent with guidance issued by NIST and OPM, and apprise them about available assistance and technical security products and techniques. Behavior consistent with the rules of the system and periodic refresher training shall be required for continued access to the system.

(c) *Personnel Controls.* Screen individuals who are authorized to bypass significant technical and operational security controls of the system commensurate with the risk and magnitude of harm they could cause. Such screening shall occur prior to an individual being authorized to bypass controls and periodically thereafter.

(d) *Incident Response Capability.* Ensure that there is a capability to provide help to users when a security incident occurs in the system and to share information concerning common vulnerabilities and threats. This capability shall share information with other organizations, consistent with NIST coordination, and should assist the agency in pursuing appropriate legal action, consistent with Department of Justice guidance.

(e) *Continuity of Support.* Establish and periodically test the capability to continue providing service within a system based upon the needs and priorities of the participants of the system.

(f) *Technical Security.* Ensure that cost-effective security products and techniques are appropriately used within the system.

(g) *System Interconnection.* Obtain written management authorization, based upon the acceptance of risk to the system, prior to connecting with other systems. Where connection is authorized, controls shall be established which are consistent with the rules of the system and in accordance with guidance from NIST.

(3) *Review of Security Controls.* Review the security controls in each system when significant modifications are made to the system, but at least every three years. The scope and frequency of the review should be commensurate with the acceptable level of risk for the system. Depending on the potential risk and magnitude of harm that could occur, consider identifying a deficiency pursuant to OMB Circular No. A–123, ''Management Accountability and Control'' and the Federal Managers' Financial Integrity Act (FMFIA), if there is no assignment of security responsibility, no security plan, or no authorization to process for a system.

(4) *Authorize Processing.* Ensure that a management official authorizes in writing the use of each general support system based on implementation of its security plan before beginning or significantly changing processing in the system. Use of the system shall be re-authorized at least every three years.

b. Controls for Major Applications.

(1) *Assign Responsibility for Security.* Assign responsibility for security of each major application to a management official knowledgeable in the nature of the information and process supported by the application and in the management, personnel, operational, and technical controls used to protect it. This official shall assure that effective security products and techniques are appropriately used in the application and shall be contacted when a security incident occurs concerning the application.

(2) *Application Security Plan.* Plan for the adequate security of each major application, taking into account the security of all systems in which the application will operate. The plan shall be consistent with guidance issued by NIST. Advice and comment on the plan shall be solicited from the official responsible for security in the primary system in which the application will operate prior to the plan's implementation. A summary of the security plans shall be incorporated into the strategic IRM plan required by the Paperwork Reduction Act. Application security plans shall include:

(a) *Application Rules.* Establish a set of rules concerning use of and behavior within the application. The rules shall be as stringent as necessary to provide adequate security for the application and the information in it. Such rules shall clearly delineate responsibilities and expected behavior of all individuals with access to the application. In addition, the rules shall be clear about the consequences of behavior not consistent with the rules.

(b) *Specialized Training.* Before allowing individuals access to the application, ensure that all individuals receive specialized training focused on their responsibilities and the application rules. This may be in addition to the training required for access to a system. Such training may vary from a notification at the time of access (e.g., for members of the public using an information retrieval application) to formal training (e.g., for an employee that works with a high-risk application).

(c) *Personnel Security.* Incorporate controls such as separation of duties, least privilege and individual accountability into the application and application rules as appropriate. In cases where such controls cannot adequately protect the application or information in it, screen individuals commensurate with the risk and magnitude of the harm they could cause. Such screening shall be done prior to the individuals' being authorized to access the application and periodically thereafter.

(d) *Contingency Planning.* Establish and periodically test the capability to perform the agency function supported by the application in the event of failure of its automated support.

(e) *Technical Controls.* Ensure that appropriate security controls are specified, designed into, tested, and accepted in the application in accordance with appropriate guidance issued by NIST.

(f) *Information Sharing.* Ensure that information shared from the application is protected appropriately, comparable to the protection provided when information is within the application.

(g) *Public Access Controls.* Where an agency's application promotes or permits public access, additional security controls shall be added to protect the integrity of the application and the confidence the public has in the application. Such controls shall include segregating information made directly accessible to the public from official agency records.

(3) *Review of Application Controls.* Perform an independent review or audit of the security controls in each application at least every three years. Consider identifying a deficiency pursuant to OMB Circular No. A–123, ''Management Accountability and Control'' and the Federal Managers' Financial Integrity Act if there is no assignment of responsibility for security, no security plan, or no authorization to process for the application.

(4) *Authorize Processing.* Ensure that a management official authorizes in writing use of the application by confirming that its security plan as implemented adequately secures the application. Results of the most recent review or audit of controls shall be a factor in management authorizations. The application must be authorized prior to operating and re-authorized at least every three years thereafter. Management authorization implies accepting the risk of each system used by the application.

4. *Assignment of Responsibilities*

a. *Department of Commerce.* The Secretary of Commerce shall:

(1) Develop and issue appropriate standards and guidance for the security of sensitive information in Federal computer systems.

(2) Review and update guidelines for training in computer security awareness and accepted computer security practice, with assistance from OPM.

(3) Provide agencies guidance for security planning to assist in their development of application and system security plans.

(4) Provide guidance and assistance, as appropriate, to agencies concerning cost-effective controls when interconnecting with other systems.

(5) Coordinate agency incident response activities to promote sharing of incident response information and related vulnerabilities.

(6) Evaluate new information technologies to assess their security vulnerabilities, with technical assistance from the Department of Defense, and apprise Federal agencies of such vulnerabilities as soon as they are known.

b. *Department of Defense.* The Secretary of Defense shall:

(1) Provide appropriate technical advice and assistance (including work products) to the Department of Commerce.

(2) Assist the Department of Commerce in evaluating the vulnerabilities of emerging information technologies.

c. *Department of Justice.* The Attorney General shall:

(1) Provide appropriate guidance to agencies on legal remedies regarding security incidents and ways to report and work with law enforcement concerning such incidents.

(2) Pursue appropriate legal actions when security incidents occur.

d. *General Services Administration.* The Administrator of General Services shall:

(1) Provide guidance to agencies on addressing security considerations when acquiring automated data processing equipment (as defined in section 111(a)(2) of the Federal Property and Administrative Services Act of 1949, as amended).

(2) Facilitate the development of contract vehicles for agencies to use in the acquisition of cost-effective security products and services (e.g., back-up services).

(3) Provide appropriate security services to meet the needs of Federal agencies to the extent that such services are cost-effective.

e. *Office of Personnel Management.* The Director of the Office of Personnel Management shall:

(1) Assure that its regulations concerning computer security training for Federal civilian employees are effective.

(2) Assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and accepted computer security practice.

f. *Security Policy Board.* The Security Policy Board shall coordinate the activities of the Federal government regarding the security of information technology that processes classified information in accordance with applicable national security directives;

5. *Correction of Deficiencies and Reports*

a. *Correction of Deficiencies.* Agencies shall correct deficiencies which are identified through the reviews of security for systems and major applications described above.

b. *Reports on Deficiencies.* In accordance with OMB Circular No. A–123, ''Management Accountability and Control'', if a deficiency in controls is judged by the agency head to be material when weighed against other agency deficiencies, it shall be included in the annual FMFIA report. Less significant deficiencies shall be reported and progress on corrective actions tracked at the appropriate agency level.

c. *Summaries of Security Plans.* Agencies shall include a summary of their system security plans and major application plans in the strategic plan required by the Paperwork Reduction Act (44 U.S.C. 3506).

B. Descriptive Information

The following descriptive language is explanatory. It is included to assist in understanding the requirements of the Appendix.

The Appendix re-orients the Federal computer security program to better respond to a rapidly changing technological environment. It establishes government-wide responsibilities for Federal computer security and requires Federal agencies to adopt a minimum set of management controls. These management controls are directed at individual information technology users in order to reflect the distributed nature of today's technology.

For security to be most effective, the controls must be part of day-to-day operations. This is best accomplished by planning for security not as a separate activity, but as an integral part of overall planning.

''Adequate security'' is defined as ''security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of information.'' This definition explicitly emphasizes the risk-based policy for cost-effective security established by the Computer Security Act.

The Appendix no longer requires the preparation of formal risk analyses. In the past, substantial resources have been expended doing complex analyses of specific risks to systems, with limited tangible benefit in terms of improved security for the systems. Rather than continue to try to precisely measure risk, security efforts are better served by generally assessing risks and taking actions to manage them. While formal risk analyses need not be performed, the need to determine adequate security will require that a risk-based approach be used. This risk assessment approach should include a consideration of the major factors in risk management: the value of the system or application, threats, vulnerabilities, and the effectiveness of current or proposed safeguards. Additional guidance on effective risk assessment is available in ''An Introduction to Computer Security: The NIST Handbook'' (March 16, 1995).

Discussion of the Appendix's Major Provisions. The following discussion is provided to aid reviewers in understanding the changes in emphasis in the Appendix.

Automated Information Security Programs. Agencies are required to establish controls to assure adequate security for all information processed, transmitted, or stored in Federal automated information systems. This Appendix emphasizes management controls affecting individual users of information technology. Technical and operational controls support management controls. To be effective, all must interrelate. For example, authentication of individual users is an important management control, for which password protection is a technical control. However, password protection will only be effective if both a strong technology is employed, and it is managed to assure that it is used correctly.

Four controls are set forth: assigning responsibility for security, security planning, periodic review of security controls, and management authorization. The Appendix requires that these management controls be applied in two areas of management responsibility: one for general support systems and one for major applications.

The terms ''general support system'' and ''major application'' were used in OMB Bulletins Nos. 88–16 and 90–08. A general support system is ''an interconnected set of information resources under the same direct management control which shares common functionality.'' Such a system can be, for example, a local area network (LAN) including smart terminals that supports a branch office, an agency-wide backbone, a communications network, a departmental data processing center including its operating system and utilities, a tactical radio network, or a shared information processing service organization. Normally, the purpose of a general support system is to provide processing or communications support.

A major application is a use of information and information technology to satisfy a specific set of user requirements that requires special management attention to security due to the risk and magnitude of harm resulting from the loss, misuse or unauthorized access to or modification of the information in the application. All applications require some level of security, and adequate security for most of them should be provided by security of the general support systems in which they operate. However, certain applications, because of the nature of the information in them, require special management oversight and should be treated as major. Agencies are expected to exercise management judgement in determining which of their applications are major.

The focus of OMB Bulletins Nos. 88–16 and 90–08 was on identifying and securing both general support systems and applications which contained sensitive information. The Appendix requires the establishment of security controls in all general support systems, under the presumption that all contain some sensitive information, and focuses extra security controls on a limited number of particularly high-risk or major applications.

a. *General Support Systems.* The following controls are required in all general support systems:

(1) *Assign Responsibility for Security.* For each system, an individual should be a focal point for assuring there is adequate security within the system, including ways to prevent, detect, and recover from security problems. That responsibility should be assigned in writing to an individual trained in the technology used in the system and in providing security for such technology, including the management of security controls such as user identification and authentication.

(2) *Security Plan.* The Computer Security Act requires that security plans be developed for all Federal computer systems that contain sensitive information. Given the expansion of distributed processing since passage of the Act, the presumption in the Appendix is that all general support systems contain some sensitive information which requires protection to assure its integrity, availability, or confidentiality, and therefore all systems require security plans.

Previous guidance on security planning was contained in OMB Bulletin No. 90–08. This Appendix supersedes OMB Bulletin 90–08 and expands the coverage of security plans from Bulletin 90–08 to include rules of individual behavior as well as technical security. Consistent with OMB Bulletin 90–08, the Appendix directs NIST to update and expand security planning guidance and issue it as a Federal Information Processing Standard (FIPS). In the interim, agencies should continue to use the Appendix of OMB Bulletin No. 90–08 as guidance for the technical portion of their security plans.

The Appendix continues the requirement that independent advice and comment on the security plan for each system be sought. The intent of this requirement is to improve the plans, foster communication between managers of different systems, and promote the sharing of security expertise.

This Appendix also continues the requirement from the Computer Security Act that summaries of security plans be included in agency strategic information resources management plans. OMB will provide additional guidance about the contents of those strategic plans, pursuant to the Paperwork Reduction Act of 1995.

The following specific security controls should be included in the security plan for a general support system:

(a) *Rules.* An important new requirement for security plans is the establishment of a set of rules of behavior for individual users of each general support system. These rules should clearly delineate responsibilities of and expectations for all individuals with access to the system. They should be consistent with system-specific policy as described in ''An Introduction to Computer Security: The NIST Handbook'' (March 16, 1995). In addition, they should state the consequences of non-compliance. The rules should be in writing and will form the basis for security awareness and training.

The development of rules for a system must take into consideration the needs of all parties who use the system. Rules should be as stringent as necessary to provide adequate security. Therefore, the acceptable level of risk for the system must be established and should form the basis for determining the rules.

Rules should cover such matters as work at home, dial-in access, connection to the Internet, use of copyrighted works, unofficial use of government equipment, the assignment and limitation of system privileges, and individual accountability. Often rules should reflect technical security controls in the system. For example, rules regarding password use should be consistent with technical password features in the system. Rules may be enforced through administrative sanctions specifically related to the system (e.g. loss of system privileges) or through more general sanctions as are imposed for violating other rules of conduct. In addition, the rules should specifically address restoration of service as a concern of all users of the system.

(b) *Training.* The Computer Security Act requires Federal agencies to provide for the mandatory periodic training in computer security awareness and accepted computer security practice of all employees who are involved with the management, use or operation of a Federal computer system within or under the supervision of the Federal agency. This includes contractors as well as employees of the agency. Access provided to members of the public should be constrained by controls in the applications through which access is allowed, and training should be within the context of those controls. The Appendix enforces such mandatory training by requiring its completion prior to granting access to the system. Each new user of a general support system in some sense introduces a risk to all other users. Therefore, each user should be versed in acceptable behavior—the rules of the system—before being allowed to use the system. Training should also inform the individual how to get help in the event of difficulty with using or security of the system.

Training should be tailored to what a user needs to know to use the system securely, given the nature of that use. Training may be presented in stages, for example as more access is granted. In some cases, the training should be in the form of classroom instruction. In other cases, interactive computer sessions or well-written and understandable brochures may be sufficient, depending on the risk and magnitude of harm.

Over time, attention to security tends to dissipate. In addition, changes to a system may necessitate a change in the rules or user procedures. Therefore, individuals should periodically have refresher training to assure that they continue to understand and abide by the applicable rules.

To assist agencies, the Appendix requires NIST, with assistance from the Office of Personnel Management (OPM), to update its existing guidance. It also proposes that OPM assure that its rules for computer security training for Federal civilian employees are effective.

(c) *Personnel Controls.* It has long been recognized that the greatest harm has come from authorized individuals engaged in improper activities, whether intentional or accidental. In every general support system, a number of technical, operational, and management controls are used to prevent and detect harm. Such controls include individual accountability, ''least privilege,'' and separation of duties.

Individual accountability consists of holding someone responsible for his or her actions. In a general support system, accountability is normally accomplished by identifying and authenticating users of the system and subsequently tracing actions on the system to the user who initiated them. This may be done, for example, by looking for patterns of behavior by users.

Least privilege is the practice of restricting a user's access (to data files, to processing capability, or to peripherals) or type of access (read, write, execute, delete) to the minimum necessary to perform his or her job.

Separation of duties is the practice of dividing the steps in a critical function among different individuals. For example, one system programmer can create a critical piece of operating system code, while another authorizes its implementation. Such a control keeps a single individual from subverting a critical process.

Nevertheless, in some instances, individuals may be given the ability to bypass some significant technical and operational controls in order to perform system administration and maintenance functions (e.g., LAN administrators or systems programmers). Screening such individuals in positions of trust will supplement technical, operational, and management controls, particularly where the risk and magnitude of harm is high.

(d) *Incident Response Capability.* Security incidents, whether caused by viruses, hackers, or software bugs, are becoming more common. When faced with a security incident, an agency should be able to respond in a manner that both protects its own information and helps to protect the information of others who might be affected by the incident. To address this concern, agencies should establish formal incident response mechanisms. Awareness and training for individuals with access to the system should include how to use the system's incident response capability.

To be fully effective, incident handling must also include sharing information concerning common vulnerabilities and threats with those in other systems and other agencies. The Appendix directs agencies to effectuate such sharing, and tasks NIST to coordinate those agency activities government-wide.

The Appendix also directs the Department of Justice to provide appropriate guidance on pursuing legal remedies in the case of serious incidents.

(e) *Continuity of Support.* Inevitably, there will be service interruptions. Agency plans should assure that there is an ability to recover and provide service sufficient to meet the minimal needs of users of the system. Manual procedures are generally NOT a viable back-up option. When automated support is not available, many functions of the organization will effectively cease. Therefore, it is important to take cost-effective steps to manage any disruption of service.

Decisions on the level of service needed at any particular time and on priorities in service restoration should be made in consultation with the users of the system and incorporated in the system rules. Experience has shown that recovery plans that are periodically tested are substantially more viable than those that are not. Moreover, untested plans may actually create a false sense of security.

(f) *Technical Security.* Agencies should assure that each system appropriately uses effective security products and techniques, consistent with standards and guidance from NIST. Often such techniques will correspond with system rules of behavior, such as in the proper use of password protection.

The Appendix directs NIST to continue to issue computer security guidance to assist agencies in planning for and using technical security products and techniques. Until such guidance is issued, however, the planning guidance included in OMB Bulletin 90–08 can assist in determining techniques for

effective security in a system and in addressing technical controls in the security plan.

(g) *System Interconnection.* In order for a community to effectively manage risk, it must control access to and from other systems. The degree of such control should be established in the rules of the system and all participants should be made aware of any limitations on outside access. Technical controls to accomplish this should be put in place in accordance with guidance issued by NIST.

There are varying degrees of how connected a system is. For example, some systems will choose to isolate themselves, others will restrict access such as allowing only e-mail connections or remote access only with sophisticated authentication, and others will be fully open. The management decision to interconnect should be based on the availability and use of technical and non-technical safeguards and consistent with the acceptable level of risk defined in the system rules.

(3) *Review of Security Controls.* The security of a system will degrade over time, as the technology evolves and as people and procedures change. Reviews should assure that management, operational, personnel, and technical controls are functioning effectively. Security controls may be reviewed by an independent audit or a self review. The type and rigor of review or audit should be commensurate with the acceptable level of risk that is established in the rules for the system and the likelihood of learning useful information to improve security. Technical tools such as virus scanners, vulnerability assessment products (which look for known security problems, configuration errors, and the installation of the latest patches), and penetration testing can assist in the on-going review of different facets of systems. However, these tools are no substitute for a formal management review at least every three years. Indeed, for some high-risk systems with rapidly changing technology, three years will be too long.

Depending upon the risk and magnitude of harm that could result, weaknesses identified during the review of security controls should be reported as deficiencies in accordance with OMB Circular No. A–123, ''Management Accountability and Control'' and the Federal Managers' Financial Integrity Act. In particular, if a basic management control such as assignment of responsibility, a workable security plan, or management authorization are missing, then consideration should be given to identifying a deficiency.

(4) *Authorize Processing.* The authorization of a system to process information, granted by a management official, provides an important quality control (some agencies refer to this authorization as accreditation). By authorizing processing in a system, a manager accepts the risk associated with it. Authorization is not a decision that should be made by the security staff.

Both the security official and the authorizing management official have security responsibilities. In general, the security official is closer to the day-to-day operation of the system and will direct or perform security tasks. The authorizing official will normally have general responsibility for the organization supported by the system.

Management authorization should be based on an assessment of management, operational, and technical controls. Since the security plan establishes the security controls, it should form the basis for the authorization, supplemented by more specific studies as needed. In addition, the periodic review of controls should also contribute to future authorizations. Some agencies perform ''certification reviews'' of their systems periodically. These formal technical evaluations lead to a management accreditation, or ''authorization to process.'' Such certifications (such as those using the methodology in FIPS Pub 102 ''Guideline for Computer Security Certification and Accreditation'') can provide useful information to assist management in authorizing a system, particularly when combined with a review of the broad behavioral controls envisioned in the security plan required by the Appendix.

Re-authorization should occur prior to a significant change in processing, but at least every three years. It should be done more often where there is a high risk and potential magnitude of harm.

b. *Controls in Major Applications.* Certain applications require special management attention due to the risk and magnitude of harm that could occur. For such applications, the controls of the support system(s) in which they operate are likely to be insufficient. Therefore, additional controls specific to the application are required. Since the function of applications is the direct manipulation and use of information, controls for securing applications should emphasize protection of information and the way it is manipulated.

(1) *Assign Responsibility for Security.* By definition, major applications are high risk and require special management attention. Major applications usually support a single agency function and often are supported by more than one general support system. It is important, therefore, that an individual be assigned responsibility in writing to assure that the particular application has adequate security. To be effective, this individual should be knowledgeable in the information and process supported by the application and in the management, personnel, operational, and technical controls used to protect the application.

(2) *Application Security Plans.* Security for each major application should be addressed by a security plan specific to the application. The plan should include controls specific to protecting information and should be developed from the application manager's perspective. To assist in assuring its viability, the plan should be provided to the manager of the primary support system which the application uses for advice and comment. This recognizes the critical dependence of the security of major applications on the underlying support systems they use. Summaries of application security plans should be included in strategic information resource management plans in accordance with this Circular.

(a) *Application Rules.* Rules of behavior should be established which delineate the responsibilities and expected behavior of all individuals with access to the application. The rules should state the consequences of inconsistent behavior. Often the rules will be associated with technical controls implemented in the application. Such rules should include, for example, limitations on changing data, searching databases, or divulging information.

(b) *Specialized Training.* Training is required for all individuals given access to the application, including members of the public. It should vary depending on the type of access allowed and the risk that access represents to the security of the application and information in it. This training will be in addition to that required for access to a support system.

(c) *Personnel Security.* For most major applications, management controls such as individual accountability requirements, separation of duties enforced by access controls, or limitations on the processing privileges of individuals, are generally more cost-effective personnel security controls than background screening. Such controls should be implemented as both technical controls and as application rules. For example, technical controls to ensure individual accountability, such as looking for patterns of user behavior, are most effective if users are aware that there is such a technical control. If adequate audit or access controls (through both technical and non-technical methods) cannot be established, then it may be cost-effective to screen personnel, commensurate with the risk and magnitude of harm they could cause. The change in emphasis on screening in the Appendix should not affect background screening deemed necessary because of other duties that an individual may perform.

(d) *Contingency Planning.* Normally the Federal mission supported by a major application is critically dependent on the application. Manual processing is generally NOT a viable back-up option. Managers should plan for how they will perform their mission and/or recover from the loss of existing application support, whether the loss is due to the inability of the application to function or a general support system failure. Experience has demonstrated that testing a contingency plan significantly improves its viability. Indeed, untested plans or plans not tested for a long period of time may create a false sense of ability to recover in a timely manner.

(e) *Technical Controls.* Technical security controls, for example tests to filter invalid entries, should be built into each application. Often these controls will correspond with the rules of behavior for the application. Under the previous Appendix, application security was focused on the process by which sensitive, custom applications were developed. While that process is not addressed in detail in this Appendix, it remains an effective method for assuring that security controls are built into applications. Additionally, the technical security controls defined in OMB Bulletin No. 90–08 will continue, until that guidance is replaced by NIST's security planning guidance.

(f) *Information Sharing.* Assure that information which is shared with Federal

organizations, State and local governments, and the private sector is appropriately protected comparable to the protection provided when the information is within the application. Controls on the information may stay the same or vary when the information is shared with another entity. For example, the primary user of the information may require a high level of availability while the secondary user does not, and can therefore relax some of the controls designed to maintain the availability of the information. At the same time, however, the information shared may require a level of confidentiality that should be extended to the secondary user. This normally requires notification and agreement to protect the information prior to its being shared.

(g) *Public Access Controls.* Permitting public access to a Federal application is an important method of improving information exchange with the public. At the same time, it introduces risks to the Federal application. To mitigate these risks, additional controls should be in place as appropriate. These controls are in addition to controls such as ''firewalls'' that are put in place for security of the general support system.

In general, it is more difficult to apply conventional controls to public access systems, because many of the users of the system may not be subject to individual accountability policies. In addition, public access systems may be a target for mischief because of their higher visibility and published access methods.

Official records need to be protected against loss or alteration. Official records in electronic form are particularly susceptible since they can be relatively easy to change or destroy. Therefore, official records should be segregated from information made directly accessible to the public. There are different ways to segregate records. Some agencies and organizations are creating dedicated information dissemination systems (such as bulletin boards or World Wide Web servers) to support this function. These systems can be on the outside of secure gateways which protect internal agency records from outside access.

In order to secure applications that allow direct public access, conventional techniques such as least privilege (limiting the processing capability as well as access to data) and integrity assurances (such as checking for viruses, clearly labeling the age of data, or periodically spot checking data) should also be used. Additional guidance on securing public access systems is available from NIST Computer Systems Laboratory Bulletin ''Security Issues in Public Access Systems'' (May, 1993).

(3) *Review of Application Controls.* At least every three years, an independent review or audit of the security controls for each major application should be performed. Because of the higher risk involved in major applications, the review or audit should be independent of the manager responsible for the application. Such reviews should verify that responsibility for the security of the application has been assigned, that a viable security plan for the application is in place, and that a manager has authorized the processing of the application. A deficiency in any of these controls should be considered a deficiency pursuant to the Federal Manager's Financial Integrity Act and OMB Circular No. A–123, ''Management Accountability and Control.''

The review envisioned here is different from the system test and certification process required in the current Appendix. That process, however, remains useful for assuring that technical security features are built into custom-developed software applications. While the controls in that process are not specifically called for in this Appendix, they remain in Bulletin No. 90–08, and are recommended in appropriate circumstances as technical controls.

(4) *Authorize Processing.* A major application should be authorized by the management official responsible for the function supported by the application at least every three years, but more often where the risk and magnitude of harm is high. The intent of this requirement is to assure that the senior official whose mission will be adversely affected by security weaknesses in the application periodically assesses and accepts the risk of operating the application. The authorization should be based on the application security plan and any review(s) performed on the application. It should also take into account the risks from the general support systems used by the application.

4. *Assignment of Responsibilities.* The Appendix assigns government-wide responsibilities to agencies that are consistent with their missions and the Computer Security Act.

a. *Department of Commerce.* The Department of Commerce, through NIST, is assigned the following responsibilities consistent with the Computer Security Act.

(1) Develop and issue security standards and guidance.

(2) Review and update, with assistance from OPM, the guidelines for security training issued in 1988 pursuant to the Computer Security Act to assure they are effective.

(3) Replace and update the technical planning guidance in the appendix to OMB Bulletin 90–08 This should include guidance on effective risk-based security absent a formal risk analysis.

(4) Provide agencies with guidance and assistance concerning effective controls for systems when interconnecting with other systems, including the Internet. Such guidance on, for example, so-called ''firewalls'' is becoming widely available and is critical to agencies as they consider how to interconnect their communications capabilities.

(5) Coordinate agency incident response activities. Coordination of agency incident response activities should address both threats and vulnerabilities as well as improve the ability of the Federal government for rapid and effective cooperation in response to serious security breaches.

(6) Assess security vulnerabilities in new information technologies and apprise Federal agencies of such vulnerabilities. The intent of this new requirement is to help agencies understand the security implications of technology before they purchase and field it. In the past, there have been too many instances where agencies have acquired and implemented technology, then found out about vulnerabilities in the technology and had to retrofit security measures. This activity is intended to help avoid such difficulties in the future.

b. *Department of Defense.* The Department, through the National Security Agency, should provide technical advice and assistance to NIST, including work products such as technical security guidelines, which NIST can draw upon for developing standards and guidelines for protecting sensitive information in Federal computers.

Also, the Department, through the National Security Agency, should assist NIST in evaluating vulnerabilities in emerging technologies. Such vulnerabilities may present a risk to national security information as well as to unclassified information.

c. *Department of Justice.* The Department of Justice should provide appropriate guidance to Federal agencies on legal remedies available to them when serious security incidents occur. Such guidance should include ways to report incidents and cooperate with law enforcement.

In addition, the Department should pursue appropriate legal actions on behalf of the Federal government when serious security incidents occur.

d. *General Services Administration.* The General Services Administration should provide agencies guidance for addressing security considerations when acquiring information technology products or services. This continues the current requirement.

In addition, where cost-effective to do so, GSA should establish government-wide contract vehicles for agencies to use to acquire certain security services. Such vehicles already exist for providing system back-up support and conducting security analyses.

GSA should also provide appropriate security services to assist Federal agencies to the extent that provision of such services is cost-effective. This includes providing, in conjunction with the Department of Defense and the Department of Commerce, appropriate services which support Federal use of the National Information Infrastructure (e.g., use of digital signature technology).

e. *Office of Personnel Management.* In accordance with the Computer Security Act, OPM should review its regulations concerning computer security training and assure that they are effective.

In addition, OPM should assist the Department of Commerce in the review and update of its computer security awareness and training guidelines. OPM worked closely with NIST in developing the current guidelines and should work with NIST in revising those guidelines.

f. *Security Policy Board.* The Security Policy Board is assigned responsibility for national security policy coordination in accordance with the appropriate Presidential directive. This includes policy for the security of information technology used to process classified information.

Circular A–130 and this Appendix do not apply to information technology that supports certain critical national security

missions, as defined in 44 U.S.C. 3502 (9) and 10 U.S.C. 2315. Policy and procedural requirements for the security of national security systems (telecommunications and information systems that contain classified information or that support those critical national security missions (44 U.S.C. 3502 (9) and 10 U.S.C. 2315)) is assigned to the Department of Defense pursuant to Presidential directive. The Circular clarifies that information classified for national security purposes should also be handled in accordance with appropriate national security directives. Where classified information is required to be protected by more stringent security requirements, those requirements should be followed rather than the requirements of this Appendix.

5. *Reports.* The Appendix requires agencies to provide two reports to OMB:

The first is a requirement that agencies report security deficiencies and material weaknesses within their FMFIA reporting mechanisms as defined by OMB Circular No. A–123, ''Management Accountability and Control,'' and take corrective actions in accordance with that directive.

The second, defined by the Computer Security Act, requires that a summary of agency security plans be included in the information resources management plan required by the Paperwork Reduction Act.

Appendix IV to OMB Circular No. A–130—Analysis of Key Sections

1. Purpose

The purpose of this Appendix is to provide a general context and explanation for the contents of the key Sections of the Circular.

2. Background

The Paperwork Reduction Act (PRA) of 1980, Public Law 96–511, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13, codified at Chapter 35 of Title 44 of the United States Code, establishes a broad mandate for agencies to perform their information activities in an efficient, effective, and economical manner. Section 3504 of the Act provides authority to the Director, OMB, to develop and implement uniform and consistent information resources management policies; oversee the development and promote the use of information management principles, standards, and guidelines; evaluate agency information management practices in order to determine their adequacy and efficiency, and determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director.

The Circular implements OMB authority under the PRA with respect to Section 3504(b), general information resources management policy, Section 3504(d), information dissemination, Section 3504(f), records management, Section 3504(g), privacy and security, and Section 3504(h), information technology. The Circular also implements certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a); the Chief Financial Officers Act (31 U.S.C. 3512 et seq.); Sections 111 and 206 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759 and 487, respectively); the Computer Security Act (40 U.S.C. 759 note); the Budget and Accounting Act of 1921 (31 U.S.C. 1 et seq.); and Executive Order No. 12046 of March 27, 1978, and Executive Order No. 12472 of April 3, 1984, Assignment of National Security and Emergency Telecommunications Functions. The Circular complements 5 CFR Part 1320, Controlling Paperwork Burden on the Public, which implements other Sections of the PRA dealing with controlling the reporting and recordkeeping burden placed on the public.

In addition, the Circular revises and consolidates policy and procedures in seven previous OMB directives and rescinds those directives, as follows:

A–3—Government Publications.

A–71—Responsibilities for the Administration and Management of Automatic Data Processing Activities Transmittal Memorandum No. 1 to Circular No. A–71—Security of Federal Automated Information Systems.

A–90—Cooperating with State and Local Governments to Coordinate and Improve Information Systems.

A–108—Responsibilities for the Maintenance of Records about Individuals by Federal Agencies

A–114—Management of Federal Audiovisual Activities

A–121—Cost Accounting, Cost Recovery, and Interagency Sharing of Data Processing Facilities

3. Analysis

Section 6, Definitions. Access and Dissemination. The original Circular No. A–130 distinguished between the terms ''access to information'' and ''dissemination of information'' in order to separate statutory requirements from policy considerations. The first term means giving members of the public, at their request, information to which they are entitled by a law such as the FOIA. The latter means actively distributing information to the public at the initiative of the agency. The distinction appeared useful at the time Circular No. A–130 was written, because it allowed OMB to focus discussion on Federal agencies' responsibilities for actively distributing information. However, popular usage and evolving technology have blurred differences between the terms ''access'' and ''dissemination'' and readers of the Circular were confused by the distinction. For example, if an agency ''disseminates'' information via an on-line computer system, one speaks of permitting users to ''access'' the information, and on-line ''access'' becomes a form of ''dissemination.''

Thus, the revision defines only the term ''dissemination.'' Special considerations based on access statutes such as the Privacy Act and the FOIA are explained in context.

Government Information. The definition of ''government information'' includes information created, collected, processed, disseminated, or disposed of both by and for the Federal Government. This recognizes the increasingly distributed nature of information in electronic environments. Many agencies, in addition to collecting information for government use and for dissemination to the public, require members of the public to maintain information or to disclose it to the public. Sound information resources management dictates that agencies consider the costs and benefits of a full range of alternatives to meet government objectives. In some cases, there is no need for the government actually to collect the information itself, only to assure that it is made publicly available. For example, banks insured by the FDIC must provide statements of financial condition to bank customers on request. Particularly when information is available in electronic form, networks make the physical location of information increasingly irrelevant.

The inclusion of information created, collected, processed, disseminated, or disposed of for the Federal Government in the definition of ''government information'' does not imply that responsibility for implementing the provisions of the Circular itself extends beyond the executive agencies to other entities. Such an interpretation would be inconsistent with Section 4, Applicability, and with existing law. For example, the courts have held that requests to Federal agencies for release of information under the FOIA do not always extend to those performing information activities under grant or contract to a Federal agency. Similarly, grantees may copyright information where the government may not. Thus the information responsibilities of grantees and contractors are not identical to those of Federal agencies except to the extent that the agencies make them so in the underlying grants or contracts. Similarly, agency information resources management responsibilities do not extend to other entities.

Information Dissemination Product. This notice defines the term ''information dissemination product'' to include all information that is disseminated by Federal agencies. While the provision of access to on-line databases and search software included on compact disk, read-only memory (CD-ROM) are often called information services rather than products, there is no clear distinction and, moreover, no real difference for policy purposes between the two. Thus, the term ''information dissemination product'' applies to both products and services, and makes no distinction based on how the information is delivered.

Section 8a(1). Information Management Planning. Parallel to new Section 7, Basic Considerations and Assumptions, Section 8a begins with information resources management planning. Planning is the process of establishing a course of action to achieve desired results with available resources. Planners translate organizational missions into specific goals and, in turn, into measurable objectives.

The PRA introduced the concept of information resources management and the principle of information as an institutional resource which has both value and associated costs. Information resources management is a tool that managers use to achieve agency objectives. Information resources management is successful if it enables managers to achieve agency objectives efficiently and effectively.

Information resources management planning is an integral part of overall mission

planning. Agencies need to plan from the outset for the steps in the information life cycle. When creating or collecting information, agencies must plan how they will process and transmit the information, how they will use it, how they will protect its integrity, what provisions they will make for access to it, whether and how they will disseminate it, how they will store and retrieve it, and finally, how the information will ultimately be disposed of. They must also plan for the effects their actions and programs will have on the public and State and local governments.

The Role of State and Local Governments. OMB made additions at Sections 7a, 7e, and 7j, Basic Considerations and Assumptions, concerning State and local governments, and also in policy statements at Sections 8a(1)(c), (3)(f), (5)(d)(iii), and (8)(e).

State and local governments, and tribal governments, cooperate as major partners with the Federal Government in the collection, processing, and dissemination of information. For example, State governments are the principal collectors and/or producers of information in the areas of health, welfare, education, labor markets, transportation, the environment, and criminal justice.

The States supply the Federal Government with data on aid to families with dependent children; medicare; school enrollments, staffing, and financing; statistics on births, deaths, and infectious diseases; population related data that form the basis for national estimates; employment and labor market data; and data used for census geography. National information resources are greatly enhanced through these major cooperating efforts.

Federal agencies need to be sensitive to the role of State and local governments, and tribal governments, in managing information and in managing information technology. When planning, designing, and carrying out information collections, agencies should systematically consider what effect their activities will have on cities, counties, and States, and take steps to involve these governments as appropriate. Agencies should ensure that their information collections impose the minimum burden and do not duplicate or conflict with local efforts or other Federal agency requirements or mandates. The goal is that Federal agencies routinely integrate State and local government concerns into Federal information resources management practices. This goal is consistent with standards for State and local government review of Federal policies and programs.

Training. Training is particularly important in view of the changing nature of information resources management. Decentralization of information technology has placed the management of automated information and information technology directly in the hands of nearly all agency personnel rather than in the hands of a few employees at centralized facilities. Agencies must plan for incorporating policies and procedures regarding computer security, records management, protection of privacy, and other safeguards into the training of every employee and contractor.

Section 8a(2). Information Collection. The PRA requires that the creation or collection of information be carried out in an efficient, effective, and economical manner. When Federal agencies create or collect information—just as when they perform any other program functions—they consume scarce resources. Such activities must be continually evaluated for their relevance to agency missions.

Agencies must justify the creation or collection of information based on their statutory functions. Policy statement 8a(2) uses the justification standard—''necessary for the proper performance of the functions of the agency''—established by the PRA (44 U.S.C. 3508). Furthermore, the policy statement includes the requirement that the information have practical utility, as defined in the PRA (44 U.S.C. 3502(11)) and elaborated in 5 CFR Part 1320. Practical utility includes such qualities of information as accuracy, adequacy, and reliability. In the case of general purpose statistics or recordkeeping, practical utility means that actual uses can be demonstrated (5 CFR 1320.3(l)). It should be noted that OMB's intent in placing emphasis on reducing unjustified burden in collecting information, an emphasis consistent with the Act, is not to diminish the importance of collecting information whenever agencies have legitimate program reasons for doing so. Rather, the concern is that the burdens imposed should not exceed the benefits to be derived from the information. Moreover, if the same benefit can be obtained by alternative means that impose a lesser burden, that alternative should be adopted.

Section 8a(3). Electronic Information Collection. Section 7l articulates a basic assumption of the Circular that modern information technology can help the government provide better service to the public through improved management of government programs. One potentially useful application of information technology is in the government's collection of information. While some information collections may not be good candidates for electronic techniques, many are. Agencies with major electronic information collection programs have found that automated information collections allow them to meet program objectives more efficiently and effectively. Electronic data interchange (EDI) and related standards for the electronic exchange of information will ease transmission and processing of routine business transaction information such as invoices, purchase orders, price information, bills of lading, health insurance claims, and other common commercial documents. EDI holds similar promise for the routine filing of regulatory information such as tariffs, customs declarations, license applications, tax information, and environmental reports.

Benefits to the public and agencies from electronic information collection appear substantial. Electronic methods of collection reduce paperwork burden, reduce errors, facilitate validation, and provide increased convenience and more timely receipt of benefits.

The policy in Section 8a(3) encourages agencies to explore the use of automated techniques for collection of information, and sets forth conditions conducive to the use of those techniques.

Section 8a(4). Records Management. Section 8a(4) begins with the fundamental requirement for Federal records management, namely, that agencies create and keep adequate and proper documentation of their activities. Federal agencies cannot carry out their missions in a responsible and responsive manner without adequate recordkeeping. Section 7h articulates the basic considerations concerning records management. Policy statements concerning records management are also interwoven throughout Section 8a, particularly in subsections on planning (8a(1)(j)), information dissemination (8a(6)), and safeguards (8a(9)).

Records support the immediate needs of government—administrative, legal, fiscal—and ensure its continuity. Records are essential for protecting the rights and interests of the public, and for monitoring the work of public servants. The government needs records to ensure accountability to the public which includes making the information available to the public.

Each stage of the information life cycle carries with it records management responsibilities. Agencies need to record their plans, carefully document the content and procedures of information collection, ensure proper documentation as a feature of every information system, keep records of dissemination programs, and, finally, ensure that records of permanent value are preserved.

Preserving records for future generations is the archival mission. Advances in technology affect the amount of information that can be created and saved, and the ways this information can be made available. Technological advances can ease the task of records management; however, the rapid pace of change in modern technology makes decisions about the appropriate application of technology critical to records management. Increasingly the records manager must be concerned with preserving valuable electronic records in the context of a constantly changing technological environment.

Records schedules are essential for the appropriate maintenance and disposition of records. Records schedules must be prepared in a timely fashion, implement the General Records Schedules issued by the National Archives and Records Administration, be approved by the Archivist of the United States, and be kept accurate and current. (See 44 U.S.C. 3301 et seq.) The National Archives and Records Administration and the General Services Administration provide guidance and assistance to agencies in implementing records management responsibilities. They also evaluate agencies' records management programs to determine the extent to which they are appropriately implementing their records management responsibilities.

Sections 8a(5) and 8a(6). Information Dissemination Policy. Section 8a(5). Every agency has a responsibility to inform the public within the context of its mission. This responsibility requires that agencies distribute information at the agency's initiative, rather than merely responding when the public requests information.

The FOIA requires each agency to publish in the Federal Register current descriptions

of agency organization, where and how the public may obtain information, the general methods and procedural requirements by which agency functions are determined, rules of procedure, descriptions of forms and how to obtain them, substantive regulations, statements of general policy, and revisions to all the foregoing (5 U.S.C. 552(a)(1)). The Privacy Act also requires publication of information concerning ''systems of records'' which are records retrieved by individual identifier such as name, Social Security Number, or fingerprint. The Government in the Sunshine Act requires agencies to publish meeting announcements (5 U.S.C. 552b (e)(1)). The PRA (44 U.S.C. 3507(a)(2)) and its implementing regulations (5 CFR Part 1320) require agencies to publish notices when they submit information collection requests for OMB approval. The public's right of access to government information under these statutes is balanced against other concerns, such as an individual's right to privacy and protection of the government's deliberative process.

As agencies satisfy these requirements, they provide the public basic information about government activities. Other statutes direct specific agencies to issue specific information dissemination products or to conduct information dissemination programs. Beyond generic and specific statutory requirements, agencies have responsibilities to disseminate information as a necessary part of performing their functions. For some agencies the responsibility is made explicit and sweeping; for example, the Agriculture Department is directed to ''. . . diffuse among people of the United States, useful information on subjects connected with agriculture. . . .'' (7 U.S.C. 2201) For other agencies, the responsibility may be much more narrowly drawn.

Information dissemination is also a consequence of other agency activities. Agency programs normally include an organized effort to inform the public about the program. Most agencies carry out programs that create or collect information with the explicit or implicit intent that the information will be made public. Disseminating information is in many cases the logical extension of information creation or collection.

In other cases, agencies may have information that is not meant for public dissemination but which may be the subject of requests from the public. When the agency establishes that there is public demand for the information and that it is in the public interest to disseminate the information, the agency may decide to disseminate it automatically.

The policy in Section 8a(5)(d) sets forth several factors for agencies to take into account in conducting their information dissemination programs. First, agencies must balance two goals: maximizing the usefulness of the information to the government and the public, and minimizing the cost to both. Deriving from the basic purposes of the PRA (44 U.S.C. 3501), the two goals are frequently in tension because increasing usefulness usually costs more. Second, Section 8a(5)(d)(ii) requires agencies to conduct information dissemination programs equitably and in a timely manner. The word ''equal'' was removed from this Section since there may be instances where, for example, an agency determines that its mission includes disseminating information to certain specific groups or members of the public, and the agency determines that user charges will constitute a significant barrier to carrying out this responsibility.

Section 8a(5)(d)(iii), requiring agencies to take advantage of all dissemination channels, recognizes that information reaches the public in many ways. Few persons may read a Federal Register notice describing an agency action, but those few may be major secondary disseminators of the information. They may be affiliated with publishers of newspapers, newsletters, periodicals, or books; affiliated with on-line database providers; or specialists in certain information fields. While millions of information users in the public may be affected by the agency's action, only a handful may have direct contact with the agency's own information dissemination products. As a deliberate strategy, therefore, agencies should cooperate with the information's original creators, as well as with secondary disseminators, in order to further information dissemination goals and foster a diversity of information sources. An adjunct responsibility to this strategy is reflected in Section 8a(5)(d)(iv), which directs agencies to assist the public in finding government information. Agencies may accomplish this, for example, by specifying and disseminating ''locator'' information, including information about content, format, uses and limitations, location, and means of access.

Section 8a(6). Information Dissemination Management System. This Section requires agencies to maintain an information dissemination management system which can ensure the routine performance of certain functions, including the essential functions previously required by Circular No. A–3. Smaller agencies need not establish elaborate formal systems, so long as the heads of the agencies can ensure that the functions are being performed.

Subsection (6)(a) carries over a requirement from OMB Circular No. A–3 that agencies' information dissemination products are to be, in the words of 44 U.S.C. 1108, ''necessary in the transaction of the public business required by law of the agency.'' (Circular No. A–130 uses the expression ''necessary for the proper performance of agency functions,'' which OMB considers to be equivalent to the expression in 44 U.S.C. 1108.) The point is that agencies should determine systematically the need for each information dissemination product.

Section 8a(6)(b) recognizes that to carry out effective information dissemination programs, agencies need knowledge of the marketplace in which their information dissemination products are placed. They need to know what other information dissemination products users have available in order to design the best agency product. As agencies are constrained by finite budgets, when there are several alternatives from which to choose, they should not expend public resources filling needs which have already been met by others in the public or private sector. Agencies have a responsibility not to undermine the existing diversity of information sources.

At the same time, an agency's responsibility to inform the public may be independent of the availability or potential availability of a similar information dissemination product. That is, even when another governmental or private entity has offered an information dissemination product identical or similar to what the agency would produce, the agency may conclude that it nonetheless has a responsibility to disseminate its own product. Agencies should minimize such instances of duplication but could reach such a conclusion because legal considerations require an official government information dissemination product.

Section 8a(6)(c) makes the Circular consistent with current practice (See OMB Bulletins 88–15, 89–15, 90–09, and 91–16), by requiring agencies to establish and maintain inventories of information dissemination products. (These bulletins eliminated annual reporting to OMB of title-by-title listings of publications and the requirement for agencies to obtain OMB approval for each new periodical. Publications are now reviewed as necessary during the normal budget review process.) Inventories help other agencies and the public identify information which is available. This serves both to increase the efficiency of the dissemination function and to avoid unnecessary burdens of duplicative information collections. A corollary, enunciated in Section 8a(6)(d), is that agencies can better serve public information needs by developing finding aids for locating information produced by the agencies. Finally, Section 8a(6)(f) recognizes that there will be situations where agencies may have to take appropriate steps to ensure that members of the public with disabilities whom the agency has a responsibility to inform have a reasonable ability to access the information dissemination products.

Depository Library Program. Sections 8a(6)(g) and (h) pertain to the Federal Depository Library Program. Agencies are to establish procedures to ensure compliance with 44 U.S.C. 1902, which requires that government publications (defined in 44 U.S.C. 1901 and repeated in Section 6 of the Circular) be made available to depository libraries through the Government Printing Office (GPO).

Depository libraries are major partners with the Federal Government in the dissemination of information and contribute significantly to the diversity of information sources available to the public. They provide a mechanism for wide distribution of government information that guarantees basic availability to the public. Executive branch agencies support the depository library program both as a matter of law and on its merits as a means of informing the public about the government. On the other hand, the law places the administration of depository libraries with GPO. Agency responsibility for the depository libraries is limited to supplying government publications through GPO.

Agencies can improve their performance in providing government publications as well as electronic information dissemination products to the depository library program. For example, the proliferation of ''desktop publishing'' technology in recent years has afforded the opportunity for many agencies to produce their own printed documents. Many such documents may properly belong in the depository libraries but are not sent because they are not printed at GPO. The policy requires agencies to establish management controls to ensure that the appropriate documents reach the GPO for inclusion in the depository library program.

At present, few agencies provide electronic information dissemination products to the depository libraries. At the same time, a small but growing number of information dissemination products are disseminated only in electronic format.

OMB believes that, as a matter of policy, electronic information dissemination products generally should be provided to the depository libraries. Given that production and supply of information dissemination products to the depository libraries is primarily the responsibility of GPO, agencies should provide appropriate electronic information dissemination products to GPO for inclusion in the depository library program.

While cost may be a consideration, agencies should not conclude without investigation that it would be prohibitively expensive to place their electronic information dissemination products in the depository libraries. For electronic information dissemination products other than on-line services, agencies may have the option of having GPO produce the information dissemination product for them, in which case GPO would pay for depository library costs. Agencies should consider this option if it would be a cost effective alternative to the agency making its own arrangements for production of the information dissemination product. Using GPO's services in this manner is voluntary and at the agency's discretion. Agencies could also consider negotiating other terms, such as inviting GPO to participate in agency procurement orders in order to distribute the necessary copies for the depository libraries. With adequate advance planning, agencies should be able to provide electronic information dissemination products to the depository libraries at nominal cost.

In a particular case, substantial cost may be a legitimate reason for not providing an electronic information dissemination product to the depository library program. For example, for an agency with a substantial number of existing titles of electronic information dissemination products, furnishing copies of each to the depository libraries could be prohibitively expensive. In that situation, the agency should endeavor to make available those titles with the greatest general interest, value, and utility to the public. Substantial cost could also be an impediment in the case of some on-line information services where the costs associated with operating centralized databases would make provision of unlimited direct access to numerous users prohibitively expensive. In both cases, agencies should consult with the GPO, in order to identify those information dissemination products with the greatest public interest and utility for dissemination. In all cases, however, where an agency discontinues publication of an information dissemination product in paper format in favor of electronic formats, the agency should work with the GPO to ensure availability of the information dissemination product to depository libraries.

Notice to the Public. Sections 8a(6)(i) and (j) present new practices for agencies to observe in communicating with the public about information dissemination. Among agencies' responsibilities for dissemination is an active knowledge of, and regular consultation with, the users of their information dissemination products. A primary reason for communication with users is to gain their contribution to improving the quality and relevance of government information—how it is created, collected, and disseminated. Consultations with users might include participation at conferences and workshops, careful attention to correspondence and telephone communications (e.g., logging and analyzing inquiries), or formalized user surveys.

A key part of communicating with the public is providing adequate notice of agency information dissemination plans. Because agencies' information dissemination actions affect other agencies as well as the public, agencies must forewarn other agencies of significant actions. The decision to initiate, terminate, or substantially modify the content, form, frequency, or availability of significant products should also trigger appropriate advance public notice. Where appropriate, the Government Printing Office should be notified directly. Information dissemination products deemed not to be significant require no advance notice.

Examples of significant products (or changes to them) might be those that:

(a) Are required by law; e.g., a statutorily mandated report to Congress;

(b) Involve expenditure of substantial funds;

(c) By reason of the nature of the information, are matters of continuing public interest; e.g., a key economic indicator;

(d) By reason of the time value of the information, command public interest; e.g., monthly crop reports on the day of their release;

(e) Will be disseminated in a new format or medium; e.g., disseminating a printed product in electronic medium, or disseminating a machine-readable data file via on-line access.

Where members of the public might consider a proposed new agency product unnecessary or duplicative, the agency should solicit and evaluate public comments. Where users of an agency information dissemination product may be seriously affected by the introduction of a change in medium or format, the agency should notify users and consider their views before instituting the change. Where members of the public consider an existing agency product important and necessary, the agency should consider these views before deciding to terminate the product. In all cases, however, determination of what is a significant information dissemination product and what constitutes adequate notice are matters of agency judgment.

Achieving Compliance with the Circular's Requirements. Section 8a(6)(k) requires that the agency information dissemination management system ensure that, to the extent existing information dissemination policies or practices are inconsistent with the requirements of this Circular, an orderly transition to compliance with the requirements of this Circular is made. For example, some agency information dissemination products may be priced at a level which exceeds the cost of dissemination, or the agency may be engaged in practices which are otherwise unduly restrictive. In these instances, agencies must plan for an orderly transition to the substantive policy requirements of the Circular. The information dissemination management system must be capable of identifying these situations and planning for a reasonably prompt transition. Instances of existing agency practices which cannot immediately be brought into conformance with the requirements of the Circular are to be addressed through the waiver procedures of Section 10(b).

Section 8a(7). Avoiding Improperly Restrictive Practices. Federal agencies are often the sole suppliers of the information they hold. The agencies have either created or collected the information using public funds, usually in furtherance of unique governmental functions, and no one else has it. Hence agencies need to take care that their behavior does not inappropriately constrain public access to government information.

When agencies use private contractors to accomplish dissemination, they must take care that they do not permit contractors to impose restrictions that undercut the agencies' discharge of their information dissemination responsibilities. The contractual terms should assure that, with respect to dissemination, the contractor behaves as though the contractor were the agency. For example, an agency practice of selling, through a contractor, on-line access to a database but refusing to sell copies of the database itself may be improperly restrictive because it precludes the possibility of another firm making the same service available to the public at a lower price. If an agency is willing to provide public access to a database, the agency should be willing to sell copies of the database itself.

By the same reasoning, agencies should behave in an even-handed manner in handling information dissemination products. If an agency is willing to sell a database or database services to some members of the public, the agency should sell the same products under similar terms to other members of the public, unless prohibited by statute. When an agency decides it has public policy reasons for offering different terms of sale to different groups in the public, the agency should provide a clear statement of the policy and its basis.

Agencies should not attempt to exert control over the secondary uses of their

information dissemination products. In particular, agencies should not establish exclusive, restricted, or other distribution arrangements which interfere with timely and equitable availability of information dissemination products, and should not charge fees or royalties for the resale or redissemination of government information. These principles follow from the fact that the law prohibits the Federal Government from exercising copyright.

Agencies should inform the public as to the limitations inherent in the information dissemination product (e.g., possibility of errors, degree of reliability, and validity) so that users are fully aware of the quality and integrity of the information. If circumstances warrant, an agency may wish to establish a procedure by which disseminators of the agency's information may at their option have the data and/or value-added processing checked for accuracy and certified by the agency. Using this method, redisseminators of the data would be able to respond to the demand for integrity from purchasers and users. This approach could be enhanced by the agency using its authority to trademark its information dissemination product, and requiring that redisseminators who wish to use the trademark agree to appropriate integrity procedures. These methods have the possibility of promoting diversity, user responsiveness, and efficiency as well as integrity. However, an agency's responsibility to protect against misuse of a government information dissemination product does not extend to restricting or regulating how the public actually uses the information.

The Lanham Trademark Act of 1946, 15 U.S.C. 1055, 1125, 1127, provides an efficient method to address legitimate agency concerns regarding public safety. Specifically, the Act permits a trademark owner to license the mark, and to demand that the user maintain appropriate quality controls over products reaching consumers under the mark. See generally, McCarthy on Trademarks, Sec. 18.13. When a trademark owner licenses the trademark to another, it may retain the right to control the quality of goods sold under the trademark by the licensee. Furthermore, if a licensee sells goods under the licensed trademark in breach of the licensor's quality specifications, the licensee may be liable for breach of contract as well as for trademark infringement. This technique is increasingly being used to assure the integrity of digital information dissemination products. For example, the Census Bureau has trademarked its topologically integrated geographic encoding and referencing data product (''TIGER/Line''), which is used as official source data for legislative districting and other sensitive applications.

Whenever a need for special quality control procedures is identified, agencies should adopt the least burdensome methods and ensure that the methods chosen do not establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public. Agencies should not attempt to condition the resale or redissemination of its information dissemination products by members of the public.

User charges. Title 5 of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701) establishes Federal policy regarding fees assessed for government services, and for sale or use of government property or resources. OMB Circular No. A–25, User Charges, implements the statute. It provides for charges for government goods and services that convey special benefits to recipients beyond those accruing to the general public. It also establishes that user charges should be set at a level sufficient to recover the full cost of providing the service, resource, or property. Since Circular No. A–25 is silent as to the extent of its application to government information dissemination products, full cost recovery for information dissemination products might be interpreted to include the cost of collecting and processing information rather than just the cost of dissemination. The policy in Section 8a(7)(c) clarifies the policy of Circular No. A–25 as it applies to information dissemination products. This policy was codified by the Paperwork Reduction Act of 1995 at 35 U.S.C. Section 3506(d)(4)(D).

Statutes such as FOIA and the Government in the Sunshine Act establish a broad and general obligation on the part of Federal agencies to make government information available to the public and to avoid erecting barriers that impede public access. User charges higher than the cost of dissemination may be a barrier to public access. The economic benefit to society is maximized when government information is publicly disseminated at the cost of dissemination. Absent statutory requirements to the contrary, the general standard for user charges for government information dissemination products should be to recover no more than the cost of dissemination. It should be noted in this connection that the government has already incurred the costs of creating and processing the information for governmental purposes in order to carry out its mission.

Underpinning this standard is the FOIA fee structure which establishes limits on what agencies can charge for access to Federal records. That Act permits agencies to charge only the direct reasonable cost of search, reproduction and, in certain cases, review of requested records. In the case of FOIA requests for information dissemination products, charges would be limited to reasonable direct reproduction costs alone. No search would be needed to find the product, thus no search fees would be charged. Neither would the record need to be reviewed to determine if it could be withheld under one of the Act's exemptions since the agency has already decided to release it. Thus, FOIA provides an information ''safety net'' for the public.

While OMB does not intend to prescribe procedures for pricing government information dissemination products, the cost of dissemination may generally be thought of as the sum of all costs specifically associated with preparing a product for dissemination and actually disseminating it to the public. When an agency prepares an information product for its own internal use, costs associated with such production would not generally be recoverable as user charges on subsequent dissemination. When the agency prepares the product for public dissemination, and disseminates it, costs associated with preparation and actual dissemination would be recoverable as user charges.

In the case of government databases which are made available to the public on-line, the costs associated with initial database development, including the costs of the necessary hardware and software, would not be included in the cost of dissemination. Once a decision is made to disseminate the data, additional costs logically associated with dissemination can be included in the user fee. These may include costs associated with modification of the database to make it suitable for dissemination, any hardware or software enhancements necessary for dissemination, and costs associated with providing customer service or telecommunications capacity.

In the case of information disseminated via cd-rom, the costs associated with initial database development would likewise not be included in the cost of dissemination. However, a portion of the costs associated with formatting the data for cd-rom dissemination and the costs of mastering the cd-rom, could logically be included as part of the dissemination cost, as would the cost associated with licensing appropriate search software.

Determining the appropriate user fee is the responsibility of each agency, and involves the exercise of judgment and reliance on reasonable estimates. Agencies should be able to explain how they arrive at user fees which represent average prices and which, given the likely demand for the product, can be expected to recover the costs associated with dissemination.

When agencies provide custom tailored information services to specific individuals or groups, full cost recovery, including the cost of collection and processing, is appropriate. For example, if an agency prepares special tabulations or similar services from its databases in answer to a specific request from the public, all costs associated with fulfilling the request would be charged, and the requester should be so informed before work is begun.

In a few cases, agencies engaging in information collection activities augment the information collection at the request of, and with funds provided by, private sector groups. Since the 1920's, the Bureau of the Census has carried out, on request, surveys of certain industries at greater frequency or at a greater level of detail than Federal funding would permit, because gathering the additional information is consistent with Federal purposes and industry groups have paid the additional information collection and processing costs. While the results of these surveys are disseminated to the public at the cost of dissemination, the existence and availability of the additional government data are special benefits to certain recipients beyond those accruing to the public. It is appropriate that those recipients should bear the full costs of information collection and processing, in addition to the normal costs of dissemination.

Agencies must balance the requirement to establish user charges and the level of fees

charged against other policies, specifically, the proper performance of agency functions and the need to ensure that information dissemination products reach the public for whom they are intended. If an agency mission includes disseminating information to certain specific groups or members of the public and the agency determines that user charges will constitute a significant barrier to carrying out this responsibility, the agency may have grounds for reducing or eliminating its user charges for the information dissemination product, or for exempting some recipients from the charge. Such reductions or eliminations should be the subject of agency determinations on a case by case basis and justified in terms of agency policies.

Section 8a(8). Electronic Information Dissemination. Advances in information technology have changed government information dissemination. Agencies now have available new media and formats for dissemination, including CD-ROM, electronic bulletin boards, and public networks. The growing public acceptance of electronic data interchange (EDI) and similar standards enhances their attractiveness as methods for government information dissemination. For example, experiments with the use of electronic bulletin boards to advertise Federal contracting opportunities and to receive vendor quotes have achieved wider dissemination of information about business opportunities with the Federal Government than has been the case with traditional notices and advertisements. Improved information dissemination has increased the number of firms expressing interest in participating in the government market and decreased prices to the government due to expanded competition. In addition, the development of public electronic information networks, such as the Internet, provides an additional way for agencies to increase the diversity of information sources available to the public. Emerging applications such as Wide Area Information Servers and the World-wide Web (using the NISO Z39.50 standard) will be used increasingly to facilitate dissemination of government information such as environmental data, international trade information, and economic statistics in a networked environment.

A basic purpose of the PRA is to ''provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology.'' (44 U.S.C. 3501(7)) Agencies can frequently enhance the value, practical utility, and timeliness of government information as a national resource by disseminating information in electronic media. Electronic collection and dissemination may substantially increase the usefulness of government information dissemination products for three reasons. First, information disseminated electronically is likely to be more timely and accurate because it does not require data re-entry. Second, electronic records often contain more complete and current information because, unlike paper, it is relatively easy to make frequent changes. Finally, because electronic information is more easily manipulated by the user and can be tailored to a wide variety of needs, electronic information dissemination products are more useful to the recipients.

As stated at Section 8a(1)(h), agencies should use voluntary standards and Federal Information Processing Standards to the extent appropriate in order to ensure the most cost effective and widespread dissemination of information in electronic formats.

Agencies can frequently make government information more accessible to the public and enhance the utility of government information as a national resource by disseminating information in electronic media. Agencies generally do not utilize data in raw form, but edit, refine, and organize the data in order to make it more accessible and useful for their own purposes. Information is made more accessible to users by aggregating data into logical groupings, tagging data with descriptive and other identifiers, and developing indexing and retrieval systems to facilitate access to particular data within a larger file. As a general matter, and subject to budgetary, security or legal constraints, agencies should make available such features developed for internal agency use as part of their information dissemination products.

There will also be situations where the agency determines that its mission will be furthered by providing enhancements beyond those needed for its own use, particularly those that will improve the public availability of government information over the long term. In these instances, the agency should evaluate the expected usefulness of the enhanced information in light of its mission, and where appropriate construct partnerships with the private sector to add these elements of value. This approach may be particularly appropriate as part of a strategy to utilize new technology enhancements, such as graphic images, as part of a particular dissemination program.

Section 8a(9). Information Safeguards. The basic premise of this Section is that agencies should provide an appropriate level of protection to government information, given an assessment of the risks associated with its maintenance and use. Among the factors to be considered include meeting the specific requirements of the Privacy Act of 1974 and the Computer Security Act of 1987.

In particular, agencies are to ensure that they meet the requirements of the Privacy Act regarding information retrievable by individual identifier. Such information is to be collected, maintained, and protected so as to preclude intrusion into the privacy of individuals and the unwarranted disclosure of personal information. Individuals must be accorded access and amendment rights to records, as provided in the Privacy Act. To the extent that agencies share information which they have a continuing obligation to protect, agencies should see that appropriate safeguards are instituted. Appendix I prescribes agency procedures for the maintenance of records about individuals, reporting requirements to OMB and Congress, and other special requirements of specific agencies, in accordance with the Privacy Act.

This Section also incorporates the requirement of the Computer Security Act of 1987 that agencies plan to secure their systems commensurate with the risk and magnitude of loss or harm that could result from the loss, misuse, or unauthorized access to information contained in those systems. It includes assuring the integrity, availability, and appropriate confidentiality of information. It also involves protection against the harm that could occur to individuals or entities outside of the Federal Government as well as the harm to the Federal Government. Appendix III prescribes a minimum set of controls to be included in Federal automated information resources security programs and assigns Federal agency responsibilities for the security of automated information resources. The Section also includes limits on collection and sharing of information and procedures to assure the integrity of information as well as requirements to adequately secure the information.

Incorporation of Circular No. A–114. OMB Circular No. A–114, Management of Federal Audiovisual Activities, last revised on March 20, 1985, prescribed policies and procedures to improve Federal audiovisual management. Although OMB has rescinded Circular No. A–114, its essential policies and procedures continue. This revision provides information resources management policies and principles independent of medium, including paper, electronic, or audiovisual. By including the term ''audiovisual'' in the definition of ''information,'' audiovisual materials are incorporated into all policies of this Circular.

The requirement in Circular No. A–114 that the head of each agency designate an office with responsibility for the management oversight of an agency's audiovisual productions and that an appropriate program for the management of audiovisual productions in conformance with 36 CFR 1232.4 is incorporated into this Circular at Section 9a(10). The requirement that audiovisual activities be obtained consistent with OMB Circular No. A–76 is covered by Sections 8a(1)(d), 8a(5)(d)(i) and 8a(6)(b).

The National Archives and Records Administration will continue to prescribe the records management and archiving practices of agencies with respect to audiovisual productions at 36 CFR 1232.4, ''Audiovisual Records Management.''

Section 8b. Information Systems and Information Technology Management.

Section 8b(1). Evaluation and Performance Measurement. OMB encourages agencies to stress several types of evaluation in their oversight of information systems. As a first step, agencies must assess the continuing need for the mission function. If the agency determines there is a continuing need for a function, agencies should reevaluate existing work processes prior to creating new or updating existing information systems. Without this analysis, agencies tend to develop information systems that improve the efficiency of traditional paper-based processes which may be no longer needed. The application of information technology presents an opportunity to reevaluate existing organizational structures, work

processes, and ways of interacting with the public to see whether they still efficiently and effectively support the agency's mission.

Benefit-cost analyses provide vital management information on the most efficient allocation of human, financial, and information resources to support agency missions. Agencies should conduct a benefit-cost analysis for each information system to support management decision making to ensure: (a) alignment of the planned information system with the agency's mission needs; (b) acceptability of information system implementation to users inside the Government; (c) accessibility to clientele outside the Government; and (d) realization of projected benefits. When preparing benefit-cost analyses to support investments in information technology, agencies should seek to quantify the improvements in agency performance results through the measurement of program outputs.

The requirement to conduct a benefit-cost analysis need not become a burdensome activity for agencies. The level of detail necessary for such analyses varies greatly and depends on the nature of the proposed investment. Proposed investments in ''major information systems'' as defined in this Circular require detailed and rigorous analysis. This analysis should not merely serve as budget justification material, but should be part of the ongoing management oversight process to ensure prudent allocation of scarce resources. Proposed investments for information systems that are not considered ''major information systems'' should be analyzed and documented more informally.

While it is not necessary to create a new benefit-cost analysis at each stage of the information system life cycle, it is useful to refresh these analyses with up-to-date information to ensure the continued viability of an information system prior to and during implementation. Reasons for updating a benefit-cost analysis may include such factors as significant changes in projected costs and benefits, significant changes in information technology capabilities, major changes in requirements (including legislative or regulatory changes), or empirical data based on performance measurement gained through prototype results or pilot experience.

Agencies should also weigh the relative benefits of proposed investments in information technology across the agency. Given the fiscal constraints facing the Federal government in the upcoming years, agencies should fund a portfolio of investments across the agency that maximizes return on investment for the agency as a whole. Agencies should also emphasize those proposed investments that show the greatest probability (i.e., display the lowest financial and operational risk) of achieving anticipated benefits for the organization. OMB and GAO are creating a publication that will provide agencies with reference materials for setting up such evaluation processes.

Agencies should complete a retrospective evaluation of information systems once operational to validate projected savings, changes in practices, and effectiveness in serving affected publics. These post-implementation reviews may also serve as the basis for agency-wide learning about effective management practices.

Section 8b(2). Strategic Information Resources Management (IRM) Planning. Agencies should link to, and to the extent possible, integrate IRM planning with the agency strategic planning required by the Government Performance and Results Act (P.L. 103–62). Such a linkage ensures that agencies apply information resources to programs that support the achievement of agreed-upon mission goals. Additionally, strategic IRM planning by agencies may help avoid automating out-of-date, ineffective, or inefficient procedures and work processes.

Agencies should also devote management attention to operational information resources management planning. This operational IRM planning should provide a one to five year focus to agency IRM activities and projects. Agency operational IRM plans should also provide a listing of the major information systems covered by the management oversight processes described in Section 8b(3). Agency operational planning for IRM should also communicate to the public how the agency's application of information resources might affect them. For the contractor community, this includes articulating the agency's intent to acquire information technology from the private sector. These data should not be considered acquisition sensitive, so that they can be distributed as widely as possible to the vendor community in order to promote competition. Agencies should make these acquisition plans available to the public through government-wide information dissemination mechanisms, including electronic means.

Operational planning should also include initiatives to reduce the burden, including information collection burden, an agency imposes on the public. Too often, for example, agencies require personal visits to government offices during office hours inconvenient to the public. Instead, agencies should plan to use information technology in ways that make the public's dealing with the Federal government as ''user-friendly'' as possible.

Each year, OMB issues a bulletin requesting copies of agencies' latest strategic IRM plans and annual updates to operational plans for information and information technology.

Section 8b(3). Information Systems Management Oversight. Agencies should consider what constitutes a ''major information system'' for purposes of this Circular when determining the appropriate level of management attention for an information system. The anticipated dollar size of an information system or a supporting acquisition is only one determinant of the level of management attention an information system requires. Additional criteria to assess include the maturity and stability of the technology under consideration, how well defined user requirements are, the level of stability of program and user requirements, and security concerns.

For instance, certain risky or ''cutting-edge'' information systems require closer scrutiny and more points of review and evaluation. This is particularly true when an agency uses an evolutionary life cycle strategy that requires a technical and financial evaluation of the project's viability at prototype and pilot testing phases. Projects relying on commercial off-the-shelf technology and applications will generally require less oversight than those using custom-designed software.

While each phase of an information system life cycle may have unique characteristics, the dividing line between the phases may not always be distinct. For instance, both planning and evaluation should continue throughout the information system life cycle. In fact, during any phase, it may be necessary to revisit the previous stages based on new information or changes in the environment in which the system is being developed.

The policy statements in this Circular describe an information system life cycle. It does not, however, make a definitive statement that there must be four versus five phases of a life cycle because the life cycle varies by the nature of the information system. Only two phases are common to all information systems—a beginning and an end. As a result, life cycle management techniques that agencies can use may vary depending on the complexity and risk inherent in the project.

One element of this management oversight policy is the recognition of imbedded and/or parallel life cycles. Within an information system's life cycle there may be other subsidiary life cycles. For instance, most Federal information systems projects include an acquisition of goods and services that have life cycle characteristics. Some projects include software development components, which also have life cycles. Effective management oversight of major information systems requires a recognition of all these various life cycles and an integrated information systems management oversight with the budget and human resource management cycles that exist in the agency.

Section 8b(2) of the Circular underscores the need for agencies to bring an agency-wide perspective to a number of information resources management issues. These issues include policy formulation, planning, management and technical frameworks for using information resources, and management oversight of major information systems. Agencies should also provide for coordinated decision making (Section 8b(3)(f)) in order to bring together the perspectives from across an agency, and outside if appropriate. Such coordination may take place in an agency-wide management or IRM committee. Interested groups typically include functional users, managers of financial and human resources, information resources management specialists, and, as appropriate, the affected public.

Section 8b(4). Use of Information Resources. Agency management of information resources should be guided by management and technical frameworks for agency-wide information and information technology needs. The technical framework should serve as a reference for updates to existing and new information systems. The

management framework should assure the integration of proposed information systems projects into the technical framework in a manner that will ensure progress toward achieving an open systems environment. Agency strategic IRM planning should describe the parameters (e.g., technical standards) of such a technical framework. The management framework should drive operational planning and should describe how the agency intends to use information and information technology consistent with the technical framework.

Agency management and technical frameworks for information resources should address agency strategies to move toward an open systems environment. These strategies should consist of one or multiple profiles (an internally consistent set of standards), based on the current version of the NIST's Application Portability Profile. These profiles should satisfy user requirements, accommodate officially recognized or de facto standards, and promote interoperability, application portability, and scalability by defining interfaces, services, protocols, and data formats favoring the use of nonproprietary specifications.

Agencies should focus on how to better utilize the data they currently collect from the public. Because agencies generally do not share information, the public often must respond to duplicative information collections from various agencies or their components. Sharing of information about individuals should be consistent with the Privacy Act of 1974, as amended, and Appendix I of this Circular.

Services provided by IPSOs to components of their own agency are often perceived to be ''free'' by the service recipients because their costs are budgeted as an ''overhead'' charge. Service recipients typically do not pay for IPSO services based on actual usage. Since the services are perceived to be free, there is very little incentive for either the service recipients or the IPSO managers to be watchful for opportunities to improve productivity or to reduce costs. Agencies are encouraged to institute chargeback mechanisms for IPSOs that provide common information processing services across a number of agency components when the resulting economies are expected to exceed the cost of administration.

Section 8b(5). Acquisition of Information Technology. Consistent with the requirements of the Brooks Act and the Paperwork Reduction Act, agencies should acquire information technology to improve service delivery, reduce the cost of Federal program administration, and minimize burden of dealing with the Federal government. Agencies may wish to ask potential offerors to propose different technical solutions and approaches to fulfilling agency mission requirements. Evaluating acquisitions of information technology must assess both the benefits and costs of applying technology to meet such requirements.

The distinction between information system life cycles and acquisition life cycles is important when considering the implications of OMB Circular A–109, Acquisition of Major Systems, to the acquisition of information resources. Circular A–109 presents one strategy for acquiring information technology when:

(i) The agency intends to fund operational tests and demonstrations of system design;

(ii) The risk is high due to the unproven integration of custom designed software and/or hardware components;

(iii) The estimated cost savings or operational improvements from such a demonstration will further improve the return on investment; or

(iv) The agency wants to acquire a solution based on state-of-the-art, unproven technology.

Agencies should comply with OMB Circular A–76, Performance of Commercial Activities, when considering conversion to or from in-house or contract performance.

Agencies should ensure that acquisitions for new information technology comply with GSA regulations concerning information technology accessibility for individuals with disabilities [41 C.F.R. 201–20.103–7].

Section 9a(11). Ombudsman. The senior agency official designated by the head of each agency under 44 U.S.C. 3506(a) is charged with carrying out the responsibilities of the agency under the PRA. Agency senior information resources management officials are responsible for ensuring that their agency practices are in compliance with OMB policies. It is envisioned that the agency senior information resources management official will work as an ombudsman to investigate alleged instances of agency failure to adhere to the policies set forth in the Circular and to recommend or take corrective action as appropriate. Agency heads should continue to use existing mechanisms to ensure compliance with laws and policies.

Section 9b. International Relationships. The information policies contained in the PRA and Circular A–130 are based on the premise that government information is a valuable national resource, and that the economic benefits to society are maximized when government information is available in a timely and equitable manner to all. Maximizing the benefits of government information to society depends, in turn, on fostering diversity among the entities involved in disseminating it. These include for-profit and not-for-profit entities, such as information vendors and libraries, as well as State, local and tribal governments. The policies on charging the cost of dissemination and against restrictive practices contained in the PRA and Circular A–130 are aimed at achieving this goal.

Other nations do not necessarily share these values. Although an increasing number are embracing the concept of equitable and unrestricted access to public information—particularly scientific, environmental, and geographic information of great public benefit—other nations are treating their information as a commodity to be ''commercialized''. Whereas the Copyright Act, 17 U.S.C. 105, has long provided that ''[c]opyright protection under this title is not available for any work of the United States Government,'' some other nations take advantage of their domestic copyright laws that do permit government copyright and assert a monopoly on certain categories of information in order to maximize revenues. Such arrangements tend to preclude other entities from developing markets for the information or otherwise disseminating the information in the public interest.

Thus, Federal agencies involved in international data exchanges are sometimes faced with problems in disseminating data stemming from differing national treatment of government copyright. For example, one country may attempt to condition the sharing of data with a Federal agency on an agreement that the agency will withhold release of the information or otherwise restrict its availability to the public. Since the Freedom of Information Act does not provide a categorical exemption for copyrighted information, and Federal agencies have neither the authority nor capability to enforce restrictions on behalf of other nations, agencies faced with such restrictive conditions lack clear guidance as to how to respond.

The results of the July 1995 Congress of the World Meteorological Organization, which sought to strike a balance of interests in this area, are instructive. Faced with a resolution which would have essentially required member nations to enforce restrictions on certain categories of information for the commercial benefit of other nations, the United States proposed a compromise which was ultimately accepted. The compromise explicitly affirmed the general principle that government meteorological information—like all other scientific, technical and environmental information—should be shared globally without restriction; but recognized that individual nations may in particular cases apply their own domestic copyright and similar laws to prevent what they deem to be unfair or inappropriate competition within their own territories. This compromise leaves open the door for further consultation as to whether the future of government information policy in a global information infrastructure should follow the ''open and unrestricted access'' model embraced by the United States and a number of other nations, or if it should follow the ''government commercialization'' model of others.

Accordingly, since the PRA and Circular A–130 are silent as to how agencies should respond to similar situations, we are providing the following suggestions. They are intended to foster globally the open and unrestricted information policy embraced by the United States and like minded nations, while permitting agencies to have access to data provided by foreign governments with restrictive conditions.

Release by a Federal agency of copyrighted information, whether under a FOIA request or otherwise, does not affect any rights the copyright holder might otherwise possess. Accordingly, agencies should inform any concerned foreign governments that their copyright claims may be enforceable under United States law, but that the agency is not authorized to prosecute any such claim on behalf of the foreign government.

Whenever an agency seeks to negotiate an international agreement in which a foreign party seeks to impose restrictive practices on information to be exchanged, the agency

should first coordinate with the State Department. The State Department will work with the agency to develop the least restrictive terms consistent with United States policy, and ensure that those terms receive full interagency clearance through the established process for granting agencies authority to negotiate and conclude international agreements.

Finally, whenever an agency is attending meetings of international or multilateral organizations where restrictive practices are being proposed as binding on member states, the agency should coordinate with the State Department, the Office of Management and Budget, the Office of Science and Technology Policy, or the U.S. Trade Representative, as appropriate, before expressing a position on behalf of the United States.

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Part IV

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Proposed Comprehensive Plan for Fiscal Year 1996; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Proposed Comprehensive Plan for Fiscal Year 1996

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

ACTION: Notice of Proposed Program Plan for fiscal year 1996.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is publishing this notice of its Proposed Comprehensive Plan for fiscal year 1996.

DATES: Comments must be submitted on or before April 5, 1996.

ADDRESSES: Comments may be mailed to Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Room 742, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Eileen M. Garry, Special Assistant to the Administrator, (202) 307–6226. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is a component of the Office of Justice Programs in the U.S. Department of Justice. Pursuant to the provisions of Section 204(b)(5)(A), of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5601 *et seq.* (JJDP Act), the Administrator of OJJDP is publishing for public comment a Proposed Comprehensive Plan describing the program activities that OJJDP proposes to carry out during fiscal year 1996. The Proposed Comprehensive Plan includes activities authorized in Parts C and D of Title II of the JJDP Act, codified at 42 U.S.C. § 5651–5665a, 5667, 5667a. Taking into consideration comments received on this Proposed Comprehensive Plan, the Administrator will develop and publish a Final Comprehensive Plan describing the particular program activities that OJJDP intends to fund during fiscal year 1996, using in whole or in part funds appropriated under Parts C and D of Title II of the JJDP Act.

At the time of publication, OJJDP's fiscal year 1996 appropriation level has not been determined. Consequently, OJJDP has not provided dollar amounts for programs included in the proposed plan. Both the final decision to fund new and continuation programs and the amount of funds provided will depend, in part, on the level of Part C and Part D funds available for fiscal year 1996.

By receiving public comment at this point in time, the Office will be able to make appropriate modifications in the final program plan, if necessitated by a lower appropriation, that reflect priorities in the field.

Notice of the official solicitation of grant or cooperative agreement applications under the Final Comprehensive Plan will be published at a later date in the Federal Register. No proposals, concept papers, or other forms of application should be submitted at this time.

Overview

OJJDP was established by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5601 *et seq.* to provide a comprehensive, coordinated approach to prevent and control juvenile crime and improve the juvenile justice system. OJJDP administers a State Formula Grants Program in 57 States and territories, funds more than 100 projects through its Special Emphasis Discretionary Grant Program and its National Institute for Juvenile Justice and Delinquency Prevention, and coordinates Federal activities related to juvenile justice and delinquency prevention.

OJJDP serves as the staff agency for the Coordinating Council on Juvenile Justice and Delinquency Prevention; coordinates the Concentration of Federal Efforts Program; and administers the Title IV Missing and Exploited Children's Program, the Title V Prevention Incentive Grants Program, and programs under the Victims of Child Abuse Act of 1990, as amended § 42 U.S.C. 13001 *et seq.*

Fiscal Year 1996 Program Planning Activities

The OJJDP program planning process for fiscal year 1996 is coordinated with the Assistant Attorney General, Office of Justice Programs (OJP), and the four other OJP Program Bureaus: the Bureau of Justice Assistance (BJA); the Bureau of Justice Statistics (BJS); the National Institute of Justice (NIJ); and the Office for Victims of Crime (OVC). The program planning process involves the following steps:

- Internal review of existing programs by OJJDP staff.
- Internal review of proposed programs by OJP bureaus and selected Department of Justice components.
- Review of information and data from OJJDP grantees and contractors.
- Review of information contained in State comprehensive plans.
- Review of comments made by youth service providers, juvenile justice practitioners, and researchers, including focus group sessions held during fiscal year 1995 to receive input in proposed new program areas.
- Consideration of suggestions made by juvenile justice policy makers concerning State and local needs.
- Consideration of all comments received during the period of public comment on the Proposed Comprehensive Plan.

Discretionary Program Activities

Discretionary Grant Continuation Policy

OJJDP has listed on the following pages continuation projects currently funded in whole or in part with Part C and Part D funds and eligible for continuation funding in fiscal year 1996, either within an existing project period or through an extension for an additional project period. A grantee's eligibility for continued funding for an additional budget period within an existing project period depends on the grantee's compliance with funding eligibility requirements and achievement of the prior year's objectives. The amount of award is based on prior projections, demonstrated need, and fund availability.

Consideration for continuation funding for an additional project period for previously funded discretionary grant programs will be based upon several factors, including:

- The extent to which the project responds to the applicable requirements of the JJDP Act.
- Responsiveness to OJJDP and Department of Justice fiscal year 1996 program priorities.
- Compliance with performance requirements of prior grant years.
- Compliance with fiscal and regulatory requirements.
- Compliance with any special conditions of the award.
- Availability of funds (based on program priority determinations).

In accordance with Section 262 (d)(1)(B) of the JJDP Act, as amended, U.S.C. § 5665a, the competitive process for the award of Part C funds shall not be required if the Administrator makes a written determination waiving the competitive process:

1. With respect to programs to be carried out in areas in which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act codified at 42 U.S.C. § 5121 *et seq.* that a major disaster or emergency exists, or

2. With respect to a particular program described in part C that is uniquely qualified.

OJJDP Funding Policy

OJJDP seeks to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile delinquency and improving the juvenile justice system by establishing partnerships with State and local governments and public and private organizations. To that end, OJJDP has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention:

- To promote delinquency prevention and early intervention efforts that reduce the flow of juvenile offenders into the juvenile justice system, the numbers of serious and violent offenders, and the development of chronic delinquent careers.
- To foster the use of community-based programs and services for juvenile offenders, consistent with preserving the public safety, and in a manner that serves the appropriate development and best use of secure detention and corrections options.
- To improve the juvenile justice system and the response of the system to juvenile delinquents, status offenders, and dependent, neglected, and abused children.

Underlying each of the three goals is the overarching premise that achievement of these goals is vital to protecting the long-term safety of the public from increased juvenile delinquency and violence. In pursuing these goals, we divide our programs into the key categories you will find in the program plan: public safety and law enforcement, strengthening the juvenile justice system, delinquency prevention and intervention, and child abuse and neglect and dependency courts. The following discussion, however, addresses the broader goals of OJJDP.

Delinquency Prevention and Early Intervention

A primary goal of OJJDP is to identify and promote programs that prevent or reduce the occurrence of juvenile offenses, both criminal and non-criminal, and to intervene immediately and effectively when delinquent or status offense conduct first occurs. A sound policy for juvenile delinquency prevention seeks to strengthen the most powerful contributing factor to socially acceptable behavior—a productive place for young people in a law-abiding society. Delinquency prevention programs can operate on a broad scale, providing for positive youth development, or can target juveniles identified as being at high risk for delinquency, with programs designed to reduce future juvenile offending. OJJDP prevention programs take a risk-focused delinquency prevention approach based on public health and social development models.

Early interventions are designed to provide services to juveniles whose non-criminal misbehavior indicates that they are on a delinquent pathway, or for first time non-violent delinquent offenders or non-serious repeat offenders who do not respond to initial system intervention. These interventions are generally non-punitive but serve to hold a juvenile accountable while providing services tailored to the individual needs of the juvenile and the juvenile's family. They are designed to both deter future misconduct and ameliorate risk or enhance protective factors.

Community-Based Alternatives

A second OJJDP goal is to identify and promote effective community-based programs and services for juveniles who have formal contact with the juvenile justice system, emphasizing options that maintain the safety of the public, are appropriately restrictive, and promote and preserve positive ties with the child's family, school, and community. Communities cannot afford to place responsibility for juvenile delinquency entirely on publicly operated juvenile justice system programs. A sound policy for combating juvenile delinquency and reducing the threat of youth violence makes maximum use of a full range of public and private programs and services, most of which operate in the juvenile's home community, including those provided by the health and mental health, child welfare, social service, and educational systems.

Coordination of the development of community-based programs and services with the development and use of a secure detention and correctional system capability for those juveniles who require a secure option is cost effective, will protect the public, reduce facility crowding, and result in better services for both institutionalized juveniles and those who can be served while remaining in their community environment.

Improvement of the Juvenile Justice System

A third goal of OJJDP is to promote improvements in the juvenile justice system and facilitate the most effective allocation of system resources. This goal is necessary for holding juveniles who commit crimes accountable for their conduct, particularly serious and violent offenders who sometimes slip through the cracks of the system or are inappropriately diverted. This includes assisting law enforcement officers in their efforts to prevent and control delinquency and the victimization of children through community policing programs and coordination and collaboration with other system components and with child caring systems. It involves helping juvenile and family courts and the prosecutors and public defenders who practice in those courts, to provide individualized justice that maintains due process protections. It requires trying innovative programs and carefully evaluating those programs to determine what works and what does not work. It includes a commitment to involving crime victims in the juvenile justice system and ensuring that their rights are considered. OJJDP will continue to work closely with the Office for Victims of Crime to further cooperative programming, including the provision of services to juveniles who are crime victims or when the provision of victims services improves the operation of the juvenile justice system. It also calls for building an appropriate juvenile detention and corrections capacity and for intensified efforts to use juvenile detention and correctional facilities when necessary and under conditions that maximize public safety, while providing effective rehabilitation services. It requires encouraging states to carefully consider the use of expanded transfer authority that sends the most serious, violent, and intractable juvenile offenders to the criminal justice system, while preserving individualized justice. It necessitates conducting research and gathering statistical information in order to understand how the juvenile justice system works in serving children and families. And finally, the system can only be improved if information and knowledge is communicated, understood, and applied for the purpose of juvenile justice system improvement.

Introduction to Fiscal Year 1996 Proposed Program Plan

Unprecedented rates of juvenile violence and delinquency, victimization, school drop out, teen pregnancy, illegal drug use, and child abuse and neglect are plaguing our country. In jurisdictions across the Nation, over-burdened juvenile justice and dependency court systems are too often responsible for redressing the results of unstable families lacking parenting skills and communities with inadequate health and mental health support networks, fragmented social service delivery systems, a shortage of constructive activities for young people, and easy access to guns and drugs. They

lack the resources necessary to respond to serious, violent, and chronic delinquency, to hold juveniles accountable, and to turn back the tide of increasing violent delinquency by providing early intervention services for at-risk juveniles and their families.

The OJJDP fiscal year 1996 Proposed Comprehensive Plan seeks to support programming that is built on sound research and strengthens collaborations needed to empower the juvenile justice and dependency court systems to work effectively with communities in preventing and controlling delinquency and reducing juvenile victimization.

In 1993, OJJDP published a Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders (Comprehensive Strategy). Designed to provide a response to the social crisis we are facing, the Comprehensive Strategy utilizes statistics, research, and program evaluations as the basis for a set of sound principles for establishing a continuum of care for our children. The Comprehensive Strategy emphasizes the importance of local planning teams assessing the factors which put youth at risk for delinquency, determining available resources, and putting in place prevention programs that either reduce those risk factors or provide protective factors that buffer juveniles from the impact of risk factors. The Comprehensive Strategy also stresses the importance of early intervention for juveniles whose behavior puts them on one or more pathways to delinquency and of having a system of graduated sanctions that can ensure immediate and appropriate accountability and treatment for juvenile offenders.

During Fiscal Year 1995 OJJDP published a Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders (Guide). The Guide provides information on the process of identifying risk and protective factors in the community and offers detailed information about programs known to prevent delinquency or reduce recidivism. By providing a foundation and framework for each community's individualized strategy, the Guide can serve as a powerful tool for states, cities, counties, and neighborhoods that are mobilizing to address the problem of juvenile violence and delinquency.

The Comprehensive Strategy also served as the foundation for the development of the National Juvenile Justice Action Plan (Action Plan), due to be published by the Coordinating Council on Juvenile Justice and Delinquency Prevention in March. The Action Plan provides an additional resource to communities that seek to balance vigorous enforcement of the law and prevention services in order to reduce juvenile delinquency and violence. The Action Plan prioritizes Federal activities and resources under eight critical objectives, each of which needs to be addressed in order to effectively combat delinquency and violence. The Action Plan describes grants, training, technical assistance, information dissemination, and research and evaluation activities that will assist jurisdictions to: (1) Strengthen their juvenile justice systems; (2) prosecute certain serious, violent and chronic juvenile offenders in the criminal justice system; (3) target youth gun, gang and drug violence through comprehensive policing and prevention techniques; (4) create positive opportunities for youth; (5) break the cycle of violence by addressing child victimization, abuse and neglect; (6) mobilize communities into effective partnerships for change; (7) conduct research and evaluate programs; and (8) develop a public education campaign in order to both get the message out about successes in addressing juvenile delinquency and violence and rebuild confidence in every community's ability to impact this serious problem. These are the activities that the research, as well as numerous expert commissions on at-risk children, youth, families, and communities, indicates are necessary to make a lasting difference. It is these activities, coupled with the Comprehensive Strategy implementation, that form the basis of OJJDP's 1996 Proposed Program Plan.

The Program Plan supports a balanced approach to aggressively addressing juvenile delinquency and violence through graduated sanctions, improving the juvenile justice system's ability to respond, and preventing the onset of delinquency. It takes into account the short term need to ensure public safety and the long term imperative of supporting children's development into healthy, productive citizens through a range of prevention, early intervention, and graduated sanctions programs.

Three major new program areas were identified through a process of engaging OJJDP staff, other Federal agencies, and juvenile justice practitioners in an examination of existing programs, research findings, and the needs of the field. They are: (1) Developing one-stop, community-based intake, assessment and case referral centers and programs for juveniles who may require services or juvenile justice system interventions; (2) supporting the linkage between community and law enforcement responses to youth gun violence; and (3) improving the dependency and criminal court system's and the community's response to child abuse and neglect. In addition, a range of proposed research and evaluation projects that will expand our knowledge about juvenile offenders, the effectiveness of prevention, intervention, and treatment programs, and the operation of the juvenile justice system have been identified for fiscal year 1996 funding consideration. Enhanced program support in the area of disproportionate minority confinement, gender-specific services, and technical assistance to Native American Tribes, would also be provided. Combined with OJJDP programs being continued in fiscal year 1996, these new demonstration and support programs form a continuum of programming that supports the objectives of the Action Plan and mirrors the foundation and framework of the Comprehensive Strategy.

These continuation activities and programs, as complemented by proposed new programs, are at the heart of OJJDP's categorical funding efforts. For example, while focusing on the possible development of assessment centers as a new area of programming, OJJDP will continue to offer training seminars in the Comprehensive Strategy and look to the SafeFutures program to implement the Comprehensive Strategy model under existing grants and contracts. Combined, these activities provide a holistic approach to prevention and early intervention programs while enhancing the juvenile justice system's capacity to provide immediate and appropriate accountability and treatment for juvenile offenders.

OJJDP's Part D Gang Program will continue to support a range of comprehensive prevention, intervention, and suppression activities at the local level, evaluate those activities, and inform communities about the nature and extent of gang activities and effective and innovative programs through OJJDP's National Youth Gang Center. Similarly, the proposed demonstration program focusing on juvenile gun violence would complement existing law enforcement and prosecutorial training programs by supporting grassroots community organization's efforts to address juvenile access, carriage, and use of guns. This programming would build upon OJJDP's youth-focused community policing, mentoring, and conflict resolution initiatives, as well as programming in the area of drug abuse prevention, such as funding to the Congress of National Black Churches and the National Center for Neighborhood Enterprise for local

church and neighborhood-based drug abuse prevention programs.

In support of the need to break the cycle of violence, OJJDP's new demonstration program to improve linkages between the dependency and criminal court systems, child welfare and social service providers, and family strengthening programs will complement ongoing support of Court Appointed Special Advocates, Child Advocacy Centers, and prosecutor and judicial training in the dependency field that is funded under the Victims of Child Abuse Act of 1990, as amended.

The Plan's proposed research and evaluation programming would support many of the above activities by filling in critical gaps in our knowledge about the level and seriousness of juvenile crime and victimization, its causes and correlates, and effective programs in preventing delinquency and violence. At the same time, OJJDP's research efforts will also be geared toward efforts that monitor and evaluate the ways juveniles are treated by the juvenile and criminal justice systems and any trends in this response, particularly as they relate to juvenile violence and its impact.

OJJDP is also utilizing the national perspective afforded it, to disseminate information to those at the grassroots level—practitioners, policy makers, community leaders, and service providers who are directly responsible for planning and implementing policies and programs that impact on juvenile crime and violence.

OJJDP will continue to fund longitudinal research on the causes and correlates of delinquency, the findings of which are shared regularly with the field through OJJDP publications, utilize state-of-the-art technology to develop and disseminate an interactive CD–ROM on programs that work to prevent delinquency and reduce recidivism, air national satellite teleconferences on key topics of relevance to practitioners, and publish new reports and documents on timely topics such as school-based conflict resolution, curfews, the Federal Educational Records Privacy Act, confidentiality of juvenile court records, innovative sentencing options, and strategies to reduce youth gun violence.

The various contracts, grants, cooperative agreements, and interagency fund transfers described in the Program Plan form a continuum of activity designed to address the crisis of youth violence and delinquency in our Nation. In isolation, this programming can do little. However, the emphasis of OJJDP's programming is on collaboration. It is through collaboration that Federal, State, and local agencies, Native American Tribes, national organizations, private philanthropies, the corporate and business sector, health, mental health and social service agencies, schools, youth, families, and clergy can come together to form partnerships and leverage additional resources, identify needs and priorities, and implement innovative strategies. Together, we can make a difference.

Fiscal Year 1996 Proposed Programs

The following are brief summaries of each of the proposed new and continuation programs for fiscal year 1996. As indicated above, the program categories are public safety and law enforcement, strengthening the juvenile justice system, delinquency prevention and intervention, and child abuse and neglect and dependency courts. However, because many programs have significant elements of more than one of these program categories, or generally support all of OJJDP's programs, they are listed in an initial program category called ''Overarching Programs''. The specific program priorities proposed within each category are subject to change with regard to their priority status, sites for implementation, and other descriptive data and information based on the review and comment process, grantee performance, application quality, fund availability, and other factors.

A number of programs contained in this document have been identified for funding by Congress with regard to the grantee(s), the amount of funds, or both. Such programs are indicated by an asterisk (*). The 1996 Appropriations Act Conference Report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Programs identified six programs for OJJDP to examine and fund if warranted. One of these programs is included in the Plan for continuation funding. The remaining five will receive careful consideration for funding in fiscal year 1996.

Fiscal Year 1996 Program Listing

Overarching

Program of Research on the Causes and Correlates of Delinquency
Field-Initiated Research
Evaluation of SafeFutures
OJJDP Management Evaluation Contract
Juvenile Justice Statistics and Systems Development
Research Program on Juveniles Taken into Custody—NCCD
Juveniles Taken into Custody—Interagency Agreement
Children in Custody—Census
Juvenile Justice Data Resources
National Juvenile Court Data Archive*
National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center
Technical Assistance for State Legislatures
OJJDP Technical Assistance Support Contract—JJRC
Juvenile Justice Clearinghouse
Telecommunications Assistance
Coalition for Juvenile Justice
Insular Area Support*

Public Safety and Law Enforcement

Kids and Guns: Reducing Youth Gun Violence
Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program
Targeted Outreach with a Gang Prevention and Intervention Component (Boys and Girls Clubs)
National Youth Gang Center
Child-Centered Community-Oriented Policing
Law Enforcement Training and Technical Assistance Program
Violence Studies*
Hate Crimes

Strengthening the Juvenile Justice System

Development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders
Serious, Violent, and Chronic Juvenile Offender Treatment Program
Community Assessment Centers
Juvenile Restitution: A Balanced Approach
Training and Technical Assistance Program to Promote Gender-Specific Programming for Female Juvenile Offenders
Technical Assistance to Native American Programs
National Indicators of Juvenile Violence and Delinquent Behavior and Related Risk Factors
Evaluation of the Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression
Evaluation of Intensive Community-Based Aftercare Demonstration and Technical Assistance Program
Evaluation of Statewide DMC Projects
Juvenile Mentoring Program (JUMP) Evaluation
Juvenile Transfers to Criminal Court Studies
Technical Assistance to Juvenile Courts*
Juvenile Court Judges Training*
The Juvenile Justice Prosecution Unit
Due Process Advocacy Program Development
Intensive Community-Based Aftercare Demonstration and Technical Assistance Program
Training and Technical Assistance for National Innovations to Reduce Disproportionate Minority Confinement (The Deborah Wysinger Memorial Program)
Juvenile Probation Survey Research
Improvements in Correctional Education for Juvenile Offenders
Performance-Based Standards for Juvenile Detention and Corrections Facilities
Technical Assistance to Juvenile Corrections and Detention (The James E. Gould Memorial Program)
Training for Juvenile Corrections and Detention Staff
Training for Line Staff in Juvenile Detention and Corrections

Training and Technical Support for State and Local Jurisdictional Teams to Focus on Juvenile Corrections and Detention Overcrowding
National Program Directory

Delinquency Prevention and Intervention

Training In Risk-Focused Prevention Strategies
Youth-Centered Conflict Resolution
Pathways to Success
Teens, Crime, and the Community: Teens in Action in the 90s *
Law-Related Education
Cities in Schools—Federal Interagency Partnership
Race Against Drugs
The Congress of National Black Churches: National Anti-Drug Abuse/Violence Campaign (NADVC)
Community Anti-Drug Abuse Technical Assistance Voucher Project
Training and Technical Assistance for Family Strengthening Services
Henry Ford Health System *
Jackie Robinson Center *

Child Abuse and Neglect and Dependency Courts

A Community-Based Approach to Combating Child Victimization
Permanent Families for Abused and Neglected Children *
Parents Anonymous, Inc.*
Lowcountry Children's Center, Inc.*

Overarching

Program of Research on the Causes and Correlates of Delinquency

Three projects sites comprise the Program of Research on the Causes and Correlates of Delinquency: The University of Colorado at Boulder, the University of Pittsburgh, and the State University of New York at Albany. The main purpose of fiscal year 1996 funding would be to support additional data analyses in support of OJJDP program development. Results from this program have been used extensively in the development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders and other program initiatives.

OJJDP began funding this program in 1986 and has invested approximately $10 million to date. The program has addressed many issues of juvenile violence and delinquency. These include developing and testing causal models for chronic violent offending and examining interrelationships among gang involvement, drug selling, and gun ownership/use. To date, the Program has produced a massive amount of information on the causes and correlates of delinquent behavior.

Although there is great commonality across the projects, each has unique design features. Additionally, each project has disseminated the results of its research through a variety of publications, reports, and presentations.

With proposed fiscal year 1996 funding, each site of the Causes and Correlates Program would be provided additional funds to further analyze the longitudinal data. New publications, including two joint publications, would be developed in fiscal year 1996 and both the role of mental health in delinquency and pathways to delinquency would be the subject of further analyses.

This program would be implemented by the current grantees, Institute of Behavioral Science, University of Colorado at Boulder; Western Psychiatric Institute and Clinic, University of Pittsburgh; and Hindelang Criminal Justice Research Center, State University of New York at Albany. No additional applications would be solicited in fiscal year 1996.

Field-Initiated Research

Through the fiscal year 1996 Field-Initiated Research program, OJJDP would solicit innovative programs that address critical research and evaluation needs of the juvenile justice field. Priority research topics include: youth gangs in residential facilities; mental health issues; waiver and transfer to the juvenile justice system; reporting of child victimization; improving data collaboration efforts between juvenile justice, child welfare, child protective services, and mental health; institutional crowding; and topics related to OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. In addition to research topics, this program would also entertain proposals from State and local agencies wishing to conduct evaluations of programs initiated with OJJDP Formula, Title V, and discretionary funds that appear to be having significant impact and offer a possibility for national replication.

OJJDP proposes to issue a competitive solicitation for this initiative in fiscal year 1996.

Evaluation of SafeFutures

In fiscal year 1995, OJJDP funded six communities under the SafeFutures: Partnerships to Reduce Youth Violence and Delinquency Program. The program sites are: Contra Costa County, California; Fort Belknap Indian Community, Montana; Boston, Massachusetts; St. Louis, Missouri; Seattle, Washington; and Imperial County, California. The SafeFutures Program provides support for a comprehensive prevention, intervention, and treatment program to meet the needs of at-risk juveniles and their families.

Approximately $8 million per year will be made available over a 5-year project period to support the efforts of these jurisdictions to enhance existing partnerships, integrate juvenile justice and social services, and provide a continuum of care that is designed to reduce the number of serious, violent, and chronic juvenile offenders.

The Urban Institute received a competitive 3-year Phase I cooperative agreement award in fiscal year 1995. The national evaluation of the SafeFutures program will consist of both process and impact components for each funded site. The evaluation process includes an examination of planning procedures and the extent to which each sites'' implementation plan is consistent with the principles of a continuum of care/graduated sanctions model. The evaluation will identify the obstacles and key factors contributing to the successful implementation of the SafeFutures continuum of care model. The evaluator is responsible for developing a cross-site monograph documenting the process of program implementation for use by other communities that want to develop and implement a comprehensive community-based strategy to address serious, violent, and chronic delinquency.

A fiscal year 1996 supplemental award will be made to the current grantee, the Urban Institute, to complete first year funding. No additional applications will be solicited in fiscal year 1996.

OJJDP Management Evaluation Contract

The purpose of this contract, competitively awarded in fiscal year 1995 to Caliber Associates, is to provide to OJJDP an expert resource capable of performing independent, management-oriented evaluations of selected OJJDP programs. These evaluations are designed to determine the effectiveness and efficiency of either individual projects or groups of projects. The contractor also assists OJJDP in determining how to make the best use of limited evaluation resources and how best to design and implement evaluations. Work plans that have been requested or will be requested from the contractor in fiscal year 1996 include: continuing the evaluation of three OJJDP-funded bootcamps; continuing to support the evaluation of Title V delinquency prevention programs at the local level; preparation of OJJDP's Title V Program report to Congress; providing assistance to OJJDP program development working groups; assisting

OJJDP in the creation of an ''evaluation partnership for juvenile justice'' designed to improve the number and quality of evaluations conducted by Formula Grants Program grantees, other Federal agencies, private foundations that fund evaluations, and State and local governments; and conducting other short- or long-term evaluations as required. The contract will be performed by the current contractor, Caliber Associates. No additional applications will be solicited in fiscal year 1996.

Juvenile Justice Statistics and Systems Development

The Juvenile Justice Statistics and Systems Development (SSD) Program was competitively awarded to the National Center for Juvenile Justice (NCJJ) in fiscal year 1990 to improve national, state, and local statistics on juveniles as victims and offenders. The project has focused on three major functions: (1) Assessment of how current information needs are being met with existing data collection efforts and recommending options for improving national level statistics; (2) analyzing data and disseminating information gathered from existing Federal statistical series and national studies. Based on this work, OJJDP released the first ''Juvenile Offenders and Victims: A National Report'' in September 1995; and (3) provision of training and technical assistance for local agencies in developing or enhancing management information systems. A training curriculum, ''Improving Information for Rational Decision making in Juvenile Justice,'' was drafted for pilot testing.

In this final phase of the SSD project, NCJJ will complete a long-term plan for improving national statistics on juveniles as victims and offenders, including constructing core data elements for a national reporting program for juveniles waived or transferred to criminal court, an implementation plan for integrating data collection on juveniles by juvenile justice, mental health, and child welfare agencies, and a report on standardized measures and instruments for self-reported delinquency surveys. The project will also make recommendations to fill information gaps in the areas of juvenile probation, juvenile court and law enforcement responses to juvenile delinquency, violent delinquency, and child abuse and neglect. In addition, the SSD Project will provide an update of Juvenile Offenders and Victims: A National Report, and work with the Office of Justice Programs Crime Statistics Working Group and other Federal interagency working groups on statistics. The project will be implemented by the current grantee, NCJJ. No additional applications will be solicited in fiscal year 1996.

Research Program on Juveniles Taken Into Custody—NCCD

The Research Program on Juveniles Taken into Custody was designed and implemented in fiscal year 1989 in response to a growing need for comprehensive juvenile custody data. The project now has the participation of all State juvenile corrections agencies. Each year the project produces a report on juveniles taken into custody. In fiscal year 1996, the National Council on Crime and Delinquency (NCCD) will continue to refine the State Juvenile Correctional System Reporting Program. It is anticipated that individual-level data for 1996 will be representative of more than 85 percent of the at-risk juvenile population. In addition, NCCD will prepare reports providing a detailed summary and analysis of the most recent data regarding: (1) The number and characteristics of juveniles taken into custody; (2) the rate at which juveniles are taken into custody; and (3) the trends demonstrated by the data.

This program will be implemented by the current grantee, NCCD. No additional applications will be solicited in fiscal year 1996.

Juveniles Taken Into Custody (JTIC)—Interagency Agreement

OJJDP would continue its program to improve the collection of juvenile custody data through an interagency agreement with the Bureau of the Census. This agreement provides for the collection and processing of individual-level data on juveniles under State correctional custody. The Census Bureau and OJJDP have developed close working relationships with State juvenile corrections agencies. Through these relationships, OJJDP has developed a program to collect data on each juvenile in State custody and the Census Bureau has developed an understanding of the State data that allows for ''translation'' of State information to a national format. Each year since 1990, the Census Bureau has collected this information and processed it for analysis by the National Council on Crime and Delinquency (NCCD).

The resulting analyses are published by OJJDP in annual Juveniles Taken Into Custody reports that are disseminated to practitioners and planners and used to meet statutory information requirements in OJJDP's Annual Report to the President and Congress.

The program would be implemented in fiscal year 1996 by the Bureau of the Census under an interagency agreement.

Children in Custody—Census

Under this ongoing collaborative program between OJJDP and the U.S. Bureau of the Census, OJJDP proposes to transfer funds to the Census Bureau to complete the 1995 biennial census of public and private juvenile detention, correctional, and shelter facilities. The Census describes juvenile custody facilities in terms of their resident population, programs, and physical characteristics. It also provides information on trends in the use of juvenile custody facilities for delinquent juveniles and status offenders. The Census Bureau's Center for Survey Methods Research would also continue to develop and test a roster-based data collection system designed to enhance information collected on juveniles in custody beginning with the 1997 biennial census. Finally, the Bureau's Governments Division would continue its efforts to develop a complete directory of juvenile justice facilities and programs. This directory would serve as the frame for conducting the 1997 census and other future surveys. It would contain basic information on each facility that is necessary for creating representative samples. It would also contain basic administrative information to be used in conducting the census. The program would be implemented by the U.S. Bureau of the Census under an existing interagency agreement.

Juvenile Justice Data Resources

OJJDP has entered into an agreement with the Inter-University Consortium for Political and Social Research (ICPSR) at the University of Michigan to make OJJDP data sets routinely available to researchers. Under this agreement, ICPSR assures the technical integrity and develops a universal format for the data. The codebooks, along with the data, provide clear guidance for additional analyses. Once prepared, ICPSR provides access to these data sets to member institutions and the public. Among the data sets previously processed and available through ICPSR are the Children in Custody Census (1971–1991); the Conditions of Confinement Study; and the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART).

This program would be implemented under an interagency agreement with ICPSR. No additional applications would be solicited in fiscal year 1996.

*National Juvenile Court Data Archive**

The National Juvenile Court Data Archive collects, processes, analyzes, and disseminates automated data and published reports from the Nation's juvenile courts. The Archive's reports examine referrals, offenses, intake, and dispositions, in addition to providing specialized topics such as minorities in juvenile courts and information on specific offense categories. The Archive also provides assistance to jurisdictions in analyzing their juvenile court data. In 1995, this project produced a bulletin, Offenders in Juvenile Court 1992, and a report, Juvenile Court Statistics 1992, along with a number of OJJDP Fact Sheets and special analyses.

In fiscal year 1996, the Archive will enhance the collection, reporting, and analysis of more detailed data on detention, dispositions, risk factors, and treatment data using offender-based data sets from a sample of juvenile courts.

The project will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in fiscal year 1996.

National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center

The National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center (NTTAC) was competitively funded in fiscal year 1995 for a 3-year project period to develop a national training and technical assistance clearinghouse, inventory juvenile justice training/technical assistance resources, and establish a data base with respect to these resources.

In fiscal year 1995, work involved organization and staffing of the Center, providing an orientation for OJJDP training and technical assistance providers regarding their role in the Center's activities, and initial data base development.

In fiscal year 1996, NTTAC will conduct needs assessments, support training/technical assistance program development, promote collaboration between OJJDP training/technical assistance providers, develop training/technical assistance materials, and promote evaluation of OJJDP-supported training and technical assistance. In addition, NTTAC will prepare program materials and implement specialized training, including training-of-trainers programs, and develop standards and procedures for academic/professional accreditation/certification of OJJDP training and trainers. NTTAC provides a single, central source for information pertaining to the availability of OJJDP supported training/technical assistance programs and will publish and maintain an up-to-date catalog of such programs.

This project will be implemented by the current grantee, Community Research Associates. No additional applications will be solicited in fiscal year 1996.

Technical Assistance for State Legislatures

State legislatures are being pressed to respond to public fear of juvenile crime and a loss of confidence in the capability of the juvenile justice system to respond effectively. For the most part, State legislatures have had insufficient information to properly address juvenile justice issues. In fiscal year 1995, OJJDP awarded a two-year grant to the National Conference of State Legislators (NCSL) to provide relevant, timely information on comprehensive approaches in juvenile justice that are geared to the legislative environment. In fiscal year 1995, NCSL convened a Leadership Forum with invited legislators; convened several focus groups; and established an information clearinghouse function. In fiscal year 1996, OJJDP will award second-year funding to the NCSL to further identify, analyze, and disseminate information to help State legislatures make more informed decisions about legislation affecting the juvenile justice system. A complementary task will involve supporting increased communication between State legislators and State and local leaders who influence Decision making regarding juvenile justice issues. NCSL will provide technical assistance to four states, will continue outreach activities and maintain its clearinghouse function.

The project will be implemented by the current grantee, NCSL. No additional applications will be solicited in fiscal year 1996.

OJJDP Technical Assistance Support Contract: Juvenile Justice Resource Center

This 3-year contract, competitively awarded in fiscal year 1994, provides technical assistance and support to OJJDP, its grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in the areas of program development, evaluation, training, and research. This program support contract will be supplemented in fiscal year 1996. The contract will be implemented by the current contractor, Aspen Systems Corporation. No additional applications will be solicited in fiscal year 1996.

Juvenile Justice Clearinghouse

A component of the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse (JJC) is OJJDP's central source for the collection, synthesis, and dissemination of information on all aspects of juvenile justice, including research and evaluation findings, State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, and statistics. JJC serves the entire juvenile justice community, including researchers, law enforcement officials, judges, prosecutors, probation and corrections staff, youth-service personnel, legislators, the media, and the public.

Among its many support services, JJC offers toll-free telephone access to information, prepares specialized responses to information requests, produces, warehouses, and distributes OJJDP publications, exhibits at national conferences, maintains a comprehensive juvenile justice library and database, and administers several electronic information resources. Recognizing the critical need to inform juvenile justice practitioners and policy makers on promising program approaches, JJC continually develops and recommends new products and strategies to communicate more effectively the research findings and program activities of OJJDP and the field. The entire NCJRS, of which the OJJDP-funded JJC is a part, is administered by the National Institute of Justice under a competitively awarded contract . The project will be implemented by the current grantee, Aspen Systems Corporation. No additional applications will be solicited in fiscal year 1996.

Telecommunications Assistance

Developments in information technology and distance training can expand and enhance OJJDP's capacity to disseminate information and provide training and technical assistance. These technologies have the following advantages when used properly: increased access to information and training for persons in the juvenile justice system; reduced travel costs to conferences; and reduced time attending meetings requiring one or more nights away from one's home or office. Additionally, the successful use of ''live'' satellite teleconferences by OJJDP during the past year has generated an enthusiastic response from the field.

During the past twelve months the grantee has produced four live satellite teleconferences on the following topics: Community Collaboration for

Delinquency Prevention; Model Juvenile Correctional Programs for Serious, Violent, Chronic Offenders; Youth Focused Community Policing; and Juvenile Boot Camps.

OJJDP proposes to continue the competitive cooperative agreement award to Eastern Kentucky University in 1994 to provide program support and technical assistance for a variety of information technologies, including audio-graphics, satellite teleconferences, and fiber optics. The grantee would also continue to provide limited technical assistance to other grantees interested in using this technology and explore linkages with key constituent groups to advance mutual goals and objectives. This project would be implemented by the current grantee, Eastern Kentucky University. No additional applications would be solicited in fiscal year 1996.

Coalition for Juvenile Justice

The Coalition for Juvenile Justice supports and facilitates the purposes and functions of each State's Juvenile Justice State Advisory Group (SAG). The Coalition, acting as a statutorily authorized, duly chartered Federal advisory committee, reviews Federal policies and practices regarding juvenile justice and delinquency prevention, and prepares and submits an annual report and recommendations to the President, Congress, and the Administrator of OJJDP. The Coalition also serves as an information center for the SAGs and conducts an annual conference to provide training for SAG members. The program would be implemented by the current grantee, the Coalition for Juvenile Justice. No additional applications would be solicited in fiscal year 1996.

*Insular Area Support**

The purpose of this program is to provide supplemental financial support to the U.S. Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands. Funds are available to address the special needs and problems of juvenile delinquency in these insular areas, as specified by Section 261(e) of the JJDP Act, as amended, 42 U.S.C. § 5665(e).

Public Safety and Law Enforcement

Kids and Guns: Reducing Youth Gun Violence

This project is intended to enhance the effectiveness of comprehensive youth gun violence reduction efforts by supporting innovative local community-generated strategies. Under a competitive announcement, OJJDP proposes funding community-based organizations and local units of government to strengthen their linkages to broader youth gun violence reduction efforts.

Applicants would be encouraged to: be creative in designing initiatives for the prevention, intervention, and reduction of youth gun violence in targeted neighborhoods; coordinate their efforts with other community-based law enforcement initiatives, youth-serving organizations, crime victim organizations, and the juvenile justice system; and collaborate with these agencies to evaluate program effectiveness. Applicants would also be required to show that their proposed initiative reflects current youth gun violence research and a local assessment of youth access to guns, why young people carry guns, and why they use them.

OJJDP also proposes to support an independent evaluation of this project that focuses on collecting and analyzing data on the program implementation process. The evaluator would also design an impact evaluation in collaboration with OJJDP and an approved advisory board.

The Reducing Youth Gun Violence project would be competitively funded in up to three sites with a 2-year project period. The evaluation would be competitively funded under a cooperative agreement to a single grantee for a 3-year project period.

Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program

This program supports the implementation of a comprehensive gang program model in five jurisdictions. The program was competitively awarded with fiscal year 1994 funds under a 3-year project period. The demonstration sites implementing the model, developed with OJJDP funding support by the University of Chicago, are: Mesa, Arizona; Tucson, Arizona; Riverside, California; Bloomington, Illinois; and San Antonio, Texas. Implementation of the comprehensive gang program model requires the mobilization of the community to address gang-related violence by making available social interventions, providing social/academic/vocational and other types of opportunities, supporting gang suppression through law enforcement, prosecution and other community control mechanisms, and supporting organizational change and development in community agencies to more effectively address gang violence prone youth.

During the past year, the demonstration sites began an ongoing problem assessment process to identify the full nature and extent of the gang problem in the community and its potential causes. The assessment process will also help communities to understand what may cause gang violence in their community and to identify benchmarks by which program success may be measured. The demonstration sites also participated in training and technical assistance activities, including two cluster conferences sponsored by OJJDP. In addition, the demonstration sites began strategy implementation and service provision and made progress in community mobilization, either through existing planning structures or by creating new structures.

In fiscal year 1996, demonstration sites will receive second year funding to continue implementation of the model program and build upon the sustained mobilization, planning and assessment processes. Additionally, the demonstration sites will continue to target youth prone to gang violence through continuing implementation of the program model and work with the independent evaluator of this demonstration program. No additional applications will be solicited in fiscal year 1996.

Targeted Outreach With a Gang Prevention and Intervention Component (Boys and Girls Clubs)

This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members in the early stages of gang involvement to divert them from gang activities into more constructive programs. In fiscal year 1996, Boys and Girls Clubs of America would provide training and technical assistance to existing gang prevention and intervention sites and expand the gang prevention and intervention program to 30 additional Boys and Girls Clubs, including those in SafeFutures sites. This program would be implemented by the current grantee, the Boys and Girls Clubs of America. No additional applications would be solicited in fiscal year 1996.

National Youth Gang Center

The proliferation of gang problems ranging from large inner cities to smaller cities, suburbs, and even rural areas over the past two decades led to the development by OJJDP of a comprehensive, coordinated response to America's gang problem. This response

involves five program components, one of which is the implementation and operation of the National Youth Gang Center (NYGC). The NYGC was competitively funded with fiscal year 1994 funds for a three-year project period. The purpose of the NYGC is to expand and maintain the body of critical knowledge about youth gangs and effective responses to them. NYGC assists State and local jurisdictions in the collection, analysis, and exchange of information on gang-related demographics, legislation, research, and promising program strategies. The Center also coordinates activities of the OJJDP Gang Consortium—a group of Federal agencies, gang program representatives, and service providers. Other major tasks include statistical data collection and analysis on gangs, analysis of gang legislation, gang literature review, identification of promising gang program strategies, and gang consortium coordination activities.

Fiscal year 1996 funds will support second year funding of the NYGC cooperative agreement to the current grantee, the Institute for Intergovernmental Research. No additional applications will be solicited in fiscal year 1996.

Child Centered Community-Oriented Policing

In fiscal year 1993, OJJDP provided support to the New Haven, Connecticut Police Department and the Yale University Child Development Center to document a child-centered, community-oriented policing model being implemented in New Haven, Connecticut. The basic elements of the model are a 10-week training course in child development for all new police officers and child development fellowships for all community-based district commanders who direct neighborhood police teams. The fellowships provide 4 to 6 hours of training each week over a 3-month period at Yale's Child Study Center. The program also includes: (1) a 24-hour consultation from a clinical professional and a police supervisor to patrol officers who assist children who have been exposed to violence; (2) weekly case conferences with police officers, educators, and child study center staff; and (3) open police stations, located in neighborhoods and accessible to residents for police and related services, community liaison, and neighborhood foot patrols.

In fiscal year 1994, BJA community policing funds helped support the first year of a 3-year training and technical assistance grant to replicate the program nationwide. These funds supported the development of criteria for a request for proposals, protocols for consultation, train-the-trainer sessions for New Haven police and clinical faculty, and the development of a multi-model strategy for data collection and program evaluation. Fiscal year 1995 OJJDP funds supported continuation of the project's expansion in up to four replication sites.

Fiscal year 1996 funds will support the implementation of the five-phase replication protocol in the four selected sites, replication site data collection and analysis activities, and development of a detailed casebook about the model and program.

This project will be implemented by the current grantee, the Yale University School of Medicine. No additional applications will be solicited in fiscal year 1996.

Law Enforcement Training and Technical Assistance Program

This continuation award will supplement the 3-year law enforcement and technical assistance support contract, competitively awarded in fiscal year 1994 to Fox Valley Technical College in Appleton, Wisconsin. Fiscal year 1996 funds will be used to continue to provide services under the nationwide training and technical assistance program designed to improve law enforcement's capability to respond to juvenile delinquency, to contribute to delinquency prevention, and to address issues of missing and exploited children and child abuse and neglect. Technical assistance under this contract is provided in response to a wide variety of requests from Federal, State, county, and local agencies with responsibility for the prevention and control of juvenile delinquency and juvenile victimization. The contract supports continuation of the Gang, Gun, and Drug Policy Training Program, the Police Operations Leading to Improved Children and Youth Services series of training programs, a Native American Law Enforcement Training Program, and a variety of other law enforcement training programs offered by OJJDP.

This contract will be implemented by the current contractor, Fox Valley Technical College. No additional applications will be solicited in fiscal year 1996.

*Violence Studies**

The 1992 Amendments to the JJDP Act required OJJDP to fund two-year studies on violence in three urban and one rural jurisdiction. Building on the results of OJJDP's Program of Research on the Causes and Correlates of Delinquency, these studies were to examine the incidence of violence committed by or against juveniles in urban and rural areas of the United States. In fiscal year 1994, OJJDP initiated this program by supporting studies of homicides by and of youth in Milwaukee, Wisconsin and a cross-site study in rural areas in South Carolina, Georgia, and Florida. The grantees are the University of Wisconsin and the University of South Carolina. In fiscal year 1995, OJJDP provided funding for the second year of these studies and initiated two new violence studies in Los Angeles, California, and Washington, D.C. The grantees are the University of Southern California and the Institute for Law and Justice.

These four studies will provide valuable information regarding community violence patterns, with a particular focus on homicide and firearm use involving juveniles. They will also improve the juvenile justice system by identifying strategic law enforcement responses to juvenile violence and by identifying diversion, prevention, and control programs that ameliorate juvenile violence.

During fiscal year 1996, the University of Wisconsin and the University of South Carolina will analyze their data and issue their findings with prior year funds. The University of Southern California will receive fiscal year 1996 funds to identify violence prevention programs and conduct a household survey and interview adolescents and their care givers in Los Angeles County. The Institute for Law and Justice will receive fiscal year 1996 funds to collect and analyze aggregate data from various juvenile justice providers and from a series of interviews with agency staff serving adjudicated juveniles. This will be followed by analysis and the preparation of a comprehensive report.

The program will be continued by the current project grantees. No additional applications will be solicited in fiscal year 1996.

Hate Crimes

In fiscal year 1993, OJJDP competitively awarded a grant to Education Development Center, Inc. (EDC), to assess existing curriculum materials and develop a multi-purpose curriculum for use in educational and institutional settings. In fiscal years 1994 and 1995, EDC developed a multipurpose curriculum for hate crime prevention in school and other classroom settings and the curriculum was pilot tested in the eighth grade of the Collins Middle School in Salem, Massachusetts. Information received in the pilot test was evaluated and the

curriculum redesigned. EDC then tested the curriculum in additional sites in New York and Florida to ensure that it was geographically and demographically representative. In consultation with the Office for Victims of Crime, EDC also developed a dissemination strategy for the curriculum and other products, including a judges guide on sanctions for juveniles who commit hate crimes.

In fiscal year 1996, EDC would identify school districts and juvenile justice agencies across the country who are interested in receiving training in the curriculum. EDC would also provide training to education and juvenile justice personnel in order to foster adoption of the curriculum. The project would be implemented by the current grantee, EDC. No additional applications would be solicited in fiscal year 1996.

Strengthening the Juvenile Justice System

Development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders

The National Council on Crime and Delinquency, in collaboration with Developmental Research and Programs, Inc., has completed Phase I and II of a collaborative effort to support development and implementation of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. Phase I involved assessing existing and previously researched programs in order to identify effective and promising programs that can be used in implementing the Comprehensive Strategy. In Phase II, a series of reports were combined into a Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. Phase II also included convening of a forum, ''Guaranteeing Safe Passage: A National Forum on Youth Violence,'' and holding two regional training seminars for key leaders on implementing the Comprehensive Strategy.

In fiscal year 1996, Phase III of the project will be funded to provide: targeted dissemination of the Comprehensive Strategy at national conferences; intensive training for selected States to implement the Comprehensive Strategy in up to six local jurisdictions; individualized technical assistance for the five Serious, Violent, and Chronic Juvenile Offender Program sites and the six SafeFutures sites; technical assistance to a limited number of individual jurisdictions interested in implementing the Comprehensive Strategy; and continued development of Comprehensive Strategy implementation materials.

The program will be implemented by the current grantees, the National Council on Crime and Delinquency and Developmental Research and Programs, Inc., under third-year funding of this 3-year program. No additional applications will be solicited in fiscal year 1996.

Serious, Violent, and Chronic Juvenile Offender Treatment Program

The Serious, Violent, and Chronic Juvenile Offender Treatment Program is designed to assist local jurisdictions in the development and implementation of a comprehensive strategy for the intervention, treatment, and rehabilitation of juvenile offenders. The program is an extension of an initial effort, funded by OJJDP in 1993, entitled ''Accountability-Based Community Intervention (ABC) Program.'' Under the ABC initiative, Pittsburgh, Pennsylvania and Washington, D.C. were competitively funded to plan and implement a comprehensive graduated sanctions strategy.

In fiscal year 1994, under a competitive announcement, OJJDP awarded funds under the Serious, Violent, and Chronic Offender Treatment Program to three additional jurisdictions (Boston, Massachusetts; Richmond, Virginia; and Jefferson Parish, Louisiana) to develop and implement a graduated sanctions plan. The plan's basic elements include: (1) assess the existing continuum of secure and nonsecure intervention, treatment, and rehabilitation services in each jurisdiction; (2) define the juvenile offender population; (3) develop and implement a program strategy; (4) develop and implement an evaluation; (5) integrate private nonprofit, community-based organizations into the provision of offender services; (6) incorporate an aftercare program as an integral component of all residential placements; (7) develop a resource plan to enlist the financial and technical support of other Federal, State, and local agencies, private foundations, or other funding sources; and (8) develop a victim assistance component using local organizations.

In fiscal year 1995, the ABC Program jurisdictions completed program funding and in fiscal year 1996, each of the three fiscal year 1994 grantees will receive awards to continue implementation activities. No additional applications will be solicited in fiscal year 1996.

Community Assessment Centers

In fiscal year 1996, OJJDP proposes to identify jurisdictions that have developed assessment programs for juveniles and established linkages to integrated service delivery systems through the use of assessment centers. The concept of community assessment centers, reflecting the use of community input in a center's development and operations, offers many advantages, including comprehensive needs assessments of at-risk, dependent, or delinquent youth; improved access to integrated services; the promotion of alternatives to incarceration; and an enhanced ability to monitor racial and gender disparities in juvenile justice processing through automated information systems. OJJDP will examine current efforts across the Nation in order to identify replicable components or models that meet, or could be adapted to meet, the following goals:

- Ensuring positive outcomes for youth through the provision of comprehensive, community-based assessments that result in the development of an integrated treatment plan while avoiding unnecessary detention.
- Promoting and increasing the use of alternatives to detention and a system of graduated sanctions for delinquent offenders.
- Providing for more accurate and timely monitoring of the processing of at-risk, dependent, or delinquent juveniles to ensure fair and equitable treatment and outcomes in all phases of the juvenile justice system.
- Enhancing access to data or records across disciplines and integrating assessment, case management, and community-based services through the use of automated information systems, consistent with the principles of confidentiality.

If it is determined through this initial survey that a replicable model exists or can be developed, OJJDP intends to issue a competitive solicitation, late in fiscal year 1996, for the replication or development of the model, including an evaluation component. OJJDP seeks comment on the proposed program and funding process at this time.

Juvenile Restitution: A Balanced Approach

OJJDP proposes to continue support of the juvenile restitution training and technical assistance program in fiscal year 1996. The project design is based on practitioner recommendations regarding program needs and on how best to integrate and institutionalize

restitution and community service as key components of juvenile justice dispositions. In 1992, a working group was convened to help map out a plan for optimum development of the components of restitution programs. Plan components include community service, victim reparation, victim-offender mediation, offender employment and supervision, employment development, and other program elements designed to establish restitution as an important element to improving the juvenile justice system. This project is guided by balanced and restorative justice principles, which include the need to provide a balance of community protection, offender competency development, and accountability in programs for sanctioning and controlling juvenile offenders.

In fiscal year 1995, the project assisted three local jurisdictions to implement the ''balanced approach,'' participated in presenting regional ''round tables'' for States interested in adopting the balanced and restorative justice model, and provided ad hoc technical assistance. In fiscal year 1996 the project will continue this work and also develop guideline materials on the balanced and restorative justice program. This project will be implemented by the current grantee, Florida Atlantic University. No additional applications will be solicited in fiscal year 1996.

Training and Technical Assistance Program To Promote Gender-Specific Programming for Female Juvenile Offenders

The 1992 Amendments to the JJDP Act, Public Law 102–586, 106 Stat. 4982, addressed for the first time the issue of gender specific services. The Amendments required States participating in OJJDP's State Formula Grants Program to conduct an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of services available, the need for such services, and a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency.

In fiscal year 1995, the OJJDP Gender Specific Services Program effort focused on providing training and technical assistance directly to States and on providing and promoting the establishment of State level gender-specific programs. Training and technical assistance have been provided to a broad spectrum of policymakers and service providers regarding services for juvenile female offenders.

In addition, OJJDP, in conjunction with the American Correctional Association (ACA), sponsored a National Juvenile Female Offender Conference. The purpose of the Conference was to provide juvenile corrections agency staff with an increased awareness of the unique problems and rehabilitative needs of female offenders and improve skills in working effectively with these offenders. Innovative juvenile female corrections programs were presented, including new approaches and strategies for operating facility-based programs for female offenders.

OJJDP also awarded discretionary grants to implement programs for female juvenile offenders and at-risk girls. Under the competitive Program to Promote Alternative Programs for Juvenile Female Offenders, OJJDP funded programs in Washington, D.C. and Chicago, Illinois. In addition, OJJDP has funded expansion of the Practical and Cultural Education Center for Girls, Inc. (P.A.C.E.) Program in Miami, Florida. Also, in order to provide the field with information regarding existent projects and current research, OJJDP funded Girls, Incorporated to conduct a national gender-specific services forum, which will be held during fiscal year 1996. Finally, OJJDP's six SafeFutures Program sites will implement components designed to establish services for at-risk and delinquent girls.

In fiscal year 1996, OJJDP proposes to award a competitive grant to support a training and technical assistance program designed to build upon the work of these multiple efforts. It would transfer lessons learned, stimulate formulation of State and local policies based upon research findings and statistical trend data, and assist community-based youth serving agencies and juvenile detention and correctional programs to initiate, refine, and expand gender-specific programming that utilizes the strengths and capabilities unique to females.

In fiscal year 1996, one two-year project period award would be made based upon a competitive solicitation.

Technical Assistance to Native American Programs

Native American programs for juveniles are facing increasing pressures because of the increasing numbers of youth who are involved in drug abuse, gang activity and delinquency. Many reservations are experiencing the problems that plague communities nationwide: gang activity; violent crime; use of weapons; and increasing drug and alcohol abuse.

From fiscal years 1992 to 1995, OJJDP funded four Native American sites to support the development of programs to impact these problems. These sites are Gila River, Pueblo Jemez, the Navajo Nation and the Red Lake Band of Chippewas. Each of these sites has been implementing programs specifically designed to meet the needs of the tribe. In Gila River an alternative school has been developed and implemented. The Navajo Nation has expanded the Peace Maker program to accommodate additional delinquent offenders and this approach has been adapted to the Red Lake and Pueblo Jemez communities. Additional programing, such as job skills development, has also been developed in some of the sites to meet the needs of their youth.

Although these programs have been successful, there is a need at these sites to expand programing options such as gang prevention and intervention programs. Other Native American Tribes have similar problems and needs, as do programs for Native Americans in many major metropolitan areas.

OJJDP proposes to fund a national technical assistance program to support the development of additional programing for the four sites that OJJDP currently funds and to extend programing support to Tribes and urban tribal programs across the country. OJJDP would fund a technical assistance provider to provide direct technical assistance and to coordinate the delivery of technical assistance by other experts. It is anticipated that this would be a three-year technical assistance program.

National Indicators of Juvenile Violent and Delinquent Behavior and Related Risk Factors

The difficulty of using juvenile arrests as a reliable measure of the level and nature of juvenile crime is well known. While juvenile arrest statistics have been useful as a barometer of juvenile involvement in crime, there are many critical dimensions in measuring this phenomenon that cannot be captured by any method other than direct measures of self-reported delinquency. The Department of Labor's Bureau of Labor Statistics is launching a 12,000-subject survey of 12–17-year-old juveniles that provides an opportunity to supplement the data collection by asking relevant questions about delinquency, guns, and violence. This longitudinal survey also provides an unprecedented opportunity to determine the generalizability of the findings from OJJDP's Program of Research on the Causes and Correlates of Delinquency across a broad range of juvenile populations. A transfer of funds

to the Department of Labor is anticipated.

Evaluation of the Comprehensive Community-Wide Approach to Gang Prevention, Intervention and Suppression Program

The University of Chicago, School of Social Services Administration, received a competitive cooperative agreement award in fiscal year 1994. This four-year project period award supports an evaluation of OJJDP's Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program. The evaluation will assist the five program sites in establishing realistic and measurable objectives, to document program implementation, and to measure the impact of a variety of gang program strategies. It will also provide interim feedback to the program implementors. The five sites are Bloomington, Illinois; Mesa, Arizona; Tucson, Arizona; Riverside, California; and San Antonio, Texas.

In fiscal year 1996, the grantee will: design and implement organizational surveys and youth interviews; develop and implement program tracking and worker questionnaires and interviews; gather and track aggregate level offense/offender client data from police, prosecutor, probation, school, and social service program sources; develop and implement uniform individual level criminal justice data collection efforts; consult with local evaluators on development and implementation of local site parent/community resident surveys; and coordinate ongoing efforts with local researchers conducting special surveys of gang youth in the program.

This project will be continued by the current grantee, the University of Chicago, School of Social Services Administration. No additional applications will be solicited in fiscal year 1996.

Evaluation of Intensive Community-Based Aftercare Demonstration and Technical Assistance Program

The National Council on Crime and Delinquency (NCCD) received a 3-year competitive fiscal year 1994 grant to conduct a process evaluation and design an impact evaluation of the Intensive Community-Based Aftercare Demonstration and Technical Assistance Program at sites in Colorado, New Jersey, Nevada, and Virginia. NCCD's initial award funded the design and implementation of the process evaluation, the design of an impact evaluation, and start-up data collection. A report on the process evaluation will be submitted in the spring of 1996. Fiscal year 1996 funding will enable NCCD to begin the impact evaluation. Because of the excellent progress made during the first two years on the process evaluation, OJJDP intends to extend this program for three additional years to allow sufficient time for completion of an impact evaluation.

The project will be implemented by the current grantee, NCCD. No additional applications will be solicited in fiscal year 1996.

Evaluation of Statewide DMC Projects

This program would include completion of a process evaluation begun by OJJDP's Management Evaluation Program contractor, Caliber Associates, and would be continued with an impact evaluation following approval of an impact evaluation design. A 3-year program is anticipated.

This program would supplement evaluation efforts of OJJDP directed at State and local programs designed to impact disproportionate minority confinement (DMC). Caliber Associates has conducted evaluations of the five DMC pilot sites funded from OJJDP discretionary funds to formulate and test programs designed to reduce DMC. The pilot site evaluations were, for the most part, process evaluations because it was difficult to identify specific impacts of small programs at the local level. This State-level evaluation will be expected to measure changes in disproportionate minority confinement and test assumptions about the reasons for these changes.

Michigan has been tentatively selected as the site for this study through a State application process. To prepare for this evaluation, Caliber Associates will complete an evaluability assessment and a preliminary process evaluation. The grantee would have full access to the Caliber data, complete the process evaluation, and design and implement an outcome evaluation. The grantee would complete a process evaluation report at the end of the first year, incorporating the earlier data collection and analysis conducted by Caliber Associates. A single competitive agreement would be awarded under this program in fiscal year 1996.

Juvenile Mentoring Program (JUMP) Evaluation

The Juvenile Mentoring Program (JUMP) was funded at 41 sites by OJJDP in fiscal year 1995. In compliance with Part G, Section 288 H of the JJDP Act, all JUMP sites are participating in a national evaluation designed to determine the success and effectiveness of JUMP in reducing delinquency and gang participation, improving academic performance, and reducing the dropout rate. Each program participant has been provided with a JUMP Evaluation Workbook containing data collection instruments and instructions on their use. It provides for the collection of data on delinquency, school performance, family functioning, and project operations. Grantees are responsible for collecting and analyzing site data and preparing periodic evaluation reports for OJJDP.

The evaluation grantee would be expected to: assist the sites in implementing the JUMP Evaluation Workbook; provide other evaluation technical assistance to the funded sites; and complete a cross-site evaluation of results from the 41 sites at the end of the JUMP program grants. A draft report to Congress would be prepared based on the cross-site evaluation.

It is anticipated that one two-year cooperative agreement would be competitively awarded to carry out this program.

Juvenile Transfers to Criminal Court Studies

States are increasingly enacting juvenile code revisions broadening judicial waiver authority, providing prosecutor direct file authority, and mandating transfer of older, more violent juveniles to criminal court. Many States are also developing innovative procedures, such as blending traditional features of juvenile and criminal justice sentencing practices, through statutes that categorize juvenile offenders into different classes according to the seriousness of the offense, designating juvenile or criminal court for each class, or providing judges with discretion to make these judgments at sentencing. Studies of the impact of criminal court prosecution of juveniles have yielded mixed conclusions. Solid research on the intended and unintended consequences of transfer of juveniles to criminal court will enable policy makers and legislatures to develop statutory provisions and policies and improve judicial and prosecutorial waiver and transfer decisions.

To address this shortage of research programs, OJJDP competitively funded two juvenile waiver and transfer research projects in fiscal year 1995. The first, awarded to the National Center for Juvenile Justice, compares juvenile and criminal court handling of juveniles in four States that authorize judicial waiver of serious and violent juvenile offenders and mandate criminal court handling for specified categories of juvenile offenders. The second study,

awarded to the Florida Juvenile Justice Advisory Board, evaluates Florida's system of blending the option of criminal and juvenile justice system sentencing to handle serious or violent juvenile offenders. Additional funding is proposed in fiscal year 1996 to enable the projects to collect case specific information on sentence completion and recidivism data to provide a more definitive assessment of the impact of criminal versus juvenile justice system handling of serious and violent offender cases.

The projects would be implemented by the current grantees, the National Center for Juvenile Justice and the Florida Juvenile Justice Advisory Board. No additional applications would be solicited in fiscal year 1996.

*Technical Assistance to Juvenile Courts**

The National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges, provides technical assistance under this grant for juvenile court practitioners. The focus of the technical assistance is on court administration and management, program development, and special legal issues. During fiscal year 1995, NCJJ responded to over 830 requests for technical assistance.

In fiscal year 1996, special emphasis will be placed on appropriate sanctions for handling serious, violent, and chronic juvenile offenders and other emerging issues confronting the juvenile court, such as the increased use of waivers and transfers. The program will be implemented by the current grantee, NCJJ. No additional applications will be solicited in fiscal year 1996.

*Juvenile Court Judges Training**

The primary focus of this project in fiscal year 1996 will be to continue and refine the training and technical assistance program offered by the National Council of Juvenile and Family Court Judges. The objectives of the training are to supplement law school curriculums by providing basic training to new juvenile court judges and to provide experienced judges with state-of-the-art training on developments in juvenile and family case law and effective dispositional options. Emphasis is also placed on alcohol and substance abuse, child abuse and neglect, gangs and violence, disproportionate incarceration of minority youth, and intermediate sanctions. Training is also provided to other court personnel, including juvenile probation officers, aftercare workers, and child protection and community treatment providers. In fiscal year 1995, over 13,000 judges and court personnel received training through some 80 different programs. In addition, over 800 training related technical assistance requests were completed.

The project will be implemented by the current grantee, the National Council of Juvenile and Family Court Judges. No additional applications will be solicited in fiscal year 1996.

The Juvenile Justice Prosecution Unit

OJJDP has historically supported prosecutor training activities through the National District Attorneys' Association (NDAA). To continue that work, OJJDP awarded a 3-year project period grant in fiscal year 1995 to enable NDAA to establish a Juvenile Justice Prosecution Unit to provide prosecutor training, implement workshops on juvenile justice related executive policy, leadership, and management for chief prosecutors and juvenile unit chiefs, and provide background information to prosecutors on juvenile justice issues and programs.

The project is implemented by the American Prosecutors Research Institute (APRI), based on planning and input by prosecutors familiar with juvenile justice needs. APRI is the research and technical assistance affiliate of NDAA. The project utilizes a working group of chief prosecutors and juvenile unit chiefs to support project staff in providing training, technical assistance, and juvenile justice-related research and program information to practitioners nationwide. Start-up activities focused on the collection of information regarding juvenile programs in prosecutor offices. In fiscal year 1996, the project will convene a symposium of prosecutor coordinators from all 50 States in order to refine prosecutor training and technical assistance needs. APRI will also conduct three workshops for elected and appointed prosecutors and juvenile unit chiefs to help improve prosecutor handling of juvenile cases.

The project will be implemented by the current grantee, APRI. No additional applications will be solicited in fiscal year 1996.

Due Process Advocacy Program Development

In fiscal year 1993, OJJDP funded the American Bar Association (ABA), in partnership with the Juvenile Law Center (JLC) of Philadelphia, Pennsylvania, and the Youth Law Center (YLC) of San Francisco, California, to develop strategies to improve due process and the quality of legal representation. The goals of the program are to increase juvenile offenders' access to legal services and to improve the quality of preadjudication, adjudication, and dispositional advocacy for juvenile offenders. The strategies developed will be made available to State and local bar associations and other relevant organizations so that they can develop approaches to increase the availability and quality of counsel for juveniles.

In fiscal years 1994 and 1995, the ABA, JLC, and YLC conducted an assessment of the current state of the art with regard to legal services, training, and education. This survey included a review of literature, case law, State statutes, and a survey of public defenders, court appointed lawyers, law school clinical programs, and judges. A report, entitled ''A Call for Justice, An Assessment of the Access to Counsel and Quality of Representation in Delinquency Proceedings'' was developed and published by the ABA. It has been widely distributed to State and local bar associations, Chairs of State Juvenile Justice Advisory Committees, participants in the ABA survey, the National Association of Child Advocates, and others.

In fiscal year 1996, training is scheduled to begin with the first training being provided to the States of Tennessee, Maryland, and Virginia. The structure and scope of the training will be tailored to fit the needs of each site. A training manual, under development, will cover training on key issues such as detention, transfer or waiver, and dispositions. It is designed to fill gaps in existing training programs. The ABA and its partners will also establish networks with public defenders offices, children's law centers, and others through the HANDSNET system and mailings that provide program updates.

This program will be implemented by the current grantee, ABA. No additional applications will be solicited in fiscal year 1996.

Intensive Community-Based Aftercare Demonstration and Technical Assistance Program

This initiative is designed to support implementation, training and technical assistance, and evaluation of an intensive community-based aftercare model in four jurisdictions that were competitively selected to participate in this demonstration program. The overall goal of this intensive aftercare model is to identify and assist high-risk juvenile offenders to make a gradual transition from secure confinement back into the community. The Intensive Aftercare Program (IAP) model can be viewed as having three distinct, yet overlapping

segments: (1) Pre-release and preparatory planning activities during incarceration; (2) structured transitioning involving the participation of institutional and aftercare staffs both prior to and following community reentry; and (3) long-term reintegrative activities to insure adequate service delivery and the required level of social control.

In fiscal year 1994, The Johns Hopkins University received a grant to test an intensive community-based aftercare model in four demonstration sites: Denver (Metro), Colorado; Clark County (Las Vegas), Nevada; Camden and Newark, New Jersey; and Norfolk, Virginia. Each of the four sites received additional funds to support program implementation in fiscal year 1995. The Johns Hopkins University contracts with California State University at Sacramento to assist in the implementation process by providing training and technical assistance and by making funds available through contracts to each of the four demonstration sites. Each of the sites have developed risk assessment instruments for use in selecting specific youth who need this type of intensive aftercare intervention, hired and trained staff in the intensive aftercare model, identified existing and needed community support (intervention) services, and identified data necessary for an accurate evaluation of the intensive community-based aftercare program. In addition, each of the sites has begun random assignment of clients to the program. The Johns Hopkins University and its sub-contractor, California State University at Sacramento, have provided continuous training and technical assistance to both administrators/managers and line staff in the intensive community-based aftercare sites. Staff have been trained in the theoretical underpinnings of the IAP model as well as in the practical applications of the model, such as techniques for identifying juveniles appropriate for the program. Training and technical assistance in this model have also been available to other states and OJJDP grantees on a limited basis.

In fiscal year 1996, the sites will continue to implement and test the aftercare model. An independent evaluation contractor is performing a process evaluation and has designed an impact evaluation to be implemented under a separate grant. The Johns Hopkins University will provide continuing training and technical assistance to the four selected sites and will initiate aftercare technical assistance services to jurisdictions participating in the OJJDP/Department of the Interior Youth Environmental Services (YES) Program and to OJJDP's six SafeFutures Program sites. This funding supports the third budget period of a 3-year project period.

This project will be implemented by the current grantee, The Johns Hopkins University. No additional applications will be solicited in fiscal year 1996.

Training and Technical Assistance for National Innovations To Reduce Disproportionate Minority Confinement (The Deborah Wysinger Memorial Program)

National data and studies have shown that minority children are over represented in juvenile and criminal justice facilities across the country. Accordingly, Congress, in the 1988 reauthorization of the JJDP Act, amended the Formula Grants Program State plan requirements to include addressing disproportionate confinement of minority juveniles. This is accomplished by gathering data, analyzing it to determine the extent to which minority juveniles are disproportionately confined, and designing strategies to address this issue. A Special Emphasis discretionary grant program was developed to demonstrate model approaches to addressing disproportionate minority confinement (DMC) in five State pilot sites (Arizona, Florida, Iowa, North Carolina, and Oregon). Funds were also awarded to a national contractor to provide technical assistance to assist both the pilot sites and other States, to evaluate their efforts, and share relevant information.

In fiscal years 1994 and 1995, OJJDP made additional Special Emphasis discretionary funds available to non-pilot States that had completed data gathering and assessment in order to provide initial funding for innovative projects designed to address DMC.

These efforts to impact DMC have yielded an important lesson: that systemic, broad-based interventions are necessary to reduce DMC. OJJDP recognizes the need to foster the development and documentation of effective strategies using training, technical assistance, information dissemination, provision of practical and targeted resource tools, and public education. In order to further these strategies, OJJDP proposes to competitively solicit innovative proposals to implement a 3-year national training, technical assistance, and information dissemination initiative focused on the disproportionate confinement of minority youth. The selected grantee would: (1) review and synthesize current State and local practices and policies designed to reduce DMC; (2) develop and deliver training to juvenile justice specialists, SAG Chairs, and selected grantees to inform them of DMC requirements, best practices and issues; (3) assist key OJJDP grantees to incorporate DMC issues, practices and policies into their training and education programs (key grantees are those training and technical assistance providers working with police, the courts and juvenile detention staff, SafeFutures sites, Title V, and some State Challenge Program grant recipients); (4) assist the eight current DMC grantees to manage and institutionalize their programs; (5) support the Formula Grants Program technical assistance contractor and OJJDP staff in reviewing State DMC plans; and (6) develop and carry out a national dissemination and public education program on DMC and help States and localities develop similar local education programs.

The selected DMC grantee would coordinate with OJJDP's National Training and Technical Assistance Center and other OJJDP contractors to identify OJJDP program areas where DMC policies and practices can be integrated into ongoing program activities. The DMC grantee and the National Training and Technical Assistance Center would also collaborate in the development of toolkits and resource products—screening tools, assessment, and training components—to be used by jurisdictions at each stage of their DMC data gathering, assessment and program response cycle. Other resource products would include educational curricula, technical assistance protocols for working with courts, police, intake services, probation and prosecutor's offices, assessment and screening tools, and planning and analysis tools for juvenile justice specialists.

OJJDP proposes to competitively award a single grant to implement a 3-year national training, technical assistance, and information dissemination initiative focused on the disproportionate confinement of minority youth.

Juvenile Probation Survey Research

Juvenile probation is one of the most critical areas of the juvenile justice system. However, there is presently very little information available on juveniles on probation. We do not know how many juveniles are on probation, their demographic characteristics, their offenses, or the conditions of their probation, including length, residential confinement, electronic monitoring, restitution, etc. This project would

conduct survey research and develop a questionnaire to collect this important information. As States operate their juvenile probation systems in very different manners, this project would also examine how these differences will affect the information collected.

It is anticipated that one 2-year cooperative agreement would be competitively awarded to carry out this program.

Improvements in Correctional Education for Juvenile Offenders

The Improvements in Correctional Education for Juvenile Offenders Program, a program development and demonstration initiative, was awarded to the National Organization for Social Responsibility (NOSR) in fiscal year 1992. It is being implemented in three phases: identification, assessment, and testing and dissemination. The purpose of the Program is to assist juvenile corrections administrators in planning and implementing improved educational services for detained and incarcerated juvenile offenders.

During the 3-year project period, the grantee implemented the first two phases of the program. An extensive literature search of effective education practices was undertaken and a report on effective practices in juvenile corrections education was published and a training and technical assistance manual were published. In addition, three State juvenile corrections facilities were selected as model sites for testing effective educational practices. The sites are: Adobe Mountain School, Arizona; Lookout Mountain Youth Center, Colorado; and Sauk Centre, Minnesota.

In fiscal year 1995, NOSR received funding to implement Phase III, testing and dissemination. The three model test sites are receiving site specific technical assistance in the assessment of their educational programs and in the development and implementation of effective educational practices, including reintegration of appropriate juveniles back into the mainstream education system.

Fiscal year 1996 funds would be used to assist each site to enhance its curriculum and implementation strategy to better address the needs of the juveniles they serve.

The project would be implemented by the current grantee, NOSR. No additional applications would be solicited in fiscal year 1996.

Performance-Based Standards for Juvenile Detention and Correctional Facilities

There is a need to increase the accountability of detention and correctional agencies, facilities, and staff in performing their basic functions. The development of performance-based standards has emerged as a primary strategy for improving conditions of confinement. This program supports the development and implementation of performance-based standards for juvenile detention and corrections. The performance measures and standards being developed will address both services and the quality of life for confined juveniles. They will reflect the consensus of a broadly representative group of national organizations on the mission, goals, and objectives of juvenile detention and corrections. OJJDP plans to promote nationwide adoption and implementation of the measures and standards through a future training and technical assistance program.

In fiscal year 1995, OJJDP awarded a competitive 18-month cooperative agreement to the Council of Juvenile Corrections Administrators (CJCA) to develop national performance-based standards for juvenile detention and correctional facilities. A National Consortium of major professional and advocacy organizations is providing technical advice and support in all aspects of the development and implementation of the standards. The project will focus on standards in the areas of: safety; security; order; programming/treatment/education; health; and justice.

During fiscal year 1996, the working groups will complete the drafting of performance criteria and measures, as well as assessment tools for monitoring performance in all substantive areas. In addition, all materials will be field tested and revised as needed. A plan for implementation will also be submitted.

By 1997, initial performance standards and a measurement system will be developed along with specific plans for an 18-month period of intensive demonstration and testing of the performance-based standards and their impact on juvenile corrections and detention programming.

The program will be implemented by the current grantee, CJCA. No additional applications will be solicited in fiscal year 1996.

Technical Assistance to Juvenile Corrections and Detention (The James E. Gould Memorial Program)

The primary purpose of the Technical Assistance to Juvenile Corrections and Detention project is to provide specialized technical assistance to juvenile corrections, detention, and community residential service providers. The grantee, the American Correctional Association (ACA), also plans and convenes an annual Juvenile Corrections and Detention Forum. The Forum provides an opportunity for juvenile corrections and detention leaders to meet and discuss issues, problems, and solutions to emerging corrections and detention problems. The ACA also provides workshops and conferences on current and emerging national issues in the field of juvenile corrections and detention and offers technical assistance through document dissemination. OJJDP awarded a fiscal year 1995 competitive grant to ACA to provide these services over a 3-year project period. The project will be implemented by the current grantee, ACA. No additional applications will be solicited in fiscal year 1996.

Training for Juvenile Corrections and Detention Staff

In fiscal year 1996, OJJDP will continue to support the development and implementation of a comprehensive training program for juvenile corrections and detention management staff through an interagency agreement with the National Institute of Corrections (NIC). The program is designed to offer a core curriculum for juvenile corrections and detention administrators and mid-level management personnel in such areas as leadership development, management, training of trainers, legal issues, cultural diversity, the role of the victim in juvenile corrections, juvenile programming for specialized needs of offenders, and managing the violent or disruptive offender. The training is conducted at the NIC Academy and regionally. This program is a continuation activity, initiated in fiscal year 1991 under an interagency agreement with NIC that was renewed in fiscal year 1994. No additional applications will be solicited in fiscal year 1996.

Training for Line Staff in Juvenile Detention and Corrections

In fiscal year 1994, the National Juvenile Detention Association (NJDA) was awarded a competitive 3-year project period grant to establish a training program to meet the needs of the more than 38,000 line staff of juvenile detention and corrections facilities. In the first year under the grant, NJDA revised and updated a 40-hour Detention Careworker curriculum, developed a 24-hour Train-the-Trainer for the Detention Careworker curriculum, conducted 16 separate trainings and developed new lesson plans in 7 substantive areas, conducted a national training needs assessment for juvenile corrections careworkers, and

provided technical assistance to 37 agencies and training to 887 line staff.

In fiscal year 1996, NJDA will continue to offer training to practitioners, develop new curriculums around emerging issues, and complete the development and testing of a 40-hour basic careworker curriculum for juvenile corrections line staff. Additionally, NJDA will deliver selected training programs for juvenile detention and corrections line staff on a number of topical issues.

This project will be implemented by the current grantee, NJDA. No additional applications will be solicited in fiscal year 1996.

Training and Technical Support for State and Local Jurisdictional Teams To Focus on Juvenile Corrections and Detention Overcrowding

The Conditions of Confinement: Juvenile Detention and Correctional Facilities Research Report (1994), completed by Abt Associates under an OJJDP grant, identified overcrowding as the most urgent problem facing juvenile corrections and detention facilities. Overcrowding in juvenile facilities is a function of decisions and policies made at the State, county, and city levels. The trend in a number of jurisdictions toward an increased use of detention and commitment to State facilities has been reversed when key decision makers, such as the chief judge, chief of police, director of the local detention facility, head of the State juvenile correctional agency, and others who affect the flow of juveniles through the system, agree to make decisions collaboratively and to modify practices and policies. In some instances modification has occurred in response to court orders. Compliance with court orders is improved with the support of enhanced interagency communication and planning among those agencies affecting the flow of juveniles through the system.

In addressing the problems of overcrowded facilities, OJJDP considered the recommendations of the Conditions of Confinement study regarding overcrowding, the data on over-representation of minority youth in confinement, and other information that suggests crowding in juvenile facilities must be reduced. Policy makers can do this by increasing capacity, where necessary, or by taking other steps to control crowding. This project, competitively awarded to the National Juvenile Detention Association (NJDA) in fiscal year 1994 for a three-year project period, provides training and technical assistance materials for use by State and local jurisdictional teams. In fiscal year 1995, the project collected information on strategies that are used or could be used to control crowding, and prepared training and technical assistance materials. Based on the demonstrated need for assistance and related criteria, NJDA will select three jurisdictions in fiscal year 1996 for onsite development, implementation, and testing of crowding reduction procedures, and will provide regional training on these procedures to other jurisdictions.

A fiscal year 1996 continuation award will be made to the current grantee, the National Juvenile Detention Association. No additional applications will be solicited in fiscal year 1996.

National Program Directory

In fiscal year 1995, OJJDP initiated the development of a National Program Directory, a national list of all juvenile justice offices, facilities, and programs in the United States, through the Bureau of the Census. The Census Bureau developed a directory format for juvenile detention and correctional facilities, which would contain the addresses and phone numbers of localities, names and titles of directors, and important classification information, classify facilities by the agency or firm that operates them, and list the functions of the facility. This structure was developed specifically to provide OJJDP with the ability to conduct surveys and censuses of juvenile custody facilities. The effort placed into developing this structure would also translate to other areas, such as a list of juvenile probation offices.

Beyond developing the computer structure, this project would also develop, in fiscal year 1996, the actual sampling frame or address list. The development of complete frames for any segment of the juvenile justice system requires many different approaches. The Census Bureau would use contacts with professional organizations to compile a preliminary list of juvenile facilities, courts, probation offices, and programs. The Census Bureau would then seek contacts in each State for further clarification of the lists. All leads would be followed until a complete list of all programs of interest has been exhausted. This program would be funded through an interagency agreement with the Census Bureau. No additional applications would be solicited in fiscal year 1996.

Delinquency Prevention and Intervention

Training In Risk-Focused Prevention Strategies

OJJDP will provide additional training in fiscal year 1996 to communities interested in developing a risk-focused delinquency prevention strategy. This training supports OJJDP's Title V Delinquency Prevention Incentive Grants Program, codified at 42 U.S.C. § 5781–5785, by providing the knowledge and skills necessary for State, local, and private agency officials and citizens to identify and address risk factors that lead to violent and delinquent behavior in children. In fiscal years 1994 and 1995, this training was offered to all States, territories, and the District of Columbia that received discretionary grants from OJJDP to implement the Title V Program.

OJJDP awarded a new contract with fiscal year 1995 funds to perform ongoing tasks and provide prevention training in the following areas: (1) orientation on risk and resiliency-focused prevention theories and strategies for local community leaders; (2) the identification, assessment and addressing of risk factors; (3) ''training of trainers'' in selected States to provide a statewide capacity to train communities in risk-focused prevention; and (4) development of training curriculums and materials to increase the capacity of States and localities to conduct risk-focused prevention training. These services will be provided through second year funding of a competitive contract awarded to Developmental Research and Programs, Inc. No additional applications will be solicited in fiscal year 1996.

Youth-Centered Conflict Resolution

Increasing levels of juvenile violence have become a national concern. Violence in and around school campuses and conflict among juveniles both in schools and neighborhoods have become extremely problematic for school administrators, teachers, parents, community leaders, and the public. While experts may debate the merits and impact of the varied contributing factors, most would agree that school curriculums do not provide for the systematic teaching of problem- and conflict-resolving skills.

To address this issue, OJJDP awarded a competitive grant in fiscal year 1995 to the Illinois Institute for Dispute Resolution to develop, in concert with other established conflict resolution organizations, a national strategy for broad-based education and training in the use of conflict resolution skills. In

support of this task, the grantee is to conduct four regional conferences based on a joint publication being developed by the Departments of Justice and Education. The grantee will also provide technical assistance and disseminate information about conflict resolution programs. The project will be continued by the current grantee, the Illinois Institute for Dispute Resolution. No additional applications will be solicited in fiscal year 1996.

Pathways to Success

This project is a collaborative effort among OJJDP, the Bureau of Justice Assistance (BJA), and the National Endowment for the Arts. The Pathways to Success Program promotes vocational skills, entrepreneurial initiatives, recreation, and arts education during afterschool, weekend, and summer hours by making a variety of opportunities available to at-risk youth.

Through a competitive process, five sites were funded in fiscal year 1995, the first year of a 2-year project period. The selected programs are located in: Newport County, Rhode Island; New York, New York; Anchorage, Alaska; Washington, D.C.; and Miami, Florida.

The SOS Playbacks: Arts-Based Delinquency Based Juvenile Delinquency Prevention Program, located in Newport County, Rhode Island, provides an afterschool arts program for students aged 13–18 from local public housing developments. Students in the program participate in peer-to-peer support and education through the mediums of visual arts, dance, and drama.

Project CLEAR, located in New York City, provides extended day programs to students in two elementary schools that have a high percentage of students who live in low-income areas and have limited English proficiency. Services include academic tutoring, arts in education instruction, physical recreation, and group counseling services. Two hundred students in grades 1–6 are served annually. Saturday programs for targeted youth and their families and evening programs for parents are also provided.

The Anchorage School District and the out-North Theater in Anchorage, Alaska have collaborated to provide afterschool and summer theater programs for students aged 12–14 from low income areas in Anchorage. Students involved in this program will produce and perform in plays they have written that reflect their personal life experiences.

The District of Columbia Courts Elementary Baseball Program provides combined recreational activities, tutoring activities, one-to-one mentoring, and parent workshops for students aged 6–10 who are enrolled in Garrett Elementary School in Washington, D.C. This school is located in one of the highest crime areas in Washington, D.C. The central activity of this program is interleague baseball games. Team participation is contingent upon student participation in tutoring and other activities.

The Aspira ''Youth Sanctuary'' Program, located in Dade County, Florida, addresses delinquency and other behavioral problems of Latino youth aged 10–16 who reside in migrant camps. This program teaches art, including community mural projects, folklore dance incorporating Latino dancing, and provides recreation opportunities for targeted students afterschool, on weekends, and during the summer months. Parent training workshops and parent support are key activities in this program.

This Program will be implemented in fiscal year 1996 by the current project grantees. No additional applications will be solicited in fiscal year 1996.

*Teens, Crime, and the Community: Teens in Action in the 90s**

This continuation program is conducted by the National Crime Prevention Council (NCPC) in partnership with the National Institute for Citizen Education in the Law (NICEL). Teens in Action in the 90s is a special application of the Teens, Crime, and Community (TCC) program that operates on the premise that teens, who are disproportionately the victims of crimes, can contribute to improving their schools and communities through a broad array of activities.

During fiscal year 1995, the TCC Program expanded to more than 100 new sites, primarily through five regional expansion centers located in New England, the Mid-Atlantic States, the Mid-South, the Deep South, and the Pacific Northwest Coast. These TCC projects utilized Boys and Girls Clubs of America and their affiliates in six localities to become partners in TCC efforts in these cities.

More than 4,000 teachers, social service providers, juvenile justice professionals, law enforcement officers, and other community leaders participated in intensive training to help sites implement the TCC curriculum in their communities. Over 1,000 individuals benefited from technical assistance, materials, and consultation regarding TCC in areas of program implementation, fund development, and networking opportunities.

In fiscal year 1996, NCPC and NICEL will implement the National Teens, Crime, and the Community Program in additional locations across the country. In addition, TCC will seek to implement projects in the six SafeFutures Program sites.

This program will be implemented by the current grantee, NCPC. No additional applications will be solicited in fiscal year 1996.

Law-Related Education (LRE)

The national Law-Related Education (LRE) Program ''Youth for Justice'' includes five coordinated LRE projects and programs operating in 48 States and 4 non-State jurisdictions.

The program's purpose is to provide training and technical assistance to State and local school jurisdictions that will result in the institutionalization of quality LRE programs for at-risk juveniles. The focus of the program during fiscal year 1996 would be to continue linking LRE to violence reduction and to involve program participants in finding solutions to juvenile violence. The major components of the program are coordination and management, training and technical assistance, assistance to local program sites, public information and program development and assessment.

This program would be implemented by the current grantees, the American Bar Association, the Center for Civic Education, the Constitutional Rights Foundation, the National Institute for Citizen Education in the Law, and the Phi Alpha Delta Legal Fraternity. No additional applications would be solicited in fiscal year 1996.

Cities in Schools—Federal Interagency Partnership

This program is a continuation of a national school dropout prevention model developed and implemented by Cities in Schools, Inc. The Cities in Schools (CIS) Program provides training and technical assistance to States and local communities, enabling them to adapt and implement the CIS model. The model brings social, employment, mental health, drug prevention, entrepreneurship, and other resources to high-risk youth and their families in the school setting. Where CIS State organizations are established, they assume primary responsibility for local program replication during the Federal interagency partnership.

The Federal Interagency Partnership program is based on a program strategy that is designed to enhance CIS, Inc.'s capability to provide training and technical assistance, introduce selected

initiatives to CIS youth at the local level, disseminate information, and network with Federal agencies on behalf of State and local CIS programs.

Fiscal year 1995 accomplishments include the following: establishment of 15 student-run entrepreneurship programs; establishment of a consulting program consisting of a pool of CIS State and local program directors and other experts to support the expanded technical assistance needs of the CIS network of State and local programs; production and distribution of two publications, a catalogue of program resources, and a history of the CIS program; a three-day training session featuring presentations from Federal agencies on the financial and programmatic resources available through their Departments; and a catalogue of State and local programs in the areas of family strengthening and parent participation, working with adjudicated or incarcerated youth, violence prevention, prevention of AIDS and sexually transmitted diseases, and conflict resolution.

The Cities in Schools Federal Interagency Partnership program is jointly funded by OJJDP and the Departments of Health and Human Services and Commerce under an OJJDP grant. The project would be implemented by the current grantee, Cities in Schools, Inc. No additional applications would be solicited in fiscal year 1996.

Race Against Drugs

The Race Against Drugs (RAD) Program is a unique drug awareness, education, and prevention campaign designed to help young people understand the dangers of drugs and live a non-impaired lifestyle. With help and assistance from 23 motor sports organizations, the cooperation of the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Navy, and other government agencies, the National Child Safety Council, and a variety of corporate sponsors, RAD has become an exciting and innovative addition to drug abuse prevention programs. RAD activities now include national drug awareness and prevention activities at schools, malls, and motor sport events; television and public service announcements, posters, and signage on T-shirts, hats, decals, etc.; and specialized programs like the ''Adopt-A-School Essay and Scholarship'' and ''Winner's Circle'' programs. Curriculum materials include the Be A Winner Action Book for 6–8th graders, a RAD Adult Guide, and a RAD coloring book for K–4th graders.

In fiscal year 1995 the program was funded to develop additional and updated curriculum materials, reach additional program sites, and demonstrate the Winner's Circle Program in Seattle, Washington. It was funded jointly by the Bureau of Justice Assistance and OJJDP with the Center for Substance Abuse Prevention (CSAP) providing extensive printing and clearinghouse support.

In fiscal year 1996, OJJDP proposes to continue funding over a two-year project period in order to expand program operations to reach 500,000 youth at 300 RAD events annually, conduct 20 adopt-a-school programs in conjunction with major racing events, develop mobile educational exhibits and a variety of new educational materials, and conduct a program evaluation. OJJDP anticipates that the program would operate with private direct funding and in-kind support at the end of the project period.

The program would be implemented by the current grantee, the National Child Safety Council. No additional applications would be solicited in fiscal year 1996.

The Congress of National Black Churches: National Anti-Drug Abuse/ Violence Campaign (NADVC)

OJJDP proposes to continue funding the Congress of National Black Churches' (CNBC) national public awareness and mobilization strategy to address the problem of juvenile drug abuse and violence in targeted communities. The goal of the CNBC national strategy is to summon, focus, and coordinate the leadership of the black religious community, in cooperation with the Department of Justice and other Federal agencies and organizations, to mobilize groups of community residents to combat juvenile drug abuse and drug-related violence.

The campaign now operates in 37 city alliances, having grown from 5 original target cities. The smallest of these alliances consists of 6 churches and the largest has 135 churches. The NADVC program involves approximately 2,220 clergy and affects 1.5 million youth and the adults who influence their lives. NADVC also provides technical support to four statewide religious coalitions.

As a result of NADVC's technical assistance and training workshops, project sites have been able to leverage approximately $1.5 million in private and government funding.

NADVC has contributed to the planning and presentation of numerous technical assistance and training conferences on violence and substance abuse prevention and produced a National Training and Site Development Guide and a video to assist sites implement the NADVC model.

The Program would be expanded in fiscal year 1996 to address family violence intervention issues and target up to 6 additional cities, for a total of 43 cities. Consideration would be given to SafeFutures sites when selecting the new sites. This program would be implemented by the current grantee, CNBC. No additional applications would be solicited in fiscal year 1996.

Community Anti-Drug-Abuse Technical Assistance Voucher Project

The National Center for Neighborhood Enterprise (NCNE) has extended its outreach to community-based grassroots organizations around the country that are working effectively to solve the problems of juvenile drug abuse. This project has three goals: (1) To allow various neighborhood groups to inexpensively purchase needed services through the use of technical assistance vouchers disbursed by NCNE; (2) to demonstrate the cost-effective use of vouchers to help neighborhood groups secure technical assistance for anti-drug-abuse projects to serve high-risk youth; and (3) to extend OJJDP funded technical assistance to groups that are often excluded because they lack the administrative sophistication, technical and grantsmanship skills, and resources to participate in traditional competitive grant programs.

The Technical Assistance Voucher Project builds upon the strengths and problem solving capacity existing in low-income communities nationwide and provides much needed technical and monetary resources to grassroots organizations that are operating youth anti-drug programs and activities for high risk youth.

The program awards 15–25 vouchers, ranging from $1,000 to $10,000 annually. Eligible organizations must have: proven effectiveness in serving a specific constituency; a small operating budget ($150,000 maximum); 501(c)(3) tax exempt status; and a program that targets high-risk youth and/or juvenile offenders; and leadership that is indigenous to the community. Vouchers can be used for planning, proposal writing, program promotion, legal assistance, financial management, and other activities. This project would be implemented by the current grantee, NCNE. No additional applications would be solicited in fiscal year 1996.

Training and Technical Assistance for Family Strengthening Services

Prevention, early intervention, and effective crisis intervention are critical

elements in a community's family support system. In many communities, one or more of these elements may be missing or programs may not be coordinated. In addition, technical assistance and training have not generally been available to community organizations and agencies providing family strengthening services. In response, OJJDP awarded a three-year competitive grant in fiscal year 1995 to the University of Utah's Department of Health and Education to provide training and technical assistance to communities interested in establishing or enhancing a continuum of family-strengthening efforts, including parent training. Grant activities include a literature review, national search, rating, and selection of family strengthening models, development and implementation of a marketing and dissemination strategy, and the selection of sites to receive intensive technical assistance. The grantee will also convene two regional conferences, produce user and training-of-trainers guides, and distribute videos of several family-strengthening workshops.

This program will be implemented by the current grantee, the University of Utah's Department of Health and Education. No additional applications will be solicited in fiscal year 1996.

*Henry Ford Health System**

In fiscal year 1995, the Henry Ford Health System (HFHS) initiated a two-year program in Detroit, Michigan called ''Reducing Youth Violence Through School-Based Initiatives.'' The program serves seven elementary schools and two middle schools that feed into a Detroit high school. Primary Program activities are to identify juveniles at high risk, assess the needs of target youth, identify resources available in the community to serve those needs, coordinate community resources to create comprehensive programs, and evaluate the efficacy of the program. Participants include teachers, family members, community programs and agencies, as well as student and health center staff. This project will be implemented by the current grantee, HFHS. No additional applications will be solicited in fiscal year 1996.

*Jackie Robinson Center**

This three-year project, initially funded in fiscal year 1994, supports expansion of the Brooklyn USA Athletic Association, Inc.'s Jackie Robinson Centers for Physical Culture (JRC), which provide a comprehensive youth development and delinquency and crime prevention program. Presently, there are 18 school and 3 replication sites in operation serving in-school youth between the ages of 8 and 18. JRC's services are designed to prevent New York City youth from becoming involved in street gangs, violence, or drug and alcohol abuse, and to alert, educate, and inform youth and their parents about these issues. Activities conducted by JRC include development of positive peer groups, youth leadership, social and personal skills training, academic tutoring, sports, cultural activities, rap and discussion groups, individual counseling, parent education and involvement, community events, on-site crisis intervention, referral to treatment, physical/medical examinations, social service referral, and college and job placement assistance. JRC has increased its recruitment and registration from 750 to 6,600 students. Students in each of the 18 sites participated in a minimum of 3 special events during the year.

In fiscal year 1996, JRC will develop a data bank system to monitor the in-school progress of participating students through indicators such as attendance, academic, and behavioral records. This project will be implemented by the current grantee, the Brooklyn USA Athletic Association, Inc. No additional applications will be solicited in fiscal year 1996.

Child Abuse and Neglect and Dependency Courts

A Community-Based Approach to Combating Child Victimization

Statistics on child abuse and neglect are alarming. In 1994 alone, an estimated 3.1 million abused or neglected children were reported to public welfare agencies. More than 1 million of these cases were substantiated. Each year, an estimated 2,000 children—most under 4 years old—die at the hands of parents or caretakers.

Research demonstrating a link between child victimization and later involvement in violent delinquency suggests the efficacy of preventing child abuse and neglect and treating the victims of abuse as a means of reducing later violent and delinquent behavior.

To break the cycle of childhood victimization and violent delinquency, OJJDP proposes to enter into a joint solicitation with other bureaus of the Office of Justice Programs, in cooperation with other Federal agencies, to foster comprehensive, community-based, interagency and multi disciplinary approaches to the prevention, identification, intervention, and treatment of child abuse and neglect.

It is anticipated that two to five demonstration projects would be competitively awarded in fiscal year 1996 as part of a 5-year project period. Sites would be required to address each of the following program areas: (1) Data collection and evaluation; (2) system reform and accountability; (3) training and technical support to practitioners; (4) provision of a continuum of services to protect children and support families; and (5) prevention education and public information.

Training and technical assistance would be made available to selected sites in a number of areas, including system reform, practitioner training, victim advocacy, team-building and interagency collaboration, family-strengthening services assessment and implementation, and diversity/cultural awareness training.

Applicants would also be expected to demonstrate an ability to leverage other available sources of funds and document a readiness to engage in reform of child protection systems, progress in assessing and addressing child abuse and neglect, and broad community representation, commitment, and participation.

*Permanent Families for Abused and Neglected Children**

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose is to ensure that foster care is used only as a last resort and as a temporary solution. Accordingly, the project is designed to ensure that government's responsibility to children in foster care is acknowledged by the appropriate disciplines. Project activities include national training programs for judges, social service personnel, citizen volunteers, and others under the Reasonable Efforts Provision of the Social Security Act, as amended, 42 U.S.C. § 671(a)(15), training in selected States, and implementation of a model guide for risk assessment.

The project is implemented by the National Council of Juvenile and Family Court Judges (NCJFCJ). NCJFCJ provides support services to coordinate programs, trains judges in the Court Appointed Special Advocate (CASA) program, and implements the Model Court Program in additional jurisdictions.

In fiscal year 1996, a new program to divert families from the court system through arbitration under court supervision will be developed in three model courts using other funding

sources. However, the program will be incorporated into NCJFCJ's permanency planning training.

The Permanent Families for Abused and Neglected Children Program will be implemented by the current grantee, NCJFCJ. No additional applications will be solicited in fiscal year 1996.

*Parents Anonymous, Inc.**

Parents Anonymous, Inc. (PA) establishes groups and adjunct programs that respond to the needs of families through a mutual support model of parents and professionals sharing their expertise and their belief in each individual's ability to grow and change in ways that create caring and safe environments for themselves and their children. In fiscal year 1994, OJJDP began supporting PA's Juvenile Justice Project to enhance PA's mission to prevent child abuse and neglect by developing a new capability within the PA network to address the needs of high-risk, inner-city populations, with an emphasis on minority parents.

As a result of OJJDP funding, PA has: developed 31 new groups in 11 states; produced and disseminated the booklet, I Am A Parents Anonymous Parent, in Spanish; convened a National Leadership Conference in Washington, D.C. in February 1995 which focused on outreach, recruitment and services for families of color and collaboration with juvenile justice agencies; convened an Executive Directors'' Leadership Conference in Claremont, California, in November 1995; conducted written surveys, focus groups, and intensive telephone interviews to gather ''best practices'' data; produced and disseminated 12,000 copies of an expanded Innovations PA newsletter; and produced and disseminated 15,000 copies of The Parent Networker, a new semi-annual publication focused on issues of diversity.

In fiscal year 1996, PA will convene at least two regional trainings focused on working with families of color in high-risk settings, produce and disseminate two technical assistance bulletins, one on parent involvement as it relates to communities and families of color, and the other on strategies for providing PA programs for incarcerated parents, conduct two teleconference trainings, provide training and technical assistance to implement PA services in up to six SafeFutures Program sites, expand the number of PA affiliates working with the Juvenile Justice Project, and publish and disseminate a ''PA Best Practices'' manual.

The project will be implemented by the current grantee, PA. No additional applications will be solicited in fiscal year 1996.

*Lowcountry Children's Center, Inc.**

OJJDP will continue to fund Lowcountry Children's Center, Inc. (LCC) of Charleston, South Carolina in its expansion and coordination of the services required to create a model multi-disciplinary, crisis intervention program for child victims of sexual assault and their families. LCC's goals are to: (1) Continue their existing multi-disciplinary services, (2) enhance support and coordination between law enforcement and the Solicitor's (prosecutors) office in cases concerning allegations of child physical and sexual assault, (3) provide medical examination in a timely manner, and (4) collect and analyze data regarding the demographics of child victims and their families and the characteristics of the perpetrator, the sexual assault, and the community response. In 1995, as a result of this multi-disciplinary approach, LCC has exceeded its initial projections regarding the number of individual children who have been assessed and the number of clinical treatment units provided to these children and their families (as of December 31, 1995). LCC provided physical examinations for 194 children alleged to be victims of sexual abuse in a child-oriented environment and in a timely manner.

This project will be continued by the current grantee, LCC, Inc. No additional applications will be solicited in fiscal year 1996.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 96–3771 Filed 2–16–96; 8:45 am]

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Part V

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171, et al.

Revision of Miscellaneous Hazardous Regulations; Regulatory Review; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 176, 177, and 178

[Docket HM–222B; Notice No. 96–3]

RIN 2137–AC76

Revision of Miscellaneous Hazardous Materials Regulations; Regulatory Review

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to revise the Hazardous Materials Regulations (HMR) based on its review of the HMR and on written and oral comments received from the public concerning regulatory reform. The intended effect of this rulemaking is to reduce unnecessary regulatory burdens on industry and make the regulations shorter and easier to use without compromising public safety. In particular, RSPA is proposing reductions in requirements pertaining to training frequency, incident reporting, and emergency response telephone numbers. This action is in response to President Clinton's March 4, 1995 memorandum to heads of departments and agencies calling for a review of all agency regulations and directing front line regulators to ''get out of Washington'' and create grassroots partnerships with the regulated community.

DATES: Comments must be received on or before April 19, 1996.

ADDRESSES: Please address written comments to the Dockets Unit (DHM–30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001. Comments may also be faxed to (202) 366–3753. Comments should identify the docket (Docket No. HM–222B). The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding public holidays.

FOR FURTHER INFORMATION CONTACT: John A. Gale or Jennifer Antonielli, (202) 366–8553; Office of Hazardous Materials Standards, RSPA, Department of Transportation, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations and elimination or revision of those regulations that are outdated or in need of reform. In response to the President's directive, RSPA performed an extensive review of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180), and associated procedural rules (49 CFR Parts 106 and 107).

The President also directed that front line regulators ''* * * get out of Washington and create grassroots partnerships'' with people affected by agency regulations. On April 4, 1995, RSPA published in the Federal Register (60 FR 17049) a notice announcing seven public meetings and requesting comments on its hazardous materials safety program. RSPA requested comments on ways to improve the HMR and the kind and quality of services its customers want. RSPA received over 50 written comments in response to the notice. On July 28, 1995, RSPA published a second notice (60 FR 38888) announcing five more public meetings to be held from September to January 1996. On October 13, 1995, (60 FR 53321) RSPA issued an NPRM under Docket HM–222A that proposed to remove those sections of the regulations that have been identified in RSPA's regulatory review, in comments, and in the public meetings held to date as being unnecessary, duplicative, or outdated.

In this NPRM, RSPA proposes to amend various sections of the HMR based on agency initiative and on written and oral comments received from the public on regulatory reform. This rulemaking is one of several rulemakings that RSPA will initiate in response to its regulatory review, public meetings, and comments.

II. Proposed Changes

Part 171

Section 171.16. Several commenters requested modification of the incident reporting requirements in Part 171. One commenter requested that exceptions from the incident reporting requirements in § 171.16 be provided for limited quantities. RSPA concurs that continued reporting of certain incidents involving limited quantities would be of minimal value when weighed against the burden on the carriers required to prepare incident reports. Therefore, except for materials transported by aircraft, RSPA proposes certain exceptions from the incident reporting requirements in § 171.16 for limited quantities of Packing Group II and III materials.

Part 172

Section 172.101. Based on a commenter's request, RSPA proposes to amend the § 172.101 Table for the entries ''Cartridges for weapons, blank, *or* Cartridges, small arms, blank, UN 0014''; ''Cartridges for weapons, inert projectile, *or* Cartridges, small arms, UN0012''; ''Cartridges, power device, UN0323''; and ''Cartridges, small arms'', in Column (7), by removing the reference ''112''. Also for these entries, in Column (8A) of the § 172.101 Table, the word ''None'' or ''230'', as appropriate, would be removed and replaced with ''63''. The provisions to reclass an explosive as an ORM–D material, currently contained in Special Provision 112 and in § 173.230(b), would be relocated to § 173.63(b) to minimize confusion. See also preamble discussion on proposed amendments to § 173.230.

One commenter requested that RSPA amend Column (7) of the § 172.101 Table for the entry ''Ethanol *or* Ethyl alcohol *or* Ethanol solutions *or* Ethyl alcohol solutions'' by adding Special Provision ''24'' to allow ethanol the same packing group criteria as alcoholic beverages. Special Provision 24 recently was adopted in the HMR for the shipping name ''Alcoholic beverages'' to provide alternative packing group criteria to that of § 173.121. The special provision specifies that alcoholic beverages with more than 70 percent alcohol by volume are assigned Packing Group II and alcoholic beverages containing more than 24 percent but not more than 70 percent alcohol are assigned Packing Group III. The commenter requested that the special provision also be assigned to ethanol because Packing Group II or III distilled spirits can be and are shipped under either ''Alcoholic beverages'' or ''Ethanol *or* Ethyl alcohol *or* Ethanol solutions *or* Ethyl alcohol solutions.'' RSPA agrees with the commenter and proposes to add Special Provision ''24'' in Column (7) of the § 172.101 Table for the entry ''Ethanol *or* Ethyl alcohol *or* Ethanol solutions *or* Ethyl alcohol solutions.''

Section 172.102. In paragraph (c)(1), RSPA proposes to remove Special Provision 112 because its provisions would be relocated to § 173.63(b). See also preamble discussion on proposed changes to §§ 172.101 and 173.230.

Section 172.201. For clarity, RSPA proposes to amend § 172.201(d) by adding a cross-reference to § 172.604(c)

for exceptions from the requirement to maintain an emergency response telephone number.

Section 172.203. RSPA proposes to revise the requirements for identifying hazardous substances on shipping papers and package markings. Currently under the HMR, all constituents in a mixture or solution that meet the definition of ''hazardous substance'' in § 171.8 must be identified on shipping papers and package markings. RSPA proposes, consistent with the technical name requirements in § 172.203(k), to require for hazardous materials that contain two or more hazardous substances that at least two hazardous substances be identified on shipping papers and package markings.

In addition, RSPA proposes to amend paragraph (e)(2) and remove paragraph (e)(3) to eliminate the requirement to enter on shipping papers ''RESIDUE: Last Contained * * *'' for packages containing only the residue of a hazardous substance. This proposal is intended to reduce regulatory burdens on industry.

Section 172.316. One commenter requested that RSPA allow consumer commodities that are prepared in accordance with the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) to be transported by motor vehicle. RSPA concurs and proposes to modify § 172.316 to allow the CLASS 9 label in lieu of the ORM–D marking on packages of consumer commodities.

Section 172.324. Consistent with proposed amendments to § 172.203(c), RSPA proposes to amend § 172.324(a) to ease the burden of identifying each hazardous substance on package markings. RSPA would require for packages that contain a mixture or solution comprising two or more hazardous substances, that at least two hazardous substances be marked on the package in association with the proper shipping name.

Section 172.402. One commenter requested an exception from the requirement for subsidiary hazard labeling for certain packages of Class 7 (radioactive) materials that also meet the definition of another hazard class, except Class 9. Generally, the commenter seeks parity with a labeling exception in § 173.4 for small quantities of hazardous materials. These Class 7 materials conform to all requirements in § 173.4, except for their specific activity level, which exceeds permissible limits for a limited quantity radioactive material. Because the non-radioactive hazards of these materials pose a minimal risk in transportation, the commenter suggests that § 172.402(d) be revised to except them from the requirement to label for the subsidiary hazard. Based upon successful experience under exemption DOT–E 10660, which currently authorizes transportation of certain packages, and consistent with the commenter's request, RSPA proposes to revise paragraph (d) by adding an exception from the subsidiary hazard labeling requirement for packages of Class 7 materials that otherwise conform to § 173.4.

Section 172.500. RSPA proposes to redesignate paragraphs (b)(4) and (b)(5) as paragraphs (b)(5) and (b)(6) and add a new paragraph (b)(4) to clarify that small quantities of Division 4.3 materials prepared in accordance with § 173.13 are excepted from the placarding requirements of Subpart F of Part 172.

Section 172.600. In accordance with § 172.600(d), a material that is classed as ORM–D, except when offered or intended for transportation by air, is excepted from the emergency response information and telephone number requirements of Subpart G of Part 172. The Conference on Safe Transportation of Hazardous Articles (COSTHA) petitioned (P–1094) RSPA to except all ORM–D materials, including those transported by air, from emergency response information requirements because of the small quantities involved and minimal hazards associated with ORM–D materials. COSTHA further stated that because an ORM–D material is not assigned an identification number, no specific emergency instructions are provided. Therefore, it contends that documented emergency response information and the 24-hour response telephone number are unnecessary. COSTHA also reported that many consumer commodities are allowed to be carried as checked and carry-on baggage without application of the emergency response communication standards. Thus, it argues that the aggregate quantity of consumer commodities that are carried by passengers may be considerably larger than that carried as cargo to which the emergency response information is required. RSPA agrees with the petitioner that the requirements to provide emergency response information and maintain a 24-hour telephone number are unduly burdensome for shippers of ORM–D air materials and, thus, proposes an exception in § 172.600(d) for these materials.

Section 172.604. Based on its own initiative and petitions for rulemaking, and because the costs to implement these requirements outweigh the benefits, RSPA proposes to except the following materials from emergency response telephone number requirements: (1) liquid petroleum distillate fuels (e.g., gasoline, propane, and diesel fuel); (2) limited quantities of hazardous materials; and (3) materials described under the shipping names ''Engines, internal combustion''; ''Battery powered equipment''; ''Battery powered vehicle''; ''Wheelchair, electric''; ''Carbon dioxide, solid''; ''Dry ice''; ''Fish meal, stabilized''; ''Fish scrap, stabilized''; ''Castor bean''; ''Castor meal''; ''Castor flake''; ''Castor pomace''; ''Mercury contained in manufactured articles''; and ''Refrigerating machine''.

Since emergency responders routinely handle incidents involving liquid petroleum distillate fuels, it is questionable that the 24-hour emergency response telephone number could provide emergency responders with any additional information of value beyond that which is required to be carried in the vehicle. Therefore, RSPA proposes to except liquid petroleum distillate fuels from the emergency response telephone number requirements in § 172.604.

RSPA believes that the costs outweigh the benefits associated with maintaining the 24-hour emergency response telephone number requirements for shipments of limited quantities and the materials described under the shipping names listed above, e.g., Engines, internal combustion, etc. Therefore, RSPA proposes to except those materials from the emergency response telephone number requirements of § 172.604.

In addition, based on its own initiative, RSPA proposes to clarify that more than one emergency response telephone number with different hours of operation may be used to satisfy the requirements of § 172.604 if the following conditions are met: (1) the hours of operation of each number are clearly identified in association with the respective telephone number; (2) each respective telephone number is monitored during the time indicated while the hazardous material is in transportation; and (3) the requirements of § 172.604 (a)(2), (a)(3), and (b) are met. This proposed amendment is intended to codify RSPA's current position on this matter.

Section 172.704. RSPA stated in the notice of public meetings under Docket HM–222 (60 FR 17049) that it would consider extending the requirement for recurrent training from every two years to every three or four years. RSPA

received several written and oral comments in support of decreasing the frequency specified to train hazmat employees in accordance with Subpart H of Part 172. Many commenters claimed that the current requirement to train every two years is costly, difficult to administer, and inconsistent with other training programs required under other Federal, State and local regulations. Specifically, commenters from the marine cargo handling industry requested that RSPA increase the training interval to every four years for certain longshoremen who only handle sealed containers of hazardous materials and are not responsible for handling incidents involving the hazardous materials. Other commenters stated that the recurrent training requirement should be aligned to coincide with the Commercial Driver's License renewal requirement which is generally every four years. One commenter suggested that the interval for hazmat training coincide with the Federal Railroad Administration requirement in 49 CFR 240.217(c)(1) to certify engineers every three years. Some commenters requested that RSPA require hazmat training every five years. In this NPRM, RSPA proposes to decrease the frequency of all required hazmat training from two years to three years. This frequency is consistent with other training programs such as the training required under the Transportation of Dangerous Goods Regulations issued by the Government of Canada. Except as provided in § 172.704(c), hazmat employees must be trained whenever their hazmat functions change or the requirements are revised, regardless of the minimally required training frequency (see § 172.702). For example, if a requirement for information on a shipping paper changes as a result of a final rule, a hazmat employee is required to be trained in the revised requirement as soon as the new requirement becomes effective.

RSPA also received comments from the marine cargo handling industry concerning the applicability of the training requirements to ''casuals'' who are longshoreman who are hired for short periods, sometimes one day at a time. In accordance with § 172.704(c), hazmat employees must be trained within 90 days after employment. During this 90-day period, employees may perform hazmat functions only under the direct supervision of a properly trained and knowledgeable hazmat employee. This provision applies to a ''casual'' employed for less than 90 consecutive days by the same employer. In addition to removing obsolete effective dates, RSPA is proposing to revise § 172.704(c) to clarify its position concerning the ''direct'' supervision of a hazmat employee who has not received initial training. RSPA's position is that the person who is providing direct supervision must be able to instruct the employee on how to properly perform the hazmat function, must observe performance of the hazmat function, and must be able to take immediate corrective actions for any function not properly performed. Therefore, RSPA is proposing to add the word ''direct'' preceding the word ''supervision'' in § 172.704(c)(1) and, in § 172.702(b), RSPA is adding a reference to the exceptions for initial training found in § 172.704(c)(1).

Part 173

Section 173.4. Currently, the HMR do not permit Class 2, Divisions 4.2 and 4.3 materials and hazardous materials identified in paragraph (a)(11) to be shipped under the small quantity provisions, although some of these materials are eligible for similar exceptions under the ICAO Technical Instructions or an approval issued by the Associate Administrator for Hazardous Materials Safety. For example, UN2031 (Nitric acid) is specifically listed in paragraph (a)(11) and may not be shipped in accordance with the small quantity provisions. However, small quantities of nitric acid are authorized under a number of approvals to be shipped in this manner and no safety problems have been encountered. In this notice, RSPA proposes to revise the small quantity provisions by amending the introductory text in paragraph (a) to authorize Divisions 4.2 and 4.3, Packing Groups II and III, materials to be shipped in accordance with these provisions. This notice proposes to remove paragraph (a)(11) and add a new paragraph (c) to allow small quantities of certain categories of hazardous materials that are not authorized under this exception to be shipped in accordance with this section if specifically approved by the Associate Administrator for Hazardous Materials Safety. RSPA also proposes to revise the marking required to be displayed on packages of small quantities of hazardous materials in paragraph (a)(10) by shortening the length of the required statement. The proposed changes to § 173.4 are intended to ease burdens on industry and facilitate international transportation of hazardous materials in small quantities.

Section 173.13. RSPA proposes to add a new section § 173.13 that would incorporate, for highway and rail transport only, the provisions of DOT exemptions E–7891 and E–9168 into the HMR. These exemptions, and others commonly referred to as the ''poison pack exemptions,'' allow small quantities of hazardous materials to be transported without their primary or subsidiary labels. In addition, Division 4.3 materials which meet the requirements of § 173.13 would be excepted from the placarding requirements of the HMR and Division 6.1 materials packaged in the specified manner would be allowed to be transported with foodstuffs.

Section 173.21. RSPA proposes to incorporate into § 173.21 the provisions of a competent authority approval for temperature-controlled shipments. This would eliminate the requirement that all shipments requiring temperature control must be approved by the Associate Administrator for Hazardous Materials Safety.

Section 173.32a. RSPA proposes to remove a requirement for an approval agency to submit an approval certificate to the Associate Administrator for Hazardous Materials Safety. This proposed amendment would provide relief from paperwork reporting burdens.

Section 173.155. RSPA proposes to amend § 173.155 by increasing the quantity of Class 9 liquid materials permitted in an inner packaging from 4.0 L (1 gallon) to 5.0 L (1.3 gallons). This proposal is consistent with the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) and is intended to provide relief and facilitate transportation of these materials in international commerce. RSPA may consider revising other limited quantities or providing additional limited quantity exceptions for other hazardous materials, (e.g., Division 4.3 materials), consistent with the UN Recommendations, in a future rulemaking action.

Section 173.171. Currently, §§ 173.171 and 177.838(g) prescribe requirements for smokeless powder for small arms. However, § 177.838(g) provides additional relief by permitting inside packages of smokeless powder to be overpacked in UN 4G boxes, provided the net weight of smokeless powder in any one box does not exceed 7.26 kg (16 pounds). This provision is not contained in § 173.171. Section 177.838(g) should be limited to provisions that apply specifically to motor carriers and should not contain packaging exceptions generally available to all shippers. Therefore, RSPA proposes to remove the

§ 177.838(g) provisions pertaining to classification and packaging and revise § 173.171 by adding the provision concerning smokeless powder in overpacks.

In addition, one commenter requested that RSPA allow smokeless powder that has been reclassed as a Division 4.1 material to be transported by vessel and cargo aircraft. The commenter also requested that smokeless powder be allowed to be reclassed as ORM–D. RSPA agrees that the exception to reclass smokeless powder to Division 4.1 should be extended to transportation by vessel and cargo aircraft. However, an ORM–D exception for smokeless powder may not provide an adequate level of safety because shipping papers would not be required for transportation by highway, rail or vessel and there would be no restriction on the amount of material that is permitted in air cargo compartments. RSPA believes that the hazards posed by smokeless powder, a Packing Group I hazardous material, necessitate hazard communication requirements (e.g., shipping papers, labels, and placards). Therefore, RSPA proposes to allow smokeless powder that has been reclassed as a Division 4.1 material to be transported by vessel and cargo aircraft, but is not adopting the commenter's proposal to allow smokeless powder to be reclassed as an ORM–D material.

Section 173.220. RSPA received a petition for rulemaking (P–1204) requesting an amendment to the HMR to except self-propelled vehicles transported by vessel from the emergency response telephone number requirements. The petitioner urged RSPA to provide this exception because self-propelled vehicles do not pose an unreasonable risk to the environment or the safety of personnel handling these items. RSPA recognizes that the emergency response information required under § 172.602 provides emergency responders with the necessary information to handle an incident involving a self-propelled vehicle. It is questionable whether a shipper could provide emergency responders with any additional information of value. Therefore, RSPA proposes to amend paragraph (g)(2) in § 173.220 to except shipments of self-propelled vehicles and mechanized equipment containing internal combustion engines, or wet batteries transported by vessel or aircraft, from the emergency response telephone number requirements of § 172.604.

Section 173.230. Based on a commenter's request, RSPA proposes to clarify provisions that permit the reclassification of certain Division 1.4S materials as ORM–D materials by removing Special Provision 112 in § 172.102(c)(1), relocating the provisions in § 173.230(b) to § 173.63, and removing § 173.230. See also preamble discussion on proposed amendments to §§ 172.101 and 172.102.

Part 176

Section 176.104. RSPA received a petition (P–1183), from the Department of Defense (DOD), requesting removal of a requirement to use a landing mat when depositing palletized packages of Division 1.1 and 1.2 (explosives) materials on deck. The petitioner states that landing mats are cumbersome because they impede the operation of mechanized equipment used to load and unload palletized materials. In addition, the petitioner added that the landing mat serves no real purpose because the pallet bottom serves as the shock absorber. RSPA agrees with the petitioner and proposes to revise § 176.104(i) to provide relief for palletized loads of Division 1.1 and 1.2 materials.

Part 177

Section 177.801. Based on its own initiative, RSPA proposes to revise this paragraph to include references to forbidden materials that were previously in § 177.821(c).

Section 177.818. RSPA proposes to remove this section because its provisions are covered under the emergency response and training provisions of the HMR.

Section 177.821. RSPA proposes to remove this section because it duplicates other HMR provisions.

Section 177.822. RSPA proposes to remove this section because paragraph (a) is duplicative of other provisions for explosives and paragraph (b), including a reference to Specification MC200, is unnecessary. Also, in § 178.315, RSPA proposes to remove Specification MC200 from the HMR. See preamble discussion of § 178.315 of this proposed rule.

Sections 177.824 and 177.834. RSPA proposes to remove §§ 177.824 and 177.834(b) and (j) because they duplicate other HMR provisions. In addition, in § 177.834, a new paragraph (j) would be added to consolidate provisions in §§ 177.837(d), 177.839(d), and 177.841(d) that require manholes and valves on cargo tanks to be closed prior to transportation.

Section 177.835. RSPA proposes to remove paragraphs (k), (l), and (m) because parts 172 and 173 limit the concentration of liquid nitroglycerin and diethylene glycol dinitrate that may be offered or accepted for transportation. Therefore, these paragraphs are unnecessary.

Section 177.838. The HMR prescribe specific packaging requirements and exceptions for smokeless powder for small arms in § 173.171. In this NPRM, RSPA proposes to amend paragraph (g) by removing procedures for reclassifying Division 1.4S materials because they are redundant with § 173.171.

Section 177.839. RSPA proposes to revise paragraph (a) by limiting the applicability of this paragraph to nitric acid in concentrations of 50 percent or greater. In addition, in paragraph (a), the restriction on stacking containers of nitric acid higher than two tiers and paragraph (b) would be removed because they are outdated and unnecessary.

Section 177.841. One commenter requested that RSPA amend § 177.841 to be consistent with provisions of § 175.630. The commenter stated that the HMR currently authorize the transport of foodstuffs and poisons in the same aircraft, provided the materials are loaded into separate unit load devices that are not adjacent to each other, or into closed unit load devices. The commenter asserted that if this practice is authorized in air transportation, it should be authorized in highway transportation. RSPA agrees with the commenter that foodstuffs which are loaded in a closed unit load device should be allowed to be transported in the same motor vehicle with poisons that are loaded in a separate closed unit load device. However, pending further review of the impact on safety, RSPA is not proposing to allow foodstuffs and poisons to be in the same motor vehicle when they are loaded into separate open unit load devices. In addition, RSPA proposes to remove the provision allowing use of the container identified as package ''4000'' in the National Motor Freight Classification 100–1, for the transport of foodstuffs and poisons on the same motor vehicle. RSPA believes that this container has not been used for some time and, therefore, reference to it is unnecessary.

Section 177.848. RSPA proposes to amend paragraph (e)(5) by revising the definition of footnote ''A'' to the segregation and separation table to clarify that ammonium nitrate, Division 5.1, UN1942, may be loaded in the same transport vehicle with Divisions 1.1 and 1.5 materials.

Part 178

Section 178.315. RSPA proposes to remove Specification MC200 requirements from the HMR because

RSPA believes that this container is no longer utilized in hazardous materials service. RSPA invites comments on whether the MC200 containers still exist.

III. Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034). The economic impact of this rule is minimal to the extent that the preparation of a regulatory evaluation is not warranted.

Executive Order 12612

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''). The Federal hazardous materials transportation law (49 U.S.C. 5101–5127) contains an express preemption provision that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) the designation, description, and classification of hazardous material;

(ii) the packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(iii) the preparation, execution, and use of shipping documents pertaining to hazardous material and requirements respecting the number, content, and placement of such documents;

(iv) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(v) the design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

Title 49 U.S.C. 5125(b)(2) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. This proposed rule would clarify and provide relief from certain regulations governing the transportation of hazardous materials. RSPA solicits comments on whether the proposed rule would have any effect on State, local or Indian tribe requirements and, if so, the most appropriate effective date of Federal preemption. Because RSPA lacks discretion in this area, preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule does not impose any new requirements on persons subject to the HMR.

Paperwork Reduction Act

This proposed rule does not propose any new information collection requirements.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Marking, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 171, 172, 173, 176, 177, and 178 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.16, paragraph (c) would be revised, paragraph (d)(2) would be amended by removing the word ''nor'' at the end of the paragraph, paragraph (d)(3) would be redesignated as paragraph (d)(4), and a new paragraph (d)(3) would be added to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

* * * * *

(c) Except as provided in paragraph (d) of this section, the requirements of paragraph (a) of this section do not apply to incidents involving the unintentional release of a hazardous material—

(1) Transported under one of the following proper shipping names:

(i) Consumer commodity.

(ii) Battery, *electric storage,* wet, filled with acid *or* alkali.

(iii) Paint and paint related material when shipped in packagings of five gallons or less.

(2) Prepared and transported as a limited quantity shipment in accordance with this subchapter.

(d) * * *

(3) Except for consumer commodities, materials in Packing Group I; or

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATION, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

3. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 172.101 [Amended]

4. In the § 172.101 Hazardous Materials Table, the following changes would be made:

a. For the entries ''Cartridges for weapons, blank, *or* Cartridges, small arms, blank, UN 0014''; ''Cartridges for weapons, inert projectile, *or* Cartridges, small arms, UN0012''; ''Cartridges, power device, UN0323''; and ''Cartridges, small arms'', in Column (7), special provision ''112'' would be removed.

b. For the entries ''Cartridges for weapons, blank, *or*d Cartridges, small arms, blank, UN 0014''; ''Cartridges for

weapons, inert projectile, *or* Cartridges, small arms, UN0012''; and ''Cartridges, power device, UN0323'', in Column (8A), the wording ''None'' would be revised to read ''63''.

c. For the entry ''Cartridges, small arms'', in Column (8A), the wording ''230'' would be revised to read ''63''.

d. For the entry ''Ethanol *or* Ethyl alcohol *or* Ethanol solutions *or* Ethyl alcohol solutions'', in Column (7), the wording ''24,'' would be added immediately preceding ''T1'', in Packing Group II, and the wording ''24,'' would be added immediately preceding ''B1'' in Packing Group III.

e. For the entry ''Smokeless powder for small arms (*100 pounds or less*), NA3178'', in Column (9B), the wording ''Forbidden'' would be revised to read ''7.3 kg''.

§ 172.102 [Amended]

5. In § 172.102, in paragraph (c)(1), special provision ''112'' would be removed.

6. In § 172.201, paragraph (d) would be revised to read as follows:

§ 172.201 General entries.

* * * * *

(d) *Emergency response telephone number.* Except as provided in § 172.604(c), a shipping paper must contain an emergency response telephone number, as prescribed in subpart G of this part.

7. In § 172.203, paragraph (c)(1) would be revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(c) *Hazardous substances.* (1) Except for Class 7 (radioactive) materials described in accordance with paragraph (d) of this section, if the proper shipping name for a material that is a hazardous substance does not identify the hazardous substance by name, the name of the hazardous substance shall be entered in parentheses in association with the basic description. If the material contains two or more hazardous substances, at least two hazardous substances must be identified. For a hazardous waste, the waste code, if appropriate, may be used to identify the hazardous substance.

* * * * *

§ 172.203 [Amended]

8. In addition, in § 172.203, the following changes would be made:

a. In paragraph (e)(2), the phrase ''and paragraph (e)(3) of this section'' would be removed.

b. Paragraph (e)(3) would be removed.

9. In § 172.316, the first sentence of paragraph (a) would be revised to read as follows:

§ 172.316 Packagings containing materials classed as ORM–D.

(a) Each non-bulk packaging containing a material classed as ORM–D must be marked on at least one side or end with the ORM-D designation, immediately following or below the proper shipping name of the material or labeled with the CLASS 9 label (see § 172.446). * * *

* * * * *

§ 172.316 [Amended]

10. In addition, in § 172.316, in paragraph (c), the wording ''marking ORM–D'' would be removed and replaced with ''marking ORM–D or labeling with the CLASS 9 label''.

11. In § 172.324, paragraph (a) would be revised to read as follows:

§ 172.324 Hazardous substances in non-bulk packagings.

* * * * *

(a) Except for packages of radioactive material labeled in accordance with § 172.403, if the proper shipping name for a material that is a hazardous substance does not identify the hazardous substance by name, the name of the hazardous substance must be marked on the package, in parentheses, in association with the proper shipping name. If the material contains two or more hazardous substances, at least two hazardous substances must be identified. For a hazardous waste, the waste code, if appropriate, may be used to identify the hazardous substance.

* * * * *

12. In § 172.402, paragraph (d) would be revised to read as follows:

§ 172.402 Additional labeling requirements.

* * * * *

(d) *Class 7 (Radioactive) Materials.* Except as otherwise provided in this paragraph, each package containing a Class 7 material that also meets the definition of one or more additional hazard classes must be labeled as a Class 7 material as required by § 172.403 of this subpart and for each additional hazard. A subsidiary hazard label is not required on a package containing a Class 7 material that conforms to criteria specified in § 173.4 of this subchapter, except § 173.4(a)(1)(iv) of this subchapter.

* * * * *

13. In § 172.500, paragraphs (b)(4) and (b)(5) would be redesignated as paragraphs (b)(5) and (b)(6), respectively, and a new paragraph (b)(4) would be added to read as follows:

§ 172.500 Applicability of placarding requirements.

* * * * *

(b) * * *

(4) Small quantities of Division 4.3 materials prepared in accordance with § 173.13 of this subchapter;

* * * * *

14. In § 172.600, paragraph (d) would be revised to read as follows:

§ 172.600 Applicability and general requirements.

* * * * *

(d) *Exceptions.* The requirements of this subpart do not apply to hazardous material which is excepted from the shipping paper requirements of this subchapter or a material properly classified as an ORM–D.

15. In § 172.604, new paragraphs (c) and (d) would be added to read as follows:

§ 172.604 Emergency response telephone number.

* * * * *

(c) A person may list more than one emergency response telephone number with different hours of operation provided that—

(1) The hours of operation of each number are clearly identified in association with the respective telephone number;

(2) Each respective telephone number is monitored during the time indicated while the hazardous material is in transportation; and

(3) The requirements in paragraphs (a)(2), (a)(3), and (b) of this section are met.

(d) The requirements of this section do not apply to—

(1) Hazardous materials that are offered for transportation under the provisions applicable to limited quantities;

(2) Liquid petroleum distillate fuels; and

(3) Materials properly described under the shipping names ''Engines, internal combustion'', ''Battery powered equipment'', ''Battery powered vehicle'', ''Wheelchair, electric'', ''Carbon dioxide, solid'', ''Dry ice'', ''Fish meal, stabilized'', ''Fish scrap, stabilized'', ''Castor bean'', ''Castor meal'', ''Castor flake'', ''Castor pomace'', ''Mercury contained in manufactured articles'', ''Refrigerating machine''.

§ 172.702 [Amended]

16. In § 172.702(b), the phrase ''A hazmat employee'' is removed and replaced with the phrase, ''Except as

provided in § 172.704(c)(1), a hazmat employee''.

16a. In § 172.704, paragraphs (c)(1) and (c)(2) would be revised to read as follows:

§ 172.704 Training requirements.

* * * * *

(c) * * * (1) *Initial training.* A new hazmat employee, or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided—

(i) The employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and

(ii) The training is completed within 90 days after employment or a change in job function.

(2) *Recurrent training.* A hazmat employee shall receive the training required by this subpart at least once every three years.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

17. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR part 1.53.

18. In § 173.4, the section heading would be revised, paragraph (a)(11) would be removed, paragraph (a) introductory text, paragraphs (a)(9) and (a)(10) would be revised, and a new paragraph (c) would be added to read as follows:

§ 173.4 Small quantity exceptions.

(a) Small quantities of Class 3, Division 4.1, Division 4.2 (PG II and III), Division 4.3 (PG II and III), Division 5.1, Division 5.2, Division 6.1, Class 7, Class 8, and Class 9 materials that also meet the definition of one or more of these hazard classes, are not subject to any other requirements of this subchapter when—

* * * * *

(9) The package is not opened or otherwise altered until it is no longer in commerce; and

(10) The shipper certifies conformance with this section by marking the outside of the package with the statement:

This package conforms to 49 CFR 173.4.

* * * * *

(c) Packages which contain Class 2, Division 4.2 (PG I), Division 4.3 (PG I) conforming to paragraphs (a)(1) through (a)(10) of this section may be shipped if specifically approved by the Associate Administrator for Hazardous Materials Safety.

19. Section 173.13 would be added to subpart A to read as follows:

§ 173.13 Exceptions for Class 3, Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Class 8 and 9 materials.

(a) A Class 3, 8 or 9, or Division 4.1, 4.2, 4.3, 5.1, or 6.1 material is excepted from the labeling requirements of this subchapter if prepared for transportation in accordance with the requirements of this section. In addition, materials in Division 4.3 are excepted from the placarding requirements of this subchapter when prepared in accordance with the requirements of this section. A material that meets the definition of a material poisonous by inhalation may not be offered for transportation or transported under provisions of this section.

(b) A hazardous material conforming to requirements of this section may be transported by motor vehicle or rail car only.

(c) A hazardous material permitted by paragraph (a) of this section must be packaged as follows:

(1) For liquids:

(i) The hazardous material must be placed in a tightly closed glass, plastic or metal inner packaging with a maximum capacity not exceeding 1.2 liters. Sufficient outage must be provided such that the inner packaging will not become liquid full at 55° C (130° F). The net quantity (measured at 20° C (68° F)) of liquid in any inner packaging may not exceed one liter.

(ii) The inner packaging must be placed in a hermetically-sealed barrier bag which is impervious to the lading, and then wrapped in a non-reactive absorbent material in sufficient quantity to completely absorb the contents of the inner packaging, and placed in a snugly fitting, rigid can.

(iii) The rigid can must be securely closed. For liquids that are in Division 4.2 or 4.3, the rigid can must be hermetically sealed.

(iv) The rigid can must then be placed inside a securely closed, outer packaging conforming to § 173.201.

(v) Not more than four cans are permitted in an outer packaging.

(2) For solids:

(i) The hazardous material must be placed in a tightly closed glass, plastic or metal inner packaging. The net quantity of material in any inner packaging may not exceed 2.85 kg (6.25 pounds).

(ii) The inner packaging must be placed in a hermetically-sealed barrier bag which is impervious to the lading.

(iii) The barrier bag and its contents must be placed inside an outer packaging conforming to § 173.201.

(iv) Not more than four bags are permitted in an outer packaging.

20. In § 173.21, paragraph (f)(3) would be revised to read as follows:

§ 173.21 Forbidden materials and packages.

* * * * *

(f) * * *

(3) Refrigeration may be used as a means of stabilization only when approved by the Associate Administrator for Hazardous Materials Safety. For status of approvals previously issued by the Bureau of Explosives, see § 171.19 of this subchapter. Methods of stabilization approved by the Associate Administrator for Hazardous Materials Safety are as follows:

(i) For highway transportation:

(A) A material meeting the criteria of paragraph (f) of this section may be transported only in a transport vehicle, freight container, or motor vehicle equipped with a mechanical refrigeration unit, or loaded with a consumable refrigerant, capable of maintaining the inside temperature of the transport vehicle, freight container, or motor vehicle at or below the control temperature required for the material during transportation.

(B) Each package containing a material meeting the criteria of paragraph (f) of this section must be loaded and maintained at or below the control temperature required for the material. The temperature of the material shall be measured and entered on a written record at the time the packaging is filled.

(C) The vehicle operator shall monitor the inside temperature of the transport vehicle, freight container, or motor vehicle and enter that temperature on a written record at the time the package is loaded and thereafter at intervals not exceeding two hours. Alternatively, a transport vehicle, freight container, or motor vehicle may be equipped with a visible or audible warning device that activates when the inside temperature of the transport vehicle, freight container, or motor vehicle exceeds the control temperature required for the material. The warning device must be readily visible or audible, as appropriate, from the vehicle operator's seat in the vehicle.

(D) The carrier must advise the vehicle operator of the emergency temperature for the material, and provide the vehicle operator with written procedures that must be followed to assure maintenance of the control temperature inside the transport vehicle, freight container, or motor vehicle. The written procedures must

include instructions for the vehicle operator on actions to take if the inside temperature exceeds the control temperature and approaches or reaches the emergency temperature for the material. In addition, the written temperature-control procedures must identify enroute points where the consumable refrigerant may be procured, or where repairs to, or replacement of, the mechanical refrigeration unit may be accomplished.

(E) The vehicle operator shall maintain the written temperature-control procedures, and the written record of temperature measurements specified in paragraph (f)(3)(i)(C) of this section, if applicable, in the same manner as specified in § 177.817 of this subchapter for shipping papers.

(F) If the control temperature is maintained by use of a consumable refrigerant (e.g., dry ice or liquid nitrogen), the quantity of consumable refrigerant must be sufficient to maintain the control temperature for twice the average transit time under normal conditions of transportation.

(G) A material that has a control temperature of 40 °C (104 °F) or higher may be transported by common carrier. A material that has a control temperature below 40 °C (104 °F) must be transported by a private or contract carrier.

(ii) For transportation by vessel, shipments are authorized in accordance with the control-temperature requirements of Section 21 of the General Introduction of the International Maritime Dangerous Goods Code (IMDG Code).

* * * * *

21. In § 173.32a, paragraph (c) would be revised to read as follows:

§ 173.32a Approval of Specification IM portable tanks.

* * * * *

(c) *Disposition of approval certificates.* A copy of each approval certificate must be retained by the approval agency and by the owner of each IM portable tank.

* * * * *

§ 173.155 [Amended]

22. In § 173.155, in paragraph (b)(1), the wording ''4.0 L (1 gallon)'' would be revised to read ''5.0 L (1.3 gallons)''.

23. In § 173.171, the introductory text and paragraph (b) would be revised and a new paragraph (d) would be added to read as follows:

§ 173.171 Smokeless powder for small arms.

Smokeless powder for small arms which has been classed in Division 1.3 may be reclassed in Division 4.1, for transportation by motor vehicle, rail car, vessel, or cargo-only aircraft, subject to the following conditions:

* * * * *

(b) The total quantity of smokeless powder must not exceed 45.4 kg (100 pounds) net mass in:

(1) One rail car, motor vehicle, or cargo-only aircraft; or

(2) One freight container on a vessel, not to exceed four freight containers per vessel.

* * * * *

(d) Inside packages that have been examined and approved by the Associate Administrator for Hazardous Materials Safety may be packaged in UN 4G fiberboard boxes meeting the Packing Group I performance level, provided all inside containers are packed to prevent movement and the net weight of smokeless powder in any one box does not exceed 7.3 kg (16 pounds).

24. In § 173.220, paragraph (g)(2) would be revised to read as follows:

§ 173.220 Internal combustion engines, self-propelled vehicles, and mechanical equipment containing internal combustion engines or wet batteries.

* * * * *

(g) * * *

(2) Are not subject to the requirements of subparts D, E, and F (marking, labeling, and placarding, respectively) of part 172 or § 172.604 (emergency response telephone number) of this subchapter for transportation by vessel or aircraft.

§ 173.63 [Amended]

§ 173.230 [Removed]

25. Paragraph (b) of § 173.230 would be redesignated as paragraph (b) of § 173.63 and § 173.230 would be removed.

PART 176—CARRIAGE BY VESSEL

26. The authority citation for part 176 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

27. In § 176.104, the first sentence of paragraph (i) would be revised to read as follows:

§ 176.104 Loading and unloading Class 1 (explosive) materials.

* * * * *

(i) A landing mat must be used when a draft of nonpalletized Division 1.1 or 1.2 (Class A and B explosive materials) is deposited on deck. * * *

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

28. The authority citation for part 177 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 177.818, 177.821, 177.822, and 177.824 [Removed]

29. Sections 177.818, 177.821, 177.822, and 177.824 would be removed.

30. Section 177.801 would be revised to read as follows:

§ 177.801 Unacceptable hazardous materials shipments.

No person may accept for transportation or transport by motor vehicle a forbidden material or hazardous material that is not prepared in accordance with the requirements of this subchapter.

31. In § 177.834, paragraph (b) would be removed and reserved, and paragraph (j) would be revised to read as follows:

§ 177.834 General requirements.

* * * * *

(j) *Manholes and valves closed.* A person may not drive a cargo tank and a motor carrier may not permit a person to drive a cargo tank motor vehicle containing a hazardous material regardless of quantity unless:

(1) All manhole closures are closed and secured; and

(2) All valves and other closures in liquid discharge systems are closed and free of leaks.

* * * * *

§ 177.835 [Amended]

32. In § 177.835, paragraphs (k), (l), and (m) would be removed.

§ 177.837 [Amended]

33. In § 177.837, paragraph (d) would be removed.

34. In § 177.838, paragraph (g) would be revised to read as follows:

§ 177.838 Class 4 (flammable solid) materials, Class 5 (oxidizing) materials, and Division 4.2 (pyroforic liquid) materials.

* * * * *

(g) A motor vehicle may only contain 45.4 kg (100 pounds) or less net mass of material described as ''Smokeless powder for small arms, Division 4.1''.

* * * * *

35. Section 177.839 would be revised to read as follows:

§ 177.839 Class 8 (corrosive) materials.

(See also § 177.834 (a) through (j).)

(a) *Nitric acid.* No packaging of nitric acid of 50 percent or greater concentration may not be loaded above

any packaging containing any other kind of material.

(b) *Storage batteries.* All storage batteries containing any electrolyte must be so loaded, if loaded with other lading, that all such batteries will be protected against other lading falling onto or against them; and adequate means must be provided in all cases for the protection and insulation of battery terminals against short circuits.

36. In § 177.841, paragraph (d) would be removed and reserved and paragraph (e)(1) would be revised to read as follows.

§ 177.841 Division 6.1 (poisonous) and Division 2.3 (poisonous gas) materials.

* * * * *

(e) * * *

(1) Bearing a POISON label in the same motor vehicle with material that is marked as or known to be foodstuffs, feed or any edible material intended for consumption by humans or animals unless:

(i) The poisonous material is packaged in accordance with this subchapter and is overpacked in a metal drum as specified in § 173.25(c) of this subchapter; or

(ii) The poisonous material is packaged in accordance with this subchapter and loaded into a closed unit load device and the foodstuffs, feed, or other edible material are loaded into another closed unit load device;

* * * * *

§ 177.848 [Amended]

37–38. In § 177.848, paragraph (e)(5), would be amended by removing the phrase ''ammonium nitrate fertilizer'' and replace it with the phrase ''ammonium nitrate (UN 1942) and ammonium nitrate fertilizer''.

PART 178—SPECIFICATIONS FOR PACKAGINGS

39. The authority citation for part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 178.315, 178.315–1, 178.315–2, 178.315–3, 178.315–4, 178.315–5 [Removed]

40. Sections 178.315, 178.315–1, 178.315–2, 178.315–3, 178.315–4, and 178.315–5 would be removed.

Issued in Washington, DC on February 12, 1996, under authority delegated in 49 CFR Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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FEDERAL REGISTER PAGES AND DATES, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR
Ch. III 3539

3 CFR

Proclamations:
6863 3777
6864 4347
6865 5269

Executive Orders:
12778 (Revoked by EO 12988) 4729
12866 (See EO 12988) 4729
12964 (Amended by EO 12987) 4205
12987 4205
12988 4729
12989 6091

Administrative Orders:
Memorandum:
February 5, 1996 5669
Presidential Determination:
No. 96–9 of January 22, 1996 4207

5 CFR
Ch. XXX 4349
530 3539
531 3539
532 ..... 5921, 5922
534 3539
550 3539
575 3539
581 3539
582 3539
630 3539
950 4585
1201 4585
4001 4349

Proposed Rules:
316 6324
335 6324
338 6324
532 4940

7 CFR
Ch. XLII 3779
6 6305
250 5271
300 5923
318 5923
905 3544
932 6306
944 3544
945 3546
966 5924
989 6307
1485 3548
1901 ..... 3779, 6309
1940 3779
1942 6309
1951 3779
2003 3779
2903 4209
4001 3787
4284 3779

Proposed Rules:
723 5316
920 3604
959 6328
980 4941
985 6329
999 3606
1464 5317
1755 4754
1944 4814
1980 3853
4279 3853
4287 3853

8 CFR

Proposed Rules:
212 4374
264 4374
274a 4378

9 CFR
310 4849

Proposed Rules:
1 5524
2 5524
3 5524

10 CFR
170 5064
171 5064
830 4209
835 4209

Proposed Rules:
2 4378
35 4754
50 5318
72 3619
1021 6414
1035 3877
1036 3877

11 CFR
100 ..... 3549, 4302, 6095
102 4302
104 3549
105 3549
106 4302
108 6095
109 ..... 3549, 4302
110 4302
114 ..... 3549, 4302
9034 4849
9038 4849

Proposed Rules:
100 3621
110 3621
114 3621

12 CFR
7 4849
21 4332
31 4849
201 5926
208 4338
211 4338
225 4338
303 5926
346 5671
353 6095
359 5926
363 6100
701 ..... 3788, 4213
709 3788
741 3788
1401 4349

Proposed Rules:
336 5956

701.....4238
705.....4238
741.....4236

13 CFR
121.....6412

14 CFR
1.....5171
23 .....5130, 5138, 5151, 5171
25.....5218
39 .....3550, 3792, 3793, 5275, 5277, 5279, 5280, 5281, 5284, 5501, 5675
71 .....4587, 4870, 5503, 5504, 5934, 5935, 5937
91.....5151, 5492
97 .....3552, 3795, 3796, 3797, 6106, 6108
135.....5938

Proposed Rules:
Ch. I.....4942
217.....5963
39 .....3882, 4756, 4943, 5326, 5329, 5331, 5334, 5524
241.....5963
71 .....4379, 4380, 4381, 5960, 5962
73.....3884

15 CFR
771.....3555, 5677
776.....5677
799 .....3555, 5677, 6064

Proposed Rules:
922.....5335, 5969

16 CFR
22.....3799
305.....5679

Proposed Rules:
303.....5340
409.....4382
436.....5969

17 CFR
17.....6310
200.....5939

Proposed Rules:
400.....4944
420.....4944

18 CFR
1303.....6110

Proposed Rules:
Ch. I.....3799, 4596

19 CFR
4.....3568
10.....6110
113.....6110
132.....3569
141.....6110
144.....6110
148.....3569
181.....6110

Proposed Rules:
132.....6333
351.....4826
353.....4826
354.....4826
355.....4826

20 CFR
401.....5939
404.....5939
416.....5939, 5943
422.....5943
423.....5943

Proposed Rules:
209.....5970
404.....4389

21 CFR
80.....3571
173.....4871
189.....4816
331.....4822
510.....4735, 5505
520.....4874, 5505
522.....4874, 5505
524.....5505
558.....4349, 4874

Proposed Rules:
101.....3885, 5349
201.....5912
312.....6177
333.....5918
369.....5912
1220.....4597

22 CFR
9b.....3800
42.....6111
123.....6111
126.....6111

Proposed Rules:
228.....4240

24 CFR
Ch. XI.....5198
Ch. XV 5198
0.....5198
4.....5198
5.....5198, 5662
8.....5198
12.....5198
15.....5198
16.....5198
17.....5198
27.....5198
28.....5198
30.....5198
35.....5198
40.....5198
51.....5198
52.....5198
86.....4875
91.....5198
92.....5198
100.....5198
103.....5198
104.....5198
107.....5198
109.....5198
110.....5198
111.....5198
125.....5198
135.....5198
146.....5198
200.....5198
201.....5198
203.....5198
206.....5198
213.....5198
215.....5198
219.....5198
220.....5198
221.....5198
231.....5198
232.....5198
234.....5198
235.....5198
236.....5198
237.....5198
248.....5198
260.....5198
261.....5198
265.....5198
280.....5198
290.....4580, 5198
291.....5198
511.....5198
570.....5198
572.....5198
574.....5198
576.....5198
582.....5198
583.....5198
585.....5198
590.....5198
594.....5198
597.....5198
700.....5198
750.....5198
760.....5198
791.....5198
792.....5198
799.....5198
811.....5198
812.....5662
813.....5198
850.....5198
880.....5198
881.....5198
882.....5198, 5850
883.....5198
884.....5198
885.....5198
886.....5198
887.....5198
889.....5198
890.....5198
899.....5198
901.....5198
904.....5198
912.....5662
913.....5198
941.....5198
942.....5198
945.....5198
950.....5662
960.....5198
961.....5198
962.....5198
963.....5198
964.....5198
965.....5198
968.....5198
982.....5662
999.....5198
3280.....5198
3282.....5198

Proposed Rules:
3500.....6334

25 CFR

Proposed Rules:
Ch. VI.....3623

26 CFR
1.....4349, 4876
602.....4876

28 CFR
2.....4350
16 .....6316, 6317, 6318

Proposed Rules:
35.....4389
540.....5846

29 CFR
1910.....5507
1915.....5507
1917.....5507
1918.....5507
1919.....5507
1926.....5507
1928.....5507
2619.....5945
2676.....5945

Proposed Rules:
Ch. XIV 3624
103.....4246
1904.....4030
1952.....4030

30 CFR
202.....5448
206.....3800, 5448
260.....3800

Proposed Rules:
Ch. II.....4390
931.....3625
943.....3628

31 CFR
103.....4326
351.....5510
357.....6113
370.....6113
595.....3805

32 CFR
290.....4885, 5510
311.....3813
321.....3814
835.....4351
838.....4351
843.....4351
848.....4352

Proposed Rules:
838.....4390

33 CFR
100.....4885, 5680
117.....4886

Proposed Rules:
157.....6334
165.....4945, 6178

34 CFR
668.....3776
690.....3776

Proposed Rules:
Ch. VI.....4198
201.....3772
361.....4390
646.....4758

36 CFR
223.....5684
242.....5685
1206.....5656
1210.....5660

Proposed Rules:
7.....5354
17.....5356
1190.....5723
1191.....5723

37 CFR
202.....5445

38 CFR

Proposed Rules:
21.....5357

40 CFR
30.....6066
33.....6066
51.....4588
52 .....3572, 3575, 3578, 3579, 3581, 3582, 3584, 3586, 3588, 3589, 3591, 3815, 3817, 3819, 3821, 3824, 4215, 4216, 4217, 4352, 4353, 4887, 4890, 4892, 4895, 4897, 4899, 4901, 5285, 5288, 5291, 5295, 5297, 5299, 5303, 5306, 5307, 5511, 5514, 5515, 5689, 5690, 5694, 5696, 5699, 5701, 5704, 6114
63.....4902
70 .....3827, 4217, 4220, 5705
80.....3832
81 .....3591, 4357, 5707
82.....4736
85.....5840
180 .....4591, 4592, 4593, 5711, 5712, 5714, 5716
194.....5224
262.....4903
264.....4903
265.....4903
270.....4903
271.....4742, 5718
281.....3591, 3599
282.....4224, 6319
300.....4747, 6115

Proposed Rules:
52 .....3631, 3632, 3633, 3634, 3635, 3891, 3892, 4246, 4391, 4392, 4598, 4946,

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

OMB Circular A-95 review, evaluation, and coordination of projects; regulation removed; published 2-20-96

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Bob veal calf residue testing program; fast antimicrobial screen test; published 12-22-95

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

OMB Circular A-95 review, evaluation, and coordination of projects; regulation removed; published 2-20-96

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

OMB Circular A-95 review, evaluation, and coordination of projects; regulation removed; published 2-20-96

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

OMB Circular A-95 review, evaluation, and coordination of projects; regulation removed; published 2-20-96

AGRICULTURE DEPARTMENT

Import quotas and fees:

Dairy products; published 2-20-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Continental shelf:

Fishermen's contingency fund; regulatory simplification; published 2-20-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Georgia; published 12-21-95

Massachusetts; published 12-19-95

FEDERAL RESERVE SYSTEM

Financial institutions; netting eligibility (Regulation EE); published 1-19-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Block grants:

Substance abuse prevention and treatment; sale or distribution of tobacco products to individuals under 18 years; published 1-19-96

JUSTICE DEPARTMENT

Privacy Act; implementation; published 2-20-96

Privacy Act; implementation; published 2-20-96

Privacy Act; implementation; published 2-20-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; published 2-2-96

McDonnell Douglas; published 1-19-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Filberts/hazelnuts grown in Oregon and Washington; comments due by 2-28-96; published 1-29-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison--

State and area classifications; comments due by 2-27-96; published 12-29-95

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Federal regulatory review; comments due by 2-27-96; published 12-29-95

Meat and poultry inspection:

Food standards; processed meat and poultry products named by use of expressed nutrient content claim and standardized term; requirements; comments due by 2-27-96; published 12-29-95

Substances suitable for use in meat and poultry products preparation; approval procedures; comments due by 2-27-96; published 12-29-95

COMMERCE DEPARTMENT

Export Administration Bureau

Export licensing:

Computer export control reform; comments due by 2-26-96; published 1-25-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Environmental Data Service:

Ocean thermal energy conversion licensing program; comments due by 2-29-96; published 1-30-96

Fishery conservation and management:

Gulf of Mexico reef fish; comments due by 3-1-96; published 1-31-96

DEFENSE DEPARTMENT

Acquisition regulations:

Foreign product restrictions; comments due by 2-26-96; published 12-28-95

Federal Acquisition Regulation (FAR):

Buy American Act; construction (Grimberg decision); comments due by 2-26-96; published 12-27-95

Contract management; clause flowdown; comments due by 2-26-96; published 12-27-95

General Agreement on Tariffs and Trade (GATT), Uruguay Round; implementation; comments due by 2-27-96; published 12-29-95

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

Outer Continental Shelf regulations--

California; comments due by 2-28-96; published 1-29-96

Stratospheric ozone protection--

Used class I controlled substances import; reporting requirement partial stay and reconsideration; comments due by 3-1-96; published 1-31-96

Air quality implementation plans; approval and promulgation; various States:

Delaware; comments due by 2-26-96; published 1-26-96

Illinois; comments due by 2-26-96; published 1-26-96

Massachusetts; comments due by 2-29-96; published 1-30-96

Tennessee; comments due by 3-1-96; published 1-31-96

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Massachusetts; comments due by 2-29-96; published 1-30-96

Ohio; comments due by 3-1-96; published 1-31-96

Pennsylvania; comments due by 2-29-96; published 1-30-96

Virginia et al.; comments due by 2-29-96; published 1-30-96

Air quality planning purposes; designation of areas:

New Jersey et al.; comments due by 2-29-96; published 1-30-96

Clean Air Act:

State operating permits programs--

New Jersey; comments due by 2-29-96; published 1-30-96

Virgin Islands; comments due by 2-26-96; published 1-25-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Hexaconazole; comments due by 3-1-96; published 1-31-96

Superfund program:

National oil and hazardous substances contingency plan--

National priorities list update; comments due by 2-28-96; published 1-29-96

National priorities list update; comments due by 3-1-96; published 1-31-96

FEDERAL COMMUNICATIONS COMMISSION

Common carriers:

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 15, 1996

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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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
4	(869–026–00003–4)	5.50	Jan. 1, 1995
5 Parts:			
1–699	(869–026–00004–2)	23.00	Jan. 1, 1995
700–1199	(869–026–00005–1)	20.00	Jan. 1, 1995
1200–End, 6 (6 Reserved)	(869–026–00006–9)	23.00	Jan. 1, 1995
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–026–00009–3)	21.00	Jan. 1, 1995
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–026–00011–5)	25.00	Jan. 1, 1995
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
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1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
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1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
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2000–End	(869–026–00025–5)	14.00	Jan. 1, 1995
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–026–00027–1)	30.00	Jan. 1, 1995
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
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1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
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500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–026–00051–4)	19.00	Jan. 1, 1995
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–026–00055–7)	24.00	Apr. 1, 1995
240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	Apr. 1, 1995
141–199	(869–026–00062–0)	21.00	Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00069–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
23	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–026–00079–4)	40.00	Apr. 1, 1995
200–219	(869–026–00080–8)	19.00	Apr. 1, 1995
220–499	(869–026–00081–6)	23.00	Apr. 1, 1995
500–699	(869–026–00082–4)	20.00	Apr. 1, 1995
700–899	(869–026–00083–2)	24.00	Apr. 1, 1995
900–1699	(869–026–00084–1)	24.00	Apr. 1, 1995
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
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§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
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§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
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30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–00101–4)	14.00	Apr. 1, 1995

Title	Stock Number	Price	Revision Date
50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995
500–599	(869–026–00104–9)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[7] 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
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1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
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1927–End	(869–026–00118–9)	36.00	July 1, 1995
30 Parts:			
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31 Parts:			
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32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
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33 Parts:			
1–124	(869–026–00130–8)	20.00	July 1, 1995
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34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
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36 Parts			
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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:			
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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
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10–17		9.50	[3] July 1, 1984
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47 Parts:			
0–19	(869–026–00183–9)	25.00	Oct. 1, 1995
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*40–69	(869–026–00185–5)	14.00	Oct. 1, 1995
70–79	(869–026–00186–3)	24.00	Oct. 1, 1995
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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)	(869–026–00191–0)	13.00	Oct. 1, 1995
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
*15–28	(869–026–00194–4)	31.00	Oct. 1, 1995
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–026–00196–1)	25.00	Oct. 1, 1995
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	(869–026–00201–1)	18.00	Oct. 1, 1995
1200–End	(869–026–00202–9)	15.00	Oct. 1, 1995
50 Parts:			
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CFR Index and Findings Aids	(869–026–00053–1)	36.00	Jan. 1, 1995
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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 April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.